By Mr. ROBSION of Kentucky: A bill (H. R. 8898) granting a pension to Mary H. Vincent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8899) granting a pension to Sarah Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8900) granting a pension to Carolina Brown; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 8901) for the relief of Robert T. Jackson; to the Committee on Claims.

By Mr. SHREVE: A bill (H. R. 8902) granting a pension to Ella Shiner Davis; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 8903) granting a pension to Eva Dora Fuller; to the Committee on Invalid Pensions.

By Mr. TINCHER: A bill (H. R. 8904) granting a pension to Zachary T. Anthony; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2524. By Mr. CRAMTON: Petition of the Ladies' Library Association, Port Huron, Mich., urging an appropriation of necessary funds to enable the President to send representatives to the coming International Conference on Narcotics; to the Committee on Foreign Affairs.

2525. By Mr. CULLEN: Petition of New York Chapter, Military Order of the World War, favoring the adoption of the Star-Spangled Banner as the National anthem; to the Committee on the Judiciary.

2526. By Mr. GALLIVAN: Petition of Baker Extract Co., Springfield, Mass., protesting against enactment of House bill 6645, which proposes to place the supervision of industrial alcohol under the prohibition enforcement officers; to the Committee on the Judiciary.

2527. By Mr. GARBER: Petition of members of Woman's Christian Temperance Union of Lamont, Okla., opposing any modification that would weaken the eighteenth amendment; to the Committee on the Judiciary.

2528. Also, petition of Mr. E. K. Gaylord, general manager of the Oklahoma Publishing Co., Oklahoma City, Okla., opposing increase in rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

2529. Also, petition of citizens of Jet, Okla., urging the enactment of a child labor law to protect the children of this country; to the Committee on the Judiciary.

2530. Also, petition of Oklahoma City Lodge, No. 417, Benevolent Protective Order of Elks, Oklahoma City, Okla., urging that sufficient appropriations be made to carry out the provisions of the national defense act of 1920; to the Committee on Ways and Means.

2531. By Mr. KINDRED: Petition of the New York Chapter, Military Order of the World War, favoring the adoption of House Joint Resolution 69, proposing the adoption of the Star-Spangled Banner as the national anthem; to the Committee on the Judiciary.

2532. Also, petition of Abraham Lincoln Council, A. A. R. I. R. demanding the release of Eamon de Valera; to the Comtee on Foreign Affairs.

2533. Also, petition of the legislative committee, Association of American Clinical Thermometer Manufacturers, of New York City, N. Y., indorsing House bill 7997, a bill to bring about the registration and standardization of clinical thermometers; to the Committee on Interstate and Foreign Commerce.

2534. Also, petition of Dr. Chevalier Jackson, favoring House bill 7822, requiring proper labeling of lye preparations; to the Committee on Interstate and Foreign Commerce.

2535. Also, petition of the Merchants' Association of New York, favoring House bill 6357; to the Committee on Foreign Affairs.

2536. By Mr. KVALE: Petition of members of the Minnesota Cooperative Creameries Association, urging the enactment of legislation providing a higher import duty on dairy products, particularly butter, and urging enactment of an adequate automatic tariff based strictly on American values; to the Committee on Ways and Means.

2537. By Mr. LINDSAY: Petition of the members of the Harry Boland Council of the American Association for the Recognition of the Irish Republic (details attached), and for the release of Eamon de Valera; to the Committee on Foreign Affairs.

2538. By Mr. MOREHEAD: Petition of sundry members of the various Bible classes of Lincoln, Nebr., protesting against any modification of the Volstead Act authorizing the sale of light wine and beer; to the Committee on the Judiciary.

2539. By Mr. PHILLIPS: Affidavits to accompany House bill 8876, granting a pension to Margaret A. Robinson; to the Committee on Invalid Pensions.

2540. By Mr. TAGUE: Petition of the meeting of the council of the Bar Association of the city of Boston, on April 12, 1924, opposing enactment of the bills (S. 624 and H. R. 3260) to amend practice and procedure in Federal courts; to the Committee on the Judiciary.

2541. By Mr. WELSH: Petition of the Philadelphia Board of Trade, opposing the enactment as law of House bill 2702, being "A bill to relieve unemployment, etc."; to the Committee on Naval Affairs.

SENATE

SATURDAY, *April 26, 1924*

(Legislative day of Thursday, April 24, 1924)

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

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Adams	Fernald	Keyes	Ransdell
Ashurst	Ferris	King	Reed, Pa.
Bayard	Fess	Ladd	Sheppard
Brandegee	Fletcher	Lodge	Shields
Brookhart	Frazier	McCormick	Shipstead
Broussard	George	McKellar	Smith
Bursum	Gerry	McKinley	Smoot
Cameron	Glass	McNary	Stanley
Capper	Gooding	Mayfield	Stephens
Caraway	Hale	Moses	Sterling
Copeland	Harris	Norbeck	Trammell
Cummins	Harrison	Norris	Wadsworth
Curtis	Heflin	Oddie	Walsh, Mont.
Dale	Howell	Overman	Warren
Dial	Johnson, Minn.	Pepper	Watson
Dill	Jones, N. Mex.	Phipps	
Edge	Jones, Wash.	Pittman	
Ernst	Kendrick	Ralston	

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

Mr. McNARY. I was requested to announce that the Senator from Idaho [Mr. BORAH] and the Senator from Virginia [Mr. SWANSON] are detained at a hearing before a special investigating committee of the Senate.

The PRESIDENT pro tempore. Sixty-nine Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker of the House had signed the enrolled bill (S. 1609) to fix the time for the terms of the United States District Court in the Western District of Virginia, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS

Mr. WARREN presented a telegram in the nature of a memorial from sundry citizens of Casper, Wyo., remonstrating against any immediate amendment of the transportation act of 1920, which was referred to the Committee on Interstate Commerce.

Mr. FLETCHER presented a memorial of sundry citizens in the State of Florida, remonstrating against the imposition in the pending tax-reduction bill of a 10 per cent tax on radio apparatus, sets, and parts, etc., which was referred to the Committee on Finance.

Mr. LODGE presented a petition of sundry members of the bar in the State of Massachusetts, praying for the adherence of the United States to the Permanent Court of International Justice established by the League of Nations, with the so-called Hughes reservations, which was referred to the Committee on Foreign Relations.

Mr. WADSWORTH presented a petition of sundry citizens of New York, N. Y., praying an amendment to the Constitution granting equal rights to women, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 3026) authorizing the Secretary of War to permit the city of Corinth, Miss., to construct, op-

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erate, and maintain water and sewer mains under and along the Government approach roadway to the Corinth National Cemetery, reported it without amendment and submitted a report (No. 472) thereon.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (S. 2834) relating to the American Academy in Rome, reported it with an amendment and submitted a report (No. 473) thereon.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the bill (S. 2998) providing for a study regarding the equitable use of the waters of the Rio Grande below Fort Quitman, Tex., in cooperation with the United States of Mexico, reported it without amendment and submitted a report (No. 474) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 4981) to authorize the Secretary of War to grant permission to the city of Philadelphia, Pa., to widen Haines Street in front of the national cemetery, Philadelphia, Pa., reported it without amendment and submitted a report (No. 476) thereon.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on the 25th instant that committee presented to the President of the United States enrolled bills and joint resolutions of the following titles:

S. 5. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars, and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, and to certain Spanish War soldiers, and certain maimed soldiers, and for other purposes;

S. 431. An act to extend the time for the construction of a bridge across the Cumberland River in Montgomery County, Tenn.;

S. 1704. An act for the relief of dispossessed allotted Indians of the Nisqually Reservation, Wash.;

S. 2108. An act to grant the consent of Congress to the Southern Railway Co. to maintain a bridge across the Tennessee River at Knoxville, in the county of Knox, State of Tennessee;

S. 2112. An act authorizing the Department of Agriculture to issue semimonthly cotton crop reports and providing for their publication simultaneously with the ginning reports of the Department of Commerce;

S. 2736. An act authorizing use of Government buildings at Fort Crockett, Tex., for occupancy during State convention of Texas Shriners;

S. 2798. An act to authorize the leasing for mining purposes of unallotted lands in the Kaw Reservation in the State of Oklahoma;

S. 2821. An act to amend section 3 of an act entitled "An act to incorporate the National McKinley Birthplace Memorial Association," approved March 4, 1911;

S. J. Res. 52. Joint resolution for the relief of the drought-stricken farm areas of New Mexico;

S. J. Res. 76. Joint resolution authorizing appropriations for the maintenance by the United States of membership in the International Statistical Bureau at The Hague;

S. J. Res. 77. Joint resolution authorizing an appropriation to provide for the representation of the United States at the seventh Pan American Sanitary Conference to be held at Habana, Cuba; and

S. J. Res. 79. Joint resolution to provide for the representation of the United States at the meeting of the Inter-American Committee on Electrical Communications to be held in Mexico City in 1924.

BILLS INTRODUCED

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

By Mr. HALE:

A bill (S. 3179) for the relief of John S. Fogg (with accompanying papers); to the Committee on Claims.

By Mr. BRANDEGEE:

A bill (S. 3180) to amend section 194 of the Penal Code of the United States; to the Committee on the Judiciary.

By Mr. FERNALD:

A bill (S. 3181) to authorize an appropriation to enable the Director of the United States Veterans' Bureau to provide additional hospital facilities; to the Committee on Public Buildings and Grounds.

By Mr. McKINLEY:

A bill (S. 3182) to authorize the Secretary of the Treasury to sell the San Juan, Porto Rico, warehouse property; to the Committee on Public Buildings and Grounds.

AMENDMENT TO TAX REDUCTION BILL

Mr. BROUSSARD submitted an amendment intended to be proposed by him to House bill 6715, the tax reduction bill, which was ordered to lie on the table and to be printed.

AMENDMENT OF WAR DEPARTMENT APPROPRIATION BILL

Mr. SHIPSTEAD submitted an amendment proposing to make available $6,300 for dredging a suitable harbor near the United States Fish Cultural Station at Homer, Minn., intended to be proposed by him to House bill 7877, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ISLE OF PINES TREATY WITH CUBA

Mr. LODGE. Mr. President, I take this occasion to state that on the conclusion of the pending bill to raise revenue, and so forth, at the earliest possible moment I shall move that the Senate go into open executive session for the purpose of considering the treaty with Cuba in regard to the Isle of Pines.

TAX REDUCTION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6715) to reduce and equalize taxation, to provide revenue, and for other purposes.

Mr. HARRIS. Mr. President, I offer an amendment to the pending bill which I ask may be printed in the RECORD. I ask also that it may be printed and lie on the table.

The PRESIDENT pro tempore. Without objection the amendment will be printed in the RECORD, and lie on the table and be printed.

Mr. HARRIS's proposed amendment is as follows:

On page 55, line 3, after the figures "$2,000," insert the following proviso: " : *Provided*, That single persons whose net incomes do not exceed $2,000 each and heads of families or married persons living with husbands or wives whose net incomes do not exceed $3,000 each, shall be exempt from payment of income tax and from rendering income-tax returns: *Provided further*, That in determining their net incomes such persons shall deduct the credits for dependents by paragraph (a) of this section.

Mr. SMOOT. Mr. President, it is my intention to keep the bill before the Senate until 1 o'clock this afternoon, taking up in their order the amendments which were passed over. Some of them are of minor importance and I would like to clean up as many of them as possible to-day, but I do not want to keep the bill before the Senate after 1 o'clock, as the Committee on Appropriations desire to proceed with the naval appropriation bill at that time.

I think the next amendment that was passed over will be found on page 98 of the bill.

The PRESIDENT pro tempore. The amendment on page 82, proposing to increase the tax on corporations, which was pending at the time the Senate took a recess on yesterday, will be passed over, and the Secretary will report the next amendment passed over.

The READING CLERK. On page 98 strike out lines 17 to 24, both inclusive, and insert——

Mr. SMOOT. There is a preceding amendment on page 98 which was passed over.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 98, line 10, strike out "85" and insert "95," and in line 11, strike out "85" and insert "95," so as to read:

(c) For the purpose of this section two or more domestic corporations shall be deemed to be affiliated (1) if one corporation owns at least 95 per cent of the voting stock of the other or others, or (2) if at least 95 per cent of the voting stock of two or more corporations is owned by the same interests. A corporation organized under the China trade act, 1922, shall not be deemed to be affiliated with any other corporation within the meaning of this section.

The amendment was agreed to.

The next amendment passed over was, in section 240, on page 98, after line 16, to strike out "(d) In any case of two or more related trades or businesses (whether unincorporated or incorporated and whether organized in the United States or not), owned or controlled directly or indirectly by the same interests, the commissioner shall consolidate the accounts of such related trades and businesses, for the purpose of making an accurate distribution or apportionment of gains, profits, income, deductions, or capital between or among such related trades or businesses," and in lieu thereof to insert:

(d) In any case of two or more related trades or businesses (whether unincorporated or incorporated and whether organized in the United States or not) owned or controlled directly or indirectly

by the same interests, the commissioner may and at the request of the taxpayer shall, if necessary in order to make an accurate distribution or apportionment of gains, profits, income, deductions, or capital between or among such related trades or businesses, consolidate the accounts of such related trades or businesses.

Mr. FLETCHER. Mr. President, while, so far as at present advised, I have no objection to the amendment, I do not understand just exactly the change that it proposes.

Mr. SMOOT. In just a few words I shall explain to the Senator the object of the amendment.

In order to secure greater administrative flexibility the requirement that the commissioner shall in certain cases consolidate the accounts has been changed to a provision that the commissioner may, at the request of the taxpayer, so consolidate the accounts in such cases. It gives a little more flexibility and leaves the same power in the taxpayer, but leaves discretionary the power in the commissioner.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. BROUSSARD. Mr. President, I offer the amendment which I send to the desk to the pending bill, and I ask that it may lie on the table and be printed.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

The next amendment passed over was, in section 257 (a), on page 111, line 17, after the word "records," to strike out "but they" and to insert "but, except as hereinafter provided in this section, they."

Mr. McKELLAR. Mr. President, I have an amendment which I desire to offer to that section, and I know the Senator from Nebraska [Mr. NORRIS] is also interested in the matter. I should like to offer the amendment and have it read at this time, and ask that it go over, for I think it will lead to some debate.

Mr. SMOOT. That course will be perfectly satisfactory.

The PRESIDENT pro tempore. In the absence of objection, the amendment proposed by the Senator from Tennessee will be read.

The READING CLERK. On page 111, line 17, after the word "records," it is proposed to strike out the semicolon and all of the paragraph down to and including line 10, page 112, and to insert a comma and the following:

and shall be open to inspection by any citizen under rules and regulations prescribed by the Secretary and approved by the President, covering only the time and manner of such inspection, to the end that all officials and employees of the Treasury in charge of such records may be inconvenienced as little as possible in the discharge of their usual duties and that the business of the department may be as little interfered with as possible.

All claims for abatement or refunds of taxes shall likewise be public property subject to inspection under similar rules.

Mr. McKELLAR. Mr. President, I am not going to make an argument in favor of the amendment at this time. It will come up later. There are several Senators who are interested in the subject, notably the Senator from Nebraska, who has introduced some such proposal. The amendment which I propose has not been submitted to him, and I do not know whether or not it meets his approval at all.

Mr. SMOOT. The whole section will go over.

Mr. McKELLAR. It is better that the whole section shall go over, and I will make my argument later when it again comes up.

Mr. FLETCHER. It might be well to explain the amendment which has been proposed by the Senator from Nebraska.

The PRESIDENT pro tempore. Does the Senator from Tennessee ask that all amendments to section 257 shall go over?

Mr. McKELLAR. Yes; down to line 9, on page 114, because all the amendments are interrelated and refer to the same subject matter.

The PRESIDENT pro tempore. Then the order will be that the amendments to section 257, from line 15, on page 111, to line 8, on page 114, shall be passed over.

Mr. FLETCHER. Mr. President, I was going to say that since the Senator from Tennessee [Mr. McKELLAR] has called attention to his proposed amendment it might be well to point out the amendment which has been proposed by the Senator from Nebraska, which is on page 111, line 17, after the word "records," to strike out all down to and including line 4, on page 113, and in lieu thereof to insert the following:

and shall be open to examination and inspection as other public records under the same rules and regulations as may govern the examination of public documents generally.

So we have two proposals on this subject to consider, one by the Senator from Tennessee and another by the Senator from Nebraska.

The next amendment passed over was, on page 130, in line 3, to strike out the words "assessed at," and to insert "assessed, and a proceeding in court for the collection of such tax may be begun without assessment at."

Mr. McKELLAR. Mr. President, I shall not offer any objection to that amendment.

Mr. FLETCHER. Mr. President, I suppose the amendment I have suggested to that amendment would apply after the pending amendment shall have been adopted. I believe there is no objection to this amendment, but I propose afterwards to offer an amendment to strike out the words "or of a failure to file a return." That, I take it, will be in order after the committee amendment shall have been agreed to. I have no objection to the committee amendment.

Mr. SMOOT. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment passed over was, in section 278 (b), on page 130, line 10, after the word "be," to strike out "assessed at" and insert "assessed, and a proceeding in court for the collection of such tax may be done without an assessment at."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The next amendment passed over was, in section 280, on page 134, line 15, after the word "title," to insert "except as otherwise provided in section 277."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. McKELLAR. Mr. President, just one moment. Will the Senator from Utah explain this amendment?

Mr. SMOOT. The amendment on page 134, line 15, is purely a clerical amendment. There is nothing else to it.

Mr. McKELLAR. I have no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment passed over was, in section 281 (a), on page 135, line 5, after the word "taxpayer," to strike out "under any other return."

Mr. McKELLAR. This amendment seems to provide that the taxpayer may not reopen a claim.

Mr. SMOOT. He may not reopen it by simply paying a small amount, say a few dollars, on it. I will, in a very few words, state what it means.

Mr. McKELLAR. I wish the Senator would do so.

Mr. SMOOT. This subdivision has been rewritten to limit the amount of refunds and credits to the portion of the tax paid within the four years preceding the filing of the claim, in order that the taxpayer may not, by a small payment, reopen the entire case. It is better written, and is exactly the same as the rules and regulations now in force.

Mr. McKELLAR. If anything should develop in relation to the amendment, it could be reconsidered.

Mr. SMOOT. If it should be desired for any reason, the Senator would have a chance to reopen it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment passed over was, in section 281, page 135, after line 7, to strike out: "(b) Except as provided in subdivisions (c) and (d) no such credit or refund shall be allowed or made after four years from the time the tax was paid, unless before the expiration of such four years a claim therefor is filed by the taxpayer," and in lieu thereof to insert:

(b) Except as provided in subdivisions (c) and (e) of this section, (1) no such credit or refund shall be allowed or made after four years from the time the tax was paid, unless before the expiration of such four years a claim therefor is filed by the taxpayer, nor (2) shall the amount of the credit or refund exceed the portion of the tax paid during the four years immediately preceding the filing of the claim.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The next amendment passed over was, in section 281, page 136, after line 2, to strike out:

(d) Where any provision of any act specified in subdivision (a) of this section or the application thereof to any person or circumstances has been held by the Supreme Court of the United States to be invalid, any amount of income, war-profits, or excess-profits tax illegally collected pursuant to such provision shall be credited or refunded if a

claim therefor is filed by the taxpayer within four years after the decision, notwithstanding the period of limitation provided for in subdivision (b) has expired.

Mr. McKELLAR. Mr. President, will the Senator explain this amendment and state why the House provision is proposed to be stricken out?

Mr. SMOOT. The House put that provision in. It is not a part of the existing law. Since this subdivision would have granted the taxpayer a further extension of time for filing claims for refund or credit in cases in which four or five years have already been granted for that purpose, the Senate committee felt that it ought to be stricken out. I will say to the Senator that only a few communications have come to me concerning the matter; I think I have received only three letters concerning it. The proper way for a claim of that kind to be made is by a bill introduced in Congress and passed by Congress the same as in the case of other claims against the Government. The committee did not feel that they ought in this revenue measure to legislate on questions of the kind involved.

Mr. McKELLAR. It would be very much better to legislate in a way that will protect the rights of all citizens in a certain class rather than to have citizens required to come to Congress and file claims and go through all of the proceedings that are necessary in order to do so.

Mr. SMOOT. The same thing would apply to every claim against the Government of the United States. There is a limitation.

Mr. McKELLAR. I think that the very much better way would be to establish a court before which any citizen who has overpaid his taxes or underpaid his taxes or paid them in a way that gives him a just cause of complaint could go and have the case decided exactly as in the case of other claims against the Government.

I think one of the greatest abuses we have in connection with tax matters is the secret refunding and the secret abatement of taxes by the Treasury Department. All claims for abatement and all claims for refunds of taxes should be brought before a court established for that purpose, where the proceedings will be open, viewed by all, and where all honest claims may be allowed and other claims may be disallowed.

Mr. SMOOT. That is why we are establishing the court of appeals in this bill, I will say to the Senator.

Mr. McKELLAR. It ought to be an independent court.

Mr. SMOOT. If this amendment is not agreed to, the limitation would be extended not to four years but it would run about 10 or 11 years on items that have already been closed and settled and where no doubt the taxpayers who paid the taxes charged the purchasers of the goods the amount of the taxes.

Mr. McKELLAR. Not being a member of the committee, I am not familiar enough with the situation to pass upon it at this time. It will have to go to conference, of course——

Mr. SMOOT. Certainly.

Mr. McKELLAR. Because the House provision is already there, and there will be that additional safeguard. So I am not going to object to the amendment at this time, but if it is necessary to raise a question again in connection with it, that can be done.

Mr. SMOOT. Certainly.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment passed over was, in section 281, on page 136, after line 16, to insert:

(e) If the taxpayer has, within five years from the time the return for the taxable year 1917 was due, filed a waiver of his right to have the taxes due for such taxable year determined and assessed within five years after the return was filed, or if he has, on or before June 15, 1924, filed such a waiver in respect of the taxes due for the taxable year 1918, then such credit or refund relating to the taxes for the year in respect of which the waiver was filed shall be allowed or made if claim therefor is filed either on or before April 1, 1925, or within four years from the time the tax was paid.

Mr. McKELLAR. Mr. President——

Mr. SMOOT. I will explain the amendment.

Mr. McKELLAR. I shall be very glad if the Senator will, and then I want to make an observation about it.

Mr. SMOOT. On March 13, 1924, Congress passed a law word for word in the language of this amendment. We are putting it in the law here in the proper place, so that when we have the revenue laws bound in one volume it will be in that volume. This has already been acted upon by Congress. If the Senator wishes, I will send for the act of March 13, 1924, and show it to him.

Mr. McKELLAR. Oh, no; I will take the Senator's word for it. If we are to continue this method of dealing with tax questions, I imagine that this provision will cover it; but, Mr. President, I am opposed to the present system, for this reason: In innumerable cases, just before the time limitation expires, a taxpayer will be confronted with an examiner or an investigator, and this statement will be made to the taxpayer: No longer ago than yesterday one of the finest lawyers and one of the finest men in my State was telling me of an incident of this kind. The taxpayer was suddenly confronted with this investigator, about two days before the limit expired, and he said: "Now, look here: I want you to sign a waiver in regard to the taxes for 1917." I believe it was 1917 in the particular case. The taxpayer said: "Why should I sign a waiver?" "Well, if you do not do it, I am just going to make a reassessment against you without any examination at all, and it will be for a much larger amount, and it will be without proper investigation. I am just going to make an assessment against you in order to hold it against you."

I think that system is very bad. I think the employee ought to be discharged from the Treasury Department. No such advantage should be taken of a taxpayer. In the particular instance the taxpayer, of course, rather than have an ill-advised and improper assessment made against her in that way, was willing to accept the proposition, and did sign the waiver. She never ought to have signed that waiver, and it ought to be forbidden by law.

I do not know how we can reach a situation of that kind. I think this provision, instead of reaching it, will perpetuate it, and I do not believe that should be done. Some arrangement ought to be made by which that can not occur.

Mr. SMOOT. Let me say to the Senator that in the case of the taxes of 1917, just before the limitation expired, the taxpayers were asked to sign waivers. The Senator knows why that was done. In 1917 the law was new to the taxpayers, and there was trouble in making out the returns. Even though they had no intention of defrauding the Government of a single penny, a great percentage of them had to be examined and settlements made. Nothing like that is happening now, however, and nothing like it will happen in the future. If it ever does, they can appeal to the court here, and it can settle the matter at once, when we have the court.

Mr. McKELLAR. If Congress would set up the right kind of a court, I think that would be all right; but if a so-called court is set up in the Treasury Department to pass on these things, I do not believe that justice will ever be obtained for a taxpayer in any such way.

Mr. SMOOT. This court of appeals is not in the Treasury Department. It is entirely outside of it.

Mr. McKELLAR. They appeal to it from the decisions of the department. We have not gotten to that yet, and I am not going to discuss it until we get to it.

Mr. SMOOT. All right.

Mr. McKELLAR. With the same understanding, I am not going to object further to this amendment, but I want to vote against it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DILL. Mr. President, I offer an amendment to the pending bill, which I ask to have read and lie on the table.

The PRESIDENT pro tempore. Without objection, the proposed amendment will be read.

The reading clerk read as follows:

On page 111, line 15, strike out all of section 257, beginning at line 15 on page 111, and all of pages 112, 113, and 114 down to the subtitle "Publication of statistics," and insert in lieu thereof the following:

"All returns made under this act and all proceedings, records, and evidence made and used in connection with proceedings for the adjustment of returns shall constitute public records and shall be open to public inspection."

The PRESIDENT pro tempore. The proposed amendment will be printed and lie on the table. The Secretary will state the next amendment passed over.

The next amendment passed over was on page 137, line 7, after "1919," to insert "or 1920," so as to read:

(f) This section shall not (1) bar from allowance a claim for credit or refund filed prior to the enactment of this act which but for such enactment would have been allowable, or (2) bar from allowance a claim in respect of a tax for the taxable year 1919 or 1920 if such claim is filed before the expiration of five years after the date the return was due.

The amendment was agreed to.

The READING CLERK. The next amendment passed over is on page 139, under "Title III—Estate tax."

Mr. SMOOT. Let all the estate-tax provisions go over.

Mr. McKELLAR. That will be from page 139 down to page 174.

The PRESIDENT pro tempore. The amendments will be passed over to the point indicated.

Mr. SMOOT. The next amendment passed over is on page 174, the tax on telegraph and telephone messages.

Mr. OVERMAN. Let that go over.

Mr. SMOOT. I was going to say that that amendment ought to go over, because the Senator from South Carolina [Mr. DIAL] is not in the Chamber, and I promised him that I would not have it acted upon in his absence.

Mr. OVERMAN. I think a great many Senators are interested in it.

Mr. McKELLAR. The matter is going to cause considerable debate when it comes up.

The PRESIDENT pro tempore. The amendment will be passed over.

The next amendment passed over was, on page 177, line 5, to change the number of the title from "IV" to "V."

The amendment was agreed to.

The next amendment passed over was, on page 187, to strike out lines 12 to 22, inclusive, and to insert:

(f) For the purposes of this section a farmer or grower of tobacco shall not be regarded as a dealer in leaf tobacco in respect to the leaf tobacco produced by him.

Mr. SMOOT. I ask that that may go over.

The PRESIDENT pro tempore. The amendment will be passed over.

The READING CLERK. The next amendment passed over is on page 194, under "Title VII, Excise taxes," where the committee proposes to strike out lines 10 to 24, both inclusive, and on page 195, lines 1 and 2, and to insert——

Mr. SMOOT. Mr. President, I thought we could get those amendments out of the way to-day; but the Senator from Massachusetts [Mr. WALSH] is not in the Chamber, and I do not want to take up the matter in his absence. Therefore I ask that it go over.

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

Mr. SMOOT. Yes.

Mr. WADSWORTH. I ask for information. Does this bill retain the present tax on theater-ticket brokers?

Mr. SMOOT. There is a tax on all theater tickets over 50 cents. Does the Senator mean the admission tax?

Mr. WADSWORTH. No; the tax on theater-ticket brokers.

Mr. SMOOT. The scalpers' ticket provision, so called, is in the bill.

Mr. WADSWORTH. It is in the bill?

Mr. SMOOT. It is.

Mr. WADSWORTH. Did the committee examine into that, to find out whether or not it was worth while, in view of the revenue produced? The thing has been more of a nuisance than anything else. It is open to wholesale fraud; it is impossible of enforcement, and it has brought in no revenue worthy of the name—I think only some $50,000.

Mr. SMOOT. Something like that, and it costs almost more to collect it than we get out of it.

Mr. OVERMAN. Does the Senator refer to tickets to moving-picture shows?

Mr. SMOOT. No; that includes all theaters. This is the tax on scalpers. There are no scalpers in the case of moving-picture tickets.

Mr. OVERMAN. What has been done in the case of picture-show tickets? The tax is limited to tickets costing 50 cents or more, is it?

Mr. SMOOT. There is no tax on any admission to a moving-picture show that costs less than 50 cents.

Mr. OVERMAN. What amount of revenue was raised from that tax?

Mr. SMOOT. About $70,000,000.

Mr. McKELLAR. Up to and including 50 cents there is no tax on any admission?

Mr. SMOOT. No tax on any admission.

Mr. McKELLAR. Is that the provision of the House and also of the bill as reported by the Senate committee?

Mr. SMOOT. Yes; that is the provision of both.

Mr. McKELLAR. There has been no change in that respect?

Mr. SMOOT. No change.

The PRESIDENT pro tempore. Without objection, this amendment will be passed over. The Secretary will state the next amendment passed over.

The next amendment passed over was, on page 197, after line 4, to insert:

(10) Radio receiving sets, 10 per cent.

Mr. OVERMAN. Let that go over.

Mr. McKELLAR. It can either go over, or, if it is acted on, I shall want a roll-call vote on it.

Mr. SMOOT. Let it go over.

The PRESIDENT pro tempore. The amendment will be passed over.

Mr. SMOOT. The next amendment deals with the same subject.

The PRESIDENT pro tempore. That will be passed over, also.

The READING CLERK. Then the next amendment passed over is on page 203, line 12, to strike out "capital-stock tax"——

Mr. SMOOT. Let that go over.

Mr. McKELLAR. That should go over in connection with the provision in regard to 14 per cent.

Mr. SMOOT. Yes.

Mr. McKELLAR. Mr. President, at this juncture I send to the desk a letter on the subject, which I ask to have read. It is short.

The PRESIDENT pro tempore. Without objection, the Secretary will read the letter.

The reading clerk read as follows:

CHAMBER OF COMMERCE,
Chattanooga, April 23, 1924.

Senator KENNETH MCKELLAR,
Washington, D. C.

DEAR SIR: The attention of our board of directors was called to-day to the proposed increase in corporation Federal income taxes. We understand that the Senate Finance Committee, in reporting the revenue bill to the Senate, proposes an increase from 12½ to 14 per cent on the income tax on corporations; also to repeal or leave off the capital-stock tax. To corporations earning 7 per cent or more per annum on their capital and surplus it seems a very substantial increase in Government taxes. With the proposed cut of 25 per cent in individual income taxes for 1924 and the substantial decreases for future years, it seems unfair to increase the taxes on corporations. We feel that corporations need encouragement, especially at this time. We also feel that the capital-stock tax should be taken off and that there should be no increase in other taxes, as we do not find that any decrease has been made to corporations as has been made to individuals.

I was therefore directed by our board of directors to bring this matter to your attention, with the earnest protest of our body against this proposed increase. Won't you please let us hear from you as to what your attitude is in the matter?

Yours very truly, H. W. LONGLEY,
Secretary-Manager.

Mr. McKELLAR. Mr. President, I want to take this occasion to say that I am opposed to the increase of taxes on corporations or any other taxpayers in the United States. This bill is supposed to provide for a reduction of taxes. It ought to be all along that line. There ought to be a uniform and as nearly as possible a relatively equal reduction of taxes all along the line, on corporations as well as on individuals of high and low degree. My judgment is that we ought not to increase taxes on any taxpayer, and I expect so to vote.

Mr. OVERMAN. Mr. President, may I inquire of the Senator from Utah what the taxes now received are at 12½ per cent and what the total amount will be if the rate is increased to 14½ per cent?

Mr. SMOOT. The amount collected under this tax will be $19,000,000.

Mr. OVERMAN. Can we get along without the tax?

Mr. SMOOT. No; we can not. Not only that, but the great majority of the corporations want to have it retained.

Mr. OVERMAN. They do?

Mr. SMOOT. I think 90 per cent of them do.

Mr. OVERMAN. Why are the corporations asking for an increase in taxation?

Mr. SMOOT. The Government wants it, too, not only on account of the increase in money collected, but in order to simplify the administration. As it is to-day, the tax is imposed upon the par value or the market value of the stock, whichever is greater, and that amounts to $1 on $1,000 stock. Every corporation which makes returns has to make an additional return upon its capital stock, and then the Government of the United States has to ascertain in the case of every return what the market price of the stock is and what the par value of the stock is, and then they have to take to the higher, whichever it may be, and make the assessment accordingly. The bookkeeping and the extra time required in making the returns and the trouble of making the additional returns lead most of the

corporations to feel that it would be better to pay the tax of 14 per cent than the 12½ per cent tax.

Mr. OVERMAN. I understand, then, that the corporations are in favor of this because of the simplicity in making the returns under it?

Mr. SMOOT. That is all; and the Government wants it because of the simplification in the administration. Every return of every corporation in the United States has to be examined every year upon that one point alone.

Mr. OVERMAN. Suppose this tax goes into effect; will the returns have to be examined next year and the next year?

Mr. SMOOT. No; if that tax of $1 on $1,000 of stock is eliminated, then the whole question as to the amount of the capital stock will be eliminated. It will make no difference then what it may be.

Mr. FLETCHER. Mr. President, I would like to ask the Senator one question about a matter which has troubled me a little. When we do away with the tax on capital stock of $1 a thousand, will corporations be tempted to increase their capital stock, because they will pay a tax only on the net income? Will they be tempted to increase the capital stock and thereby decrease in a way the net income and diminish the tax?

Mr. SMOOT. No; if this capital-stock tax is taken off it will have no effect whatever in that direction. There will be no incentive whatever to do that. In answering the Senator there is one other reason to which I ought to call attention. Wherever there is a capital-stock tax imposed—and I think the Senator from New Mexico referred to this yesterday—they have to pay that tax, no matter whether the corporation has actually lost money or not. In other words, it becomes a tax upon the capital, and for that reason it ought to be eliminated.

Mr. FLETCHER. It is a comparatively small tax. The only question in my mind is whether or not in relieving corporations of the capital-stock tax we will tempt them to increase their capital stock, because they will pay nothing on the capital stock, and in a way they might accomplish a reduction of their net income.

Mr. SMOOT. It will not affect the income tax, the normal tax, or any tax paid by the corporation in any way; and while a tax of a dollar on a thousand does seem a small matter, I want to call attention to the fact that under that provision there is collected $85,000,000.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment found on page 231.

The amendment was agreed to.

Mr. JONES of New Mexico. Mr. President, I want to say a word in response to the remark of the Senator from Florida. It is generally supposed that the capital-stock tax is imposed according to the amount of stock issued. Some think that this would lead to an increase in the capital stock. It would not have that effect at all, for the reason that the capital-stock tax is imposed only upon the value of the stock, either the par value or the market value, whichever is higher. It follows, therefore, that it is the actual assets of the corporation which govern the amount of this tax, and it does not have any deterring effect upon the issuance of watered stock, and that sort of thing. It is on the value of the stock. My judgment is that it is a much more equitable plan to put the whole of the corporation tax on the net earnings.

Mr. FLETCHER. The Senator therefore favors this 14 per cent tax?

Mr. JONES of New Mexico. I think it should be placed at 14 per cent. Of course, I am opposed to this 14 per cent flat tax on the net incomes of corporations and expect to present to the Senate a substitute for it, but if we are going to retain this flat tax on corporations and try to make up in revenue what would be lost through a repeal of the capital-stock tax, I think it should go this way.

ADMINISTRATION OF VETERANS' BUREAU

Mr. CARAWAY. Mr. President, I wish to interrupt the consideration of the pending bill in order that I may make a statement about a matter which I intended to call to the attention of the Senate when the so-called adjusted compensation bill was before the Senate. In order to be absolutely fair to the present Director of the Veterans' Bureau permit me to say that it is possible he does not yet know of the methods pursued in the bureau in dealing with pending cases.

The first case I desire to mention is that of a negro by the name of Milton Young who was a resident and citizen of Arkansas and went into the Army. He was discharged and was suffering from disability, whether incurred in the service I am not able to say; that is a disputed question. Anyway, he was finally a patient of a doctor by the name of Hopper. His case was desperate and the doctor took it up with the Veterans' Bureau, knowing he was an ex-service man, and received a reply to the effect that his case was disallowed. There was no case pending before the bureau. It shows they did not even read the correspondence.

The doctor then took the patient from Marked Tree, in Arkansas, where he lived and near to which town the patient lived, to a hospital at Memphis which the Veterans' Bureau maintains. He tried to have his patient admitted. He was told that before that could be done the boy would have to make a showing that he was entitled to be treated because of disability incurred in the service.

The doctor told the attendants at the hospital that the boy's condition was so serious that unless something was done with him he would die. He was then told by the hospital authorities to go down to the Red Cross. He went to the Red Cross with the patient, and they told him there that unless the hospital would admit him, they could do nothing for him. Between the two, while he was trying to get the patient in, the patient died.

I took the matter up with the bureau to find out what the regulations were which made it impossible for an ex-service man to receive hospital treatment, and after nearly a year I had a final reply from the bureau saying that the action of the hospital was entirely proper, that if an ex-service man were brought to a hospital, he must come under certain conditions. I am not quoting exactly the language, but at a later date I shall put the entire correspondence in the RECORD. In other words, it seems to be the rule that if a patient does not come prepared to be admitted under all the regulations, and the red tape incident thereto, it is perfectly proper, though it is admitted there were empty beds, to let the patient die in the street. The director approves that course.

One letter I had dealing with the matter contemptuously referred to this soldier as a negro. It may be that the Government is to make a discrimination between white and negro patients. If so, I want that fact to be well established. It never has been the rule in my State to let a negro die in the street if there be some way in which he can be succored; but that seems to have been the rule there, and I shall put the entire correspondence in the RECORD later.

The next case was that of Dwight Ledbetter, a white boy who lived at Conway, in Arkansas. His father had been a county official, and I believe held a State office. I recite those facts merely as an indication of the probability of the story that follows.

Dwight Ledbetter went into the Army and was wounded in France. I think he was also gassed. He came back and was hospitalized and later discharged. I think he was in the hospital a year or more and then was given training. He was in training in California, at Los Angeles. A difference arose between him and the officer in charge, a Mr. Buzzell. This officer cut off his compensation and put him out of training into the street without a dollar. I think the records will show—and they are pleading that now—that he was mentally unsound. That information was known to Buzzell who was dealing with him.

Ledbetter went back to see this officer, Buzzell, and a dispute arose, about what I have yet been unable to learn. This officer followed the trainee, the boy Dwight Ledbetter, into the street and shot him three times, and left him lying in the street. The record shows that the boy did not have a weapon of any kind; did not even have a pocket knife on his person.

The soldier was extended no relief. He was there, 2,000 miles from home, a stranger, a disabled war veteran who had been wounded in France. His compensation was cut off, he was put out of the hospital, denied training, and was shot down by the officer of the hospital and left in the street. He was cared for by private parties, and finally left the hospital and appeared in court to testify against the man who shot him. The case was postponed, and he was given no indication of when to come back or when the case would be heard. He had no means. He was not able to work. He left California and came back to Arkansas. Before recovering from his wounds this boy was killed in an accident. The man Buzzell is yet in charge of the training of disabled soldiers.

I called the attention of the bureau to this case, and asked for an explanation, and in reply got a curt letter telling me that it had been investigated satisfactorily, that nobody was to blame except the boy who was shot, and that the incident was closed. I insisted that it should not be closed. I was promised then that there would be an investigation. It started last year. In the meantime a year or more had passed, and they never took a statement, nor tried to, from the boy who was shot. The department took a statement from the

man who did the shooting and then decided it was perfectly proper to shoot a trainee, although he was unarmed, although he was helpless, and, as they rather intimate, now, that he was mentally unsound.

I wanted to be certain that General Hines knew about that case, and I called his special attention to it. I am in receipt of a letter recently saying that he thinks that this was the thing that should have been done; that this man ought to have shot this disabled soldier. Therefore he continues him in office, although this is not the only charge laid against this officer. He has been the subject of criticism by the local organization for disabled soldiers there almost from the beginning. Case after case has been called to the attention of the department, but he is retained.

My information as to Dwight Ledbetter came to me first from a Major Darrah, who had been an officer in the Army. He is now in charge of an organization to aid disabled ex-service men. He told me that the shooting was without justification, and that the man who did the shooting is being protected by the organization of the Veterans' Bureau in California.

Now, the third case which I want to call to the attention of the Senate is likewise of interest. I shall put all this correspondence in the RECORD later. I shall not do so now, because I do not want to take the time to sort it out. The third case is that of a soldier named Fines Gallion, who went into the Army from Arkansas. He died in service. The record, so far as I have it, does not disclose whether he was killed in action or died of disease. He left one child. His mother qualified as guardian and cared for the child and drew its compensation and the insurance. She died in 1920. A brother of the deceased soldier then applied to the probate court to have probated as a will a letter of the deceased soldier purporting to give him the insurance of the deceased soldier.

In Arkansas the probate court is this: The fiscal agent of the county is called the county judge. He is ex officio the probate judge. He has a right to accept or reject wills for probation. He also appoints guardians and administrators. From his acts an appeal lies as a matter of right. Anybody affected by any decision of the probate court has the right to appeal without bond. The appeal is then lodged in what we know as the circuit court, our trial court of general jurisdiction. From this order of probation of this letter, which never could have been a will under the law of Arkansas, an uncle of the little child, the heir of the deceased soldier, appealed.

The circuit court vacated the order of probation and said the letter was no will. From that order an appeal was had by the brother to the supreme court of the State, and it was again sustained, that court declaring that the letter was not a will. Then, when the matter had been thus settled, an application was made for the insurance that was due the child.

I was informed after a long time by the people down there that they could get no answer from the Veterans' Bureau. I took up the matter. I found that the Veterans' Bureau had paid this uncle, the brother of the deceased soldier, some $1,700 or $1,800, as I now remember, of money belonging to the minor child. The bureau takes the position now that it does not owe the minor anything; that it has paid it to a man who was an utter stranger, so far as any rights were concerned, and who has no financial responsibility; that either the Government or this helpless minor child must lose the $1,700 or $1,800, and the bureau says that the child must lose it. A justice of the peace—I do not speak of them with disrespect, but they are usually not trained lawyers—or even a layman in the street knows that where an appeal lies as a matter of right there is no finality in an order of probation until the time for an appeal has elapsed, and that nobody could act upon it except at his peril. The bureau, if it has anybody in the bureau that knows enough to have been licensed as a lawyer, must know that there was no finality about the order of probation until that time had elapsed; and if it paid the money to this financially irresponsible man, it did so at its peril.

I called General Hines's attention to this case and have a letter in which he claims that the procedure was proper and was in conformity with law. I do not pretend to say that General Hines ought to know what the law is, because I take it he does not know and I presume does not pretend to know. The bureau has a legal department that has apparently no legal knowledge in it. I again called his attention to this case. I had a long letter from General Hines, again assuring me that he had had the question reexamined and that he was right and I am wrong; that the child is not entitled to a penny from the Government, although the Government paid the money that was due the child under the insurance policy to a financially irresponsible person who had no more legal right to receive it than any man in the streets of Washington.

I shall put all that correspondence in the RECORD at some future time. It is such an infamous, outrageous thing to do that I can not be patient with it. I know that the department, if it wants to do what is right, will discharge whoever gave that so-called legal opinion, because I know that anyone who asserts that opinion is in conformity with the established rules of law either is dishonest or does not know the law. I do not presume he is dishonest because he could have no interest in it, so far as I know, and I am sure did not have. Therefore he is hopelessly ignorant of the law. No one can claim there is authority for assuming that an appeal from order of probation is a finality until the appeal is disposed of.

There is one other case that I wish to call to the attention of the Senate at this time. Doctor Baker, a highly reputable physician of Paragould, Ark., went into the Army at the beginning of the war. He incurred a disability. After his discharge he applied for compensation. After a long while the bureau rated his disability at less than 10 per cent, and therefore he was not entitled to compensation.

He then made application in due form for employment in the Veterans' Bureau. He is now told that his disability is such that he is not fit to render satisfactory service. When he applied for compensation under his injury, his injury was rated at less than 10 per cent, but when he applied for employment in the same bureau that made the first rating he is told that he is totally disabled. In other words, his disability is so slight that he is not entitled to compensation when he asks for compensation, but it is so complete when he asks for employment that he is not able to render any service. Comment upon that case is not worth while. Later, as I said, I shall put in the RECORD all of the correspondence relating to it.

In conclusion, Mr. President, I want to say that I have wanted to be patient with the bureau and with its reorganization. I had hoped that we would have efficient service there. I have waited until I think no one would be expected under similar circumstances to wait longer. Information is coming to me from people who have a right to know that leads me to believe that conditions in the bureau are as bad, so far as the veterans are concerned, as they ever were in the days of Mr. Forbes. I do not say—and I want to be particularly plain about it—that General Hines does not want to do what is right. I do not say that he may not reorganize the bureau, proceeding along the lines he now seems to be following, but I do say there is such widespread dissatisfaction with the bureau that he must know that he must reorganize the bureau personnel if substantial justice is to be done. He seems unwilling to do so.

I shall present other cases unless something is done to assure justice to the ex-service men, and present them to the Senate as occasion may arise.

Mr. FLETCHER and Mr. KING addressed the Chair.

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

Mr. CARAWAY. I yield to the Senator from Florida, who rose first.

Mr. FLETCHER. The Senator's account of one case particularly calls to my mind an experience that I had. A soldier who enlisted in the Army took out his insurance. He was a young man who had been reared by an aunt. His mother died when he was a small child, and his father disappeared some 18 or 20 years ago. The boy was reared by his aunt. He enlisted in the Army, and after a while became ill with pneumonia. While on his death bed he wrote a letter somewhat similar to the letter which the Senator has described, saying that he wanted all of his effects and property of every sort to go to his aunt, naming her, and her daughter, who was practically a sister to him and had been for years in that relation. This was under the former administration of the Veterans' Bureau. The bureau refused to recognize the rights of the aunt, although they could not find any father. The certificate of insurance provided that the insurance should go to his estate, he having no wife and no mother, and no father so far as he knew. The aunt offered the letter to the probate court for probate as a will, and the probate court held that it was a will, carrying personal property.

Mr. CARAWAY. In Florida that is permissible?

Mr. FLETCHER. Yes; they held it to be a good will. That was supposed to establish under this document as a will the rights of the old aunt and her daughter. They were named as beneficiaries under the letter which then became a will as decreed by the court. The bureau said, "No; we will not stand for this." They spent a large amount of money, nobody knows exactly how much, for investigators and agents to go all over that community in Jacksonville and through

the State to locate the supposed father of this boy, and, of course, after a while some fellow turned up and said he was the father. He had not been seen for 20 years, but now he claims that under the law he is entitled to the benefits of the insurance. The Government resisted the aunt's claim under the will, contested the matter in the Federal courts, and finally, when the judge practically instructed the jury to find for the claimants, holding the document to be the will as declared by the probate court and that they were entitled to benefit, the Government prosecuted the case to appeal and took an appeal to the circuit court of appeals in the Federal court.

The Government has not anything to gain in that sort of instance that I can see. If these people who are really entitled to benefit as desired by the soldier and to have the benefit of the insurance as expressed in the letter written on his deathbed—which letter has been declared to be his will—if they do not get that benefit, then this man who disappeared 20 years ago and now turns up and claims to be the boy's father will, of course, be entitled to the benefit. The Government does not gain anything by contesting the rights of these people, and yet they have gone to enormous expense to investigate the whole case from time to time and to employ counsel to contest proceedings in the courts.

That is another instance somewhat similar, I think, to the case cited by the Senator from Arkansas.

Mr. CARAWAY. Except that in the case I have cited the bureau would not wait until the rights of the parties could be established under the will. It was anxious, seemingly, to pay the money to an irresponsible person. I do not mean literally that the officers had the desire to do it, but they did a foolish thing, and having done it they insist it was right and proper.

I now take pleasure in yielding to the Senator from Utah.

Mr. KING. The Senator may have noticed that one of the members of the special committee recently appointed to investigate the Veterans' Bureau and to recommend legislation and codify existing laws—I refer to the able Senator from Nevada [Mr. ODDIE]——

Mr. CARAWAY. I saw that statement in the newspaper.

Mr. KING. That Senator has complained against the inactivity of the Veterans' Bureau in effectuating reforms, reforms which the evidence obtained in the hearings showed should have been made long ago. Senator ODDIE recently has been at the White House protesting to the President of the United States against the extravagance and waste and inefficiency of the Veterans' Bureau. I hope the Senator from Arkansas will continue his revelations, because obviously something should be done to effectuate reforms.

Mr. CARAWAY. This is a war in which I am enlisted until reforms shall come to the bureau and justice is done our disabled soldiers and their dependents.

Mr. HEFLIN. Mr. President, the Senator from Arkansas is to be commended for the fight he has been making. As he was speaking, I thought how diligent the Government was when it was seeking these boys to make up the Army. As to those who were ordered to report for service and who did not come, officials of the Government were sent out to their dwelling places and they were brought in under arrest. Surely the Government owes it to the ex-service men to be just to them.

There is no better way, Mr. President, for the Government to encourage patriotism than to have the citizen know that the Government will give attention to his complaint, if he has one, against the Government; that the Government will gladly hear him when he seeks to tell the Government about some grievance that he has. Certainly a soldier who has offered to die for his country, and who has been injured in the service, has a right to hear from his Government when he writes to those who are in authority. He certainly has a right to be treated with consideration when he comes to his Government and asks to be heard when he has been disabled in the service.

This is a pitiful case to which the Senator from Arkansas has referred. A veteran of the service, disabled, appeals to one in authority in the Veterans' Bureau, and he is dismissed outright by that officer. He goes back and appeals for reinstatement or for aid, a dispute arises, the boy, who was unarmed, is followed into the street and shot three times by this officer in the Veterans' Bureau.

The Senator from Arkansas points out that that officer is still in charge of this work in the Veterans' Bureau. Why does the Government keep that man in office? He ought to be put out, Mr. President. Anyone who is guilty of such treatment to an ex-service man is not fit to be in office.

I recall a boy from my own State, one 20 years old, who had been to the bureau frequently to see the officials about his case. One day my secretary told me that they were getting very impatient with that boy and that they had about reached the point where they were not going to have anything more to do with his case. I said, "Tell the boy to come up and see me." He came. I could see that the boy was nervous; he was blue and despondent; he was sick. He had been twice wounded in the war. I could tell that he was embarrassed and a little flighty when I talked to him about his case; but as I talked to that boy, who was a tall fellow, about 6 feet high, I could see him as I imagined he looked when he went into the Army, a vigorous, fine-looking youth, and offering his very life to his country. He had been disabled by the wounds he had received, and those wounds had affected his mind somewhat and affected his nervous system; and yet officers in charge dared to say that they were "getting tired of fooling with him" and "being annoyed by him," were about ready to drop his case, and one of them referred to him as being a "little nutty." I asked, "Where did he get this affliction?" He got it in the service of his country; he got it on the battle front in France.

Now these officers, who remained far away from the battle front, drawing big salaries, while this boy was being wounded, are impatient, and they say they are about ready to drop his case. I called up the department and I told one of the officers in charge that I was sending that boy up there and I wanted his case attended to or I would take it up on the floor of the Senate. I got his case adjusted. The boy went back happy on his way down into south Alabama. He came by my office and showed me his check and the letter which properly adjusted his case.

Mr. President, if somebody will not heed the cry of these boys, what condition shall we have? A boy has a right to complain against his Government that will send an armed force to get him and take him to the battle front and then refuse to hear him when he asks that Government to aid him because of the affliction that he received while in the service of his country.

Mr. President, I can imagine how sad it would make one of these boys who had followed that flag 3,000 miles and offered to die for it on a foreign battle field to write to these officials, as the Senator from Arkansas has pointed out, and get no response whatever, though he told those officials of his affliction, of his suffering, and of his dire distress, they not even answering his letter. What condition do Senators think such conduct on the part of the officials will create in the community? It will create this sort of sentiment and reputation for the Government: "Oh, you need not write to the Veterans' Bureau; you will never hear from your letter." But the boy may say, "I am afflicted; I am in distress; I am suffering; I am unable to work and produce the necessities of life." Is the reply to be, "That is all right; they are not going to pay any attention to your letter; you may write up there if you want to, but they will ignore your letter."

Mr. President, this Government is big enough, and has heart enough to see that such conduct shall not be continued. The President owes it to his country and he owes it to these boys to put every man out of the Veterans' Bureau who is not courteous, considerate, and prompt in responding to these boys' letters; and when one of those officials gets so impatient that he can not endure their nervousness and their irritation, which resulted from their service on the battle front, he is not fit to be retained in that bureau and he ought to be put out of it.

Mr. President, I wanted to commend the Senator from Arkansas for his effort in this matter, and I wish now to pledge him my support. I think the whole Congress ought to get busy in this matter and let the boys of the country know—I do not care how humble they are or how far removed they are from the Capitol—that the same power that reached down in their communities and drafted them and put the uniform on them and sent them to war is here now in action to see that they shall get fair treatment and justice when they call upon their Government.

TAX REDUCTION

Mr. TRAMMELL. Mr. President, I have sought for some days——

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Florida yield to the Senator from Utah?

Mr. SMOOT. I should like to say to the Senator that I simply desire to ask unanimous consent that the revenue bill may

be temporarily laid aside with a view to having the naval appropriation bill taken up.

Mr. TRAMMELL. I yield for that purpose.

Mr. SMOOT. I ask unanimous consent that the unfinished business, being House bill 6715, the revenue bill, may be temporarily laid aside.

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

NAVAL APPROPRIATIONS

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Maine?

Mr. TRAMMELL. I yield to the Senator.

Mr. HALE. I ask unanimous consent that the Senate proceed to the consideration of House bill 6820, the naval appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Iowa?

Mr. TRAMMELL. I yield.

Mr. BROOKHART. I desire to present to the Senate a resolution in regard to citing Mr. M. S. Daugherty before the bar of the Senate in connection with the proceedings of a special committee of the Senate. It is a privileged question, and I think will take but a moment.

Mr. TRAMMELL. Does the Senator desire to offer the resolution for consideration?

Mr. BROOKHART. I do. I think there will be no objection to it.

Mr. HALE. Mr. President, the naval bill is now before the Senate. Does the Senator from Iowa contemplate that there will be debate on his resolution?

Mr. BROOKHART. Not so far as I know.

The PRESIDING OFFICER. The Chair will state that under the rules of the Senate, although they are not generally complied with, the Senator from Florida can not yield for that purpose.

Mr. TRAMMELL. Mr. President, I will not yield, then; I am merely going to take about five minutes. Nearly 10 minutes of the 5 minutes which I intended to occupy have already been taken up with interruptions.

The PRESIDING OFFICER. The Chair desires to state that the rules make it the duty of the Chair to enforce that rule.

ADMINISTRATION OF VETERANS' BUREAU

Mr. TRAMMELL. Mr. President, I wish to add my criticism to the criticism which has already been made by the Senator from Arkansas [Mr. CARAWAY] and the Senator from Alabama [Mr. HEFLIN] relative at least to certain features of the administration of the Veterans' Bureau. I read some few days ago of the economy being claimed by the Veterans' Bureau. As I read that I could not but be impressed from observations which I have made that in all probability the $30,000,000 which it is claimed the Veterans' Bureau saved last year was largely made up of the disallowance of compensation claims of injured and sick soldiers.

It has come to my attention in a number of cases in my own State that the district office at Atlanta, Ga., under Mr. Bryson, has, it seems to me, almost a universal policy of reducing the compensation claims or else of denying applications for compensation on the ground that the injury was not of service origin. In the administration of the Veterans' Bureau every doubt seems to be resolved against the sick or the wounded soldier. That is the impression I have gained from a large number of cases which have come to my attention.

I realize that those representing the Government should exercise zealousness to see that there is no imposition upon the Government by some imposter or some one who might seek fraudulently to obtain compensation from the Veterans' Bureau.

Due care should be exercised to see that no claims are approved which are not meritorious; but the necessity for such scrutiny on the part of the Veterans' Bureau does not justify the policy, which seems to be prevalent, of resolving every doubt against the applicant for compensation.

I know in my own State of a number of soldiers who were drawing compensation based upon a 40 or 50 per cent disability, and who, without any grounds or any reason in the world for it, had their compensation unceremoniously reduced below 10 per cent, giving them only eight or ten dollars a month. That is the way in which some of this "economy" is being brought about. It is being brought about by an imposition and an injustice upon a great many of our disabled and wounded soldiers. I desire to enter my protest against such a policy and to appeal for a policy on the part of the Veterans' Bureau that will recognize the meritorious and just claims of all soldiers, and to urge that in their efforts to protect the Government they shall not lean so far backward as to work an injustice upon many soldiers who are entitled to compensation.

It is almost impossible, according to the requirements in a lot of these cases, for the veterans to prove service origin of their disabilities that the bureau will accept. I had such a case brought to my attention just yesterday. If I had known that the subject was coming up, I would have brought over the papers. It was the case of a soldier who, when he volunteered, was denied entrance into the Army on the ground that he was suffering with tubercular trouble. A little later on he was drafted, examined physically, and the authorities claimed that he was absolutely all right, and they utilized his services for probably two years. Following the war he has been in a disabled condition, and practically ever since he has been under medical care and attention.

The doctors all testify that he has tuberculosis. Their records show that they refused to admit him to the service at one time on the ground that he was a tubercular subject; yet, in spite of all of that, they deny compensation to this soldier on the ground that service origin of his disability has not been established.

Many wrongs have been inflicted upon the soldiers of this country under that cloak of lack of service origin. All I ask is that in the administration of the law in regard to the veterans of the World War justice and fairness shall prevail toward the soldier, as well as an effort to economize on the part of the Government.

M. S. DAUGHERTY

Mr. HALE. Mr. President, I ask that the naval appropriation bill be temporarily laid aside in order to enable the Senator from Iowa [Mr. BROOKHART] to introduce a resolution, with the understanding that if more than five minutes are taken on the matter the Senator will withdraw the resolution.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the naval appropriation bill be temporarily laid aside for the purpose stated by him. Is there objection? The Chair hears none.

Mr. BROOKHART. Mr. President, I desire to submit a report of the special committee investigating the Department of Justice, and a resolution citing M. S. Daugherty for contempt of the Senate. I ask that the report be printed in the RECORD, and that the resolution be read and considered at this time.

The PRESIDING OFFICER. The Senator from Iowa presents a report and asks that it be printed in the RECORD. Is there objection? The Chair hears none.

The report (No. 475) submitted by Mr. BROOKHART is as follows:

Your committee of the Senate on investigation of the Department of Justice respectfully shows to your honorable body as follows, to wit:

That on February 29, 1924, the Senate of the United States adopted the following resolution (S. Res. 157):

"*Resolved*, That a committee of five Senators, consisting of three Members of the majority and two of the minority, be authorized and directed to investigate circumstances and facts, and report the same to the Senate, concerning the alleged failure of Harry M. Daugherty, Attorney General of the United States, to prosecute properly violators of the Sherman Antitrust Act and the Clayton Act against monopolies and unlawful restraint of trade; the alleged neglect and failure of the said Harry M. Daugherty, Attorney General of the United States, to arrest and prosecute Albert B. Fall, Harry F. Sinclair, E. L. Doheny, C. R. Forbes, and their coconspirators in defrauding the Government, as well as the alleged neglect and failure of said Attorney General to arrest and prosecute many others for violations of Federal statutes, and his alleged failure to prosecute properly, efficiently, and promptly, and defend all manner of civil and criminal actions wherein the Government of the United States is interested as a party plaintiff or defendant. And said committee is further directed to inquire into, investigate, and report to the Senate the activities of the said Harry M. Daugherty, Attorney General, and any of his

assistants in the Department of Justice which would in any manner tend to impair their efficiency or influence as representatives of the Government of the United States.

"That said committee above referred to and the chairman thereof shall be elected by the Senate of the United States.

"*Resolved further*, That in pursuance of the purposes of this resolution, said committee, or any member thereof, be, and hereby is, authorized during the Sixty-eighth Congress to send for persons, books, and papers, to administer oaths, and to employ stenographic assistance at a cost not to exceed 25 cents per 100 words, to report such hearings as may be had in connection herewith, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate."

That at all of the times hereinafter mentioned SMITH W. BROOKHART, BURTON K. WHEELER, GEORGE H. MOSES, HENRY F. ASHURST, and WESLEY L. JONES were duly elected, qualified, and acting Members of the Senate of the United States.

That thereafter on March 1, 1924, the Senate of the United States elected said SMITH W. BROOKHART, chairman of the committee, provided for in the Senate resolution herein before referred to, and said BURTON K. WHEELER, GEORGE H. MOSES, HENRY F. ASHURST, and WESLEY L. JONES as the other members of said committee.

That on March 3, 1924, the Senate of the United States passed and adopted the following resolution (Senate Resolution No. 183):

"*Resolved*, That Senate Resolution 157, agreed to on February 29, 1924, be, and the same hereby is, amended to include authorization for the employment of such clerical and other personal services as may be necessary for the accomplishment of the purposes of said resolution."

That on March 14, 1924, the Senate of the United States adopted the following resolution (Senate Resolution No. 189):

"*Resolved*, That Senate Resolution No. 157, agreed to February 29, 1924, be, and the same hereby is, amended to authorize the select committee created by said resolution or any subcommittee thereof, to sit and perform its duties at such times and places as may be deemed advisable or necessary by said committee, and to empower the chairman of said select committee, or any member thereof, to summon witnesses by subpœna or otherwise and to administer oaths to them."

That pursuant to the foregoing resolution and amendments thereto, the said committee consisting of Senator SMITH W. BROOKHART, chairman, Senator WESLEY L. JONES, Senator GEORGE H. MOSES, Senator HENRY F. ASHURST, and Senator BURTON K. WHEELER on the 12th day of March 1924, entered upon the investigation which it was therein directed to prosecute, and thereafter and on March 21, 1924, at Washington, D. C., issued its subpœna duces tecum, a full, true, and correct copy of which is hereto attached, marked Exhibit A, and by reference made a part hereof, commanding M. S. Daugherty as president of the Midland National Bank of Washington Court House, Ohio, to appear before said select committee of the Senate of the United States on investigation of the Department of Justice forthwith, at their committee room 105, Senate Office Building, Washington, D. C., then and there to testify what he may know relative to the several matters under consideration by said committee pursuant to the foregoing resolution and amendments thereto, and that he bring with him the deposit ledgers of the Midland National Bank of Washington Court House, Ohio, since November 1, 1920, also note files and transcript of owners of every safety vault in said bank; also record of income drafts; also records of any individual account or accounts showing withdrawals of amounts of $25,000 or over during the above period.

That at all of the times hereinbefore and hereinafter mentioned said M. S. Daugherty was the president of the Midland National Bank of Washington Court House, Ohio, and as such in the possession and control of all the books, notes, records, and accounts mentioned in said subpœna.

That at all times hereinafter mentioned Stanley Borthwick was the duly appointed qualified and acting United States marshal for the southern district of Ohio.

That on March 21, 1924, Stanley Borthwick, United States marshal as aforesaid received said subpœna so issued as aforesaid from David S. Barry, then and there and at all times herein mentioned, the duly appointed, qualified, and acting Sergeant at Arms of the Senate of the United States, and on March 22, 1924, said Stanley Borthwick, United States marshal for the southern district of Ohio, as aforesaid, acting as such, served the said M. S. Daugherty personally with said subpœna, so issued as aforesaid as appears from his return attached to said subpœna and to this report, and marked Exhibit B, and by reference made a part hereof.

That the said M. S. Daugherty has at all times failed, refused, and neglected to obey or answer said subpœna of your committee issued and served as aforesaid, and has willfully failed, neglected, and refused to appear before said committee as required in said subpœna or otherwise or at all, or to produce the records of the Midland National Bank of Washington Court House, Ohio, therein called for or any one or more of the same or any part or portion thereof, and as the result thereof is in contempt of your committee and of the Senate of the United States.

That at a meeting of said committee, consisting of Senator SMITH W. BROOKHART, chairman, Senator WESLEY L. JONES, Senator GEORGE W. MOSES, Senator HENRY F. ASHURST, and Senator BURTON K. WHEELER, held at Washington, D. C., on April 10, 1924, arrangements were made by said committee for a subcommittee to go to Washington Court House, Ohio, and Senator SMITH W. BROOKHART and Senator BURTON K. WHEELER were appointed a subcommittee to go to Washington Court House, Ohio, and hold a session there for the purpose of subpœnaing and examining witnesses concerning the subject matters under consideration by said committee.

That on April 11, 1924, a committee meeting was held at Cherry Hotel, Washington Court House, Ohio, by said subcommittee, consisting of Senator SMITH W. BROOKHART and Senator BURTON K. WHEELER.

That on April 11, 1924, a subpœna, a full, true, and correct copy of which is hereto attached, marked "Exhibit C" and made a part hereof, was issued by said select committee on investigation of the Department of Justice requiring said M. S. Daugherty to appear forthwith before said committee at their committee room, 12 Cherry Hotel, Washington Court House, Ohio, then and there to testify what he may know relative to the subject matters under consideration by said committee.

That said subpœna so issued as aforesaid was served on said M. S. Daugherty personally at Washington Court House, Ohio, on April 11, 1924, by Leslie L. Biffle, as required in said subpœna.

That the said M. S. Daugherty willfully failed, neglected, and refused to appear before said committee forthwith as required in said subpœna, or at any time, or at all.

Your committee therefore reports to the Senate of the United States that the said M. S. Daugherty having been duly subpœnaed to appear before your committee, and by proper process directed to produce the books, documents, and papers specifically set forth in the subpœna duces tecum before referred to, and the said M. S. Daugherty having refused, and still refusing, to appear or to produce said books, papers, and documents, and the said M. S. Daugherty having been duly subpœnaed to appear before said subcommittee at Washington Court House, Ohio, and the said M. S. Daugherty having refused, and still refusing, to appear before said subcommittee as required is said subpœna, is in contempt of the authority of said committee and of the Senate of the United States.

Respectfully submitted,

SMITH W. BROOKHART,
Chairman of Select Committee on Investigation of the Department of Justice.

EXHIBIT A
(Telegram)

WASHINGTON, D. C., *March 21, 1924.*

STANLEY BORTHWICK,
United States Marshal, Cincinnati, Ohio:

Will you please serve the following subpœna promptly and wire me immediately collect when you have done so?

UNITED STATES OF AMERICA,
CONGRESS OF THE UNITED STATES.

To M. L. Daugherty, President of the Midland National Bank, Washington Court House, Ohio, greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Select Committee on Investigation of Department of Justice of the Senate of the United States, forthwith, at their committee room, 105 Senate Office Building, Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee; and bring with you deposit ledgers of the Midland National Bank since November 1, 1920; also note files and transcript of owners of every safety vault; also record of income drafts; also records of any individual account or accounts showing withdrawals of amounts of $25,000 or over during above period.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To David S. Barry, Sergeant at Arms of the Senate of the United States, to serve and return.

Given under my hand, by order of the committee, this 21st day of March, A. D. 1924.

SMITH W. BROOKHART,
Chairman Select Committee on Investigation of the Department of Justice.

Any expense incurred will be remitted.

DAVID S. BARRY,
Sergeant at Arms, United States Senate.

(O. B. Senate.)

EXHIBIT B

SOUTHERN DISTRICT OF OHIO,
Cincinnati.

STATE OF OHIO, *county of Hamilton:*

I, Stanley Borthwick, United States marshal for the southern district of Ohio, do hereby certify that on March 21, 1924, I received a telegraphic subpœna from David S. Barry, Sergeant at Arms United States Senate, requiring the appearance of M. L. Daugherty, president of the Midland National Bank, Washington Court House, Ohio, before the Select Committee on Investigation of Department of Justice of the Senate of the United States forthwith at their committee room 105, Senate Office Building, Washington, D. C., and that on March 22, 1924, I served the said M. L. Daugherty personally with a copy of said telegraphic subpœna, the same being a duces tecum subpœna.

STANLEY BORTHWICK,
United States Marshal, Southern District of Ohio.

Sworn and subscribed before me this 1st day of April, 1924.

STANLEY BORTHWICK,
Notary Public, Hamilton County, Ohio.

EXHIBIT C

UNITED STATES OF AMERICA,
Congress of the United States.

To Mal Daugherty, Washington Court House, Ohio, greeting:

Pursuant to lawful authority, you are hereby commanded to appear before the Select Committee on Investigation of Department of Justice of the Senate of the United States forthwith at their committee room 12, Cherry Hotel, Washington Court House, Ohio, then and there to testify what you may know relative to the subject matters under consideration by said committee.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To Leslie L. Biffle to serve and return.

Given under my hand, by order of the committee this 11th day of April, A. D. 1924.

SMITH W. BROOKHART,
Chairman Committee on Select Committee on Investigation of Department of Justice.

(Indorsement: Washington Court House, Ohio: I made service of the within subpœna by delivering the original hereof to the within-named Mal Daugherty, at Washington Court House, Ohio, at 11.55 o'clock a. m., on the 11th day of April, 1924. Leslie L. Biffle.)

DISTRICT OF COLUMBIA, *ss:*

Subscribed and sworn to before me this 26th day of April, 1924.

LESLIE L. BIFFLE.

[SEAL.] JOHN J. MCGRAIN,
Notary Public.

The PRESIDING OFFICER. The Senator from Iowa submits a resolution, which will be read.

The resolution (S. Res. 215) was read, as follows:

Whereas the select committee of the Senate, elected pursuant to Senate Resolution 157, Sixty-eighth Congress, first session, has submitted a report to the Senate; and

Whereas it appears from such report that M. S. Daugherty, as president of the Midland National Bank, Washington Court House, Ohio, was on March 22, 1924, duly served with a subpœna to appear forthwith before such committee in Washington, D. C., and then and there to testify relative to subject matters and to produce specified files, records, and books pertinent to the matter under inquiry, and was on April 11, 1924, duly served with a subpœna to appear forthwith before the committee in Washington Court House, Ohio, and then and there to testify relative to subject matters pertinent to the matter under inquiry; and

Whereas it appears from such report that the said M. S. Daugherty has, in disobedience of such subpœnas, failed so to appear or answer, or to produce such files, records, and books; and

Whereas the appearance and testimony of the said M. S. Daugherty is material and necessary in order that the committee may properly execute the functions imposed upon it and may obtain information necessary as a basis for such legislative and other action as the Senate may deem necessary and proper: Therefore be it

Resolved, That the President of the Senate pro tempore issue his warrant commanding the Sergeant at Arms or his deputy to take into custody the body of the said M. S. Daugherty wherever found, to bring the said M. S. Daugherty before the bar of the Senate, then and there to answer such questions pertinent to the matter under inquiry as the Senate may order the President of the Senate pro tempore to propound; and to keep the said M. S. Daugherty in custody to await the further order of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. SMOOT. Mr. President, does not the Senator from Iowa think there ought to be a quorum here if we are going to act upon the resolution?

Mr. BROOKHART. Just as the Senator likes. The other resolution similar to it was presented and considered without quorum calls or anything of the kind, but I have no objection.

Mr. SMOOT. In view of the fact that there are only a very few Senators present, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Adams	Elkins	Jones, N. Mex.	Pepper
Brandegee	Ernst	Jones, Wash.	Phipps
Brookhart	Ferris	Kendrick	Ralston
Cameron	Fess	Keyes	Sheppard
Capper	Frazier	King	Smoot
Caraway	Gerry	McKellar	Sterling
Copeland	Hale	McKinley	Swanson
Curtis	Harris	McNary	Trammell
Dale	Harrison	Mayfield	Walsh, Mont.
Dial	Heflin	Norbeck	
Dill	Howell	Norris	
Edge	Johnson, Minn.	Oddie	

The PRESIDING OFFICER. Forty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names:

Reed, Pa.	Shortridge	Smith	Wheeler

The following Senators entered the Chamber and answered to their names:

Ashurst	Fletcher	Lodge	Shipstead
Bayard	George	Moses	Warren
Broussard	Gooding	Pittman	
Bursum	Ladd	Ransdell	

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, there is a quorum present.

The Senator from Iowa [Mr. BROOKHART] asks unanimous consent for the present consideration of the resolution which the Secretary has read. Is there objection? The Chair hears none, and the question is on the adoption of the resolution.

Mr. DIAL. May not the Secretary report the resolution?

The PRESIDING OFFICER. The Secretary will report the resolution.

The reading clerk again read the resolution.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

The resolution was agreed to.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes.

Mr. HALE. Mr. President, the naval appropriation bill as passed by the House appropriated $272,012,867. The Senate Committee on Appropriations has added to that the amount of $1,690,200, making a total of $273,703,067. The amount of the estimates for 1925 was $276,395,794. The amount reported by the Senate Committee on Appropriations, therefore, is $2,692,727 under the estimates and is $21,264,133 under the appropriation for last year.

Last year, I may say, the appropriation, $294,967,200, was about $164,000 in excess of the estimates, whereas the bill this year, as I have stated, as reported by the Senate Committee on Appropriations, is $2,692,727 below the estimates.

The committee feel that they have acted with the strictest economy in framing this bill, and that at the same time they have provided a sufficient amount to take care of the interests of the service.

Mr. KING. Mr. President, the Senator must realize that the appropriations carried by the pending bill are nearly double the appropriations in 1916 for the Navy.

Mr. HALE. They are.

Mr. KING. In 1890 the naval budget was but $22,000,000. In 1900 it was only $55,000,000. In 1903 the naval appropriations amounted to $82,000,000, and in 1908 to $97,000,000. In 1910 they were $123,000,000, and in 1914 $139,000,000. In 1916 they were $155,000,000. That large amount resulted from the unsettled condition in Europe, and because the World War was then in progress.

May I ask the Senator why, in view of the supposed benefits of the disarmament conference, to which constant reference is made as the supreme achievement of the party in power, is it necessary to burden the people with such enormous appropriations? In 1914, 1915, and 1916 we had a Navy of respectable proportions, and of powerful fighting strength.

Now, when we are supposed to be enjoying the blessings of this Washington conference and when peace is in the land no war clouds threaten our country, we are asked to appropriate $300,000,000 to maintain a Navy for the next fiscal year.

The Senator, may I say by way of parenthesis, must be aware of the fact that the Army appropriation bill which will be presented to the Senate within the next two or three days calls for substantially this amount. Indeed, I think the bill as prepared carries items aggregating more than three hundred millions.

So that now, in peace time and with no foes or prospects of war, for Japan, which jingoes have for years declared was a menace to our country, eliminated for years as a formidable naval power, we are called upon to appropriate here as much for the fiscal year 1925 as we gave to the Navy Department for the year 1916. I should also add that the naval powers of the earth are asking further reduction in their naval expenses, and would welcome a world movement not only to limit military expenditures but to practically end them.

And yet this peace-loving Nation, which fears no foe and has no quarrel with any nation, will spend $600,000,000 during the next fiscal year for Military and Naval Establishments.

Mr. HALE. Mr. President, I will not undertake to answer for what the Army is expending. So far as the Navy is concerned, the Senator knows that we have a larger Navy than we had in 1916; that our ships are larger and require more men to run them, and more auxiliary ships to work with them. The Senator also knows that the cost of everything has gone up tremendously since before the war.

Under the Limitation of Armament Conference we were limited as to the number of capital ships we should have, and it was supposed at the time that the limitation of 5-5-3 with England and Japan would apply to the Navy throughout. As far as battleships are concerned, we have lived up to that limitation. As far as other parts of the Navy, such as cruisers and possibly submarines are concerned, we have not lived up to it. In spite of that, the expenditure, as the Senator has said, is somewhere in the neighborhood of $300,000,000 per annum at the present time.

Under the Limitation of Armament Conference we scrapped ships that were building, and which were provided for before the war, to the extent of something over $300,000,000. We saved, in what we would have had to finish up those ships, somewhere in the neighborhood of $200,000,000. As a matter of fact, we cut off expenditures of about $280,000,000 but it took $80,000,000 to finish up the contracts and to settle up what we owed on those vessels. Therefore, by the Limitation of Armament Conference we saved substantially $200,000,000 which would have been expended in the finishing up of the ships, and, further, we saved an amount per annum that has been estimated at $200,000,000 more, which would have been required had those ships been completed and had the Navy been obliged to keep up the additional force of ships and men to take care of them.

Mr. KING. Mr. President, the Senator, I think, appreciates the fact that the 1916 naval program, which was the child of the World War and which called for the enormous expenditures to which he has referred, was regarded by many naval experts as unfitted for our country after the war was over; or, at any rate, many naval experts believed that modifications of that program were necessary, even if it was designed that the United States should be supreme in naval strength. They perceived that the lessons of the war called for new types of naval craft and a reappraisement of the forces, defensive and offensive, necessary for a naval power. In my opinion, the 1916 program was adopted without proper consideration of all the factors, varied by world conditions. It was too inflexible and too rigid and failed to regard the situation which the United States then occupied as a neutral power, or the place it would fill as a belligerent in the event it was forced into the European conflict. There was too much hysteria in the law; and bellicose statesmen and naval officers adopted a course and made statements which frightened the people and paved the way for the adoption of a naval plan which called for nearly one and a half billion dollars. Jingoes and jingoist newspapers attempted to create an anti-Japanese sentiment, and constant appeals were made, based upon the theory that if the United States did not possess a big Navy its existence was insecure. Efforts were made to rouse the prejudices and racial animosities of the people until there was developed a strong feeling for a powerful Navy and a larger Military Establishment. Men of high ideals who spoke for peace were denounced as pacifists.

Ministers who proclaimed the ideals of Christianity and sought to have them applied in the political and economic affairs of our country and who approved a more sympathetic attitude toward other nations were denounced and often derided by those who affirmed their fealty to the principles of the Christian faith. Congress responded to the propaganda and formulated the 1916 naval program.

The Senator knows that that program assumed too much; it was based upon the assumption that the capital ship was the controlling and supreme agency and factor in the Navy. It did not take into account the lessons that were learned or should have been learned during the war. It did not take into account the improvement of submarines and their growing importance in a well-balanced and scientifically constructed Navy. That program did not take into account the importance of aerial warfare, the use of mines and bombs, and the weapons devised by the combatants in the World War. After the war was over the General Board of the Navy insisted on completing the program, regardless of its imperfections and manifest defects. Perhaps they would have succeeded had it not been for the Washington conference. Their course was most remarkable and demonstrated that new blood was then needed in the Navy. It was thought that following this conference there would be a material reduction in naval appropriations, but as we recede from the days of the war there is still a disposition to impose heavy burdens upon the people—burdens too great in view of the conditions throughout the world. Of course we must have a Navy, and it must be maintained at such standard of efficiency and strength as will afford all reasonable guaranties of security for our country.

But I contend that our expenditures for the War and Navy Departments are too large and that the Navy is directing too large a sum to shore establishments and to overhead. Too little attention has been given to securing a well-balanced Navy. Those who are familiar with our Government must be convinced that it has not learned the necessity of economy. It is top-heavy in machinery, in bureaus, in red tape, in all of the hampering and deadening things which destroy good government and efficient administration. I have before me, in response to a letter which I wrote to the Secretary of the Treasury, voluminous documents showing a great number of naval bases, stations, an enormous number of organizations, bureaus, agencies, and instrumentalities, many of which are unnecessary and clogging, and all of which share in the appropriation carried by this bill. The more of this deadwood there is the less will be the amount to be used for fighting ships and for the building up of a proper and scientifically constructed Navy.

We have a large number of navy yards working at a capacity of 15 to 25 or 30 per cent, with an enormous overhead, as I shall show when we come later on to a discussion of those parts of the bill. We have more than 39,000 civilian employees in the Navy. These agencies—I was about to denominate them as extraneous—absorb a large proportion of the $300,000,000 carried in the bill. I wish we could cut off appropriations in certain directions and have more for the building of airplanes and submarines and swift cruisers, so much needed to round out our Navy.

I am not a little-navy man. I believe that for the present, and in view of the treaty negotiated at the Washington conference, we should have a modern and effective Navy. For the present, we may feel constrained to build to the limits of the treaty referred to, although I believe that the world is ripe for a conference to further limit military armaments, if not to bring about world disarmament. I am criticizing the overhead and the unnecessary bureaus and agencies in the Navy. The Navy is like Laocoon. The support of bureaucracy strangles governmental departments, creates waste and extravagance, and destroys efficiency.

We should lop off thousands of civilian employees in the Navy and combine duplicating and unnecessary agencies and instrumentalities. If this were done, there would be more for airplanes and submarines and for the needed mine-laying boats and other agencies essential for a well-ordered and properly balanced Navy.

Mr. SHEPPARD. Mr. President——

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

Mr. KING. I yield.

Mr. SHEPPARD. Do I correctly understand that the treaty adopted at the Washington conference requires us to keep a Navy of a certain size for a certain period of years?

Mr. KING. No. I do not mean to answer the Senator abruptly. Elaborating the reply, it is not my thought that the Washington conference treaty requires us to pursue, so far as the United States is concerned, the 5-5-3 ratio. It is within the right and discretion of our Government to reduce its naval forces below the standard referred to. Of course, it

can not exceed the limits or ratio fixed, but it may have less capital ships than called for by the treaty.

Mr. HALE. It allows us to keep up a certain Navy.

Mr. SHEPPARD. But does it in effect require us as a matter of honor to keep our Navy at a certain size during the life of the treaty?

Mr. HALE. I think the nations that went into the conference and agreed to the action taken by the conference did suppose that the United States would keep up its proportion under the treaty.

Mr. SHEPPARD. In other words, we can not honorably reduce our Navy during the period of the treaty below the strength fixed thereby.

Mr. KING. The question propounded by the Senator from Texas I think calls for further explanation than the answer submitted by the chairman of the committee. If I understood him correctly, I do not agree that there is any moral and certainly there is no legal obligation upon the part of the United States, or Japan, or Great Britain to maintain the ratio named in the treaty. I omitted to mention Italy and France. But, as indicated, this treaty prevents either of the signatories thereto from increasing the number of vessels and the kinds of vessels to which under the treaty refers above the limits herein fixed.

Mr. HALE. I think the Senator is putting words in my mouth that I did not use. I said I thought it was the expectation of the other nations taking part in the conference that we would do so, but I especially said there was nothing to oblige us to do so unless we saw fit to do so.

Mr. KING. Then I did not understand the modification which the last answer of the Senator implies. May I inquire of the Senator if he thinks that under the terms of the treaty that were accepted Japan should maintain the ratio of 5-5-3 or that Great Britain should maintain the ratio of 5-5-3?

Mr. HALE. I think we undoubtedly expected that they would maintain that ratio. I do not know that we would insist that they should do so, though.

Mr. KING. Does the Senator think that it was our position that Japan could not, if she desired, diminish the number of battleships or other vessels?

Mr. HALE. I certainly do not.

Mr. KING. The Senator, then, must admit that we are under no restraint or constraint to maintain the ratio of 5-5-3?

Mr. HALE. Unless we see fit to do so.

Mr. KING. Then, of course, if we desire to reduce the expenses of the Navy we can do so notwithstanding the 5-5-3 agreement?

Mr. HALE. Of course, we can do so; but the question comes up as to whether it is advisable to do so.

Mr. KING. I grant, of course, that that is always a question which addresses itself to the legislative branch of the Government in dealing with the Army or Navy or any other question which comes before us for consideration. It is a question of policy. I want to ask the Senator, in view of that statement, whether he thinks it should be our policy to maintain as an inflexible, irrevocable policy the 5-5-3 program?

Mr. HALE. I do; absolutely.

Mr. KING. Regardless of the attitude of the other nations?

Mr. HALE. Until some further limitation may be made by general agreement.

Mr. KING. Then, would the Senator favor a further limitation by agreement between the United States and other nations?

Mr. HALE. I would favor such a limitation as to ships other than capital ships.

Mr. KING. If other nations would agree to a limitation of capital ships, would the Senator be opposed to that?

Mr. HALE. I do not know exactly where I would draw the line. I do not agree with the Senator about the matter of the value of capital ships in the Navy. I think they are an essential part of the fighting line.

Mr. KING. Conceding that the Senator is right and that they are the essentials—and I concede that they are essential in a well-balanced navy and it would be absurd to take any other position—nevertheless, does the Senator insist that, regardless of the attitude of other nations, we should persist in maintaining the number of battleships called for in the treaty to which we have both referred?

Mr. HALE. I do not quite understand the Senator. Does the Senator mean if other nations should be willing to limit further the number of capital ships?

Mr. KING. Yes.

Mr. HALE. I think that this country should be one of the great naval powers in the world. I think in order to be a great naval power we have to keep up a Navy that is based on a powerful capital ship force. It might be that the number could be reduced by mutual consent below where it is now. I am not prepared to say whether it could or not. But in any event, I think we should keep up to treaty strength until some further limitation is made.

Mr. KING. Would the Senator oppose negotiations between the United States and other nations for the purpose of reducing still further the naval armaments of the world?

Mr. HALE. Such a provision is already in the bill in regard to the limitation of ships of 10,000 tons and under.

Mr. KING. Would the Senator consent to an amendment to the provision to which he has just referred by which the conference might consider not only a limitation of submarines and airplanes and swift cruisers but also capital ships?

Mr. HALE. I have no particular views on it. It seems to me it is well enough to try out what has already been attempted under the other conference for the limitation of armaments. I do not think we ought to upset what was done at that conference.

Mr. KING. After having gone through an exhausting World War which, however, has left us much more powerful than it has the other nations who were belligerents, does not the Senator think that the time has come that we should seek a further reduction of the expenses of the Army and the Navy? In other words, does he not think that the time has come when we should consent to a reduction of this large amount of $600,000,000, which is about six-tenths of all the expenses of our Government, including the Army and Navy in 1914 and 1915.

Mr. HALE. I do not think, with conditions in the world as they now are, it would be at all for our benefit or advantage to cut down the appropriations either for the Army or for the Navy.

Mr. KING. Does the Senator think the expenditures which are provided in this bill for civilian employees, for the multitudinous bureaus and agencies and organizations, are not too great?

Mr. HALE. I do not think so, Mr. President. The committee went over that matter very carefully and decided that in order to keep up the fleet it was necessary to maintain the navy yards of the country, and, of course, it requires a large force of civilian employees to do it.

Mr. KING. The Senator knows that Great Britain, which heretofore has been the preeminent naval power of the world, is seeking retrenchment; that the new Labor Government has abandoned the purpose of fortifying and strengthening Singapore, and has signified a desire to have a conference for the purpose of further limiting the expenditures of the nations of the earth for military and particularly for naval purposes.

Mr. HALE. I do not think if Great Britain has that idea in view she will have any difficulty in arranging such a conference.

Mr. KING. Then I understand the Senator from Maine will welcome such a conference?

Mr. HALE. I would welcome a limitation on ships of 10,000 tons and under.

Mr. KING. But, even if other nations were willing, the Senator would not welcome a limitation on capital ships?

Mr. HALE. I have not considered that subject, Mr. President. As I have stated, I do not think it is necessary to try that at present. At some future time it may quite likely be possible to arrange such a limitation.

Mr. KING. Mr. President, when we reach the amendment to which the Senator has referred undoubtedly there will be further discussion upon the matter.

Mr. HALE. I know that the Senator from Utah has given a great deal of consideration to naval matters, and I know that we shall be helped by his suggestions as we go along with the bill. I very much hope that we may proceed with the bill itself as soon as possible.

Mr. DIAL. Mr. President, I should like to ask the Senator from Utah if battleships do not become obsolete in a short time, anyway?

Mr. KING. Certainly. The great capital ships which cost from forty million to fifty million dollars fully equipped soon become obsolete. The famous *Oregon*, and many of those ships which became historic and known throughout the world were built only a few years ago; they are now ready for the scrap heap; indeed, some of them have been decommissioned and some have been scrapped.

Mr. DIAL. Therefore, it would do no harm if we should curtail our naval program considerably?

Mr. KING. Of course, every nation ought to curtail expenditures for war. This Republic, which stands as the most powerful Nation of the world—powerful in a material sense and powerful in a moral sense—ought to lead the way in disarmament and toward the heights of world peace. It is in-

conceivable that a nation with the aspirations and ideals of this Republic should so conduct itself as to subject it to the criticism of being a military nation or having imperialistic ambitions. It should be the desire of this great Christian Nation to exemplify in its international relations as well as in its national dealings and domestic problems the spirit of Christianity, the spirit of peace and fellowship; it should lead the world out of the horrors of war, away from the hatreds and animosities that provoke strife and prevent progress. If the spirit of militarism is encouraged, if demands are made for huge armies and big navies, the peace of the world is endangered. I believe that the expenditure of $600,000,000 annually for war preparedness constitutes an impediment to the growth of a feeling for world peace and world disarmament.

Mr. President, even the Bolshevik Government, which has stood for militarism, which has maintained and is still maintaining a standing army of substantially 600,000 fairly well-equipped men—even that Government, speaking through Mr. Trotzki and through the recognized authorities of the Government, has signified its desire to participate in a world conference for the reduction of armies of Russia as well as all other nations. I think that President Coolidge could do no greater service to his country, no better service for the peace and happiness of the world than to have the United States cooperate with the commission now functioning in Europe as a part of the League of Nations for the purpose of formulating a plan for world disarmament. The organization to which I have just referred has able men who are seeking to devise ways and means to bring about world disarmament. Our Nation has treated rather contemptuously the advances made by the League of Nations when it has sought our aid even in a consultative capacity to formulate a plan for world disarmament. Even now when that organization, representing 54 nations, is seeking to compass this great result, we refuse to participate; we lend ourselves to the chauvinistic view and the intransigent sentiment which was exhibited in the last election and which has been perpetuated by many Republicans and by some Democrats. Because of the bitter hostility to the League of Nations, we refuse to associate with it in beneficent movements that have for their object the peace and happiness of the world.

But, Mr. President, I shall not detain the Senate further in elaboration of that view. I have taken the floor at this time merely to offer a few observations in reply to the Senator from Maine and to answer the question submitted by the Senator from South Carolina.

The PRESIDING OFFICER. The Secretary will read the bill.

Mr. KING. Let the bill be read in full.

The reading clerk proceeded to read the bill.

Mr. SWANSON. I ask unanimous consent that the formal reading of the bill may be dispensed with, and that it may be read for amendment.

The PRESIDING OFFICER. Unanimous consent has already been granted that that may be done.

Mr. SWANSON. Very well.

Mr. KING. Mr. President, I shall not ask for the textual reading of the bill, with the understanding that the bill shall not finally be disposed of this afternoon. One or two Senators desire to make some observations upon it, and I have some data which I desire to submit.

Mr. HALE. Mr. President, I hope very much that we may get through with the bill this afternoon. I think the bill is a very moderate one, and I do not anticipate that there will be a great deal of opposition to it.

Mr. KING. I do not think that the Senator can object to the reasonable request which I have made. Here is a bill carrying $300,000,000, and to try to dispose of it in two or three hours would be a celerity of movement which, while very commendable, ought not to be asked for by the Senator. I have no objection, however, to going ahead with the consideration of the bill.

Mr. HALE. I suggest, then, that we proceed with the committee amendments, and after we get through with them, if the Senator insists on having the bill go over, we will let it go over.

The reading of the bill was resumed.

The first amendment of the Committee on Appropriations was, under the subhead "Pay, miscellaneous," on page 5, at the beginning of line 10, to strike out "$175,000" and to insert "$200,000," and in line 18, after the words "in all," to strike out "$2,500,000" and to insert "$2,600,000," so as to read:

For commissions and interest; transportation of funds; exchange; mileage and actual and necessary expenses and per diem in lieu of subsistence as authorized by law to officers of the Navy and Naval Reserve Force while traveling under orders, and for traveling expenses of civilian employees, and for mileage, at 5 cents per mile, to midshipmen entering the Naval Academy while proceeding from their homes to the Naval Academy for examination and appointment as midshipmen; for actual traveling expenses of female nurses; actual expenses of officers while on shore patrol duty; hire of launches or other small boats in Asiatic waters; for rent of buildings and offices not in navy yards; expenses of courts-martial, including law and reference books, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks, and witnesses' fees, and traveling expenses and costs; expenses of naval defense districts; stationery and recording; religious books; newspapers and periodicals for the naval service; all advertising for the Navy Department and its bureaus (except advertising for recruits for the Bureau of Navigation); copying; ferriage; tolls; costs of suits; relief of vessels in distress; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction at home and abroad, including maintenance of students and attachés; information from abroad and at home, and the collection and classification thereof; all charges pertaining to the Navy Department and its bureaus for ice for the cooling of drinking water on shore (except at naval hospitals), and not to exceed $200,000 for telephone rentals and tolls, telegrams and cablegrams; postage, foreign and domestic, and post-office box rentals; for necessary expenses for interned persons and prisoners of war under the jurisdiction of the Navy Department, including funeral expenses for such interned persons or prisoners of war as may die while under such jurisdiction, and for payment of claims for damages under naval act approved July 11, 1919; and other necessary and incidental expenses; in all $2,600,000.

Mr. KING. Mr. President, I have been requested to make an inquiry as to the reason for the increase on line 18, page 5, from $2,500,000 to $2,600,000.

Mr. HALE. Mr. President, this item of "Pay, miscellaneous," covers a number of appropriations which do not come under the different bureaus of the department. I think there are 16 subheads to this appropriation, all of which have been provided for in the estimates. The total of the appropriation last year was $2,730,000. The estimate for this year was $2,700,000. The House cut the $2,730,000, which was appropriated last year, down to $2,500,000, and the Senate committee has added $100,000.

In this item last year four boards were taken care of that are now not taken care of because they are provided for in a different part of the bill. The appropriation for those four boards amounted to about $60,000. However, in this appropriation there is an increase of $160,000 due to the fact that the transport service to the Orient has been abandoned and officers coming from the Orient travel on merchant vessels and when they land travel by rail. It was figured out that by abandoning the transport service there would be a saving to the Navy of about $50,000. Therefore, there is this increase in the appropriation of $160,000, minus the $60,000 for the boards to which I have referred, or $100,000 in all. We would naturally expect that the appropriation would be increased by $100,000 instead of which it has been decreased $130,000.

The committee went over the matter very carefully, and they thought that it would not be possible, under the circumstances, to make the decrease that was allowed by the House. I feel that it is a very moderate amount, being less than the sum recommended by the estimate.

Mr. KING. Mr. President, let me say to the Senator that Representative FRENCH and the committee of the House of Representatives that framed the House bill went into this matter, as well as into all other subjects embraced within the bill, at very great length, and the testimony which was given before the committee justifies, it seems to me, the appropriation carried by the House bill. If anything it is too large, and I do not agree, notwithstanding the very lucid and convincing statement of the Senator from Maine, with the action of the Senate Committee on Appropriations.

Mr. HALE. Mr. President, the committee went over this matter also very carefully. We went over the 16 items one by one and worked on the matter outside. We concluded that the Navy did need it, and in view of the fact that there is an increase in the appropriation we thought they were entitled to have an increase of $100,000.

Mr. KING. Mr. President, this is an illustration of the point that I made in a rather discursive statement at the outset—that we are giving too much to the overhead, and perhaps in some instances not enough to the vital features of the Navy. Too much is appropriated for bureaus and civilian

personnel and incidental expenses upon shore. I will vote for legitimate and proper increases for purely naval expenses, for fighting ships.

Mr. HALE. Does the Senator think that the ships could operate without a shore establishment?

Mr. KING. Why, of course not. That is obvious; but when we spend the disproportionate amount that this bill carries for shore establishments, of course we are going to diminish the efficiency of the Navy.

That is the trouble with the Navy to-day, and it has been the trouble with the Navy for 15 years. They have cared too much for shore establishments. They wanted soft berths for too many admirals. There have been too many admirals and too many other high officials. Let us have more men at sea, more men in our submarines, more men upon our floating craft, more money for the indispensables, and not so much money for shore stations. That has been the trouble with the Army. It is the trouble with the Navy. They are obsessed with a desire for shore stations and for berths in Washington.

Of course, those who are fighting men in the Navy and fighting men in the Army want to be on the ships and in active service; but there is a disposition to create too many high officers. The Senator knows that already we are going to have five or six more admirals, and yet in the summary that I have before me, furnished me by the Navy Department, we have admirals everywhere. We have before us now a bill to create more admirals, to equalize the provisions of existing law. Pretty soon we are going to have chaplains who are admirals, and pharmacists who are commodores, if not admirals. We are pushing officers up, creating higher officials and more berths and more machinery, which absorb the money which is appropriated and which ought to be utilized for fighting craft.

Mr. HALE. The Senator is referring to the equalization bill?

Mr. KING. Yes.

Mr. HALE. That is before the Naval Affairs Committee.

Mr. KING. Yes; I am referring to that in the last discussion.

Mr. HALE. I shall be glad to discuss that matter with the Senator when the bill comes up in the committee.

Mr. KING. I hope the Senator will exhibit his usual wisdom by considering that bill well and opposing it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed, and the reading clerk read to line 19, on page 8, the last paragraph read being as follows:

OFFICE OF THE JUDGE ADVOCATE GENERAL

SALARIES, NAVY DEPARTMENT

For personal services in the District of Columbia in accordance with the classification act of 1923, $99,320.

Mr. KING. Mr. President, while there is no amendment there my attention has been called to this item and I ask for information—because my information is not sufficiently definite to enable me to form a satisfactory opinion—whether that amount is not too large for the personal services in the District of Columbia for the Judge Advocate General's office?

Mr. HALE. The Senator is referring now to the item on lines 18 and 19 of page 8, under "Office of Judge Advocate General"?

Mr. KING. Yes. I stated to the Senator that my information is not as precise as I should like, and I am asking more particularly for information; but statements have been made to me by some who claim to know that there is an unnecessary expense in connection with that office.

Mr. HALE. This appropriation is for legal and clerical services in that office, and it is one of the very busy offices of the department. No change has been made in the number of men employed in the office. Provision is made for a solicitor, for 8 attorneys, for 5 law clerks, and substantially 25 other clerks in the office, and then for 3 messengers. All matters that come up pertaining to the laws and pertaining to courts-martial come before this department, and instead of there being too many assistants I have heard the repeated assertion that there were not enough to keep up the work. The committee did not consider that this amount was inordinate in any way, and, as I say, the personnel is not increased over that of last year. There is an increase in the amount of the appropriation due to the reclassification.

Mr. KING. Let me say to the Senator that there was considerable criticism of the office, and the matter was brought to my attention in connection with the discussion of the oil lease.

Mr. HALE. The criticism of it was, I think, that there was too little law in the office, rather than too much.

Mr. KING. Exactly; that is, that there were men in the Judge Advocate General's office who were not lawyers and that there were persons there who were entirely incompetent.

Mr. SWANSON. Mr. President——

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

Mr. KING. I do.

Mr. SWANSON. If the Senator will read the salaries paid, he will see that they could not get any very expert lawyers for those salaries. We would have to increase them if we desired to get expert lawyers.

Mr. HALE. If we had in this office the type of lawyers that we allow the Shipping Board, for instance, the expenses of this office would be very much increased. It might be a good thing to do. I do not say that it would not. The bill does not provide for them, however.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the heading "Office of Chief of Naval Operations," on page 8, at the end of line 23, to strike out the colon and the following proviso:

Provided, That no money appropriated by this act shall be available for the pay of any commissioned officer of the Navy while attached to the office of Chief of Naval Operations and engaged upon work not specifically assigned by law to such office.

Mr. KING. Mr. President, I am not satisfied with the action of the committee in striking out lines 24 and 25, on page 8, and lines 1 and 2, on page 9. The provision stricken out was an amendment offered upon the floor of the House by Congressman BYRNS of Tennessee. The position which he took seemed to be so meritorious that the House accepted it, and I am told that a real evil existed which prompted the offering of that amendment. I should like to know the reason for the Senate rejecting that after the House had considered it very fully.

Mr. HALE. The House acted on the amendment very hurriedly. The matter had not been considered by a committee at all. I shall be very glad to give the Senator the reason why the committee has stricken out the amendment.

On March 3, 1915, the office of Chief of Naval Operations was created. The statute creating the office reads as follows:

There shall be a Chief of Naval Operations, who shall be an officer on the active list of the Navy appointed by the President, by and with the advice and consent of the Senate, from among the officers of the line of the Navy not below the grade of captain for a period of four years, who shall, under the direction of the Secretary of the Navy, be charged with the operations of the fleet and with the preparation and readiness of plans for its use in war: *Provided*, That if an officer of the grade of captain be appointed Chief of Naval Operations, he shall have the rank, title, and emoluments of a rear admiral while holding that position.

During the temporary absence of the Secretary and the Assistant Secretary of the Navy, the Chief of Naval Operations shall be next in succession to act as Secretary of the Navy.

On August 29, 1916, there was further legislation in regard to this office, as follows:

Hereafter the Chief of Naval Operations, while so serving as such Chief of Naval Operations, shall have the rank and title of admiral, to take rank next after the Admiral of the Navy, and shall, while so serving as Chief of Naval Operations, receive the pay of $10,000 per annum and no allowances. All orders issued by the Chief of Naval Operations in performing the duties assigned him shall be performed under the authority of the Secretary of the Navy, and his orders shall be considered as emanating from the Secretary, and shall have full force and effect as such. To assist the Chief of Naval Operations in performing the duties of his office there shall be assigned for this exclusive duty not less than 15 officers of and above the rank of lieutenant commander of the Navy or major of the Marine Corps: *Provided*, That if an officer of the grade of captain be appointed Chief of Naval Operations he shall have the rank and title of admiral, as above provided, while holding that position: *Provided further*, That should an officer, while serving as Chief of Naval Operations, be retired from active service he shall be retired with the lineal rank and the retired pay to which he would be entitled had he not been serving as Chief of Naval Operations.

These are the only laws touching the office of Chief of Naval Operations that have been enacted by Congress.

Mr. McKELLAR. Mr. President——

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

Mr. HALE. I shall be glad if the Senator will allow me to finish my statement first.

Mr. McKELLAR. I just want to ask about one feature of the matter before the Senator passes on. The purpose of this amendment is to prevent the Chief of Naval Operations from obtaining the higher pay, but it would require him to continue to receive the pay of his grade?

Mr. HALE. No; the purpose of the amendment is to provide that any officer in Operations who is not performing duties specifically assigned by law can not receive any pay at all. The same thing would apply to the Chief of Operations.

Mr. McKELLAR. Do all officers in this office receive higher pay than they otherwise would?

Mr. HALE. Not at all.

Mr. McKELLAR. Do any of them receive higher pay?

Mr. HALE. Not at all. They are regular officers of the Navy and receive their regular Navy pay. I wish the Senator would allow me to finish my statement.

Mr. McKELLAR. I do not understand what this means unless it does mean something of that sort.

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

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Pennsylvania?

Mr. HALE. I do.

Mr. PEPPER. Am I not right in understanding that if the amendment inserted by the House is allowed to stand, it practically permits the Comptroller General to decide what duties are or are not specifically assigned by law? It practically transfers into the office of the Comptroller General the determination of what shall be the duties of officers that come within this category, does it not?

Mr. HALE. That is entirely right, Mr. President.

Mr. SWANSON. Mr. President——

Mr. HALE. If Senators will allow me to finish my statement, I shall be very glad then to answer any questions.

I have given the two statutes relating to this subject. Regulations taking care of this matter have been promulgated by the Navy Department. The Navy regulation of July 15, 1915, assigned the duties of the Chief of Naval Operations. They gave him the direction of the Naval War College, the direction of the Office of Naval Intelligence, the direction of the office of target practice and engineering performances, operations of the radio service and other systems of communication, operations of the aeronautic service, operations of mines and mining, of the Naval Militia, of the Coast Guard, and so forth. That was the first regulation. That was approved by the department immediately after the passage of the first law.

A further regulation provided that—

> All orders issued by the Chief of Naval Operations in the execution of his assigned duties shall be considered as emanating from the Secretary of the Navy and shall have full force and effect as such.

That is simply putting into the regulation the wording of the statute of 1916. The next regulation provided as follows:

> And shall so coordinate all repairs and alterations to vessels and the supply of personnel and material thereto as to insure at all times the maximum readiness of the fleet for war.

This regulation was approved in August, 1923. It is on account of this regulation that the amendment was introduced in the House of Representatives.

As a matter of fact, these regulations which were issued by the department have not in any way changed the practice which has always obtained in the department since the law was first passed in 1915. No change of any kind has been made, and this simply carries into effect the practice they have always followed, and in every way comes under the law.

I think it was thought by some people when this regulation was issued that it might change the duties of the Chief of Operations; but it does not do so, and therefore there can be no reason for the amendment that was introduced in the House.

Mr. KING. Mr. President, I will not object to action by the Senate, but when we shall resume consideration of the bill on Monday, or on whatever day we shall resume consideration of it, if in the meantime I have obtained information which I deem sufficient to warrant me in moving for reconsideration, I shall ask the Senator to consent to a reconsideration of the votes by which any of these amendments have been agreed to. The amendment may be adopted now pro forma.

Mr. SWANSON. If the Senator will permit me, I want to say just a word about this. It would be almost impossible for an officer who served in the field of operations to get his salary until he furnished proof, filed with the Comptroller General, that he served for a period of 30 days. When the time came for him to get his salary he would be bothered and delayed and worried, and it would be practically impossible to get men to serve in the field of operations if they could not get their salaries promptly. Every time a man's salary was due, he would have to prove that since the last payment he had served in the field of operations.

Mr. HALE. He would have to serve, if he were detailed to serve.

Mr. SWANSON. But he would not want to serve.

Mr. HALE. He would be obliged to take the service and risk losing all of his pay in doing so. It would turn over to the comptroller practically the operation of the Navy.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the subhead "Naval training stations," on page 12, at the end of line 22, to increase the appropriation for maintenance, etc., of the Newport (R. I.) Naval Training Station, from "$215,000" to "$250,000."

Mr. KING. I hope the Senate will not agree to that amendment. The House went into this matter, as well as into the item on line 24, and they reached the conclusion that the amount given in those two items was all that was necessary. The Senate committee may have had evidence that compelled it to change the figures given by the House, but my information is that the facts were presented before the House committee very fully, and the committee was substantially unanimous in the conclusion expressed in the items carried in the bill.

Mr. HALE. Mr. President, in making the estimate in regard to these training stations it was thought in the Bureau of the Budget that the Navy could get along with three training stations, instead of four. There is now a naval training station at San Diego, one at the Great Lakes, one at Newport, and one at Hampton Roads. The House considered the matter and decided that it was necessary to keep up the four stations, and they allotted the money to take care of those stations.

The department came before us at our hearing and testified that they could not carry on at all with the allotment made by the House. For instance, at Hampton Roads, they testified, too much was appropriated to take care of the trade schools alone and too little to take care of the trade school with the training station. In the same way at Newport, not a sufficient amount was appropriated to take care of that station and to take care of the men who, it was estimated, would have to be trained there.

So we went over the matter and decided to leave the appropriation for San Diego as it was, to increase the appropriation for Newport by $35,000, and to increase the appropriation for Hampton Roads by $135,000 over the estimate.

Mr. FLETCHER. By $45,000.

Mr. HALE. To increase the House appropriation by $45,000, and we thought that with these appropriations these stations could be operated, and provide training for the men we need in the Navy.

Mr. SWANSON. It is largely a question of how long these people are allowed to go to a training school. It is considered very advantageous to give the man who is to go on one of the large battleships a good training. The representatives of the department told us they could not give a training of five or six weeks if they did not have this amount of money. They insisted that if we are going to economize we should not economize on the training stations.

Mr. GERRY. Mr. President, in the item with regard to Newport the Bureau of the Budget agreed on $250,000. It is perfectly apparent that if the amount is cut to the House figure, $215,000, they will not be able to train the number of men they need for the Navy, namely, 2,000, during the summer period, but, as the Assistant Secretary of the Navy testified, only 1,250 instead of 2,000. As the Senator from Virginia has just said, it simply means that they will have to cut down the period of training of men needed for the Navy, or not train a sufficient number. The Bureau of the Budget agreed to $250,000 after very careful consideration.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment on page 12, line 22.

The amendment was agreed to.

The next amendment was, on page 12, line 24, to increase the appropriation for maintenance of the Naval Training Station at Hampton Roads, Va., from "$215,000" to "$260,000."

The amendment was agreed to.

The next amendment was, under the subhead "Naval Reserve Force," on page 13, at the beginning of line 24, to strike out "$2,400,000; in all, $3,570,000," and to insert "for aviation material, equipment, fuel, and rental of hangars, $3,830,000; in all, $4,000,000," and on page 14, line 5, after the word "vessels" to insert "and aircraft," so as to read:

For expenses of organizing, administering, and recruiting the Naval Reserve Force and Naval Militia; for the maintenance and rental of armories, including the pay of necessary janitors, and for wharfage, $170,000; for pay and allowances of officers and enrolled men of the Naval Reserve Force, other than class one, while on active duty for training; mileage for officers while traveling under orders to and from active duty for training; transportation of enrolled men to and from active duty for training, and subsistence and transfers en route or cash in lieu thereof; subsistence of enrolled men during the actual period of active duty for training; pay and allowances of officers of the Naval Reserve Force and pay, allowances, and subsistence of enrolled men of the Naval Reserve Force when ordered to active duty in connection with the instruction, training, and drilling of the Naval Reserve Force; and retainer pay of officers and enrolled men of the Naval Reserve Force, other than class 1, for aviation material, equipment, fuel, and rental of hangars, $3,830,000; in all, $4,000,000, which amount shall be available, in addition to other appropriations, for fuel and the transportation thereof and for all other expenses in connection with the maintenance, operation, repair, and upkeep of vessels and aircraft assigned for training the Naval Reserve Force.

The amendment was agreed to.

The next amendment was, under the subhead "Naval War College, Rhode Island," on page 14, at the beginning of line 18, to strike out "$91,800," and to insert "$121,800"; at the end of line 22, to strike out "$100,000" and to insert "$130,000," so as to read:

For maintenance of the Naval War College on Coasters Harbor Island, including the maintenance, repair, and operation of one horse-drawn passenger-carrying vehicle to be used only for official purposes; and care of ground for same, $121,800; services of a professor of international law, $2,000; services of civilian lecturers, rendered at the War College, $1,200; care and preservation of the library, including the purchase, binding, and repair of books of reference and periodicals, $5,000; in all, $130,000.

Mr. KING. A number of changes are made in the provisions under the head of "Naval War College." The Senator will recall that the testimony before the House committee was quite satisfactory. May I inquire why the committee of the Senate felt it necessary to increase this amount?

Mr. HALE. The committee went over this matter, and we decided that the work of the Naval War College is about the most important work that can be done in the Navy, as far as plans and strategy are concerned, and that this would be a poor place to economize. As the Senator knows, there are two branches at the War College, the junior branch and the senior branch. The senior branch has to do with strategic questions and the junior branch with tactical questions. The senior branch has been in existence for a number of years; the junior branch has only been taken up recently, and it is proving a great success. I think last year in the senior branch there were 37 members and in the junior 29. They hope to be able to increase the senior class to 40 next year and the junior class to 50, and in doing so they expect to use an additional building to take care of that increase. This increase in the appropriation is partly to take care of that building and partly to provide for additional clerical help in the work.

Mr. GERRY. I would also like to call the Senator's attention to the fact that there is also a correspondence school, the courses in which 809 officers in the Navy are taking, and this appropriation enables the War College to carry on that correspondence school.

Mr. HALE. The Senator is quite right. That is a very important matter.

The amendment was agreed to.

The next amendment was, on page 15, line 2, to strike out "$50,000" and to insert "$70,278.56," so as to make the proviso read:

Provided, That the sum to be paid out of this appropriation under the direction of the Secretary of the Navy for clerical, inspection, drafting, and messenger service for the fiscal year ending June 30, 1925, shall not exceed $70,278.56.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Home, Philadelphia, Pa.," on page 15, line 5, after the word "grounds," to strike out "$1,080" and to insert "$1,200"; in line 6, after the numerals "$1,600," to strike out "store laborer, $660; matron and office assistant, $720," and to insert "seamstress, $360"; at the beginning of line 9, to strike out "one $540, one $480," and to insert "one $600, one $540"; in line 11, after the word "head," to strike out "$480" and to insert "$600"; and in line 22, to strike out "$51,110" and to insert "$50,450," so as to make the paragraph read:

Pay of employees: Secretary, $2,200; foreman mechanic, $2,200; superintendent of grounds, $1,200; steward, $1,600; seamstress, $360; beneficiaries' attendant, $480; baker, $720; chief cook, $660; assistant cooks—one $600, one $540; laundresses—chief $480, five at $360 each; scrubbers—chief $420, three at $360 each; waitresses—head $600, 12 at $360 each; kitchen attendant, $540; laborers—four at $600 each, seven at $540 each; firemen—one $840, four at $720 each; gardener, $840; helper, pipe fitter, $975; helper, woodworker, $975; stable keeper and driver, $660; master at arms, $900; two house corporals, at $600 each; barber, $600; carpenter, $1,400; painters—one $1,400, one $1,020; engineer, $1,080; chauffeurs—one for coal truck, $960, one for small truck, $840; electrician, $1,400; stenographers and typewriters—one $1,800, one $1,400, two at $1,200 each; telephone operator, $900; total for employees, $50,450.

The amendment was agreed to.

The next amendment was, on page 16, line 16, to reduce the appropriation for the Naval Home, to be paid out of the income from the naval pension fund, from "$178,210" to "$177,550."

Mr. KING. May I inquire of the Senator whether the fund from which this amount is paid is adequate each year to meet the recurring charges?

Mr. HALE. This does not come out of the Treasury. It comes out of the naval pension fund.

Mr. KING. I understand; but is the fund sufficiently large to meet the recurring annual charges?

Mr. HALE. So far as I know, it is. It is a very large fund now, about fourteen or fifteen million dollars, and they can very well get along with this.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 16, line 16.

The amendment was agreed to.

The next amendment was, under the heading "Hydrographic Office," on page 16, at the end of line 24, to increase the appropriation for personal services in the District of Columbia in accordance with the classification act of 1923, from "$300,000" to "$311,000."

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Engineering," on page 21, line 5, after the words "in all," to strike out "$18,012,300," and to insert "$16,550,000"; in line 6, after the word "which" to strike out "$2,562,300," and to insert "$1,100,000"; and in line 7, after the word "immediately," to strike out the comma and the words "and not less than $600,000 of the amount last named shall be available for developing and testing submarine motive power under actual service conditions," so as to read:

ENGINEERING

For repairs, preservation, and renewal of machinery, auxiliary machinery, and boilers of naval vessels, yard craft, and ships' boats, distilling and refrigerating apparatus; repairs, preservation, and renewals of electric interior and exterior signal communications and all electrical appliances of whatsover nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate machinery belonging to other bureaus; searchlights and fire-control equipments for antiaircraft defense at shore stations; maintenance and operation of coast signal service; equipage, supplies, and materials under the cognizance of the bureau required for the maintenance and operation of naval vessels, yard craft, and ships' boats; care, custody, and operation of the naval petroleum reserves; purchase, installation, repair, and preservation of machinery, tools, and appliances in navy yards and stations, pay of classified field force under the bureau; incidental expenses for naval vessels, navy yards, and stations, inspectors' offices, the engineering experiment station, such as photographing, technical books and periodicals, stationery, and instruments; instruments and apparatus, supplies, and technical books and periodicals necessary to carry on experimental and research work in radiotelegraphy at the naval radio laboratory; in all, $16,550,000, of which $1,100,000 shall be available immediately.

Mr. KING. May I inquire of the Senator the reason for those modifications in the bill as it passed the House?

Mr. HALE. In the bill as it passed the House the estimate was exceeded by the House by $2,562,300. Of this amount $600,000 was to be used for the installation of engines on one of the T-boat submarines. This was to be done in the place

of the building of the three submarines that the estimates provided.

The House felt that the submarine engines were not developed to the extent that it was safe to go ahead and build new submarines and take the chance of their turning out to be failures. They thought that the prudent thing to do would be to try out some of the engines which we now have, which are the M. A. N. engines, in one of our older submarines that had turned out to be a failure and that was not in active use. The committee thought that this plan of the House would not be practical. We thought that it was better to provide for one new submarine to be built and not to make the test that the House had provided. Accordingly, under "increase of the Navy," we have provided for a sufficient amount to start one submarine instead of three that were estimated for. That accounts for the omission of $600,000 in this item.

Further the House thought that certain economies could be made in the Navy by making an additional appropriation of $1,962,300. In the testimony given at the hearings Admiral Robison stated that if certain new installations were made in the machinery of the battleships and other ships, a great saving could be made in the consumption of fuel. The House accordingly provided this amount to bring about such economies. We went over the amount provided for by the House and from the $1,962,300 we cut off $862,300, because of the fact that the changes proposed would cover not only economies but other items such as reliability and safety. We figured that those items of reliability and safety had already been put up to the Budget and, the Budget not having provided for them, it was unnecessary to insert them here. Admiral Robison, however, did persuade the committee that if we allowed him the $1,100,000 included in the bill we could save nearly an equal amount next year on fuel for the Navy. We therefore allowed that amount to remain in the bill. It is $1,100,000 more than the estimate.

Mr. KING. Mr. President, one of the defects of our Navy is found under the head of submarines. I do not think we are yet able to build a suitable submarine. Two years ago we had 166 submarines built or in process of construction. A year ago we were led to believe, from fugitive statements made now and then by the Navy Department or officers of the Navy Department, that we were overcoming the problems involved in submarine construction and that, if not the S-boat or the T-boat, or the V-boat would come up to some degree of perfection. But I think the able Senator from Maine from the plentitude of his wisdom and from his investigations, will be compelled to confess that our activities in behalf of the construction of submarines have been most unsatisfactory.

Mr. HALE. I do not think that our success with submarines has been entirely perfect, but I think the same can be said of every other country. I think we have held our own so far with other countries with the possible exception of Germany during the war. I know we have built submarines that have not turned out successfully, such as the T-boats, to which I have already referred, and one of which is to be taken under the House provision for experimentation and then scrapped; and possibly in other lines we have not been wholly successful. But I have more confidence in the V-boats to which the Senator has referred.

The S-boats and R-boats, which are the principal submarines that we now have, while not entirely perfect, have on the whole, I think, proved very successful when used for the purpose for which designed. The trouble with us is that we have had to use those submarines for a purpose for which they were not designed. Not having any fleet submarines, we have been going ahead and trying to use those submarines for fleet submarines. They were never designed for that purpose. When used as fleet submarines they have been driven at a speed for which their engines were not built and which they can not keep up for any great length of time. I think that is the trouble that we have had with the S or R boats.

Mr. KING. I am not in entire accord with the statement of my friend the Senator from Maine. I can not agree with his statement that various types of submarines have been satisfactory. The Senator recalls that most of the boats constructed by the Electric Boat Co. had defects, most serious defects.

Mr. HALE. I think they had, but I think those defects have been largely cured.

Mr. KING. Mr. President, we appropriated $25,000 during last year or the year before to make repairs upon the crank shaft and, in some instances, the engine of each of a number of boats furnished by the Electric Boat Co., which under the contract the company should have paid for. I do not believe that those boats, with the repairs and changes and alterations, have been entirely satisfactory. Perhaps the most satisfactory boat that has been constructed—and I shall not answer for the perfection of that boat—was built by the Simon Lake Co. I think the facts warrant the statement that we have not reached a satisfactory condition in our submarine construction.

Mr. HALE. But neither has any other country.

Mr. KING. We will come to the other countries in a few moments. Let us stay at home for a moment. The isolationists who do not want to go abroad, shall not lead me across the ocean for a moment. Let us consider our own mistakes.

Mr. SHIPSTEAD. Mr. President——

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

Mr. KING. I yield.

Mr. SHIPSTEAD. I believe the Senator from Utah voted to keep the world away from America, did he not?

Mr. KING. I do not understand the Senator's question.

Mr. SHIPSTEAD. If I remember correctly, the Senator voted to keep Europe away from America by voting for the immigration bill.

Mr. KING. If the Senator asks whether I voted for the immigration bill which passed a few days ago, I will say that I voted against it.

Mr. SHIPSTEAD. Then I was misinformed. I know some who want to go to Europe voted to keep Europe out of America.

Mr. KING. Yes; and may I say to the Senator that I not only voted against the bill but in committee I voted for the 1910 census basis as against 1890. But the Senator from Tennessee [Mr. McKELLAR], who now sits near me, is challenging the wisdom of my course.

Mr. McKELLAR. Yes; I think the Senator voted wrong.

Mr. KING. All of which exemplifies the fact that there is not the greatest of harmony among Senators even on this side of the Chamber. It is my misfortune, however, not always to agree even with my own colleagues.

But we are going far afield. I was about to say to the Senator from Maine that no subject involved in the bill before us was more fully considered by the House committee than the one which we are now discussing, and the question of whether we should appropriate at this time to build more submarines. The Senator will recall the statements of Mr. Roosevelt, Assistant Secretary of the Navy, and Admiral Robison and others before the House committee, and I think I am safe in saying that at the conclusion of the hearings the House committee concluded that it would not authorize further construction of submarines because the past record was so unsatisfactory. The committee did include in the bill an item of $600,000 for further experimentation, but they did not, as did the Senate committee, authorize the construction of another submarine.

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

Mr. KING. I yield to the Senator from Tennessee.

Mr. McKELLAR. A few moments ago the Senator defended very strongly a limitation of naval armament, and I think it is a very wise thing to have. It ought to be limited. The last naval conference, however, did not take into consideration the question of submarines.

Mr. KING. Nor swift cruisers.

Mr. McKELLAR. I am applying it now merely to submarines. In my judgment, the use of submarines in war is just like the commission of murder by lying in wait. It is an infamous means of taking human life in war. In view of the fact that our own country has not made a success of submarines, and in view of the further fact of the infamous character of conducting warfare by submarine, does not the Senator think that it would be exceedingly wise to have a conference of the nations and to do away with the use of submarines in naval warfare?

Mr. KING. Let me add that the Washington conference dealt, in a feeble way, with submarines and poison gas. But replying to the Senator's question, it seems to me that it can be answered only in the affirmative—that is to say, that submarine warfare ought to be outlawed. It shocked the conscience of civilized nations. The Senator has characterized it as infamous. I do not know that there is any term in the English language sufficiently strong to characterize the cruelty of such a method of warfare. It is inhuman in the last degree, and particularly is that true if such warfare is conducted against neutrals or against ships which are carrying noncombatants or commodities and supplies not contraband of war. The indiscriminate slaughter of men, women, and children upon the high seas through the agency of the submarine ought to bring down the wrath of the civilized world upon the perpetrators of such a deed.

Mr. McKELLAR. Such use of the submarine ought to be put in the same category with the dropping of bombs on

innocent men, women, and children in populous cities, and in the same category with the use of poison gases that may destroy not only whole armies but all of the population of a certain district.

Mr. KING. I agree with the Senator as to that.

Mr. McKELLAR. As the Senator has said, there are no words strong enough to describe the inhumanity and the awful horror of the use of such implements of war. They ought to be outlawed by all of the civilized nations of the world. It seemed to me then, and it seems to me now, that the late arms conference in not even considering those three questions manifestly failed in its duty to the world.

Mr. SHIPSTEAD. Mr. President——

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

Mr. SHIPSTEAD. If I understand the two Senators correctly, they are in perfect accord, that when people are killed they should be killed in a humane manner, in a nice way—for instance, the bayonet—and not by methods such as submarines and poison gases. Do I understand the Senators correctly?

Mr. KING. No; I do not assent to all the implications which arise from the rather clever and deft interrogation of the Senator from Minnesota. Let me say that I am opposed to war in any form; and a few moments ago, if the Senator from Minnesota had been in the Chamber, he would have heard me state, in a rather imperfect way, that I hoped by international conferences there would be not only a limitation of armament, both on land and sea, but complete disarmament upon the part of all the nations of the earth. I called attention to the fact, if I may be pardoned a repetition, that Mr. Ramsay MacDonald, the premier of Great Britain, has signified the willingness of his Government to participate in a world conference to secure world disarmament; and that even Mr. Trotski and representatives of the Bolshevik Government of Russia, notwithstanding the strong militaristic attitude which they have assumed in the past, and which they have not abandoned up to the present, have also indicated their willingness to enter into a world conference for the purpose of bringing about disarmament. May I say——

Mr. PHIPPS and Mr. McKELLAR addressed the Chair.

Mr. KING. Let me complete the sentence?

May I say that in an interview I had with Mr. Trotsky, the head of the Red army, he stated that, notwithstanding Russia had an army of more than 600,000 men, she was willing to join in a conference of the nations of the world, and if they would disarm, the Bolshevik Government would also disarm.

Mr. PHIPPS. I thought the Senator from Tennessee [Mr. McKELLAR] had the floor, and I wanted to direct a question to him.

Mr. KING. The Senator from Utah has the floor, but he will yield to the Senator from Colorado, in order that he may ask the Senator from Tennessee a question.

Mr. McKELLAR. I shall be glad to answer the question if I can.

Mr. PHIPPS. I understood the Senator from Tennessee to say that the Conference on Limitation of Armament gave no consideration to the question of limiting the use of submarines or poison gases. Did I misunderstand the Senator?

Mr. McKELLAR. I do not recall. I think I said that so far as submarines were concerned that conference did very little about them. I think they merely appointed some committee.

Mr. PHIPPS. Did they not agree that submarines should not make attacks upon unarmed vessels? Was not that a part of the agreement?

Mr. McKELLAR. Did they do so?

Mr. PHIPPS. That is my recollection.

Mr. McKELLAR. I have no such recollection.

Mr. PHIPPS. And is it not also a fact that in considering the use of poison gases it was agreed that poison gases used in bombs were not to be used against defenseless populations?

Mr. McKELLAR. My recollection is, if the Senator from Utah will yield further, that the Conference on Limitation of Armament only had to do with the limiting of capital ships, the 5-5-3 program.

Mr. PHIPPS. I think the Senator will find that it went beyond that.

Mr. McKELLAR. I do not think it went beyond that, but——

Mr. PHIPPS. There was certainly a limitation on the use of poison gases.

Mr. McKELLAR. The conference may have passed some friendly resolution about it, which meant nothing. It certainly did not take any steps to prevent the use of poison gases in the war.

Now, if the Senator from Utah will indulge me, I want to reply to the statement made by the Senator from Minnesota [Mr. SHIPSTEAD] a few moments ago. I wish to say to the Senator from Minnesota that I am wholly opposed to war. I pray God that we may never have another war. After the last war was over I favored taking steps to make it impossible, if human agencies could so make it, ever to have another war.

I am utterly opposed to war; but if we have to have war at any time, I believe in a fair war, where men may fight fairly and under honorable terms, and not by lying in wait, not by the use of poison gases, not by sailing ships under the water and blowing into eternity vessels carrying as passengers men, women, and children who are taking no part in the war. I was for that then, and I am for the same thing now, notwithstanding the criticism of the Senator from Minnesota.

Mr. COPELAND. Mr. President——

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

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

Mr. COPELAND. I should like to ask the Senator from Utah a question. Did not the Limitation of Armament Conference which was held here really defeat its purposes because of the conclusions reached? It finally determined to build no more capital ships, but when certain nations, for instance France, were relieved of the necessity of keeping up with the naval procession, did they not use the money which they would otherwise have used for capital ships to build airplanes and submarines and develop poison gases and flames and other devilish instruments of destruction? Is it not the opinion of the Senator that, so far as the ultimate good of humanity is concerned, was not that good interfered with by reason of the failure of the conference to go the whole route, resulting, as it did, in my judgment, in the development of these instruments of torture instead of the development of those things which make for peace?

Mr. KING. Mr. President, the questions submitted by the Senator from New York open up a broad field of discussion and call for replies which would interrupt the consideration of the pending bill. But may I say, in partial answer, though not a complete answer to the Senator from New York, that, in my judgment, the limitation of arms conference which was called by President Harding did not accomplish all that it might have accomplished and all that the people who believe in peace hoped that it would accomplish, although undoubtedly it was a step forward in the direction of the limitation of naval armament to restrict the number of capital ships to be constructed by Great Britain, Japan, the United States, France, and Italy.

Immediately following the war the United States, manifesting a rather militant attitude, quite incompatible with the democratic institutions, signified its purpose to spend more than $1,000,000,000 upon a naval program. A considerable part of that huge sum was to be expended in building capital ships. The attitude of the United States was regarded by some as a challenge to Japan and to Great Britain. Great Britain came out of the war exhausted financially and in man power. She wanted, of course, to escape, if it were possible, the continuation of an oppressive naval policy that would further burden her people, but when we signified our intention to continue our 1916 naval program then Great Britain felt constrained to revise her program.

It should be remembered that Great Britain immediately following the war broke up three battleships which were upon the ways, losing nearly $15,000,000. By the terms of the Versailles treaty Great Britain and other signatories thereto sought to bring about limitation of armament in all the world.

The treaty sought to relieve the world from the burdens of military preparation. It set up agencies to accomplish this result and to determine the controversies among nations. But when we rejected the treaty and set out to spend more than $1,000,000,000 for battleships and cruisers, then Great Britain reversed her plans and announced that she would build three capital ships of the type of the Hood, each having over 67,000 tons displacement, and each to cost nearly $75,000,000.

Japan, actuated by the same fears that possessed Great Britain, pushed forward the construction of her battleships, and there was promise of a mad and savage race between these three great naval powers, which, of course, would have been joined by other naval powers of the earth. The execution of this insane policy would have been disastrous to the nations concerned and dangerous to the peace of the world.

President Harding, responding to the direction of Congress, called a conference of certain powers. Perhaps I should qualify that. In the naval act of 1916 the President of the United

States was authorized, and as I recall, was directed, to call at the conclusion of the World War a naval conference for the purpose of limiting naval armaments. President Harding acted pursuant to this law and also pursuant to resolutions offered by the Senator from Montana [Mr. WALSH] and the Senator from Idaho [Mr. BORAH], which resolutions became a part of the naval bill. That conference was called, and as a result of it there was a limitation in the construction of battleships by those who participated in the conference.

Mr. President, in reply to the Senator from New York [Mr. COPELAND], if he will pardon this wide diversion, I do think there was some good resulting from the conference, though not the rich harvest that should have resulted. The conference was too restricted in numbers and in the subjects to be considered.

It will be recalled that the Dutch Government felt somewhat irked because it was not invited to participate. In my judgment other nations ought to have been asked to take part in the conference, and a more comprehensive program for world peace and world disarmament should have been considered.

Mr. McKELLAR. Mr. President, I will say that I have since sent for the treaties, and I find that the questions of submarines and noxious gases were both considered by the conference, and apparently a treaty was drawn—whether it has ever been ratified or not I do not know—but, even if it has, it does not have the effect that the Senator and I have suggested here to-day.

Mr. KING. There is no provision for limiting submarines in any treaty that was drawn.

Mr. McKELLAR. No; but Article IV of the proposed treaty provided that——

> The signatory powers recognize the practical impossibility of using submarines as commerce destroyers without violating, as they were violated in the recent war of 1914–1918, the requirements universally accepted by civilized nations for the protection of the lives of neutrals and noncombatants, and to the end that the prohibition of the use of submarines as commerce destroyers shall be universally accepted as a part of the law of nations they now accept that prohibition as henceforth binding as between themselves, and they invite all other nations to adhere thereto.

That is just a mild resolution along the line of something real. It does not accomplish anything. It is a mere expression that we are opposed to the use of submarines.

In so far as noxious gases are concerned, it is largely the same way. Article V of the proposed treaty provides as follows:

> The use in war of asphyxiating, poisonous, or other gases, and all analogous liquids, materials, or devices having been justly condemned by the general opinion of the civilized world and a prohibition of such use having been declared in treaties to which a majority of the civilized powers are parties, the signatory powers, to the end that this prohibition shall be universally accepted as a part of international law binding alike the conscience and practice of nations, declare their assent to such prohibition, agree to be bound thereby as between themselves, and invite all other civilized nations to adhere thereto.

The same language. In other words, this is virtually an invitation to the other nations to join us in doing what was right, but nothing effective was brought about. It was virtually the same as the law before. There was an agreement among the nations in regard to asphyxiating gases and the use of submarines before that time.

Mr. PHIPPS. Mr. President——

Mr. KING. I yield to the Senator from Colorado.

Mr. PHIPPS. The Senator from Tennessee did not overlook the fact that that was put in the form of a definite treaty, and that it was signed by the five great powers, so it is effective and binding on them both as regards the use of submarines as against commerce and as regards the use of asphyxiating gases.

Mr. McKELLAR. Has it been ratified?

Mr. KING. The Senator does not mean to assert that there is anything in the treaty which obligates either of the signatories to it to abstain from the construction and use of submarines?

Mr. PHIPPS. Oh, no; not their construction and maintenance, but their use as against commerce. Their use is limited to warfare. The Senator from Tennessee had raised the question, however, and he read into the RECORD, very properly, the results of the conference as regards those two features, which resolved themselves into a definite treaty that is binding upon the nations.

Mr. KING. Of course, all remember—I hope the Senator from New York [Mr. COPELAND] will pardon me for having answered him only partially, and I will revert to his inquiry in a moment—we all remember that Lord Balfour, who so ably represented the British Empire at the conference, signified the willingness of Great Britain to enter into an agreement to abstain from the use of submarines; but France and Italy refused to assent to the proposition, so that the conference did not adopt any plan to limit the use of submarines.

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

Mr. KING. Yes.

Mr. PHIPPS. Did not the Senator also receive the impression that, so far as the United States Government was concerned, the administration in charge was quite willing to go to the same length that Great Britain was, and that that had been contemplated within the call?

Mr. KING. I did not hear the first part of the Senator's question.

Mr. PHIPPS. The representatives of the United States were prepared to go as far as those of Great Britain were, as indicated by the statement of Lord Balfour.

Mr. KING. The Senator is right.

Mr. PHIPPS. But it was the other nations that were as yet unprepared.

Mr. KING. My recollection is that our Government was willing to limit the use of submarines for war purposes.

Mr. PHIPPS. I merely called attention to the fact that the Senator made the statement with reference to Great Britain without mentioning the fact that the United States was in accord with the view of Great Britain.

Mr. KING. I had not completed my statement upon that matter.

Mr. McKELLAR. Mr. President——

Mr. KING. I yield.

Mr. McKELLAR. If the Senator will permit me, as a matter of fact what the conference did was merely to pass some meaningless resolutions in the form of a treaty in reference to the use of the submarines and noxious gases in warfare, just as I originally stated. That is absolutely and conclusively shown by the fact that we have in both the naval appropriation bill and the Army appropriation bill very large appropriations for the building of submarines and the use of submarines and the use of poisonous gases in war, under the chemical-warfare provision of the bill.

Mr. KING. I shall have to express some qualification of the statement just made by the Senator. There is carried in this bill an appropriation of over a million dollars for the construction of a submarine. That is not a large item. Of course, that is merely preliminary. The authorization of $1,000,000 calls for approximately $6,000,000 when the submarine shall have been completed; so, when we authorize it, it means that we are committed to an appropriation of at least $6,000,000. That, however, is an insignificant sum measured by the colossal appropriations which are made even in this day of peace for war, for the Army and for the Navy. Six hundred million dollars more are carried by this bill and by the Army bill for the next fiscal year.

Mr. McKELLAR. Mr. President, I call the Senator's attention to pages 57 and 58 of the military appropriation bill, reported by the Appropriations Committee on March 31, 1924:

> For purchase, manufacture, and test of chemical warfare gases or other toxic substances, gas masks, or other offensive or defensive materials or appliances required for gas-warfare purposes, including all necessary investigations, * * * $700,000.

Of course, if there had been any prohibition of the use of noxious gases in the limitation-of-arms treaty, that item would not have appeared in the military appropriation bill; and I imagine that there is some sort of an appropriation for the purpose in the naval bill, though I have not examined it with great care. The result, I want to say, is that the Arms Conference passed over lightly these two important subjects, these two infamous ways of making war, and simply confined themselves to a five-five-three program of capital battleships, which I think is immaterial in itself.

Mr. KING. Mr. President, may I say to my friend that no matter what treaties may be negotiated, so long as nations maintain a belligerent attitude, so long as they do not have the will to peace, so long as they will not agree to submit to arbitration or to suitable international tribunals for determination controversies which may arise, there will be wars; and no matter how humanely we may seek to have war conducted it will be accompanied by inhumanity and pitiless cruelty. If the use of submarines and poisonous gases were abolished and the interdiction of inhumane methods of warfare was universally agreed to, I fear there would be transgressions and violations of such agreements when war was entered upon. The desire to win would be so strong that the

conscience of some belligerents would be stifled and they would resort to every course which promised victory.

Mr. SHIPSTEAD. Mr. President——

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

Mr. SHIPSTEAD. I should like to ask the Senator in what manner he thinks the world's oil wells and mines and trade routes should be divided and controlled unless nations go to war to decide the issue? That is the way we have had of settling that issue in the past. When the industrial group of a nation desire to take property that belongs to some other nation, they usually use the military forces, through the government. Does the Senator believe that it is practical to ask them please to step into court before they commit a crime? Would he ask a holdup man to go into court before he goes and holds up some one else in the dark with a gun?

Mr. KING. Mr. President, the questions of the Senator from Minnesota involve not only the psychology of nations but traits of human character, manifested individually and nationally. The Senator's question would seem to imply—and yet I am sure he does not mean that—that humanity is condemned, as was Sisyphus of old, to forever push toward the summit of the mountain the rock of peace and justice, only to have it slip from tired hands before the goal is attained and crash to the level below.

I do not believe that an all-wise and merciful Father ordained an eternal struggle, cruel and sanguinary, for His children. I believe that He endowed us with conscience and with reason, with love and affection and charity and fellowship, with those fine and noble impulses which in the end will dominate the lives of men and establish His kingdom upon earth.

Why should there not be international amity and peace among nations? The thirteen independent nations—after the Revolutionary War—established the Constitution of the United States in order to avert war and to promote their welfare. Conflicts arose among them. Boundary disputes brought some of the States into armed conflict, so they formed a Constitution for the purpose, among other things, of preventing controversies. A Supreme Court was set up to hear and decide international controversies. There were trade conflicts and jealousies between groups and sections, but the people felt that a court could settle all disputes better than could the sword. So civilized peoples establish municipal law, and they provide instrumentalities to determine conflicts arising among the people.

Even Grotius and law writers of the past sought to bring the world under the rule of international law. Why may there not be treaties and a world organization, not one which will stifle nationalism, which will emasculate the power of a State to determine its own domestic internal affairs, but an international organization which will have cognizance and jurisdiction over international controversies, so that appeal may be had to it and a peaceable solution be had?

Of course, there will be jealousies and rivalaries among nations, but if the peoples of the Christian nations of the world will carry into their lives and into their national and international relations and professions which they make and invoke the spirit of Christianity which they profess many of these clouds, if not all, will be dissipated, and the light of justice and peace and righteousness will shine in the hearts of men and illumine the path of nations.

Mr. SHIPSTEAD. I do not like to interrupt the Senator, but I do not want him to misunderstand me.

Mr. KING. It is no interruption.

Mr. SHIPSTEAD. I believe there is a will to peace among the nations of the world. I believe the peoples of the world have always had a will for peace, but they have not always controlled their governments, and governments have not always had a will for peace. They have had a will for something else, and for that reason there has been no peace.

Mr. KING. I think the Senator is right; and I know the Senator and many members of the party with which he is identified desire world peace. They have been dissatisfied with the political conduct of both national parties. They have felt that these political parties have been dominated too much by selfishness and by corporate greed, and that the masses of the people have not been sufficiently considered, and that wars have been the result of jealousies upon the part of conflicting financial groups in this and in other countries.

The Senator, I know, condemns, as I condemn, the policy of our Government in retaining control over Haiti and San Domingo, and of sending troops into those States for the purpose of taking control of the government. The Senator condemns, as I condemn, the policy of our Government in forcing loans upon the people of Haiti, loans made by the banks of New York, and of course when they are made under the cognizance and direction of the State Department it is felt that the Army and the Navy of this Republic will back the loans. Such conduct to me is reprehensible. We ought to withdraw the marines from Haiti. We should not lend the support of the military arm of our Government to aid the bankers of the United States to collect their loans in weak or in strong countries.

But I have gone far afield. I want to answer the questions of the Senator from New York. One of the questions asked by the Senator was whether or not France had used for the maintenance of a strong military force, and for the construction of submarines and the development of poison gases, funds which otherwise would have been devoted to the construction of capital ships?

It is true that France refused to assent to a policy that called for the abrogation of submarines in war. She felt, having a weak navy and a long coast line, and because of her African possessions fronting upon the Mediterranean Sea, that submarines were essential to her defense. She could not conduct an offensive warfare with submarines, but she could defend her coasts.

I am not condemning or defending her position. I am merely stating, in a feeble way, as I understand it, the position of her representatives at the peace conference.

However, France's expenditures since the conference in the construction of submarines have been quite moderate. She has projected a number, but so far as I can learn she has completed but a few. Also but little has been spent in experimenting with poison gases. I think she has spent much less than has been expended by the United States for that purpose.

It is true that France has employed an army of nearly 800,000 men. It is unnecessary to give the reasons for such course. Whether France has been justified in her policy I shall not now attempt to say.

It is a controversial question in France as well as in other countries. However, the French Government has felt it necessary in order to enforce the terms of the Versailles treaty. Many believe that if France had indicated a purpose to conform to the ways of peace and had appealed to the conscience of the world to vindicate the terms of the Versailles treaty rather than to arms and to force there would have developed throughout the world a strong sentiment which would have compelled Germany to pursue a proper course and to answer to all legitimate requirements of the allied and associated powers.

Mr. SHIPSTEAD. Mr. President——

Mr. KING. I yield.

Mr. SHIPSTEAD. It is a fact that France owes the United States now $4,000,000,000, and that she has not paid, and a fact that the American Government is paying the interest on that debt and taking it out of the taxpayer's money. The Senator is aware that the attitude of France is costing the taxpayers of the United States about $160,000,000 a year. If France would quit building large armaments and abandon her war-like program, the chances are she could pay at least the interest on her debt to the United States, saving the taxpayers of the United States about $160,000,000 a year.

Mr. KING. Mr. President, of course it is clear, from the statement of the Senator, and I think the facts warrant the statement, that if France had reduced her army she would have more money to pay her debts or for internal development and improvement. But the fact is that France's budget has not balanced, and she has been issuing paper money to meet her budget and to pay a portion of her military expense, the result of which, as the Senator knows, is that the franc has gone down; and had it not been for the Dawes report, doubtless the franc would have continued to fall.

Mr. President, having been diverted by the questions of my friends, we have almost lost sight of the discussion. When interrupted, I was proceeding to state that the House committee had given consideration to the question of submarines, and had reached the conclusion—and I have the volume containing the testimony before me—that we lack the technical skill, or genius, or ability, to build submarines, and therefore they refused to recommend an appropriation for submarines.

The Senator from Maine [Mr. HALE], who has studied our Navy and all cognate questions with remarkable zeal, and is well posted in regard to the matter, apparently has reached a different conclusion. But I am sure that a perusal of the testimony given before the House committee and an examination of the data available must bring the conclusion that the United States has failed in its submarine program and is not in position to build suitable scout and fleet submarines. Some time ago I called the attention of the Senate to the defects

in engines, crank shafts, hulls, and mechanical appliances of our submarines and stated that we had much to learn before suitable submarines could be built. There are a number of submarines suitable for coastal defense but we have no scout submarines, no fleet submarines.

Mr. HALE. We have three V submarines, Mr. President, which will come into commission within the next year or two.

Mr. KING. I recall the V submarines, and I asked the Secretary by letter to state the degree of completion that had been attained with these submarines, and I venture the assertion now, from the information which I have obtained through diligent inquiry, that they will manifest defects similar to those shown in the submarines of the past, and will not prove entirely satisfactory.

I will pause here to ask the Senator if he has full information as to the success of whatever tests have been made with three V submarines now in process of construction?

Mr. HALE. No test can be made until the submarines have been completed.

Mr. KING. From test as can be made, while the work is being done——

Mr. HALE. I do not know that any test can be made at the present time. However, the V's are in the following stage of completion:

V-1, 68.9 per cent complete.
V-2, 57.7.
V-3, 50.3.

It is hoped that before the expiration of this year the *V-1* will be in commission.

The Senator stated that the House decided that we are unable to build satisfactory submarines.

Mr. KING. If the Senator will pardon me, what I said was that if anyone should read the testimony they would be satisfied with the conclusion reached by the House. That was, of course, the inference that perhaps might have been drawn from my statement.

Mr. HALE. I certainly do not want to put any words in the Senator's mouth that he did not use. I understand his point now.

The new submarine we are proposing to construct is an entirely new kind of submarine. It is a mine-laying submarine of 2,400 tons. We have no such craft in our Navy. There is no such craft in the navy of any country in the world. We are starting out on a new departure. The Germans did have more or less the same sort of boats which they used, and I think they found them very satisfactory. But they were scrapped at the conclusion of the war. This one is to a certain extent experimental. The committee felt that instead of expending $600,000 to test out an engine to be used in submarines when they should be constructed that we should go ahead and build one of the boats complete, and then when we get through we would have something of value. Under the House plan, as soon as the engine had been tested out, the submarine would be of no further value and the Navy would have nothing added to it. Under this plan we will have a new mine-laying submarine. The officers of the Navy were confident, and willing to stake their reputations on it, that we could provide such a boat with proper engines and that it would turn out to be a workable boat.

Mr. KING. I hope the Senator will not misunderstand me. I believe that so long as we have a Navy we should have a good Navy, and look after the submarines as well as the airplanes—a Navy of the air, a Navy on the surface of the water, and a Navy under the water.

Mr. HALE. I know the Senator believes in having submarines, and he has helped us materially in that matter. I think these points should all be brought out, and I am very glad the Senator has brought them out.

Mr. KING. I even believe in a submarine bureau, because I appreciate that as long as we have a Navy we must consider the importance of the development of the submarine. While I condemn the use of the submarine as a weapon of war, because of its inhumanity, yet as long as other nations have them and as long as we are maintaining a Navy, we must have a modern, scientific, up-to-date Navy, and I shall join with the Senator and the committee in every effort to make our Navy modern.

But the point I am making is that our experiments have been unsatisfactory. The results of more than $130,000,000 which has been expended for the construction of submarines, I submit in all fairness to my able friend, have not met the just expectations of the friends of the Navy, to say nothing of the enemies of the Navy.

Mr. HALE. The British built 27 K boats, large boats of over 2,000 tons. Those boats were run by steam instead of Diesel engines. Of the 27 which they built, only 6 are in commission now. They are boats that have recently been built. They have not turned out satisfactorily. I think that is the case with all navies of the world. They have been experimenting of necessity with a new subject, and they have not developed it to any great degree of perfection as yet.

Mr. KING. May I say to the Senator that I shall be glad to proceed for a little while, but I ask him to pass this item over for the reason that I have some data at my office which I should like to present. I did not know the bill was coming up to-day. I desire to offer some specific observations and put some tables in the RECORD.

Mr. HALE. Will not the Senator let us agree to the amendment with the understanding that if he wants to reconsider it later we can do so?

Mr. KING. With the understanding that I shall not have to move to reconsider, but that the Senator will consent that it may be reconsidered for that purpose, I have no objection.

Mr. HALE. I shall be glad to do that.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 21, line 15, to strike out the colon and the following additional proviso:

Provided further, That no part of this or any other appropriation contained in this act shall be available for maintaining in commission, exclusive of vessels of other types, more than four cargo ships, two transports, and one ammunition ship, unless, in case of emergency, the President should otherwise direct.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Construction and Repair—Salaries, Navy Department," on page 23, at the end of line 23, to increase the appropriation for personal services in the District of Columbia in accordance with the classification act of 1923, from "$305,000" to "$313,000."

Mr. KING. Mr. President, just a word. Of course, this amendment will be agreed to. I merely want to emphasize the point again that the bill is shot through with amendments and provisions and appropriations for civilian employees. It might well be entitled "A bill to furnish positions to more than 30,000 civilians and to aid in the construction and maintenance of the Navy." It ought to be labeled, "In part, a bill to furnish jobs to thousands of civilians and to give us, in part, a fighting Navy."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Ordnance," on page 24, line 8, after the word "books," to insert "plant appliances"; and in line 22, after the word "schools," to strike out "built at ordnance stations pursuant to authority contained in the act entitled 'An act to authorize the President to provide housing facilities for war needs,' approved May 16, 1918," and to insert "at ordnance stations at Indanhead, Md., Dahlgren, Va., and South Charleston, W. Va.," so as to read:

ORDNANCE AND ORDNANCE STORES

For procuring, producing, preserving, and handling ordnance material; for the armament of ships, for fuel, material, and labor to be used in the general work under the cognizance of the Bureau of Ordnance; for furniture at naval ammunition depots, torpedo stations, naval ordnance plants, and proving grounds; for technical books; plant appliances; for machinery and machine tools; for maintenance of proving grounds, powder factory, torpedo stations, gun factory, ammunition depots, and naval ordnance plants, and for target practice; not to exceed $10,000 for minor improvements to buildings, grounds, and appurtenances, and at a cost not to exceed $750 for any single project; for the maintenance, repair, and operation of horse-drawn and motor-propelled freight and passenger-carrying vehicles, to be used only for official purposes at naval ammunition depots, naval proving grounds, naval ordnance plants, and naval torpedo stations; for the pay of chemists, clerical, drafting, inspection, and messenger service in navy yards, naval stations, naval ordnance plants, and naval ammunition depots, and for care and operation of schools at ordnance stations at Indianhead, Md., Dahlgren, Va., and South Charleston, W. Va., $9,025,000.

Mr. KING. I can not let this amendment pass without some explanation.

Mr. HALE. During the war the Government put up housing facilities at Charleston, W. Va., at Indianhead, and at Dahlgren. There were no school facilities at those stations. The Government felt that the employees there had the right to have some schooling for their children. They took the rent

that came from the Government houses and turned a certain amount of it, $25,000 a year, over for the purpose of taking care of the schools in each of those localities. If they had not done so there would not have been any schooling possible for the children.

Mr. SWANSON. These places are located where there are no public schools, and it is utterly impossible to get people to go there and work in the establishment unless they have school facilities for their children. We limited it to these three places because they are the only places where ample school facilities are really not available.

Mr. KING. Let me ask the Senator whether he believes that we ought to maintain, in addition to the scores of other stations, stations at Indianhead, Dahlgren, and Charleston? Are they necessary to be maintained?

Mr. SWANSON. Absolutely. At Norfolk they have school facilities in the near-by city of Norfolk. These are isolated places where the evidence shows they have no school facilities.

Mr. KING. May I ask the Senator if the State does not provide school facilities?

Mr. SWANSON. They have public schools, of course, but the State of Virginia and the other States do not see why they should pay the expenses of a special school for the children of employees of the Government who are sent to a place so isolated and where the Government owns all the surrounding land. Wherever we have these stations we have a large acreage of land belonging to the Government. The Government has to have schools on its own lands in order to have them available for the children, because Government lands are so great in extent. There are no school facilities near by and no place for the schooling of the children except as provided in this way.

Mr. KING. I am not sure that I agree with the Senator. I think it is the duty of the State of Virginia, the State of Maryland, or any other State to furnish educational facilities for the children who reside within the State.

Mr. DIAL. Who patronizes the schools, the children of Government employees or the children of civilians?

Mr. HALE. The children of the men working for the Government.

Mr. KING. In the city of Washington the children of Government employees attend the public schools and those schools are maintained by taxation. Of course schools ought to be maintained for these children and if the States refuse—they ought not to do it, I submit—then the obligation probably would rest upon the Government.

Mr. SWANSON. If the Senator will permit me, these people stay there only a very short while. They are not citizens of Virginia. The Government orders them back and forth. Some of them are citizens from other States. It is not a permanent population. It is a drifting population. These people are located in these places by order of the Government for Government purposes.

Mr. HALE. I hope the Senator from Utah will not oppose this amendment. The nearest school to any of these stations is 6 miles away, and if we do not take care of the children at least until the States can take the matter up, they will be deprived of school facilities.

Mr. KING. I have already stated that if the States refused—though I can not conceive of the States doing that—then of course the burden is upon the Government.

Mr. HALE. The State of Maryland has contributed $3,450 to the school at Indianhead, and that is all.

Mr. KING. The Senator knows that if an effort is made to close up a base or naval station in any State, the citizens usually complain that they want the station maintained because of the benefit that results to the State. Thousands and hundreds of thousands of dollars are brought into the States as the result of the maintenance of governmental activities of this nature.

Mr. HALE. It is not a question of giving up the station. It is a question of giving up the schools, and I know the Senator from Utah would not want to deprive those children of school facilities.

Mr. KING. I have so stated repeatedly, but I do think the attitude of the State, if it refuses to provide educational facilities, is one that is not to be commended.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment of the committee was agreed to.

The reading of the bill was continued.

The next amendment was, on page 25, at the end of line 12, to increase the appropriation for the purchase and manufacture of torpedoes and appliances, to be available until expended, from "$500,000" to "$850,000."

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Supplies and Accounts, Pay of the Navy," on page 28, at the beginning of line 5, to strike out "one midshipman," and to insert "two midshipmen," so as to read:

Provided further, That no part of this appropriation shall be available for the pay of any midshipmen whose admission subsequent to February 9, 1924, would result in exceeding at any time an allowance of three midshipmen for each Senator, Representative, and Delegate in Congress; of one midshipman for Porto Rico, a native of the island, appointed on nomination of the governor, and of two midshipmen from Porto Rico, appointed on nomination of the Resident Commissioner; and of two midshipmen for the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 28, line 11, after the word "service," to strike out the colon and the following additional provisos:

Provided further, That no part of the funds appropriated by this act shall be utilized for the pay of any officer or man who may recruit or enlist any boy under the age of 21 years without the written consent of the parent or guardian, if any, of such boy for such enlistment: *And provided further*, That nothing contained in section 11 of the act entitled "An act to increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved May 18, 1920, shall be construed as having repealed, amended, or modified the provision contained in the naval appropriation act approved March 4, 1913 (37 Stat., p. 891), reading as follows:

Hereafter the service of a midshipman at the United States Naval Academy, or that of a cadet at the United States Military Academy, who may hereafter be appointed to the United States Naval Academy, or to the United States Military Academy, shall not be counted in computing for any purpose the length of service of any officer in the Navy or in the Marine Corps.

The amendment was agreed to.

The next amendment was, on page 29, after line 5, to insert:

In computing for any purpose the length of service of any officer of the Navy, of the Marine Corps, of the Coast Guard, of the Coast and Geodetic Survey, or of the Public Health Service, who was appointed to the United States Naval Academy or to the United States Military Academy after March 4, 1913, the time spent at either academy shall not be counted.

Mr. BROOKHART. In reference to this amendment it seems to me it is not fair to reduce the pay of the officers in the lower grades while leaving the salaries of those in the higher grades to be computed according to the old method. This amendment, if adopted, will reduce the pay of the officers who entered the academy since March 4, 1913, in both the Army and the Navy. There are hardly any of those above the rank of captain at this time, whereas——

Mr. WADSWORTH. All of those who graduated from the Military Academy in 1913 are majors in the Army by this time.

Mr. BROOKHART. But why should the pay of officers who graduated subsequent to that date be reduced while the pay of major generals is continued at the old level?

Mr. HALE. The computation affects an officer's compensation up to the time he becomes a rear admiral in the Navy, or a brigadier general in the Army. It affects his pay right up to that time.

Mr. BROOKHART. This amendment affects only those who have entered the academy since 1913, but those who entered in 1912 are paid according to the other rule.

Mr. HALE. Mr. President, the reason for the House provision is that in 1912 in the case of the Army, and in 1913 in the case of the Navy, it was decided to omit the time spent at West Point and Annapolis in computing the length of service of an officer. At that time the staff of the Navy—I will speak now of the Navy—alone was allowed to count constructive service of five years to take the place of the four years' service of line officers at the academy. It was decided that there was no justification for that allowance, and that the counting of the academy service for line officers should also cease. Accordingly, in 1913, Congress passed a law to prohibit the counting of such service but providing that the statute should not apply to anyone who was then in the academy. It, therefore, first applied to the class of 1917, and all men who entered the academy after June, 1913, did so with the understanding that they should no longer be able to count their Annapolis service in computing their pay. That went along until 1920, when Congress passed a law regulating the pay of the Army and Navy and other services, including the Coast and Geodetic Survey.

In that law the following provision appears:

SEC. 11. That in lieu of compensation now prescribed by law commissioned officers of the Coast and Geodetic Survey shall receive the same pay and allowances as now are or hereafter may be prescribed for officers in the Navy with whom they hold relative rank, as prescribed in the act of May 22, 1917, entitled "An act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes," including longevity; and all laws relating to the retirement of commissioned officers of the Navy shall hereafter apply to commissioned officers of the Coast and Geodetic Survey: *Provided*, That hereafter longevity pay for officers in the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey shall be based on the total of all service in any or all of said services.

When that law passed Congress that section was inserted entirely to regulate the compensation of the Coast and Geodetic Survey. In the debate that was had in Congress at the time nothing was said about changing the manner of computing Navy or Army service, and it was not intended to do so.

Shortly after that law was passed a captain in the Army—Captain Noce—took the question before the Court of Claims as to whether that act did allow academy service to be counted in computing his pay. He won his case in the Court of Claims, and the case has now been appealed. If the Supreme Court upholds Captain Noce that such service may be counted, the classes of 1917, 1918, 1919, 1920, 1921, and 1922 will be allowed to count such service.

The pay act of June, 1922, provided that no commissioned officer appointed after that date should be allowed to count any service except that as a commissioned officer.

It is estimated that it will make a difference of between twelve and thirteen thousand dollars in the pay of these officers during their service for the next 30 years. There are about 2,000 of these officers who are affected in the Navy, so that the total would amount substantially to $26,000,000 in the line of the Navy.

Furthermore, if it were allowed in the case of the line of the Navy, it would in all probability be necessary to give back to the staff their constructive service. If that were done, that would let in a certain number of staff officers, about half the number of the line. Furthermore, the Army would be obliged to take the same course. I understand, unless I am mistaken—and the Senator from New York [Mr. WADSWORTH] can correct me if I am—that there would be about the same number of officers involved in the Army. The Coast Guard and the Coast and Geodetic Survey would also have to come in, and the total cost to the Government would probably exceed in the next 30 years $50,000,000. Remember, that these officers when they went into the service did so with the full knowledge that they would not be allowed to count that service. I can see no reason why they should now be allowed to do so.

Mr. SWANSON. Mr. President, will the Senator from Iowa yield to me?

Mr. BROOKHART. I yield.

Mr. SWANSON. I should like to make a brief statement as affecting the real gist of the proposition. The Government pays from $10,000 to $15,000 a year to educate its officers at the Military and Naval Academies. Formerly for retirement purposes constructive service of four years in computing longevity made very little difference. Then we passed a law basing pay on longevity, but no one had an idea when that was done that the officers would be allowed to count the four years they served at the Naval Academy or at the Military Academy, as the case might be. It was not regarded as right that they should do so. When the officers came to get longevity pay based on years of service we did not think they should count for the purposes of payment their service during the four years they were at the academy. Inadvertently the act of 1913 was repealed. The act of 1913, so far as the Navy was concerned, made it plain that the young men who entered the Naval Academy after that time had no contract that their service at the academy should be counted for any purpose. A short time previous to that the graduates of the Naval Academy were allowed immediately to be commissioned as ensigns and were not required to serve two years longer as midshipmen before being commissioned.

As the Senator from Maine has said the classes up to 1922 would be specially privileged if this provision should not be incorporated in the bill. That would be true as to four or five classes, and the officers graduating in those classes would receive more than officers graduating subsequently.

If we are going to change the practice, it will be necessary to commence at some time, and so it was provided that the four years of service at the academy should not be included in longevity pay after the class which entered the academy in 1913. We ought to stop it at some time or else give the same privilege to every officer.

The Senator from Maine is right in saying that there will be an exception in the case of those who graduated prior to the class of 1913, but they entered the academy with the agreement and understanding that their service at the academy should be so computed. Does the Senator from Iowa think that the taxpayers of this country ought to be taxed to educate a boy at a cost of from $10,000 to $15,000 and then allow his longevity pay to be computed by going back and including his four years of service at the academy?

Mr. BROOKHART. Mr. President, I would not have any objection to this provision if it applied to all officers of the Army and the Navy.

Mr. SWANSON. It does apply to all officers in the Navy except those appointed prior to 1913.

Mr. BROOKHART. That is what I object to.

Mr. SWANSON. As to those we felt that there was a contract more or less, in that a boy who entered the academy prior to 1913 did so with the understanding that his four years' service at the acadamy should be considered as constructive service. Then when the cadets graduated they were midshipmen for two years and were not commissioned as ensigns until the expiration of that time. Now those who graduate from the Naval Academy are commissioned ensigns immediately, which advances by two years the time of their commissioning, as compared to the practice in years gone by. We think that to make this provision apply to classes subsequent to the class which entered in 1913 is a just measure, because 1913 was the date when we repealed the law and provided that they should no longer be entitled to constructive service. We have got to stop it at some class or continue it for all.

Mr. BROOKHART. Mr. President, I understand the situation as the Senator from Maine has explained it. I understand those are the facts, but to me it seems that there is no vested right in the amount of pay or salary of an officer, either in the Army or the Navy. With me it is merely a question of treating them all fairly and equally. I do not believe there is any reason in cutting it off at the class of 1913 or hereafter unless we make it apply to all officers.

Mr. HALE. We can not make it apply to those who were in classes preceding that.

Mr. BROOKHART. I do not know what it would save. If it will save $50,000,000 in the case of the officers who graduated since 1913, it will save more than that if applied to those who graduated previous to that time. So the argument for extending the provision is quite as strong and perhaps stronger than it is in the case of the particular officers affected by this provision.

Mr. HALE. All these officers entered the academy with the knowledge that they were not going to be allowed thereafter to count their service there.

Mr. McKELLAR. The difference is that those who went to the academy before 1913 entered it with the understanding that they were entitled to compute their service there in connection with their longevity pay. I am inclined to think that they have a vested right, and I doubt if we could take it away from them by an act of Congress. I doubt if the courts would permit us to do that.

Mr. BROOKHART. I do not agree with the Senator as to that.

Mr. McKELLAR. I think it is a very doubtful question.

Mr. HALE. That may be; but, at least, we can stop it for the future.

Mr. McKELLAR. In the meantime when the case to which the Senator from Maine has referred shall be determined we will learn what we can do about that. I am inclined to think that it ought never to have been done, and I am very glad that the Military Affairs Committee and the Naval Affairs Committee have agreed upon a provision such as is in this bill. I think we ought to go to the furthest limit possible.

Mr. BROOKHART. I disagree with the Senator on the basic principle that a young man enters the service under the promise that we will pay him a definite sum all his life. There is no such promise and no such law.

Mr. McKELLAR. The law allowed it to be paid previously or it would not have been paid.

Mr. BROOKHART. That is very true.

Mr. McKELLAR. And while we might change it so far as present students are concerned, certainly, in view of the law as passed, I doubt very much whether we may take away the vested rights which officers secured under a former law.

Mr. BROOKHART. It seems to me there is no doubt about the right of Congress to fix the pay of every officer for this year and every other year.

Mr. SWANSON. The young man who went to the academy before 1913 went there under an agreement as to how his

service should be computed. That law was based on certain conditions. Up to that time the law allowed him to count constructive service. We began to feel that that was not advisable. They were graduated then as ensigns immediately, thus saving two years. We thought that in good faith we ought to let the officers who were appointed to the academy previous to that time continue under the conditions under which they entered the academy in 1913, so that the change will not affect them; but it is deemed advisable to change it as to the others. We have got to fix some specific date for the change, or else we must give the same privilege to every officer. If we give it to every officer, nobody can tell what the cost will be in the increase of salaries through counting these four years of constructive service for payment of salaries when the people were being taxed to educate the officers.

Mr. BROOKHART. I was not contending for the principle that we should give it to every officer, but I am contending for the principle that we should treat them all alike; and I am very strongly combating the principle that there is any vested right in this matter which Congress can not change, or that any agreement was made by Congress as to what pay the officers should receive when they entered into the service.

Mr. McKELLAR. If the Senator will yield, I call attention to the fact that it is utterly impossible to treat all alike, because the officers that have been drawing this pay for many years have already gotten their profit out of it, and it is therefore utterly impossible to treat all alike unless we can take it back.

Mr. BROOKHART. We concede that they may keep what they have received, but for the future it is a different proposition.

Mr. McKELLAR. I agree with the Senator about that.

Mr. BROOKHART. And I think the Secretary of the Navy agreed with me upon the proposition in his letters to the Senator from Maine.

Mr. HALE. He did; yes.

Mr. BROOKHART. It seems to me that either this language should be stricken out or we should amend it to provide that service at the academy should be counted out for all officers, both of the Army and of the Navy.

Mr. WADSWORTH. Mr. President, perhaps I may be pardoned for injecting some observations into this discussion. I think I am warranted in doing so, however, because the subcommittee of the Committee on Appropriations in charge of the naval appropriation bill and the subcommittee of the Committee on Appropriations in charge of the War Department appropriation bill had several informal joint conferences on this provision and finally came to an agreement that each bill should carry the same amendment, the one in the naval appropriation bill applicable to naval officers' pay, and the one in the War Department appropriation bill applicable to the pay of officers of the Army. I say this now in advance of the bringing up of the War Department appropriation bill, in which will be found this exact amendment.

Whether the Senator from Iowa [Mr. BROOKHART] is right or wrong as to discrimination between officers of the services who entered the respective academies prior to 1913 and those who entered the acadamies after 1913 it is too late to raise the point. As I recollect it, this was the state of facts:

The Congress had never passed any statute affirmatively declaring an officer of the Army or the Navy entitled to longevity pay for the time spent at West Point or Annapolis, but the Supreme Court or some other competent judicial tribunal many years ago in passing upon the question of longevity pay rendered a decision that time spent at the respective academies was service in the Army or Navy, as the case might be, and the Congress, without any legislation specifically approaching the subject, accepted that decision, and for years and years, if I recollect aright, longevity pay was paid to these officers for the time spent at the two academies.

In 1913 it occurred to the Congress—I was not here at the time, but I have read the RECORD and the reports of that time—that the taxpayers of the United States ought not to be asked to pay longevity pay for time spent at West Point and Annapolis; that in the true meaning of the term that was not service in the Army or in the Navy; that was a period of time in which the cadet or midshipman was being prepared at Government expense to be of service later on; and so the act of 1913 was passed.

Mr. BROOKHART. Mr. President——

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

Mr. WADSWORTH. I do.

Mr. BROOKHART. On that proposition, is it not true that the principal part of the service of every soldier all the time is to prepare himself to be of service? That is the principal thing he does in peace or in war.

Mr. WADSWORTH. That is true; service for the next higher grade after he has entered the lowest grade. These men had not entered any grade. They were not in the Army or the Navy. They held no commissions. They had no responsibilities. They were merely students.

Mr. BROOKHART. One other proposition: We are rather treating this as a vested right. It has been adjudicated that prior to 1913 they were entitled to count the service in the academy. Now it has been adjudicated that that law was repealed in 1920.

Mr. WADSWORTH. Only by the Court of Claims.

Mr. BROOKHART. That is a competent court, and the presumption is that its finding will be affirmed.

Mr. WADSWORTH. I am not so sure of that.

Mr. BROOKHART. It may not be; but if it is, then those since 1920 have that vested right and we have no right to take it away from them any more than we would in the case of those prior to that time.

Mr. WADSWORTH. This provision does not take it away from them. This provision, in a sense, is declaratory only.

Mr. BROOKHART. I do not agree with the vested-right theory at all.

Mr. WADSWORTH. Now, let me continue, if I may.

When the question came up in 1913 it was decided by the Congress at that time, perfectly honestly, and I think wisely and fairly, that the officers who for years and years had made all their domestic arrangements, all the plans for the education of their children, based upon a certain assured pay after a certain number of years of service, including time spent at Annapolis or West Point, should not, in common fairness to them and their families, be deprived of the pay which they had always understood they would receive and which they regarded as due to them, in a sense, as the result of a contract at least morally binding—not legally binding. Of course, the Congress has the right, if it wants to do so, at any time to abolish all the pay of an officer, to put him on a nonpayment list if it wants to; but when the Congress was faced with the situation in 1913 it decided, I think fairly, not to disturb the officers who up to that time had made all their arrangements, domestic and otherwise, upon the basis of a certain state of affairs which they had been assured upon entering the service would continue, but to set a date after which no graduate of West Point or Annapolis should, upon being commissioned in the Army or the Navy, receive longevity pay for the time spent at West Point or Annapolis. That date was fixed for the graduating class of 1917, and that was accepted by the entire service, Army and Navy. There was not a complaint. I was on the Military Affairs Committee at the time when those men graduated. It was during the war. I was on the joint committee of the Congress which drew the temporary pay act of 1920. No one of those, graduate subsequently to 1917, came before us and asked any change in the law of 1913. They had all accepted it. They all thought it was fair. Both the War Department and the Navy Department officially, through the Secretaries, had indorsed the act of 1913, which became applicable in 1917.

Mr. HALE. Mr. President, if the Senator will allow me, it was on the strength of that that the staff gave up their constructive service.

Mr. WADSWORTH. The staff officers of the Navy gave up their constructive service. None of the officers admitted into the Army from sources other than West Point claimed any constructive service to match West Point service. It was agreed that the thing was done away with for all time to come, after the class of 1917, in the two institutions.

In 1920 the Congress made up its mind that the pay of the two services—the commissioned personnel, and the enlisted personnel, too, for that matter—was so low that the men could not live. It was due, of course, to the rise in the cost of living. The Congress was not ready to legislate permanently on the subject of pay for the Army and the Navy, but it decided to pass a temporary pay bill, good only for two years. As I say, I was on that committee with members of the Military Affairs Committee of the Senate and the Naval Affairs Committee of the Senate and the Military Affairs Committee of the House and Naval Affairs Committee of the House. We drew a temporary pay law, and in that law we provided that there should be another joint committee appointed which, not later than a date fixed two years thereafter, should report a permanent pay law. In that temporary pay law, in order, as we thought, to make no

change in the status of pay with respect to longevity, we inserted this language, which the Senator from Maine [Mr. HALE] has read:

Provided, That hereafter longevity pay for officers in the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey shall be based on the total of all service in any or all of said services.

It never occurred to us that any court would construe that as a repeal directly or by implication, of the act of 1913. When we used the phrase "in any or all of said service," we meant in the Army itself or in the Navy itself or in the Coast Guard itself; not as a student preparing to go into the Army or a student preparing to go into the Navy. So it was assumed, and no member of that joint committee, I know as I stand here on this floor, ever suspected that that would be considered as a repeal of the act of 1913 and restore longevity pay for Annapolis and West Point experience.

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. Notwithstanding what the Senator knows as he stands on the floor of the Senate, if the court holds otherwise is it not otherwise?

Mr. WADSWORTH. Of course, it will be otherwise if they do hold otherwise; but there is no objection, I assume, to my stating the intent of the committee that reported the legislation, and that is my purpose in rising on the floor at this time—to make it perfectly clear that this decision of the Court of Claims comes as a complete surprise to the men who framed this legislation, and it is no less a surprise to the officers of the Army and the Navy.

A certain officer in the Army, a Captain Noce, noticed this language, and he wondered if that did not constitute a loophole by which it could be contended that the act of 1920 had repealed the act of 1913. He brought suit, and, lo and behold, the Court of Claims, in spite of the protests of the War Department, held with him and rendered a decision to the effect that the language I have just read repealed the act of 1913, and thereby entitled every graduate of West Point and every graduate of Annapolis between 1917 and 1922, when the act of 1920 was superseded by a permanent pay act again reiterating the act of 1913, to longevity pay for the time spent at West Point and Annapolis.

Mr. BROOKHART. And those five years from 1917 to 1922 were a special class?

Mr. WADSWORTH. They would come in as a special class. Now, they have not received the pay. Not one cent of its has been paid to them. They have been gambling on this thing. The War Department has appealed the case to the Supreme Court of the United States, and, of course, if the Supreme Court sustains the Court of Claims these men will get longevity pay for 1921, 1920, 1919, 1918, and a part of 1917—back pay as longevity.

Mr. BROOKHART. There is no way for us to affect that.

Mr. WADSWORTH. We can not affect that directly. The two committees puzzled a good, long time to decide what we could say in these two appropriation bills which would assure the future against a resumption of this abuse—because we regarded it as an abuse—and at the same time make perfectly plain to anyone who is considering the acts of Congress of the past what we thought we meant when we passed those acts, and so this language was adopted. I do not suppose that any act of Congress passed during a judicial process can be controlling upon a judicial decision. Neither committee claims that; but the purpose of the two committees, as I say, was to make it absolutely certain for the future and to make our declaration now; and I can assure the Senator from Iowa that had not this Army captain found this loophole and gotten the Court of Claims to decide with him there would not be an officer in the Army or the Navy that ever would have expected to get longevity pay if he had graduated from either academy subsequently to 1917.

Mr. President, just to complete the history of the matter, in 1922, when we passed the bill fixing the permanent rates of pay, we merely reiterated the old provision that the period spent at West Point and Annapolis should not count for longevity purposes; and in 1922, which was before this suit was brought, the members of that committee—I happened to be chairman of it—never had any suspicion that after the act of 1922 a court would go back of the act of 1922 and pick up a casual phrase in an act of 1920 and construe it in the way that the Court of Claims has construed this one.

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

Mr. WADSWORTH. I do.

Mr. PEPPER. The Senator from New York seems to me to have made an admirably clear exposition of the question raised by this amendment. It occurred to me to ask him, before he takes his seat, to address himself a little more specifically to the thing which I think is in the mind of the Senator from Iowa [Mr. BROOKHART]; that is, not that this academy service ought to be counted in the cases of these men, either now or hereafter, but that if it is not counted, neither should it be counted in estimating the longevity pay of the men who have been in the service for long terms of years. The thought which I hope the Senator from New York will develop is this, that in the cases of these men coming in since 1913 whatever basis we adopt is the basis which is fair to them, because it follows through their whole career. In the case of the older men, if the suggestion of the Senator from Iowa were to be adopted, it would amount to a reduction of pay.

Mr. WADSWORTH. It would, and not to these men.

Mr. PEPPER. Not to these men. In other words, quite apart from the question of whether we may legislate retroactively, quite apart from the question of whether some of these men have vested rights, the question which the Senator from Iowa is raising is, in effect, to reduce, in the case of men who have hitherto lived along on a certain accepted scale, when all we are trying to do is to fix the status for the future of men who will never have their pay reduced, and whose maximum claim is that they are entitled to certain exceptional advantages which it was never the intention that they should get.

Mr. WADSWORTH. The Senator has stated it exactly, and it needs no further explanation from me on that question.

Mr. FLETCHER. May I say that I was a member of the joint committee to which the Senator from New York refers, and without going over the ground at all, I quite agree with him as to the intention and purpose of that committee. I confirm all he said about it.

ORDER FOR RECESS

Mr. SMOOT. Mr. President, I ask unanimous consent that at the close of business to-day the Senate take a recess until 12 o'clock Monday.

Mr. FLETCHER. I would not object to that, because I am very anxious to make progress, particularly with the tax reduction bill.

Mr. SMOOT. That is what I have in mind.

Mr. FLETCHER. I would also like to see this naval appropriation bill passed as soon as possible; but I do want to get a chance some time at the calendar. There are a number of bills on the calendar which are quite important in a general way. Can the Senator give us any idea when we can take up the calendar? Monday is the regular calendar day.

Mr. SMOOT. I suggest to the Senator that some time next week we hold an evening session and take up the calendar. In the morning hour we have only about an hour to give to the calendar, and what we ought to do is to take an evening and dispose of the bills on the calendar.

Mr. FLETCHER. I shall not object to that, if it can be arranged, but I do think we should have an hour or two to consider bills on the calendar which are not objected to, and that would mean very considerable progress.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah that when the Senate concludes its business to-day it take a recess until 12 o'clock Monday? The Chair hears none, and it is so ordered.

TERMS OF FEDERAL COURT IN NEW MEXICO

Mr. HEFLIN. Mr. President, on yesterday the Senator from Connecticut [Mr. BRANDEGEE] reported Senate bill 3023, regarding the holding of a Federal court in New Mexico, and entered a motion to reconsider the vote by which that bill was passed. I have since talked with the senior Senator from New Mexico [Mr. JONES], who was out of the Chamber at the time. I had heard him say something about it, and while I knew nothing about the bill myself, I thought that Senator should be consulted or be present when the bill was considered. I understand that a bill of a similar character has been introduced by Congressman MORROW in the House and is on the House Calendar. I have no objection to the bill whatever, and I desire to withdraw my motion to reconsider the vote by which it was passed.

The PRESIDENT pro tempore. The Senator withdraws his motion to reconsider.

INTERNATIONAL CODE FOR SEAMEN

Mr. JONES of Washington. Mr. President, I have copies of some letters written by Andrew Furuseth to Albert Thomas, director of the International Labor Office at Geneva, Switzerland, relating to seamen, which give some very valuable infor-

mation and make some suggestions which, I think, are of very great value. I ask that these may be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Washington asks that the letters to which he has referred be printed in the RECORD. Is there objection?

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *February 20, 1924.*

Mr. ALBERT THOMAS,
Director, International Labor Office,
Geneva, Switzerland.

DEAR SIR: Through the courtesy of Mr. Damm, I have received the tentative draft of what seems to be part of an international code for seamen. The tentative recommendations do not agree with the instructions given at Genoa, in so far as the seaman's freedom is concerned. It seems that the jurists have encountered some serious difficulty in their efforts to understand and apply these instructions. The instructions read as follows:

> "Violations of provisions in articles of agreement between seamen and employers should not be dealt with as criminal offenses unless they be violations of the clauses of a public character maintaining public policy as distinguished from private interest, and even then only at the instance of public authorities."

In your discussion on the subject found on page 1, on "Note on the question of penalties for breach of agreement by the voluntary act of the seamen," you call attention that the agreement will contain clauses of a public character and of a private character, and out of that arises the difficulty which you seem to encounter. Mr. Ripert makes suggestions on page 6, in which it appears that he has a conception, but a hazy one, of what the seaman's status would be if the instructions adopted at Genoa were to be embodied in legislation.

In dealing with the question earlier in the report you call attention that the seaman is essentially a part of the military forces of a nation, either because he is an inscribed seaman, as in France, or because he may constitute the crew of a privateer, and you are finding the origin of the seaman's status in that fact. Then you go on to suggest that since the adoption of compulsory military service it might or it ought not to leave any further obligation upon a seaman in private employment than upon any other workman, in which, of course, you are right. The difficulty which you and Mr. Ripert encounter is very easy of solution.

A vessel at sea or in motion in a harbor is under the common hazard. She is unless properly managed a danger to herself and in port also to her surroundings. She must, therefore, be under control. In order to be under control she must have a crew of some kind, and whoever those men may be they must have skill, experience, and willingness to obey commands. The State is interested in the preservation of life and of property, and it therefore very properly lays down as a fundamental duty of the seaman to obey any lawful orders received while the vessel is subject to the common hazard. A seaman who would refuse to obey orders at sea, who "abandons his post" at sea, endangers the ship and the lives of everybody on board of her. So that any seaman who abandons his proper work or who refuses to obey lawful commands at sea violates public policy. Such violations of duty would necessarily "be violations of the clauses of a public character," and every nation now provides penalties for such conduct. The seaman's conduct is noted in the ship's log. Report is made to the public authorities on arrival in port, and the public authorities undertake the prosecution, and finally under the law impose the penalty. But the ship also is in harbor and if she is not moored and in motion she is still under the common hazard. She is a danger to herself and her surroundings, and disobedience on the part of the seaman is a violation of "the clauses of a public character," and while the penalty may not be as severe in ports as at sea, the danger is there and there must be obedience to command.

When a ship is in a safe harbor properly anchored or at the dock moored, she is under no more hazard, no more danger than any house or structure on shore; in fact, she is under less, and there is no more reason why a seaman then should be penalized criminally for disobeying commands than there is for imprisoning any workman on shore disobeying the order given to him by his employer. The public is not interested, as far as I understand, in the earning power of property, at least not to the extent of enslaving the men that are working and making the property productive. It is interested in the maintenance of the property, and a ship in harbor may, through one or more watchmen, be maintained in safety without any crew, or with a skeleton crew. The only loss that can come to the ship and the shipowner from the disobedience of the seaman is a loss of a certain amount of money or a certain amount of earnings. In fact, the earnings may be greater because the crew is out of the ship. We seamen know of thousands of cases in which the crew is driven out of the ship in order to save money for the shipowner while the ship is lying waiting either to deliver or to take in cargo. When a ship is in this position she is not under the public policy but under the dominion of private interest, and why there should be any hesitation on the part of the Labor Office, interested in progressive human legislation, to distinguish a vessel while she is under the common hazard, under which condition men are subject to penalty for disobedience of lawful commands, and times when she is under private interest and there is no danger to life or property, is rather remarkable.

In dealing with the discharge of seamen, the proposed code in article 28, on pages 49 and 50, gives sundry specific reasons why the seaman may be summarily discharged from the vessel. In other words, when an employer may break his contract. The different clauses are summed up in the following expression:

> "Or in general any failure by the seaman to carry out essential obligations under the agreement, without prejudice to the right of the shipowner to bring an action for damages on account of such failure."

First, the seaman may be summarily discharged for any violation to carry out any essential obligations under the agreement. Secondly, he may have to answer a suit in damages. Who is to determine whether the seaman has failed to carry out any essential obligations under the agreement; who, except the master? The master takes the seaman before a consul or a consular agent, if there be such in the port. The master makes the complaint, the master brings the witnesses. Those witnesses will, under the law, be compelled to remain on the ship subject to the master's orders and discipline, and it is too much to expect those men to incur the master's enmity by testifying on behalf of the men, even if under other circumstances they would be willing to do so.

But, aside from this, there is a taint that attaches to anyone who is compelled to give service. That taint is inherited from the ancient status of the slave who could not give testimony against the master, and it is carried downward to our times, because the presumption is that a seaman will lie in order to get out of the ship. Incidentally, I may here remark that I have been shipmate with men who at the time when we were together deliberately took poison in order to become sick and so be left behind. I have seen men deliberately go ashore and commit an offense against the peace of the community in which the vessel was lying in order to be arrested and sent to prison, and for no other purpose than that they thus might get out of the vessel. I know of men, at least of one, who took a chance to swim ashore in water infested with alligators. No sane seaman desires to remain in the vessel after he has incurred the enmity of the master or one of the officers under whose command he has to live and work. Yet in this proposed code the master is permitted, practically for any reasons that seem good to him, to dismiss a man from the service, while, on the other hand, if a seaman withdraws himself from the service, though he is willing to sacrifice his saved-up earnings, he is in addition to such sacrifices to be sent to prison, and the international labor office seems to think that this is equality before the law.

But this not all. Section 3 of article 31 says:

> "The expense of repatriation shall not be charged to the seaman unless he was dismissed for sufficient motives."

In other words, whenever the master wants to get rid of a man he brings charges against him, dismisses him, and then leaves him; that is, if it is in a harbor where there is a consul or consular agent. But the vessel also may be in some out-of-the-way harbor in Australia, in Asia, in Africa, in North America, or on some island of the sea, and the master still has the right to dismiss him. So this, in addition to all the rest, wipes out any penalty for marooning a seaman or leaving him behind where he would be helpless. A Norwegian master some years ago did that with two boys in China. In desperation of hunger and want they committed murder, and as a grace they were permitted to be decapitated instead of being punished in the then Chinese fashion.

Let us be done with pretense, Mr. Director. The penalty imposed upon a seaman for desertion when the vessel is safe in a safe harbor is just an inheritance and can not be distinguished from the peonage under which the laborer on an estate belonging to a nobleman p. r to the French Revolution was compelled to remain on that estate unless permitted by his master to leave it. There is no valid excuse for the continuation of that system in our days. More than a century ago there really ceased to be any reason for it. Where a vessel went and where men were at all likely to quit their ships there were other seamen to be obtained and, whether the law permitted it or not, the men quit, as is abundantly proven when gold was discovered in Australia or in California, or when diamonds were discovered in South Africa, or when gold was discovered in the northern part of Alaska. In some of these instances the men left and the vessels rotted at their anchor. There were no governing powers strong enough to bring the men back and compel them to labor. So that in the last instance all the penal laws and treaties compelling a seaman to labor against his will, when the vessel was in a safe harbor, were of very little utility and practically of no value at all.

Of course it is agreeable for the master to be in a position in which he does not need to consider the feelings of the men under his command. It may be agreeable to the shipowner to be placed in a position in which he can get rid of the men when he wants to and hold them on

board against their will when it suits his interest. But, sir, this is not equality before the law. If it be anything except stupidity, it is the beginning of that new servitude which the Third Estate is seeking to impose upon all workingmen, and to begin it with seamen, who are the most helpless.

I am sending a copy of this letter to Mr. Damm, in Antwerp, Mr. Havelock Wilson, in England, and to the unions of seamen in Norway, Sweden, and Denmark.

There are several criticisms which I shall make at a later time. This is simply the high spot and one in which it seems to me that the commission and your office are disregarding the instructions of the Genoa convention.

I find that you have abandoned the idea of having the agreements made between the shipowners and the seamen. On behalf of the seamen, I want to thank you for that, as I finally express the hope that this criticism will have some effect in the labor office and with the commission.

Most respectfully yours,

ANDREW FURUSETH.

WASHINGTON, D. C., *February 28, 1924.*

Mr. ALBERT THOMAS,
Director International Labor Office,
Geneva, Switzerland.

DEAR SIR: In submitting the proposed draft of "articles of agreement" you state that there is a "legal necessity of reserving a large field for party agreements."

It is with some regret that I must confess to a complete disagreement on this point. The articles of agreement carry at this time in their womb the entire law maritime. Save and except where, as in France, the person is an inscribed seaman, he is not a seaman at all except when under agreement with a vessel. When under no agreement, he is now as free as other men and it is the signing of the maritime contract that brings him under the law maritime. This law has been in process of development during past ages and is a compromise between the law of the ancient Rhodians and the old Norse law.

The Mediterranean seamen never knew freedom. The ancient Norse seamen never knew bondage except such as arose out of the "common hazard." The migrating Norse seamen took their law with them, and in settling in southern countries they caused the modification in Spain known as the Consulate del Mare and in western Europe as The Judgments of Oleron. Into this mixture went also The Statutes of Visby, which had been modified and made less humane by the Laws of the Hanseatic League, and made still more harsh to the seamen and of more advantage to the shipowners by the Rescripts of Louis XIV of France.

In the earlier times the seaman carried on trade on his own account, at least in northern countries, and we still call him "merchant seaman" as distinct from the seamen employed on vessels of war. In those days there was no regular insurance of vessels and cargo, nor was there any limitation of liability nor was there any "protection and indemnity insurance," so the shipowner's self-interest made it his business to have men who were physically and by training capable of protecting the shipowners' interests against the dangers of the sea. There was considerable piracy, and, therefore, it was necessary that the seaman should be a man capable of bearing arms and be skilled in their use. Upon this depended not only the shipowners' interests but the seaman's own safety. Sea power is in the seamen.

The vessels are the tools used by seamen and the tools have been in constant progress of change throughout the ages. The nature of man in its main features has not changed, the sea has not changed, but the tools and the law have. Of course, on modern vessels the crew is roughly divided into three parts with different kinds of work; but in so far as the work in each of these departments is concerned, there is no difference in the work done by the seamen in the different vessels, nor in the vessels of different nations. The tonnage and the trade of the vessel will, of course, determine the number of men required, but it does not alter the work of the sailor, the fireman, the cook, or the waiter. International law is, therefore, feasible, but there is no necessity for private contracts being placed in "Articles of agreement." The law ought to and generally does cover what may occur on the vessel. Any seaman who refuses to do his work at sea, where there is always a hazard to life and property, is now made, and he must be made, to do the work needed for safety, in which is of course included such work as is needed to keep the vessel in a seaworthy and sanitary condition. To do such work he must, of course, have the skill needed. He must be able to do the work required in his particular rating. If he refuses he must be compelled in hours of need and later punished according to law. If he be not able for lack of skill he is to be disrated "in accordance with his demerit."

There is, therefore, as far as I can see, no field for "party agreements." What you call a "party agreement" we seamen call "riders," and they are inserted in the articles of agreements for the purpose of nullifying the law or to tie the seaman up to something that the owner thinks is to his advantage. Among such riders are some to compel the seaman to consent that any disagreement between him and the master shall be arbitrated by those who conduct the shipping offices or consuls or commercial agents in lieu of taking the dispute before an admiralty court, where by custom and justice it belongs.

It is perfectly proper to refer such disputes to some arbitrator after the dispute has arisen and the seaman is about to be paid off. The seaman is then free to consent or refuse; but when the seaman is confronted with a rider as a condition of obtaining employment, he may have no choice, because of being within the power of somebody or compelled to accept any conditions offered, because of hunger. The permission to enter into "party agreements" is an invitation to the shipowner to take advantage of the person's necessities, which may be and often is the result of some action by the ship owners either collectively or individually.

Among the innumerable riders which are in use, I shall mention but one more. The shipowners reserve the right to transfer a seaman from one vessel to another of the same company. There is no reason why such transfer should not be made, if it be agreed to by both parties at the time when such transfer is made or to be made; but to put it in the articles is to take advantage of the seaman's helplessness and make him consent to go in a vessel, which if he were free to say no, he might under no circumstances be willing to join. He may have very good reasons for refusing. Among such reasons may be the vessel, her voyage, her officers or some of them, her crew or some of them. And there is no necessity for any such riders, because there is and it may be hoped that nothing will be placed in the laws to prevent such transfers if the parties are willing.

As reasons for permitting "party agreements" the report gives the new laws of the Scandinavian countries and the existence of "industrial organizations able to conclude with shipowners collective contracts." With reference to the new Scandinavian laws, let me inform you that those laws are by no means of such nature that they ought to serve as a model. Those laws were imposed upon the seamen over their protests. That seamen were represented on the commission amounted to no more than to an appearance of fairness and consent, which the seamen were very far from giving.

The result of those laws will, if they be permitted to remain on the statute books, be to cause the Scandinavian boy and man to shun the sea, and therefore it means that those countries will after a while be out of the seafaring business. Standards of freedom and well-being can not be set up through schools, literature, and the daily life on shore to be desecrated or denied to the seaman where common hazard permits them to be applied, unless the nation in question is willing to quit maritime business. If a nation is willing to quit the business gradually by first employing and then later turning the sea power over to the so-called inferior races, then of course this is the way to do it, because the tools ultimately will belong to the nations or races who know how to use them.

Your other reason—that of industrial organizations—is of no more force. Industrial organizations, or trade-unions, as we know them at this period, presupposes free men. Slaves or serfs may organize some political and revolutionary organizations with the object of attaining a status of freedom and self-determinism, but not trade-unions or industrial unions such as are known among free workmen to-day. The chief weapon used by trade-unions, a weapon without which their very existence is unthinkable, is the right and the power to withdraw their services from the employer until he ceases to do evil and is willing to do good—as Scripture puts it—to withdraw the labor power until through economic loss the employer is willing to come to some, at least temporary, agreement about wages and working conditions. Manifestly those who owe services or labor which debt can be enforced by criminal law are not in any such position. Their fight is against the employer plus the State, and of course means defeat before it is begun. At least 70 per cent of the seamen are under contract which they can not break, and therefore they can have no "industrial organization able to conclude with shipowners collective contracts forming for the seamen engaged a stronger guaranty than can be given by theoretical individual equality."

In practically all maritime countries the organizations among seamen may be abolished by the shipowners under existing law with the help of the State, and to build an international code on such a bed of shifting sand is to open the way for the grossest kind of injustice and to sabotage arising from despair. It is, in fact, to turn the seamen over to the tender mercies of the shipowners; that is, to set the foxes to guard the geese.

Most respectfully yours,

ANDREW FURUSETH.

WASHINGTON, D. C., *March 6, 1924.*

Mr. ALBERT THOMAS,
Director International Labor Office,
Geneva, Switzerland.

DEAR SIR: In my last letter I agreed that an international code for seamen is feasible, providing that it leaves no room for "party

agreements." There are indeed good reasons, both from a national and a racial point of view, to maintain that it would be beneficial both to the shipowners, the seamen, and to occidental civilization. It might tend to reduce the cutthroat competition which is gradually driving the sea power into the keeping of the people of Asia. This presupposes, however, that such code must be based upon such principles that the occidental man, brought up in an occidental school, will be willing to have his son become a seaman and that the occidental boy shall be willing to choose the calling of a seaman as his life work. The question is: Is sea power of sufficient importance to the nations and people to make them willing to bear the burden, if they shall so consider it?

What are the advantages that would reasonably accrue?

Sea power has always been world power. Those who controlled the sea went where they wanted to go, stayed where they wanted to stay, took what they wanted and brought it home. The sea has been a prison wall to the weak and timid, a highway to the strong, and a field of wealth and honor to the daring and venturesome among men. The share which any particular nation in the past had in the use of the sea depended always on the number of its people who obtained their living by following sea occupations.

Politically it meant protection to the seacoasts and safety to its inhabitants; industrially it meant to share in the earnings of commerce and carrying trade, and, therefore, to develop a large body of trained seamen, to foster and develop a tendency to the sea in the population has ever been the care of statesmanship. Nations have fought over fishing grounds, not so much because of the food to be caught as because of the seamen to be trained. In the wars between England and France, as in the wars between England and Spain, the victory went to England, because she had the seamen in such number and of such skill that the victory became hers. Colbert, the great finance minister to Louis XIV, understood this; hence he tried to develop seamen for France by his system of "inscripts maritime." To the shipper and traveler it meant increased safety. That risk and danger decreased as skill and courage increased was so well known that the shipper and shipowner insisted upon and from all governments received the right to disrate such men as failed to come up to the standard developed in the struggle with the sea.

Contrasting the above with modern conditions, we find that the sea has not changed. The danger is still there. Notwithstanding the improvements in shipbuilding, the soundings and chartings of the seas, the lighting of the shore lines, and marking of dangerous waters, the loss of life and wealth by disasters at sea are steadily increasing. The reason for this is so simple that all seamen know it. The steady downward trend of skill and strength is felt by the seamen not only in hours of especial danger, it is felt every day in the added labor and hardship which come as the result of having shipmates who can not do the work that a seaman must be able to do and which must be done for the safety of the vessel, passengers, cargo, and crew.

The development of the different forms of insurance and the adoption of limitation of liability have made the owners of vessels independent of the dangers of the sea. The financial losses are thereby transferred to the public, which pays it in the additional price of goods carried. The distinguished British statesman, Joseph Chamberlain, gives the real reasons for the increasing loss of life and wealth, as follows:

> "Bear in mind, when a ship is lost the shipowner may make a profit, the owner may get more than the value of his ship; the merchant may lose nothing, but may, and very often does, get more than the value of the cargo back. In the same way the underwriter averages his losses, and on the whole makes a profit on the insurance on the ship out of his premium."

The average shipowner is no longer seriously interested in safety, either to the nation or to his ship. His chief interest is in the cheapest possible crew, and if he can not find them among capable seamen, he seeks them in the social cesspool of the unemployables. If he can not find them there, he seeks them among what we call the lower races, who are thus taught seamanship and are becoming prepared to take charge of the tools which we either can not or will not any longer handle.

The seaman used to be married. He used to have a home. It is so no longer. The wages of men on shore have, as a result of freedom and organization, at least to some extent, followed increasing prices upward, while the seaman's wages as a result of bondage and competition have stood still, making him unable to maintain a family. The seaman's social status has thus been destroyed, and the young refuse to become seamen while the men are leaving the sea. As the seaman's life has become less and less able to attract the physically capable youth and also less and less able to hold the industrially trained men, safety has been passing away. As an inevitable result, the nations have set up expensive bureaus to regulate sea life and ships so as to have at least a semblance of safety. It has been of little avail, as testified to by Joseph Chamberlain, as follows:

> "We have established a great and elaborate machinery; we have set up a complicated system under which we have pretended to supervise every shipowner, good and bad alike, and under which we have tried to make negligence, carelessness, and apathy impossible, but we have never tried to make it unprofitable."

Here we have an acknowledgment and from a man who, from his position, knew that safety did not come nor could it come from supervision applied to the owner and from force and fear imposed on the seamen. Safety at sea comes from courage, loyalty, skill, and a feeling of responsibility; but these are qualities and characteristics of the moral man who feels himself free. The bondman can not have those qualities, because he has no individual will. Modern civilization is badly served at sea now; but it will be more and more badly served as the seaman becomes more and more conscious of his bondage. This bondage does not arise from military necessity as is sometimes claimed. It arose from the common hazard and the feeling enforced by common law, which neither on land or at sea permitted a man to desert others in danger and which created the feeling expressed in "Women and children first." Often the danger was as great in a harbor in a strange country and among strange men as at sea, and to remain with the vessel and to defend her was to defend one's shipmates and oneself.

The wrong to the seaman and to occidental civilization was done when merchants and shipowners persuaded the different nations to continue, as a legal obligation based upon profit, a system which no longer could have any basis in the moral law. The shipowner then became the master and the seaman became, while under contract, the serf. As long as serfdom remained on shore and the seaman was free when not under contract, the seaman did not feel his status, and even when he did he was not able to voice his protest in such language that it could get attention. He simply quit and then gave the sea life such a reputation as to cause it to be shunned. Strength and skill are passing from the sea, and with those qualities passing away safety diminishes, regardless of supervision and laws attempting in vain to force the qualities of free men upon serfs.

If occidental civilization wants efficient service and reasonable safety at sea, the wrongs done to the seaman must be righted. The seaman has been robbed of his self-respect; he has been made unable to follow the upward trend of human society; he has been made unable to maintain a home; he can not live like other normal humans; he has nothing really worth working for; and he is becoming an inefficient servant. Contracts to labor in private employments are no longer enforceable by imprisonment or other compulsion in other callings but they are maintained on the seaman, and yet more is demanded of him than of others. If the seaman is to be a real service in war, if he is to be intrusted with safety to passengers at sea in peace, he must have his freedom restored as a primary condition. Real efficient seamanship does not grow in conscious bondage. The United States has made the beginning; but now comes the League of Nations, organized to bring justice and peace into the world, with a proposal that the seaman's status of bondage is to be perpetuated. There seemed to be at least some hope that some other nations might follow the lead of the United States, but if there is to be an international code for seamen, in which bondage is to be one of the main features, then were it better that the league itself be sunk to the deepest depths in the sea before it be permitted to destroy that which is best and most hopeful in existing civilization—its tendency to a steadily growing freedom.

If the League of Nations is to furnish an international code for seamen, it must be such that it will tend to restore to the seaman his self-respect and his proper place among men. It must be so drawn that it will assist in the development of a sea personnel that can serve the nations and our race as a defense in war and that will furnish such safety at sea as is humanly possible. It must provide for each vessel a crew sufficient in skill and in numbers to take proper care of the vessel while she is afloat, to lower and manage the vessel's boats when the vessel must be abandoned.

Nothing less is reasonable safety and it can not be had unless the nations and the people are willing to pay the cost in skilled, loyal, and courageous seamen. The seamen must, therefore, be placed in position to be able to fight for and, at least, gradually attain to an income from his labor that will enable him to be a home builder, able to care for a family in a manner done by other skilled men. Nothing less will bring the boy brought up in a modern school to the sea; nothing less will hold the skilled man.

Of course, there are some people who will maintain that transportation under such circumstances will be so expensive as to make it impractical; but this is given a direct denial in all other business, where it is claimed that efficiency and skill lower cost, and it takes no thought of the fact that the wage cost is now about the smallest item of cost in the operation of a vessel. Skilled men do not only increase safety, they do also decrease cost of fuel, and they lessen repair bills, while they speed up the turn around. Be that, however, as it may, such are the conditions, such is the price, and when all pay alike the shipowners pay nothing. It is the public which does the paying.

In the light of the foregoing, I shall try in another letter to analyze the several provisions of the proposed code. If it falls short of these standards it were better not enacted, because if enacted it will

take the sea power from the people of Europe and give it to the people of Asia.

Most respectfully, ANDREW FURUSETH.

WASHINGTON, D. C., *March 13, 1924.*

Mr. ALBERT THOMAS,
Director International Labor Office,
Geneva, Switzerland.

DEAR SIR: Assuming that the vessel is properly built and equipped—that the vessel is seaworthy—safety to passengers and freight, not to mention the crew, will always depend upon the crew. In the word "crew" I here include the master, which, of course, is not usual, but which seems to be the idea underlying the proposed code.

What are the qualifications of the crew demanded by this proposed code? To be employed in the deck or steward's departments the boy must be at least 14 years of age; to be employed as a trimmer—and presumably as a wiper, though it does not say so—he must be at least 18 years.

Chapter II, article 9, provides that—

"No seaman shall be employed on board unless his physical qualifications are such that his employment involves no danger to himself or the other members of the crew."

If the person is not mentally so subnormal as to be plainly half-witted and, therefore, irresponsible and dangerous, and if he be not suffering from some contagious disease, it seems that he may be employed.

Article 10, same chapter, provides that—

(1) "Not less than three-quarters of the crew of any vessel shall be composed of seamen able to understand the orders given in the language employed on board."

(2) "Not less than three-quarters of the deck and engine hands shall be seamen who have completed at least one year's service at sea."

In other words, a vessel may go to sea with passengers after providing herself with a deck crew, neither of whom are more than 16 years old, and with firemen, oilers, and water tenders, neither of whom are over 20. That the whole world is contemplated as a recruiting field is manifest from what is provided in section (1). The qualifications of the master and officers—among whom we find the wireless operator—are evidently to be determined by each nation; because

Chapter III, articles 12 and 13, ordain that—

"No person shall be engaged to command a merchant vessel unless he holds a diploma issued or accepted by the competent public authority, certifying his ability to command."

"Officers and engineers, the ship's doctor"—it is evident that this is a passenger vessel—"and wireless telegraphist, shall be in possession of diplomas or certificates testifying their qualifications for their duties."

So here are the officers who are to command this passenger vessel. No limit as to the age (is there one as to sex?), the officer may be any age from 17 to 100. There is no standard of seamanship arising either from experience or age, and then the wireless operator is made an officer, which, of course, means that, if something should happen to the other officers, he is to take command. Of course, he has attended a public school and learned how to read and write, and later he has attended a school for telegraphists from three to six months, but he may, or he may not, be making his first trip at sea. It is true that Part III, chapter 11, article 23, provides for a continuous discharge book; but its main purpose is to prevent the seaman from quitting the vessel in violation of his contract, because it is specifically provided that he is not to be signed on any other vessel until he has been properly discharged from the last vessel on which he signed. While such book will furnish the evidence that the proper holder thereof has been a certain time at sea, the requirement is only one year for able seaman or competent fireman. Such qualifications can hardly be taken seriously.

An able seaman must know the vessel so as to be able to go to any place on board in daylight or in dark and in any kind of weather; he must know the ship's gear and be able to find it, use it, and, if he hath wherewithal, to repair it in any kind of weather and in dalylight or in dark. He must know the boats and other safety equipments, he must be able to lower the boats in nearly all kinds of weather, in daylight or in dark, when such boats carry from 20 to 75 persons—men, women, and children. Such boats weigh with the people in them from 5 to 10 tons, and they must be lowered on even keel, kept as far as possible clear from the side of the rolling and pitching vessel; and finally the able seaman must be able to handle a sea anchor or a steering gear in such a way as to save the people in that boat by keeping her afloat until other boats may come from other vessels to take the people on board, or he must be able to set sail on the boat and manage so as to reach land in safety, if such be possible.

The able seaman is the unit of efficiency. It is for this rating that the landsmen coming to the sea are being prepared, and it is from this rating that officers are to be selected. No man living was ever able to learn these duties in one year, nor are they fully learned in three years, which is the minimum experience required by maritime nations if the matter has been made the subject of legislation. If it has not, then the old custom of four years is followed.

Correspondingly, the same work is required of the fireman, except as to the handling of boats; and no nation that has legislated upon this subject has provided for less than one year's experience for the fireman and three years for the engineer. But the above is not all the qualifications that a real seaman must have acquired. He must have absorbed the lore of the sea to such extent that he, without thinking of himself, does his duty, which is to save others. One year at sea is hardly sufficient to acquire sea legs, and yet the code submitted by the League of Nations, an organization formed to improve present safety and to abolish present injustice, submits here something which has all the marks of having been inspired by shipowners void of conscience and well protected through the limitation of liability and by "marine" and "protection and indemnity" insurance.

Then, again, there is no minimum number provided. It is to be taken care of through "party agreements." It will, therefore, depend upon whether the greed of the shipowner for cheapness or the greed of the seaman for wages and idle times is in control at any given port when the vessel is about to go to sea. Competition between shipowners of the same nation and between nations will, under such condition, gradually reduce the number of men until sea life becomes a struggle in which the seaman working for his life succeeds in bringing the vessel into port and thus sets a new standard of manning. Safety is sacrificed to greed, and life at sea becomes even more of a plaything than it now is.

Nor does this proposed code make any arrangement for the rest that is absolutely necessary at sea as well as on shore. Watch and watch at sea is as old as maritime commerce. Before the use of steam it was the custom, so old that tradition knoweth nothing to the contrary, that the sailors were divided in two parts as nearly equal as physically possible, so that one watch might work while the other rested. This was recognized as needed in order that health and strength, and hence safety, might be maintained.

In steam or motor vessels, where the necessity for additional watchfulness is very patent, it is gradually becoming more and more understood that three watches are needed for the same purpose. With the men in the engine department it was always understood that there must be three watches in order that the men might have the strength to furnish the steam needed to get over the seas. But in this code there is nothing except the master's option, and that is here as large as the coast of a continent.

Chapter III, article 2, provides that—

"The master shall be the head of the society constituted by the crew and he shall have authority over its members. He shall be in charge of the vessel and shall direct the voyage. In the absence of the captain his rights and obligations shall fall to any person regularly in command of the vessel."

There we are. A higher title for a higher power. While the captain is evidently presumed to have obligations, they are mentioned in another sentence and evidently have nothing to do with the crew or the seamen under his command, because it says, "shall have authority over its members." If it was intended to make the master—oh, captain—responsible to somebody, it would have been easy to add "under the law," if law there is to be.

Having ascertained who may be employed—that is to say the kind of men with whom the seaman is to live and work—let us try to find out the time for which he is to sign and what the agreement is to contain. Under this proposed code the agreement may be for a specific time, not, however, for more than two years; but may be renewed within 90 days of its expiry. May God be merciful and protect the man who refuses to renew when so requested. He is more than likely to so spend such 90 days that it will many times cause him to regret that he did not surrender to the duress and agree. He may sign for a voyage with a specific period set, after which he may demand his discharge, even if the voyage is not completed; but he may also sign for an indefinite period, but such agreement is to provide for a notice to be given by one party to the other. There are also some other conditions, which will be given later, when we are to consider how agreements may be voided and the seaman may be permitted to quit the vessel.

Article 19 provides that—

"The agreement shall state clearly and precisely the particular rights and obligations of the parties thereto. It must contain the following particulars:

"(a) The place and the date of the signature of the agreement. (b) The name of the vessel on board of which the seaman undertakes to serve and the proposed number of crew."

As suggested before, it will be seen that the number of men is to depend upon "party agreement" and is, therefore, subject to the

greed and power of either party in a struggle in which the safety of passengers is not counted as something that is of any importance.

"(c) The voyage or voyages to be undertaken in so far as those can be determined at the time of making the agreement. (d) The kind of work for which the seaman is engaged (deck, engine room, general service, etc.) and the capacity in which he is to serve."

It seems that the seaman may through a "party agreement" undertake the work in any of the three departments of the vessel. That is, he may be sent from the intense heat of the fireroom to a temperature below zero on the deck. If this be not the meaning of the expression "general service," what can it possibly mean? When we consider this provision the question arises: Are the European shipowners going to imitate the American Lakes shipowners of years ago, or are the American shipowners in the league with the idea of repealing that part of the seamen's act which stopped that man-killing system which was in operation on the American Lakes?

"(e) The place and date at which he is required to report on board for service. (f) The amount of wages, the manner and place of payment, any allowances that may be stipulated, and, if the agreement is based on a system of shares, the method of calculation to be adopted in determining such shares."

Here is a whaling agreement under which the seaman has the opportunity to sign as the whalers used to sign from the Hawaiian Islands or San Francisco in its palmiest whaling days. And the person may not understand the language in which it is written, or he may not be able to sign at all. It is simply read and explained to him by witnesses (?), who then certify to his mark. The men who wrote this must have been blackbirding in the South Seas.

"(g) The duration of the agreement, if the seaman is engaged for a definite period. (2) The notice to be given if the agreement is for an indefinite period. (3) The port at which the voyage is to terminate, if the agreement is for a voyage, and the period which must elapse in such port before the seaman must be free. (4) The period after which the seaman may claim his discharge if he is engaged for a voyage, and the proposed destination does not allow of an approximate estimate of the duration of the voyage."

Article 20:

(1) "The agreement shall be signed by the shipowner or his representative and by the seaman. (2) The seaman shall sign the agreement in the presence of a representative of the public authority. The said representative shall not permit the seaman to sign unless he has ascertained that the latter is acquainted with the general condition of employment (living and working condition)"—

Just think of a hungry seaman, about to be thrown out of the crimp's house and getting a licking besides, questioning the conditions or stating that he does not understand, or has any hesitation about signing—

"on board and with the special clauses of the agreement. If either party is unable to sign, a statement of this fact shall be entered in the agreement and countersigned by the representative of the public authority."

This, of course, means that the seaman may make his mark or that the master or owner may be absent without voiding the contract.

(3) "If it be necessary to engage a substitute or an extra hand in circumstances rendering it impossible to comply with the provisions of the above paragraph, the master shall, before the agreement is signed, cause its clauses to be read and explained to the substitute in the presence of two witnesses, who shall sign a statement that this has been done. The said agreement shall be submitted for countersignature to the competent authority in the first port at which the vessel calls for more than 48 hours."

Such is the proposed legal way in which a seaman is to get on board a vessel and be more than married to her for a period of two years or more. In the next letter we will examine into the way he can get out of her.

And this is the proposed way in which we are to have safety at sea under the rule of the League of Nations. Irresponsible officers of indefinite age and experience. A deck crew made up of children, a fireroom crew made up of callow youths; neither the deck or engine-room crew are supposed to have had sufficient experience at sea to give them even real sea legs, no regulations as to the number of these to be employed, no definite rules about rest or about food, and yet it may be that it is hoped that real seamen of the white race will remain at sea to accept such conditions. But wait. So far we are only dealing with the qualifications of the individual seaman and only to a slight extent about how they may be treated and then dismissed or arrested, detained, and surrendered back to their vessels. When we have examined into those things you will be much better able to estimate how many real seamen, or even white men, may be expected to be at sea when this proposed code shall have been in operation for some time.

Most respectfully yours,

ANDREW FURUSETH.

WASHINGTON, D. C., *March 20, 1924.*

Mr. ALBERT THOMAS,
Director International Labor Office,
Geneva, Switzerland.

DEAR SIR: In my last letter I quoted the whole of section 2 of article 20, because it showed that practically the entire life of the seamen on board is to depend upon "party agreements." Manning, working hours—that is, the watches—food, drink, quarters, etc., are to be settled by or through agreements entered into before signing. Of course agreements are just contracts under another name, and contracts are, on shore, a special part of the activities of attorneys and courts. How to construe them and how to enforce them taxes the ability of our legal profession, and appeals are permitted and provided in order that justice may be done.

Under this proposed system the master, the shipowner, and the shipowner's attorney are in practice to draw up the contract to be presented to the seaman, who is to hear it read and who is then to be asked by the competent public authority if he understands. Upon a declaration that he does, the articles will be signed and the vessel goes to sea.

It is not within reason to suppose that the master and the seaman will have the same understanding of all the specific clauses that have been signed, and a quarrel arises. Who is to determine what any special clause really means? The master, of course. Chapter III, article 11, says:

"The master shall be the head of the society constituted by the crew and shall have authority over its members."

Let us suppose that the crew do not agree that the master is giving the proper construction, and are disposed to disobey. How is the master to enforce his authority? By the physical force of himself and his officers. There is no other way at sea, where there are neither policemen, judges, a posse comitatus, or even a handy war vessel. But suppose that the crew use force against the force? There is then a clear mutiny, and such may not at all have been the intention. It is entirely possible that the crew may think themselves in the right. Nay, it is barely possible that the members of the crew are in the right. But right or not, any general resistance that goes to the point of attempting to take the command from the master is certain to be treated as a mutiny. Such occurrences, though rare, have happened in the past and the crew have compelled the master to take the vessel into port. The master on one side and the crew on the other believed that they were right. It took a court with a jury to determine. Sometimes the crew were exonerated and sometimes the members of the crew were punished. And this happened when there were specific, clear laws on the question at issue. How often are such things to happen when it may be caused by a misunderstanding of a contract, which was perhaps after all so drawn as to cause honest differences of opinion?

Let us suppose that the crew is in the right, but that the master maintains his authority and then deals mercilessly with the men because of the fear that they may again resist or appeal to the authorities.

How far may the master go in enforcing a condition based upon a contract? To whom, except the consul, will the crew report and ask for redress? But the consul's very first impulse—nay, his first duty—is to suppress disorders, revolts, and mutiny at sea and to sustain the master who reports it. And yet the court may hold that the crew were right when the whole thing is laid bare. In the meantime what of the passengers or the perishable freight? Collect damages from the guilty parties? Yes, if they hath wherewithal, as it is put in the scroll of Oleron. But if they have not there can be no indemnity; and the fault was with a system which made an honest difference not only possible but very probable.

It may be said that the code providing for discipline will take care of these questions, and I am assuming that it will punish after the fact, when proper public regulations could and would have prevented the whole trouble. After all, we must come to the point where violations of contract instead of infractions of law are to be punished by or according to criminal law. The idea is not progressive. It is reactionary. It goes to the very distant past and there finds discarded means of dealing with present difficulties. And the men, so called, may be so young and inexperienced as to be morally irresponsible, or they may be morally irresponsible because they are from races which have none of our moral conceptions, but have moral concepts of their own, for which they as individuals are not responsible. What real seaman of the white race would want to ship in such vessel with such crew under such conditions, and what decent man would want to send his family as passengers? If the officers and the seamen were not better than the law, marine commerce would come to an inglorious end, if not a bloody one.

But the foregoing is not all. A few real seamen employed, perhaps enough to bring the vessel into port by an application of the "pump or sink" principle—how are these seamen to get redress when in port,

or how are they to be able to get away from the vessel if no redress is to be had? The crew complain to the consul. The master brings the "party agreement" and the consul finds that the clauses of the contract have not been violated. According to this proposed system the seamen must remain with the vessel or they must desert in face of treaties that provide for the arrest, detention, and the return of such seamen to the vessel "to which they owe service or labor," which was the phrase used in place of plain "slavery" in the Constitution of the United States—words that had to be wiped out in blood. Article 29 reads as follows:

"Whatever the duration and nature of his agreement, the seaman may require the representative of the competent authority to authorize him to land immediately in the following cases:

"(a) Changes in the voyage which may endanger the seaman's life or injure his health or interests.

"(b) Change in the nationality of the vessel.

"(c) Failure of the captain to comply with the laws and regulations concerning the safety of the vessel.

"(d) Risk of war or grave danger of infection arising before or in the course of the voyage and of which the seaman had no means of informing himself before the signature of the agreement.

"(e) Illness or injury occurring in the course of the voyage through no fault of the seaman and requiring treatment on land.

"(f) Assault or insult by the captain or officers or gross abuse of authority on their part.

"And in general any failure of the shipowner or the captain to carry out his obligations under the agreement without prejudice to the right of the seaman to bring an action on account of such failure."

If the seaman can prove to the representatives of the competent authority that the vessel is going to an especially unhealthy port—so bad that the seaman's life is reasonably in danger, and that he did not, or could not, know this before signing, or that the vessel is leaking so badly that she is likely to sink, and that she has no lifeboats, or that he is sick, and that it is not his fault, or that the master or the officers are grossly abusing their authority or assaulting or insulting him; then, and in such cases, providing he can prove it, he may be landed. And how is he going to prove some of those things? Are his shipmates, who are to remain on the vessel, going to give the testimony, and are they going to be believed when the officers swear the opposite? What rubbish! If the crew were 12 and were the reincarnation of the twelve disciples, there would yet be two who would testify falsely and with better reasons than Judas or Peter had. But then the seaman is to be landed, if the master or shipowner has failed to live up to the contract, which he—the shipowner—dictated or devised? No; no; there is no legal way in which the seaman can get divorce from the vessel unless the national flag is lowered and some other flag is hoisted. The seaman is to continue to be sold with the vessel as the serf was sold with the estate. To desert is the only way, and then his picture will be published, together with an offer of reward for his return, just as if he had broken out of any other prison.

Of course, there are supposed to be some means of terminating agreements. In fact, there must be, since there are agreements for indefinite time, but even these means are so guarded and so hazy that they may be evaded. With owlish solemn superfluity article 24 provides that if an agreement for specific time should expire at sea, the seaman shall, notwithstanding, take the vessel into the port of destination. What else could the seaman do to save his own life? Evidently it is here to prevent a suit for damages. An agreement for an indefinite period may be ended in the following manner, set forth in article 25, and I shall underscore the more significant provisions. Article 25 says:

"(1) In agreements for an indefinite period either party shall have the right to denounce the agreement with the notice stipulated for this purpose.

"(2) The period of notice shall be fixed in the agreement. It shall be the same for both parties and shall not be less than 24 hours.

"(3) Notice may be given in writing or verbally. It shall be entered by the captain in the log. The party giving notice may demand an acknowledgment. In default of acknowledgment he may call one or more persons to witness the notice.

"(4) If the period of notice does not end until after the captain has given orders for service with a view to leaving port, the agreement will not expire unless such order is given not less than 24 hours before the departure of the vessel.

"(5) Even if a seaman has given sufficient notice, he may not leave the vessel on its arrival in port until the captain has ordered the cessation of sea service, notwithstanding he may leave the vessel 24 hours after arrival at anchorage.

"(6) An action for damages may be brought by either party against the other for failure to observe the period of notice.

"(7) Damages may be recovered for the denunciation of the agreement even if the period of notice has been observed, provided it be proved that the agreement was denounced for the purpose of injuring the other party."

All of which seems to mean that the master may, if it be difficult for him to get another man, so arrange that the seaman must remain with the vessel to make one more trip in order that the vessel may obtain a cheaper man. Substantially, it is a fact that the seaman may only be relieved from his contract upon reasons that are now found in the law of all maritime nations. The master's right to legally dismiss the seaman or violate the contract is given in articles 27 and 28, which read as follows:

"ART. 27. Whatever the nature of the agreement, it shall come to an end in the following cases:

"(a) Rescission of the agreement by mutual consent of the parties.

"(b) Death of the seaman.

"(c) Loss or total unseaworthiness of the vessel.

"(d) Dismissal of the seaman under the conditions laid down in section 28.

"(e) Landing of the seaman under the conditions laid down in section 29.

"(f) Physical unfitness of the seaman ascertained after embarkation in the circumstances defined in article 18, paragraph (3).

"ART. 28. (1) Whatever the period or nature of the agreement, the shipowner or master may dismiss the seaman for sufficient motives.

"The following shall be considered sufficient motives for dismissal:

"(a) Technical unfitness for the service which the seaman was engaged to perform.

"(b) Physical unfitness due to an injury or sickness for which the seaman himself is to blame or resulting from unauthorized and unjustified absence.

"(c) Unauthorized and unjustified absence.

"(d) Serious breach of discipline.

"(e) Prosecution for felony or misdemeanor or for smuggling.

"Or in general any failure by the seaman to carry out essential obligations under the agreement, without prejudice to the right of the shipowner to bring an action for damages on account of such failure.

"(2) The motive for dismissal shall be entered in the list of crew.

"(3) The shipowner shall compensate the seaman for any damage suffered from dismissal without sufficient motive. The compensation shall be fixed by the competent court, taking into account (a) custom, (b) the nature of the seaman's work, (c) the period fixed for termination of the agreement, (d) his previous service, (e) the injury caused by dismissal, and (f) the gravity of the injustice committed.

"(4) Notwithstanding the provisions of this article and without prejudice to the question of the legitimacy of dismissal or to any damages which may be awarded therefor the master may at any time land the seaman. A note of such landing shall be entered in the seamen's discharge book and countersigned by the competent authority. Further, in all cases where the seaman is landed in a foreign port the master shall previously obtain permission from the competent public authority in the port."

If under the foregoing the owner and master, working in cooperation, can not arrange so that the seaman may be held or dismissed at will, it will only be because they are better than law. And this is supposed to be progress?

This proposed code then goes on to provide for repatriation, but in such way as to permit the owner to shed also this duty, which is now practically unqualified. The unemployment indemnity, when coupled with the seaman's continued serfdom, will, no doubt, act as a premium on losing the vessel if the treatment be especially bad. Any real seaman knows how to assist in losing any vessel and in such way that it can not very well be proved against him. This proposed code gives him practically no other way in getting out of what may be a condition so unendurable as to make the man willing to take any chances to get free.

It is most respectfully submitted that progressively fewer and fewer occidental-born men will be found at sea under laws such as are here proposed. Seamen will more and more have to be obtained from the so-called lower races, and the sea power will inevitably go to them. It is an indisputable historical fact that the sea power which any nation or race has been able to attain and keep has depended upon the number of skilled and loyal seamen which the nation or race has been able to furnish from its own population. The boy brought up in an occidental family and taught in an occidental school will not seek the sea if as a seaman he must surrender all these rights and forget all those principles which he has been taught to look upon as the birthright of all men. The occidental man will find something else to do.

If it be not intended to surrender the sea power to the African and the oriental, there must be public laws providing while at sea for a high minimum standard of individual efficiency, for minimum crew accommodations, food, and, except in emergencies, reasonable rest. There must be public laws to enforce discipline, which means ability

and willingness to obey lawful orders and real responsibility resting upon the vessel, the owners, the officers, and the men at sea.

Nothing less can furnish reasonable security. In any safe harbor the seaman must have the right to draw one half of his earned wages, to quit the service of the vessel by sacrificing the other half of the wages and such clothing and other effects as he leaves on board without any risk of being arrested, detained, and returned to the vessel, there to be compelled to labor against his will, such wages, clothes, effects, or other rights as are left on board to become the property of the vessel as indemnity for violation of the contract. This would be, as near as can be, even-handed justice, because the vessel has now, and must continue to have, certain rights to void the contract by paying one, two, or three months' pay and the cost of repatriation if the seaman is to be dismissed for legal cause.

Since the seaman must obey orders that may cause serious injury, sickness, or death, he must be entitled to maintenance and cure, regardless of what the sickness is or what might have been its cause, and then he must be entitled to such indemnity for injury or death caused by improper or unsafe gear and appliances or inefficient or careless officers as may on proper legal proceedings be decided.

If the League of Nations can not or will not provide such laws, then let the league refrain from any action in the matter and leave it to nations that will do it, and in doing will, if they have the people and wealth requisite, acquire and maintain the power on the seas, which has been and will continue to be the power which gives security and furnishes legitimate means to gather wealth.

Most respectfully yours,

ANDREW FURUSETH.

WASHINGTON, D. C., *March 27, 1924.*

Mr. ALBERT THOMAS,
Director International Labor Office,
Geneva, Switzerland.

DEAR SIR: Perhaps the most remarkable thing about the proposed code is that it pretends to base itself upon equality before the law. The proposed code arranges for a minimum of sea training that forbids the bare idea of equality between the contracting parties. The shipowner's lawyer knows the law of contracts, the master knows the life and probable conditions that may arise during the contemplated voyages, and the owner knows what he wants. The seamen may be so young and inexperienced that, being eager for employment, they may be made to sign anything. If there be men who will not sign and who advise others not to sign, their places can be promptly filled with more youth and ignorance, or if that be difficult, then such men as can always be available from other nationalities or races. To speak of equality between the contracting parties under such conditions is to do violence to language.

Contracts having been made and the vessel at sea, any infraction of discipline is necessarily to be suppressed, and then punished under public law. While the vessel is in port the violation of clauses of the contract by the seaman gives to the vessel the right to punish by dismissal and loss of repatriation. On the other side serious violations, assaults, or insults must occur before the seaman can even appeal to the "representative of the competent authority."

Now let us consider the present mutual relations and the present reasons for dismissal of the seaman by the vessel. The seaman may be dismissed for misconduct, subject to and with the consent of the proper authority (consul or naval court). But—

> "Misconduct in order to justify dismissal must not be slight, but aggravated, such as threatens the safety of the ship or the preservation of discipline." (English law.)

Under the law of practically all nations the vessel may dismiss the seaman for misconduct more or less aggravated; but the vessel may also dismiss the seaman without cause upon payment of from one to three months' extra pay as compensation for violation of contract. On the other hand, the seaman may claim his discharge under certain conditions, such as when the vessel changes flag, or is going into some especially sickly port, or if the vessel is going into war zones, or if the vessel is taking in contraband. In all other cases the seaman must continue in his contract or be sent to prison. So that the owner of a vessel may release himself from his contract by the payment of a slight monetary compensation, while the seaman is compelled to labor against his will or be sent to prison. The simple manner of equalizing the obligations of the two parties would be to permit the seaman to release himself by the payment of a corresponding amount in loss of wages earned whenever the vessel is in a safe harbor. Strike out of the law all authority to arrest a seaman for failure to join a vessel, or for leaving a vessel in any safe harbor, together with all right to bring a seaman back on board a vessel and compel him to render service against his will. Whenever the seaman violates his contract by leaving the vessel let him forfeit such wages and other rights as he would be entitled to if he remained with the vessel, and there is a substantial equality that sweeps away litigation or delay. It is not intended that the seaman shall be entitled to his discharge except for reasons now existing, nor is there any idea that the owner should be given right to dismiss a seaman at will by paying him such wages as he has earned and has not received.

The idea that is expressed in the law of the United States is that in any safe harbor the seaman is to be placed on equality with the owner and that he may quit the vessel by sacrificing wages earned and repatriation as compensation for breach of contract. Necessarily there must be an abolition of all advance wages—wages paid before it is earned—or the seaman who refuses to render himself on board will be subject to imprisonment for obtaining money under false pretenses. The seaman must also have the right to take away such of his clothing as he desires. The seaman's clothing is as necessary to him as are the tools of a mechanic to him. The seaman must also have the right to draw one-half of the money earned and not paid, or he will be held to the vessel as effectively through his necessities as he now is through the law. When a vessel goes to sea the owner of the vessel risks his property; that is to say, he did risk his property. He does so no more. He is now covered by limitation of liability, by marine insurance, and protection and indemnity insurance, until he stands to gain by losing the vessel. The premiums are part of the permanent cost, and are collected from the people in added freight rates. The seaman risks his life. The passenger risks his life. These risks are surely matters of public concern, and public law is surely proper for the protection of public interests, especially so when it is a question of safety of life and property, for which purposes every government claims to exist. But the seaman has an additional personal interest. The kind of men who constitute the crew may be a source of daily misery and danger. The seaman has, therefore, inherently the right to determine with whom he shall go to sea, and he must have an opportunity to judge of the skill and fitness of his shipmates. On coming on board and finding that the crew is inefficient in numbers or in skill he must have the right to refuse to proceed.

But, aside from this, experience has taught us that some standards by which to judge are necessary, or at least highly advisable. A minimum number of men in the crew, a minimum skill of the men in each rating, maximum working hours of labor under ordinary conditions, a minimum standard of food and shelter, together with implicit obedience to all lawful commands at sea, coupled with proper responsibility in officers and men, are all matters of safety and hence of public law. When a vessel is in a safe harbor there is no common danger beyond such as applies to property on shore, and here the law of freedom and appropriate damages for violation of civil contract, assessed by a civil tribunal, is not only in order but in accord with modern concepts of humanity.

As reasons for departing from the safe experience of the past, it is suggested that the unions of seamen may look after the interests of the seamen and therefore of the passengers; but such unions as seamen are likely to have will have all they can attend to in trying to enforce the public law at sea by furnishing the needed evidence of its violations by officers who are looking for promotions and are therefore likely to do the owners' bidding.

To trust the owner and master to treat the seamen right and to plead that his own interest will induce him to act properly and humanely is to expect from them that they shall be much better men than were the kings and judges of the past. To doubt that they will act justly and humanely is, of course, to question their character; but that is just what the Third Estate did and are doing with reference to those who were the governors of the past. The trouble is that the men are prone to forget and to disregard the feelings and rights of others when passions, self-interests, or self-esteem are aroused or wounded. At sea beyond any other place there must be government by law, not government by men, and those who administer the law must be held to strict accountability, because their power must be great.

Conditions which can not be avoided at sea demand a willingness to self-sacrifice and a discipline which includes ability as well as willingness to obey; in port there may be, nay, if occidental sea power is to continue there must be, freedom, and all specific performances of contract to labor must be abolished.

If the League of Nations can not or will not bring this about, then let it cease troubling itself about the sea and the men who have learned how to cooperate with it and therefore how to live and die on it.

The consciousness of the need of seamen and the fear lest there be none imposed upon the lawmakers on shore by the shipowners, coupled by desire for cheap transportation by water, has kept the seaman a serf held to his labor by law, has made of the seaman a social pariah unable to care for a family and so inefficient at his work that losses of life at sea are increasing, together with the cost of transportation. This condition must and can be altered. The homeless seaman is a deserting seaman, and the cost of transportation increases with the increasing inefficiency. Hence there must come a change or the sea power will pass from the Occident. That sea power is in the seaman is clearly proved in the case of Germany and the United States. When the war was ended Germany had seamen but no vessels; the United States had vessels but very few efficient seamen, and those she had were driven from the sea in such numbers that operation became more and more

expensive. Germany is coming back. America is drifting steadily to the rear. Of course Germany could not develop seamen under existing conditions. The vessels are paid for their services in gold. German seamen are paid in German currency, and German shipowners can therefore underbid those of other nations. English shipowners charter German vessels and permit English vessels to lie idle. German seamen arriving in England find that English seamen get three times their wages, and they desert or strike.

The German seamen get assistance from the English seamen, but the labor government of England permits the safety laws to sleep and the German vessels sail away with practically no crews. The strike is abandoned and the German seamen are transported back to Germany, where they are jailed because they quit work in England in order to get some more money with which to feed their families, which they had rather foolishly tried to take care of. And the labor government of Germany jailed those men, whose only offense was that they had violated a civil contract to labor in order to get more food for babies.

If penal punishment for violating the contract to labor had been abolished in Germany and for Germans in England, the wages of the seamen of both countries would have been the same. British shipowners would have used their own nation's vessels, and British seamen and dockers would have been at work to a much larger extent than they now are. Both those countries have labor governments, both have strong unions; but neither is making any efforts to apply to the seamen those principles of freedom for which they have so ostentatiously resoluted and so vociferously spoken. With freedom to quit work in harbor, with the resulting equality of wages, and with reasonable treatment of the seamen, there would be so few desertions that it would not be perceptible, and there would be no serious strikes to disturb the flow of maritime commerce. The seaman, being permitted to assist in picking his shipmates and having sufficient wages to keep a home, would cease his wanderings from nation to nation trying to find some spot on God's earth where he may live a decent human life, and desertions would end.

The war and, perhaps, even more so the peace (?) seems to have acted upon human society and its institutions until it is a liquid flowing mass, resembling somewhat a mass of liquid metal ready to be poured into forms to be hardened into castings that will retain their shape until the metal is again subjected to heat of sufficient intensity to make it flow again. In the reconstruction the League of Nations is supposed to furnish the international patterns for future society.

If the league is to use as its patterns for international purposes the worst in place of the best of national models, then the organization of the league will, if it shall succeed, be the greatest misfortune that has ever befallen the people of the Occident. The war and peace will be but a transitory and insignificant trouble in comparison. If an international code for seamen such as is here suggested should be adopted, there will be no hope for peaceable progress. One nation may be so stirred that it will make serious, nay, fundamental, changes in its policy and in its laws; but if there can be no changes unless nearly all of the member nations are willing, then there is an end to progress and to hope.

Let the seamen be on their guard now. Let us think and struggle as we never struggled before. The same applies to all who work in order that they may live. Judging by this proposed code, industrial feudalism is about the best we may expect from the League of Nations.

In concluding these letters, I am conscious that mine is but a very poor effort; but I felt it as an imperative duty to do the best I could in the hope that others will write such analysis and protest that we will be mercifully spared from having imposed upon us any such code as the one here proposed.

In the hope that such may be the case and that you will be amongst those who will use their powers in the interest of freedom, peaceable progress, and of safety at sea, I beg to remain,

Most respectfully yours,

ANDREW FURUSETH.

THE MERCHANT MARINE

Mr. McKELLAR. Mr. President, I have in my hand an editorial from Export Trade and Finance, of April 12, 1924, entitled "What's the alternative?" It discusses the proposed enforcement of section 28 of the merchant marine act, and I ask unanimous consent that it may be printed in the RECORD.

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

WHAT'S THE ALTERNATIVE

As was to be expected, the contemplated enforcement of section 28 of the merchant marine act by the Shipping Board has raised a storm of protest among shippers throughout the country.

On all sides we hear the complaint that after May 20, when the preferential rail rates go into effect, there will not be adequate American-flag services to care for all the tonnage offered, and that as a result operation of the law will work a direct hardship on American exporters.

That there will not be as great a frequency of choice of sailings for inland shippers to take advantage of is an obvious and undoubted truth. But in voicing their complaints it seems that many of the shippers and commercial organizations are confusing two issues. The first and perhaps the most important is, Do we want an American merchant marine? It would seem from many of the letters, resolutions, and editorials we have read that the answer to this question is not unanimously in the affirmative. "Why should not the Shipping Board make money * * * or, lacking such success, go entirely out of business?" asked one prominent New York daily recently. Of course, for those who take the position that an American merchant marine is an uneconomic encumbrance it naturally follows that the enforcement of section 28 is an unjustifiable hardship.

But what would be the result if the merchant marine act were repealed and the American flag disappeared from the sea? Out of the pockets of the American citizen, both producer and consumer, would begin a steady drain. Rate increases on the part of the remaining foreign lines would inevitably go into effect. This is only one aspect. The need of a merchant marine as a means of defense is another. The desirability of conducting our foreign trade through channels of our own nationality is still a third. Shippers should appreciate the fact that the United States now has a merchant marine and realize that we plan to keep it in operation.

Realizing that fact, why not accept the inevitable and cooperate with the Shipping Board in making the operation of these ships profitable, so that they can eventually be turned over to private ownership? Certainly some sort of direct or indirect aid is necessary. Possibly the enforcement of section 28 is not an altogether satisfactory solution of our shipping problems. Undoubtedly there will be difficulties to be overcome and necessary exceptions to be made which can only come to light after the section is put in operation.

But, as exporters and shippers, let us realize that the purpose of section 28 is to strengthen the merchant marine, and if we believe in the ultimate necessity of the American flag flying on privately owned American ships, let us at least give the Shipping Board a fair trial.

If we do not believe in the need of an American merchant marine, let us frankly say so. But the critic who with one hand waves the flag in his enthusiasm for American ocean-borne commerce and with the other pens his rabid objection to the most logical present means by which American shipping can be supported holds an untenable position.

Congress has very definitely refused a direct subsidy. Some support is necessary. Section 28 is on the statute books, a law of the country. Suppose the Shipping Board continued to refrain from enforcing its provisions; what is the alternative? Continued Government operation at an annual loss to the taxpayers of from $30,000,000 to $50,000,000, and, lacking congressional appropriations for new construction, the ultimate disappearance of the American flag from the ports of the world.

INCOME-TAX RETURNS

Mr. CAMERON. Mr. President, I present a letter from E. A. Van Arnim, of Douglas, Ariz., relative to income-tax returns, which I ask may be printed in the RECORD.

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

DOUGLAS, ARIZ., *April 18, 1924.*

Hon. RALPH H. CAMERON,
United States Senator, Washington, D. C.

MY DEAR SIR: I have had occasion to consult the income-tax office in Phoenix in regard to certain claims made by the department at Washington, in connection with my income-tax returns for as far back as 1917 and 1918, because I have been unable to explain to the satisfaction of the department by correspondence some of the items that they have questioned the correctness of.

My personal experience with the department at Washington is no different from that of hundreds of others of taxpayers in the State, and no doubt in every other State, and now while the new income-tax bill is before the Senate, I want to make a suggestion that will undoubtedly expedite the auditing of returns, and so avoid the annoyance caused by several years' delay prevailing now.

All returns should be audited in the State where they originate; the taxpayer would then be able to get his clearance within a year, no doubt, instead of four or five years, during which time some important records may have been lost, or possibly the taxpayer may have become insolvent, and where an additional assessment is claimed by the department it may be difficult in case of loss of records for the taxpayer to verify a return made so long ago. In case of insolvency or death, the delay in auditing results in a loss to the Government.

Under a recent ruling all incomes under $15,000 are now audited in the office at the source, but the writer's return in a successful business year sometimes exceeds this amount, and, consequently, has to be sent to Washington, and will not be heard from for several years, judging by past experience.

The great majority of citizens paying the income tax are honest and intend to pay what they justly owe, but it frequently happens that certain entries in a return are questioned by some department official in Washington and can not be satisfactorily explained by correspondence, and if the amount involved is of sufficient importance one must go to the expense of a trip to Washington, or must employ an attorney there at considerable expense to get the claim adjusted.

The writer has some claims for refund, not large enough to justify employing an attorney, that have been pending for several years.

May I urgently request that you recommend an amendment to the new income tax bill or have some provision made in it whereby all returns should be audited at the source?

This not only as a matter of convenience to the taxpayer, but as a matter of economy to the Government.

Your support of a measure of this kind will be of real service to the taxpayers of Arizona.

Yours very truly, E. A. VAN ARNIM.

NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6820) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1925, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee on page 28, beginning with line 11.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, under the subhead "Care of the dead," on page 35, line 5, before the word "when," to strike out the word "Force" and the comma, and to insert "Force"; so as to read:

For care of the dead: For purchase of cemetery lots; for funeral expenses and interment or transportation to their homes or to designated cemeteries of the remains of officers (including officers who die within the United States and supernumerary patients who die in naval hospitals) and enlisted men of the Navy and Marine Corps, of members of the Nurse Corps, and of officers and enlisted men of the Naval Reserve Force, when on active service with the Navy, who die or are killed in action ashore or afloat, and also to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Navy Department and Naval Establishment who die while employed outside of the continental limits of the United States, $40,000: *Provided*, That the sum herein appropriated shall be available for payment for transportation of the remains of officers and men who have died while on duty at any time since April 21, 1898.

The amendment was agreed to.

The next amendment was, under the heading "Public works, Bureau of Yards and Docks," on page 37, line 4, after the figures "$20,000," to strike out "in all, $30,000," and to insert "circulating pumps for heating system, $10,000; in all, $40,000," so as to read:

Navy yard, Portsmouth, N. H.: Electric capstans for dry dock, $10,000; repairs to quay wall, $20,000; circulating pumps for heating system, $10,000; in all, $40,000.

The amendment was agreed to.

The next amendment was, on page 37, line 8, after the word "No." to strike out "42-6, $45,000," and to insert "42-C, $45,000; in all, $220,000," so as to read:

Navy yard, Boston, Mass.: Additional facilities, Dry Dock No. 3, $175,000; for the renewal of the roof of foundry building No. 42-C, $45,000; in all, $220,000.

The amendment was agreed to.

The next amendment was, on page 37, at the beginning of line 17, to strike out "in all, $72,000," and to insert "paving, to continue, $30,000; in all, $102,000," so as to read:

Navy yard, Philadelphia, Pa.: Acetylene gas plant, extension and remodeling, $22,000; toilet facilities, Dry Dock No. 3, $25,000; dredging, to continue, $25,000; paving, to continue, $30,000; in all, $102,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 20, to insert:

Navy yard, Norfolk, Va.: Replace caisson, Dry Dock No. 1, $50,000.

The amendment was agreed to.

The next amendment was, on page 38, line 5, after the figures "$28,000," to strike out "in all, $728,000," and to insert "plant renewals, naval coal depot, Tiburon, Calif., $57,500; in all, $785,500," so as to read:

Navy yard, Mare Island, Calif.: Rebuilding dikes, wharves, and quay walls, and maintenance dredging (limit of cost, $2,800,000), to complete, $550,000; dredging equipment, $150,000; mooring dolphins, replacement, $28,000; plant renewals, naval coal depot, Tiburon, Calif., $57,500; in all, $785,500.

Mr. KING. May I inquire of the Senator whether he insists upon the amendment appropriating $57,500 for the naval coaling depot at Tiburon, Calif.? My information is, from persons who are familiar with the situation, who have worked at the plant, and who know it, that there is no necessity at all for that appropriation.

Mr. HALE. I understand that the wharf is entirely unsafe as it is at present. I will read the Senator a statement about the matter, as follows:

This project contemplates the renewal of the fender systems of the steel wharf and quay wall and the reconstruction of the timber coal trestle, renewal of decking on steel wharf, and repairs to the coal-distributing hoppers. These renewals are important to the efficiency of the plant and will result in decreased operating expense. This appropriation is required to correct a dangerous condition of parts of the structure and to avoid further damage, which would require greater appropriations in the future.

Mr. KING. The information which I have is that this wharf or depot is adequate for the present needs, and with the increased use of oil and oil burners there will be a corresponding decrease in the use of this particular coal depot. It is only a question of a little time, I am advised, when it will cease to be of any utility whatever; and men who know and who are interested in Mare Island, who are the friends of Mare Island, tell me that it is a waste of money.

Mr. HALE. This is an addition to the House bill. Does the Senator object to having it go in and letting us take the matter up in conference? I will agree to have it looked into carefully.

Mr. KING. Let it be understood that there is opposition to it here in the Senate, and that many of the Senators disagree to it. With the understanding that the conferees will look into it very carefully I shall let it go.

The amendment was agreed to.

The next amendment was, on page 38, after line 8, to insert:

Naval Academy, Annapolis, Md.: Reroof northeast terrace, Bancroft Hall, $15,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 10, to insert:

Naval station, Guantanamo, Cuba: Fresh-water tank, $14,000.

The amendment was agreed to.

The next amendment was, on page 38, at the end of line 17, to strike out "in all, $178,000," and to insert "marine railway accessories house, $20,000; roads and walks, extension, $35,000; in all, $233,000," so as to read:

Naval station, Pearl Harbor, Hawaii: Harbor moorings, $45,000; power plant extension, $100,000; boundary fence, $23,000; water system, extension, $10,000; marine railway accessories house, $20,000; roads and walks, extension, $35,000; in all, $233,000.

Mr. KING. Mr. President, I want to express my disapproval of those amendments offered by the committee of the Senate. I have made some investigation with respect to these items. My information is, based upon that investigation, that they are not necessary. I think that the view of the Navy Department with respect to Pearl Harbor needs considerable revision. There is a misconception as to the capacity of Pearl Harbor as a naval base to look after the needs and wants of the Navy. Pearl Harbor has its limitations, and some of the naval officers, ignoring physical conditions and physical limitations, unwisely urged the execution of plans that are not advantageous, and which must, in the end, prove disappointing and futile. I ask the Senator to insist upon these amendments.

Mr. HALE. It was put up to us, Mr. President, that this marine railway storehouse was really a necessity, and that unless it were built a good many of the things that were used on the railroads, supplies and so on, would have to be left out of doors, and that they would naturally deteriorate. Something must be done in the interest of economy.

Then, as to the extension of the road to the wharf, the roads there are extremely rough. They have never been finished up, and it is very difficult to carry freight over them on account of the roughness of the road. A great deal of damage has already resulted.

Mr. KING. The Senator knows we have squandered millions of dollars upon naval stations, and bases, and Army posts.

Mr. HALE. I think this is one of the most important stations we have.

Mr. KING. I know Pearl Harbor is an important naval base, and must be maintained. It is the outpost in the Pacific, and I am in sympathy with all legitimate appropriations that will strengthen it as our chief outpost in the Pacific and make it a strong naval base. But I have seen some of the recommendations respecting Hawaii and Pearl Harbor, and I think they are not founded upon good common sense.

Mr. HALE. Will not the Senator allow it to go to conference in the same way? We will take that up and study it.

Mr. KING. With that understanding I will not object.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 38, line 21, to insert "rebuilding power and refrigerating plant, $65,000; rebuilding station wharf, $12,000; in all, $87,000," so as to read:

Naval station, Tutuila, Samoa: Fire protection, $10,000; rebuilding power and refrigerating plant, $65,000; rebuilding station wharf, $12,000; in all, $87,000.

The amendment was agreed to.

The next amendment of the committee was, on page 39, after line 17, to insert the following paragraph:

Naval fuel depot, San Diego, Calif.: Storage for war heads, $60,000.

Mr. KING. I want to state to the Senator that I have talked with naval officers with respect to these amendments. In my opinion they are unwarranted.

Mr. HALE. The amendment as to Tutuila?

Mr. KING. Yes.

Mr. HALE. There is a very old plant there, which is entirely unsatisfactory, and it has to be replaced.

Mr. KING. If the Navy insists upon expending millions in bases and for repairs, and so on, we will soon be spending more money on shore than for fighting craft and seamen.

Mr. HALE. This takes care also of the refrigerating plant. The climate is very hot, and if the refrigerating plant can not be run it would be difficult to live there.

Mr. KING. I hope the House conferees will insist upon their position and disagree to the Senate amendment.

Mr. HALE. I think quite likely they may.

Mr. KING. They will find hearty support when the conferees report back to the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. KING. Mr. President, I shall not consent to this amendment, and I hope the Senator will not press it this evening. If he does, I shall have to call for a quorum. I want to present some information, which I do not have here, to show the lack of necessity for the item.

Mr. HALE. Will the Senator let it be passed over and proceed with other amendments?

Mr. KING. Yes. It is not to be agreed to. It is to be passed over for further consideration.

The PRESIDENT pro tempore. Without objection, the amendment will be passed over.

The next amendment was, on page 39, line 21, after the figures "$50,000," to insert a semicolon and "water-front development, extendsion, $100,000; in all, $150,000," so as to read:

Submarine base, Pearl Harbor, Hawaii: Distributing systems, extension, $50,000; water-front development, extension, $100,000; in all, $150,000.

Mr. KING. Mr. President, I want to express my disapproval of the action of the Senate committee with respect to this and the next item. The House committee investigated these particular matters and were substantially unanimous in the conclusions reached. If the Senate shall vote these amendments in, I hope that the House conferees will not consent to them.

The amendment was agreed to.

The next amendment was, on page 39, line 24, after the figures "$15,000," to insert a semicolon and "dock gear and paint shop, $35,000; storage for torpedoes, $140,000; in all, $190,000," so as to read:

Naval station, San Diego, Calif.: Floating pile driver, with sand pump, $15,000; dock gear and paint shop, $35,000; storage for torpedoes, $140,000; in all, $190,000.

Mr. KING. I register the same opposition to this item.

The amendment was agreed to.

The next amendment was, at the top of page 40, to insert:

Naval base, San Diego, Calif.: Paint and oil storehouse, $15,000.

Mr. KING. If we build paint houses and shops and spend millions of dollars on shore, as we are doing, of course we will not have an adequate amount for a fighting Navy. Senators here who profess to have so much interest in the Navy evince a greater interest for shore stations and a land Navy than for a fighting Navy.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Aeronautics," on page 40, at the end of line 16, to strike out "in all, $14,590,000," and to insert "for new construction, buildings, and improvements at air stations at a total cost not to exceed $410,000, as follows: Pearl Harbor, Hawaii, $173,000; Coco Solo, Canal Zone, $237,000; in all $15,000,000," so as to read:

AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1924, $325,000; for maintenance, repair, and operation of aircraft factory, helium plant, air stations, fleet activities, testing laboratories, and for overhauling of planes, $6,716,950, including $300,000 for the equipment of vessels with catapults; for continuing experiments and development work on all types of aircraft, $1,578,224; for drafting, clerical, inspection, and messenger service, $710,000; for new construction and procurement of aircraft and equipment, $5,264,826; for new construction, buildings, and improvements at air stations at a total cost not to exceed $410,000, as follows: Pearl Harbor, Hawaii, $173,000; Coco Solo, Canal Zone, $237,000; in all, $15,000,000; and the money herein specifically appropriated for "Aviation" shall be disbursed and accounted for in accordance with existing laws as "Aviation" and for that purpose shall constitute one fund.

Mr. KING. Mr. President, I ask the Senator from Maine to let this amendment go over. There is a movement now to have the War Department and the Navy Department reach some sort of cooperative basis with respect to shore air stations. There is much duplication now. The Army is spending large sums and the Navy is spending large sums, and it is a most unwise and impolitic system. I ask that the amendment may go over until Monday.

The PRESIDENT pro tempore. The amendment will be passed over at the request of the Senator from Utah.

The next amendment was, under the heading "Naval Academy," on page 41, after line 13, to insert:

No part of any sum in this act appropriated shall be expended in the pay or allowances of any commissioned officer of the Navy detailed for duty as professor or instructor at the United States Naval Academy to perform the duties which were performed by civilian professors or instructors on January 1, 1922, whenever the number of civilian professors or instructors employed in such duties shall be less than 65, exclusive of masters and instructors in swordsmanship and physical training: *Provided*, That in reducing the number of civilian professors no existing contract shall be violated: *Provided further*, That no civilian professor, associate or assistant professor, or instructor shall be dismissed, except for sufficient cause, without six months' notice to him that his services will be no longer needed.

The amendment was agreed to.

The next amendment was, under the heading "Marine Corps," on page 47, after line 19, to strike out:

No officer of the Navy or Marine Corps shall, unless the President otherwise directs, be entitled to any pay or allowances while on leave of absence for a period in excess of that for which he is entitled to full pay.

The amendment was agreed to.

Mr. McKELLAR. I ask unanimous consent to offer at this point an amendment after line 19, in the place of the language that has just been stricken out. If there is no objection I ask that it be adopted at this time.

The PRESIDENT pro tempore. The Secretary will state the proposed amendment.

The READING CLERK. On page 47, after line 19, insert the following proviso:

Provided, That no money appropriated by this act shall be expended for transportation on foreign vessels of officers, enlisted men, or employees under the jurisdiction of the Navy Department without a certificate from the Secretary of the Navy or other official authority designated by him that there are no American vessels then available for the transportation of such officers, enlisted men, or employees.

The PRESIDENT pro tempore. Under the unanimous-consent agreement the amendment is not in order at this time.

Mr. HALE. It is a little unusual to insert an amendment of this kind at this stage in the consideration of the bill, but I have no objection to the adoption of the amendment.

Mr. McKELLAR. It has been gone over by the Navy Department and I believe there is no objection to it. I ask unanimous consent that it may be considered at this time.

The PRESIDENT pro tempore. Is there objection to considering the amendment at this time? The Chair hears none.

The amendment was agreed to.

The next amendment was, under the subhead "General expenses, Marine Corps," on page 48, line 21, to increase the appropriation for clothing for enlisted men from "$1,325,000" to "$1,450,000."

The amendment was agreed to.

The next amendment was, on page 51, line 3, to increase the total of the appropriations for the Marine Corps from "$8,851,800" to "$8,976,800."

Mr. KING. I ask that the item may be passed over until Monday.

Mr. PHIPPS. That is merely a correction of the total made necessary by the previous amendment, on page 48, line 21.

Mr. KING. I thought it involved the amount for the submarines.

Mr. PHIPPS. No; it does not. It is merely a change made necessary in the total by the preceding amendment.

Mr. KING. Very well.

The amendment was agreed to.

Mr. PHIPPS. Mr. President, I ask unanimous consent that the clerks at the desk be given authority to correct the totals in the bills where necessary.

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

The next amendment was, under the heading "Increase of the Navy," on page 51, at the end of line 9, to strike out "$7,500,000" and to insert "$8,450,000," and in line 17, after the word "treaty," to insert "toward the construction of one submarine authorized by the naval act of August 29, 1916," so as to read:

The Secretary of the Navy may use the unexpended balances on the date of the approval of this act under appropriations heretofore made on account of "Increase of the Navy," together with the sum of $8,450,000, which is hereby appropriated for the prosecution of work on vessels under construction on such date, the construction of which may be proceeded with under the terms of the treaty providing for the limitation of naval armament; for continuing the conversion of two battle cruisers into aircraft carriers, including their complete equipment of aircraft and aircraft accessories, in accordance with the terms of such treaty; toward the construction of one submarine authorized by the naval act of August 29, 1916; for the settlement of contracts on account of vessels already delivered to the Navy Department; for reimbursement to contractors and subcontractors of carrying charges heretofore approved by the Secretary of the Navy to cover additional expenses resulting from the deferring of deliveries or payments under contract and subcontracts for materials for vessels the construction of which may be continued under the terms of such treaty; for the procurement of gyro compass equipments, and for the installation of fire-control instruments on destroyers not already supplied; and for the completion of armor, armament, ammunition, and torpedoes for the supply and complement of vessels which may be proceeded with as hereinbefore mentioned.

Mr. KING. This is the amendment that involves submarines?

Mr. HALE. Yes.

Mr. KING. In view of the agreement reached to have the other item about submarines go over, I ask that this item may also be passed over for later consideration.

Mr. HALE. I think that is fair. The one depends on the other.

The PRESIDENT pro tempore. The amendment will be passed over.

The amendment was agreed to.

The next amendment was, on page 54, line 1, after the name "United States," to strike out "at an actual expenditure of" and to insert "when time and facilities permit, for," so as to make the paragraph read:

No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and that no part of the moneys appropriated in each or any section of this act shall be used or expended for the repair, purchase, or acquirement of any article or articles that, at the time of the proposed repair, purchase, or acquirement can be manufactured or produced in each or any of the Government navy yards of the United States, when time and facilities permit, for a sum less than it can be purchased or acquired otherwise.

Mr. KING. Mr. President, I make the point of order against the amendment.

Mr. LODGE. The amendment is in the last lines of the bill, and that is where I desire to present an amendment when the individual amendments are in order. I think it had better go over for that reason.

Mr. HALE. Will the Senator from Utah state his point of order?

Mr. KING. I withdraw the point of order. It is not the amendment that I had in mind.

The PRESIDENT pro tempore. The Chair understands that the Senator from Massachusetts desires to offer an amendment to the committee amendment at this point.

Mr. LODGE. I ask that the committee amendment be passed over, because it is my desire to offer an amendment at that point.

Mr. McKELLAR. It is better that the committee amendment should go over.

Mr. LODGE. Yes. That is what I ask.

The PRESIDENT pro tempore. The amendment will be passed over.

Mr. FLETCHER. If there is no objection, I would like to offer an amendment that I think is agreeable to the committee. I would like to offer it now.

Mr. HALE. May I say to the Senator from Florida that I have told several Senators that when we got through with the committee amendments I would not ask the Senate to proceed further with the bill this evening.

Mr. FLETCHER. Very well.

EXECUTIVE SESSION

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

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until Monday, April 28, 1924, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 26 (legislative day of April 24), 1924

PROMOTIONS IN THE ARMY

Thomas Pitcher Bernard to be lieutenant colonel, Field Artillery.

Beverly Carndine Snow to be first lieutenant, Coast Artillery Corps.

Harold Eugene Small to be major, Coast Artillery Corps.

William Huffman Young to be captain, Infantry.

Gottfried Wells Spoerry to be captain, Infantry.

Hilton Edward Heineke to be first lieutenant, Infantry.

Galen Magnus Taylor to be first lieutenant, Coast Artillery Corps.

John Francis Lavagnino to be first lieutenant, Infantry.

POSTMASTERS

ARKANSAS

Effie I. Young, Hampton.

John W. Reed, Plumerville.

DELAWARE

William H. Evans, Newark.

FLORIDA

James A. Zipperer, Madison.

ILLINOIS

Harold E. Ward, Sterling.

IOWA

Loys E. Couch, Newell.

MINNESOTA

Ralph Moody, Wykoff.

PENNSYLVANIA

Gertrude Klinefelter, Jonestown.

SOUTH DAKOTA

Floyd Twamley, Alexandria.

John B. Goff, Philip.

HOUSE OF REPRESENTATIVES

SATURDAY, *April 26, 1924*

The House met at 11 o'clock a. m.

Rev. Jason Noble Pierce, D. D., offered the following prayer:

We thank Thee, Almighty God, our Father, for Thy goodness to us and to all men. We dedicate our strength to Thy service and pray that the love that fills Thy heart may possess ours. Bless our country and those who lead, and the great body of citizens, our Chief Magistrate and all who advise with him, and these mercies we pray shall be in relationship to all other countries, that in all the world Thy people, Thy children, may be one. So we dedicate this day and our lives to Thy service in thankfulness and praise. Amen.

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

RENTS IN THE DISTRICT OF COLUMBIA

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

The SPEAKER. The gentleman from New York presents a resolution, which the Clerk will report.

The Clerk read as follows:

Resolution for the consideration of H. R. 7962, to extend the food control and District of Columbia rents act.

The SPEAKER. Referred to the House Calendar.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD on this resolution.

The SPEAKER. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. Mr. Speaker, the resolution just introduced by the Committee on Rules seeks to make in order next Monday legislation proposing to extend for another two years what is commonly known as the Ball Rent Act. By its own provisions this act expires and ceases to be operative on May 22, 1924. The purpose of the above rule is to extend the act to May 22, 1926.

The gentleman from North Carolina [Mr. HAMMER], when discussing this subject a few days ago, claimed that this law was not based upon "emergency" and that the recent decision of the Supreme Court holding the act unconstitutional should be disregarded by us.

Likewise the distinguished gentleman from Wisconsin [Mr. LAMPERT], author of the bill, proposing to extend this act two more years, claimed the other day that such act was not based on "emergency," and I quote from page 6334 his exact statement, to wit:

Another false cry which has been raised is that this is a war measure; that we are now at peace; and that the law should therefore be repealed. You know that this is not so. You know that the original act, of which this is in effect an extension, was not passed until more than 11 months after the armistice had elapsed.

Surely these gentlemen must not have read section 122 of the original act of October 22, 1919, which I quote as follows:

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.

Thus, it is stated just as plainly as the English language can make it that it is a war emergency, and shall be considered as temporary legislation, and shall terminate in two years. The foregoing was Title II of the act of October 22, 1919, entitled "The food control and the District of Columbia rents act." And the first section of Title I of said act has the following recitation:

That, by reason of the existence of a state of war, it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy, to assure an adequate supply and equitable distribution, and to facilitate the movement of foods, feeds, wearing apparel; containers primarily designed or intended for containing foods, feeds, or fertilizers; fuel, including fuel oil and natural gas; and fertilizer and fertilizer ingredients, tools, utensils, implements, machinery, and equipment required for the actual production of foods, feeds, and fuel, hereafter in this act called necessaries; to prevent, locally or generally, scarcity, monopolization, hoarding, injurious speculation, manipulation, and private controls affecting such supply, distribution, and movement; and to establish and maintain governmental control of such necessaries during the war. For such purposes the instrumentalities, means, methods, powers, authorities, duties, obligations, and prohibitions hereinafter set forth are created, established, conferred, and prescribed.

Now, keep in mind that the above act became effective October 22, 1919, nearly a year after the armistice, yet nevertheless it was a war emergency measure just the same, and specifically declared to be a war emergency.

And when Congress last extended this act to May 22, 1924, by the act of May 22, 1922, it specifically recited in that act:

That it is hereby declared that the emergency described in Title II of the food control and the District of Columbia rents act still exists and continues in the District of Columbia, and that the present housing and rental conditions therein require the further extension of the provisions of such title.

Hence it is astonishing that any person who is posted on the subject would contend that such law was not based on emergency.

CONGRESS SHOULD FOLLOW SUPREME COURT DECISIONS

The Supreme Court without question held that no emergency now exists warranting the operation of such a law, and that it has ceased to operate, thus holding it unconstitutional. Then why should Congress waste its time attempting to pass another such law, when the Supreme Court has definitely stated that it judicially knows that the declaration of emergency which Congress intends to make is untrue, and will not be accepted by the Supreme Court, as it has judicial knowledge to the contrary.

MR. HAMMER DESIGNATES IT "OBITER DICTUM" AND WORTHLESS

He will be able to obtain very little consolation from that contention. This decision is the latest expression from the Supreme Court on the subject, delivered April 21, 1924. The exact question before the court was whether this exigency, or war emergency, still existed in 1922. The court said:

It is a matter of public knowledge that the Government has considerably diminished its demand for employees that was one of the great causes of the sudden afflux of people to Washington, and that other causes have lost at least much of their power. If about all that remains of war conditions is the increased cost of living that is not in itself a justification of the act.

And the court specifically held:

If the question were only whether the statute is in force to-day, upon the facts that we judicially know we should be compelled to say that the law has ceased to operate.

But because the court held that it was necessary to know whether the emergency existed back in 1922 it sent the case back to the lower court to ascertain such facts.

Only one member of the Supreme Court in any way questioned the above decision, and that was Mr. Justice Brandeis, who protested that the Supreme Court should thus decide on the constitutionality of the law, as he claimed that the case should be reversed without it. And he did not claim that the law was constitutional, but claimed merely that the question of constitutionality was not involved. Mr. Justice Brandeis said:

If protection of the rights of the Chastleton Corporation and Hahn required us to pass upon the constitutionality of the District rent acts, I should agree also to the procedure directing the lower court to ascertain the facts. But in my opinion it does not. For (on facts hereinafter stated, which appear by the bill and which were also admitted at the bar) the order entered by the commission is void as to them, even if the rent acts are valid. To express an opinion upon the constitutionality of the acts or to sanction the inquiry directed would therefore be contrary to a long-prevailing practice of the court.

Hence you will observe that the Supreme Court did pass upon the question of constitutionality and did hold this Rent Commission act inoperative at the present time, in that it is not in accord with the provisions of the Constitution, which prevents property from being taken from its lawful owner without due compensation, except in emergencies.

What is Mr. HAMMER going to do? What is Mr. LAMPERT going to do? And what are the members of the Rules Committee going to do? And what is the Congress going to do relative to passing another emergency rent law next Monday, when on last Monday the Supreme Court of the United States said:

If the question were only whether the statute is in force to-day upon the facts that we judicially know, we should be compelled to say that the law has ceased to operate.

Are we Members of Congress going to respect the decision of our Supreme Court, or are we going to ignore it and disregard it just because a demand has been made upon us to do it? Are we going to make a foolish legislative declaration that a war emergency still exists on April 28, 1924, and that it will continue to exist until May 22, 1926, when the war has been over since November 11, 1918, and the Supreme Court solemnly held only last Monday that its nine members judicially know that such legislative declaration is not true, and that they would be compelled to say that the law is unconstitutional and not operative?

WHAT THE SUPREME COURT JUDICIALLY KNOWS

It knows that the war is over; that the armistice was signed on November 11, 1918; that practically all of the war

laws have been repealed; that the country is fast getting back to normalcy; that the country must get back to normalcy; that this was an emergency law; that this was a temporary law so declared by Congress; that it has been extended several times; and that only a question of high-living costs is now involved.

WHY THE SUPREME COURT HOLDS SUCH EMERGENCY LAW UNCONSTITUTIONAL

Mr. Alfred B. Moore, who made a survey of housing conditions for the Senate, in his report dated April 3, 1924, reported to the Senate the following vacant houses and apartments now being offered for rent in the city of Washington, 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

I quote the following from our recent hearings:

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, 1782 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. DE GAST,
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, 1829 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, 1378 L Street SE., 4 rooms and bath	22.50
1 apartment, 818 Q Street, second floor, 5 rooms and bath	50.00
1 apartment, 4799 Conduit Road, 4 rooms and bath	32.50
1 apartment, 1216 Ninth Street, 3 rooms and bath	40.00
1 apartment, 3338 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
3 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
3312 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	6,787,403	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 apiece.

"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."

* * * * * * *

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 Street 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 Nineteenth 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
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.

NEW BERNE APARTMENTS SUFFICIENT EVIDENCE AGAINST BILL

With the evidence given on this New Berne apartment alone, I can convice any fair-minded person that the Rent Commission causes rents to be advanced, and should be abolished. Now, let me take the witnesses up one after another, and give you pertinent excerpts from their testimony. And in this connection, remember that the Rent Commission began functioning October 22, 1919. Then rents were materially raised in September, 1920, such material raises continuing on to February, 1924, when notice of another raise was given, right in the teeth of the Rent Commission. Now, what caused this last raise:

MR. HARRY WARDMAN

Mr. BLANTON. You acquired this Berne apartment about three months ago, did you not?

Mr. WARDMAN. Yes.

Mr. BLANTON. Of course, you have been in Washington for a long time, haven't you?

Mr. WARDMAN. Yes.

Mr. BLANTON. You know rental conditions; you know property as well as any man in Washington?

Mr. WARDMAN. I think so.

Mr. BLANTON. When you bought that Berne apartment you knew what the tenants were paying?

Mr. WARDMAN. Yes. I knew all about that.

Mr. BLANTON. You knew if you were going to increase their rentals you were going to have trouble, didn't you?

Mr. WARDMAN. Why, I didn't really expect to have any trouble with them.

Mr. BLANTON. But you knew what they had been paying for the last 10 years?

Mr. WARDMAN. Yes; and I knew the return the man who owned the apartment was getting. That was practically nothing. When he paid the interest on the mortgage and the taxes there was scarcely anything left. He got disgusted and let the building go at a sacrifice.

Mr. BLANTON. And you thought there would be a chance to take over the building and increase the rentals and make money, didn't you?

Mr. WARDMAN. I took it over to put it on a business basis.

Remember that Mr. Whaley, chairman of the Rent Commission, testified that Mr. Harry Wardman was one of the most responsible realtors in Washington, that he had implicit confidence in him, and that Mr. Wardman had been before the commission time and again, and they had found him absolutely honest and straightforward in his testimony, which was that of a man in whom he had every confidence.

Mr. Wardman found out that suites in the New Berne were renting for only $12.50 per room, and he knew that such suites of like standard had had a much larger rental adjudged to them by the Rent Commission, and he knew that he could safely raise such rents up to the amounts fixed by such decisions, so he bought the New Berne with the express intention and purpose of raising the rents just as high as the decisions of the Rent Commission would authorize. Now I quote from the hearings excerpts from the testimony of New Berne tenants:

MR. LOUIS GOUBEAU

Mr. GOUBEAU. My wife and myself. Four rooms, bath, and kitchen.

Mr. HAMMER. What do you pay?

Mr. GOUBEAU. $60 at the present time. I came in when they made the raise three years ago last July.

Mr. HAMMER. Have you received notice to increase your rent?

Mr. GOUBEAU. Yes, sir.

Mr. HAMMER. How much?

Mr. GOUBEAU. From $60 to $80.

Mr. BLANTON. Did I understand you to say you had four rooms, kitchen, and bath?

Mr. GOUBEAU. Yes, sir.

Mr. BLANTON. You are working for the Government?

Mr. GOUBEAU. Yes, sir.

Mr. BLANTON. What salary do you receive?

Mr. GOUBEAU. I work at night, and I receive approximately $2,500.

Mr. BLANTON. $2,500?

Mr. GOUBEAU. Yes, sir.

Mr. BLANTON. Does your wife work?

Mr. GOUBEAU. No, sir.

Mr. BLANTON. She has no position?

Mr. GOUBEAU. No, sir.

Mr. BLANTON. Has she ever had a position?

Mr. GOUBEAU. Yes, sir.

Mr. BLANTON. She has had a position in the Government?

Mr. GOUBEAU. Up until last August. She is a right sick woman and unable to do anything now.

Mr. BLANTON. Up to last August she did have a position with the Government?

Mr. GOUBEAU. Yes; for several years.

Mr. BLANTON. At what salary.

Mr. GOUBEAU. Nine hundred plus the bonus of $240.

Mr. BLANTON. Do you rent any of these rooms out?

Mr. GOUBEAU. Yes, sir. At the present time I am obliged to.

Mr. BLANTON. How many do you rent out?

Mr. GOUBEAU. Two.

Mr. BLANTON. To how many people?

Mr. GOUBEAU. One to two different gentlemen; that is, two rooms, one gentleman in each room.

Mr. BLANTON. You rent one room to each man?

Mr. GOUBEAU. Yes, sir.

Mr. BLANTON. What do they pay you?

Mr. GOUBEAU. One gentleman pays me $30 and the other $25.

Mr. BLANTON. Then for the apartment that you pay $60 for you get $55 back?

Mr. GOUBEAU. Yes; but it is no pleasure for me to rent rooms. It is a great sacrifice of comfort.

Mr. BLANTON. But you get $55 back.

Mr. GOUBEAU. Very likely.

EXCERPTS FROM MRS. WHITE'S TESTIMONY

Mr. HAMMER. What do you pay?

Mrs. WHITE. $60.

Mr. HAMMER. Do you rent to anybody else?

Mrs. WHITE. I rent one room.

Mr. HAMMER. What do you get for that?

Mrs. WHITE. $35.

Mr. HAMMER. Do you furnish it?

Mrs. WHITE. Yes, sir.

Mr. HAMMER. And pay for the gas and light?

Mrs. WHITE. And the washing and laundry, the upkeep of the room, and all those things.

Mr. HAMMER. How long have you been there?

Mrs. WHITE. Seven years.

Mr. HAMMER. What did you pay prior to 1920?

Mrs. WHITE. From 1917 to 1920 we paid $47.50.

Mr. BLANTON. I suggest that the lady be seated. She does not have to stand.

Mr. HAMMER. Did you receive any notice of increased rent?

Mrs. WHITE. Yes; I received one from Mr. Wardman. I have it if you would like to see it.

Mr. BLANTON. She can just tell what the increase was.

Mr. HAMMER. What was the increase?

Mrs. WHITE. To $80.

Mr. BLANTON. You have been there how long?

Mrs. WHITE. Seven years.

Mr. BLANTON. You and your daughter?

Mrs. WHITE. Yes, sir.

Mr. BLANTON. You have four rooms and kitchen?

Mrs. WHITE. Yes, sir.

Mr. BLANTON. Four rooms besides your kitchen?

Mrs. WHITE. Yes, sir.

Mr. BLANTON. And you have a bath?

Mrs. WHITE. Yes, sir.

EXCERPTS FROM MRS. KENNEDY'S TESTIMONY

Mr. HAMMER. How many in your family?
Mrs. KENNEDY. I am the only one.
Mr. HAMMER. You live at the New Berne?
Mrs. KENNEDY. Yes, sir.
Mr. HAMMER. How long have you lived there?
Mrs. KENNEDY. Ten years in October.
Mr. HAMMER. How many rooms do you occupy?
Mrs. KENNEDY. Four rooms, kitchen, and bath.
Mr. HAMMER. You pay what?
Mrs. KENNEDY. On the fifth floor, $70. Well, I pay for the phone, too.
Mr. HAMMER. How many rooms do you rent out?
Mrs. KENNEDY. I rent out three.
Mr. HAMMER. What do you get for them?
Mrs. KENNEDY. I get $40, $30, and $25.
Mr. BLANTON. You are paying $70 and you are getting back $95?
Mrs. KENNEDY. Well, I pay $5 for my phone. I pay $75 really.
Mr. BLANTON. But you use the phone, do you not?
Mrs. KENNEDY. Yes, sir.
Mr. BLANTON. You get $5 worth a month out of the phone? I pay $5 for my phone.
Mrs. KENNEDY. Well, that goes into the rent, does it not, $75?
Mr. BLANTON. Well, you pay $75 and get back $95?
Mrs. KENNEDY. Yes, sir.

EXCERPTS FROM TESTIMONY OF MISS MALONEY

Miss MALONEY. Maloney.
Mr. HAMMER. How many in your family?
Miss MALONEY. Two; my father and myself.
Mr. HAMMER. You live where?
Miss MALONEY. Apartment 43, the New Berne.
Mr. HAMMER. What floor?
Miss MALONEY. The fourth floor.
Mr. HAMMER. How many rooms?
Miss MALONEY. Five rooms and bath. * * *
Mr. HAMMER. You pay about what rent?
Miss MALONEY. $60.
Mr. HAMMER. Increasing it to what?
Miss MALONEY. $80.
Mr. BLANTON. You have been in this apartment how long?
Miss MALONEY. I think it is 16 years.
Mr. BLANTON. Sixteen years?
Miss MALONEY. Yes sir.
Mr. BLANTON. How much did you pay there during the war year, say April, 1917?
Miss MALONEY. I think it was $47.50.
Mr. BLANTON. Since 1920 you have been paying $60?
Miss MALONEY. $60.
Mr. BLANTON. And you have five rooms and bath?
Miss MALONEY. Yes, sir.
Mr. BLANTON. Occupied by two people?
Miss MALONEY. Yes, sir.
Mr. BLANTON. You will pardon a personal question, but do you mind stating what salary you get?
Miss MALONEY. I get $1,740.
Mr. BLANTON. $1,740?
Miss MALONEY. Yes, sir.
Mr. BLANTON. And your father is a retired employee? He has his retirement pay?
Miss MALONEY. Yes, sir.
Mr. BLANTON. What is the amount of his retirement pay?
Miss MALONEY. $60 a month.
Mr. BLANTON. Your aunt stayed with you?
Miss MALONEY. Yes, sir.
Mr. BLANTON. And she was working for the Government?
Miss MALONEY. Yes, sir.
Mr. BLANTON. Getting a salary?
Miss MALONEY. Yes, sir.
Mr. BLANTON. Did anybody else stay with you during the war?
Miss MALONEY. Of course, we had the whole family there once.
Mr. BLANTON. How big a family?
Miss MALONEY. I had a sister.
Mr. BLANTON. Your sister?
Miss MALONEY. Yes, sir.
Mr. BLANTON. She was working for the Government?
Miss MALONEY. Yes, sir.
Mr. BLANTON. And who else?
Miss MALONEY. That was all that was there regularly.
Mr. BLANTON. Your sister has married off?
Miss MALONEY. Yes, sir.
Mr. BLANTON. And your aunt died?
Miss MALONEY. Yes, sir.
Mr. BLANTON. And you are to pay $80?
Miss MALONEY. Yes, sir.
Mr. BLANTON. Now, you understand that I do not believe this rent is reasonable; I think this increase is unreasonable; but don't you think it is so remarkable that so many of these tenants show that they have been there for 12 to 16 years in one place; they must have been satisfied or they would not have stayed there that long?
Miss MALONEY. Well, we were satisfied for the time.
Mr. BLANTON. And you have been there 16 years yourself?
Miss MALONEY. Yes, sir.

EXCERPTS FROM TESTIMONY OF MRS. GRAHAM

Mr. HAMMER. You live at the New Berne?
Mrs. GRAHAM. No. 23, second floor.
Mr. HAMMER. How many rooms have you?
Mrs. GRAHAM. We call it five rooms, four rooms and kitchen and bath, or five rooms and bath.
Mr. HAMMER. What do you pay?
Mrs. GRAHAM. I pay $60 now.
Mr. HAMMER. Have you received any notice?
Mrs. GRAHAM. I received a notice for $80. * * *
Mr. BLANTON. You have been there how long?
Mrs. GRAHAM. Well, we went there when the house was first built.
Mr. BLANTON. In 1905?
Mrs. GRAHAM. Yes, sir; * * *.
Mr. BLANTON. Were you here during the war period from April, 1917——
Mrs. GRAHAM. Yes, I came in from the country and put my little girl in school. * * *
Mr. BLANTON. You have no connection with the Government at all?
Mrs. GRAHAM. No.
Mr. BLANTON. You just like to live in Washington?
Mrs. GRAHAM. No, I am not employed. My little daughter is at school here and I am trying to make a home.
Mr. BLANTON. But you like Washington and you like to live here?
Mrs. GRAHAM. I have lived here since I was married.
Mr. BLANTON. What is your native State?
Mrs. GRAHAM. I came from Maryland.
Mr. BLANTON. You prefer to live in Washington and send your daughter to school and give her the advantages of the city?
Mrs. GRAHAM. You see I would like to keep her with her grandfather. Her grandfather is a physician and has been practicing here over 50 years, and it means a great deal to him and for her.
Mr. BLANTON. He is living with you?
Mrs. GRAHAM. No, not with me, but near me.
Mr. BLANTON. He is living near you?
Mrs. GRAHAM. Yes, sir.

EXCERPTS FROM TESTIMONY OF MRS. MANSFIELD

Mr. HAMMER. How many rooms do you occupy?
Mrs. MANSFIELD. I have four rooms, kitchen, and bath.
Mr. HAMMER. What do you pay?
Mrs. MANSFIELD. I am paying now $60.
Mr. HAMMER. You sublet two rooms for how much?
Mrs. MANSFIELD. I get $30 for one, and I can only rent the other one part of the time, and I get $25. But I have not had that rented very often. In fact, I ought to have that for myself and my daughter to live decently, but I have to rent it.
Mr. BLANTON. Are you employed by the Government?
Mrs. MANSFIELD. No, sir; I am not employed at all, just to take care of the apartment, and I do sewing whatever time I can.
Mr. BLANTON. Your daughter is going to school?
Mrs. MANSFIELD. She is 16 years old.
Mr. BLANTON. And going to school?
Mrs. MANSFIELD. And going to school.
Mr. BLANTON. You are educating her here in Washington?
Mrs. MANSFIELD. Yes, sir.
Mr. BLANTON. Washington is quite a desirable place to educate a young lady in? It gives them a great many advantages?

* * * * * * *

Mr. BLANTON. How long have you been there?
Mrs. MANSFIELD. Sixteen years.
Mr. BLANTON. Most of the people who are there have been there a long time?
Mr. LAMPERT. How much rent are you paying?
Mrs. MANSFIELD. $60.
Mr. LAMPERT. And you received one of these celebrated notices?
Mrs. MANSFIELD. Yes; for $80.
Mr. HAMMER. Now, the other lady; there is just one more. What is your name, madam?

EXCERPTS FROM TESTIMONY OF MISS PAULINE HAMMETT

Mr. HAMMER. What apartment do you live in?
Miss HAMMETT. The New Berne, second floor.
Mr. HAMMER. How many in your family?
Miss HAMMETT. Nobody but myself.

* * * * * * *

Mr. HAMMER. How many rooms in that apartment?

Miss HAMMETT. Four rooms, kitchen, and bath.

Mr. HAMMER. Do you sublet any of those rooms?

Miss HAMMETT. Yes, sir.

Mr. HAMMER. What do you get for them?

Miss HAMMETT. $30, furnished.

Mr. HAMMER. How much do you pay for the four rooms?

Miss HAMMETT. Four rooms, kitchen and bath, I am paying $70 now.

Mr. HAMMER. Did you receive any notice to increase your rent?

Miss HAMMETT. Yes; to $90.

Mr. BLANTON. During the 17 years that you have been there, you have been reasonably satisfied?

Miss HAMMETT. Yes; but not always with the service.

Mr. BLANTON. Have you ever rented out more than one room?

Miss HAMMETT. Yes, sir.

Mr. BLANTON. How many?

Miss HAMMETT. Two, since my father's death.

Mr. BLANTON. What did you receive for the two?

Miss HAMMETT. $30 for one and $35 for the other.

Mr. BLANTON. That was $65, and you are paying $70?

Miss HAMMETT. Yes, sir.

Mr. BLANTON. So, not considering overhead expenses——

Miss HAMMETT. It is not rented now. I have only one rented now.

Mr. BLANTON. But you could rent two?

Miss HAMMETT. Yes; I have only myself.

Mr. HAMMER. Well, the next meeting is to-morrow morning, is it?

Mr. BLANTON. Probably the Post and the Herald would notify them.

Mr. HAMMER. You would have to pay for it.

Mr. BLANTON. Oh, well, the newspapers are pretty good about giving people information.

Mr. HAMMER. They may be working people who can not come to-morrow.

RENT COMMISSION ALONE RESPONSIBLE FOR NEW BERNE RAISE

I submit that no fair-minded person can read the testimony of these witnesses from the New Berne Apartments, in connection with Mr. Wardman's evidence, and escape the inevitable conclusion that decisions of the Rent Commission were responsible for these recent raises by Mr. Wardman in the New Berne. Why, he bought it for the purpose of raising the rents to correspond to decisions of the Rent Commission. If we had had no Rent Commission, there would have been no raises there. The raises made in September, 1920, were not made until certain decisions of the Rent Commission warranted it for suites with rooms of certain standards.

GETTING BACK APPROXIMATELY WHAT THEY PAID OUT

Examine the above testimony and you will note that many of these tenants are subrenting enough rooms from their suite to take in almost as much as they pay out. I challenge any man to read the evidence of all the witnesses in this New Berne and say that it warrants the extension of this war-emergency Rent Commission.

HARRY WARDMAN SOLEMNLY AGREES NOT TO EJECT TENANTS

I quote the following from page 81 of the hearings:

Mr. BLANTON. May I ask you this question? It will have a very large effect on my attitude toward this bill. Suppose the Rent Commission is not kept alive and expires on May 22, and these people say that they will not pay the increase in rent: Do you expect to have them put out of the building?

Mr. WARDMAN. No, sir; I do not expect to do that.

Mr. BLANTON. What I mean is this: Suppose they say, "We can not pay these increases and we are not going to give our apartments up."

Mr. WARDMAN. I would not insist upon them getting out.

The largest colored newspaper published in the United States exclusively for colored people is the Washington Tribune. It has a large circulation and goes into almost all of the States. Covering a large part of three columns of its front page last Saturday, April 12, 1924, was a demand from the 110,000 colored people of Washington to give them representation upon this Rent Commission by appointing thereon one colored man and one colored woman. Let me quote the following excerpt from this article:

The progressive group of colored people of the District of Columbia are now preparing for a fight to a finish for representation on the District of Columbia Rent Commission. A bill is now pending in Congress making this body a permanent one. As now constituted, the commission is composed of five white and no colored.

Attorney Thomas L. Jones addressed a letter to Senator BALL, chairman of the District Committee, asking the Senator to propose an amendment to this bill providing for negro representation on the commission. Attorney Jones suggests that a man and a woman be appointed as representatives of the Negro race.

Attorney Jones makes a forceful argument in his letter, which was as follows:

Hon. H. L. BALL:

I desire to call your attention to the condition of things bearing on the question of the extension of the Ball Rent Commission law. In doing so, I desire to say that, notwithstanding the fact that the colored people constitute one-fourth of the population of the District of Columbia, 90 per cent of whom are rent payers, they have no representation on the Rent Commission, and, so far as I know, and have been advised, very little attention has been paid to them when they did make a complaint.

As a lawyer, I very seriously doubt the advisability of such laws. In my opinion, they have a tendency to increase rent instead of diminishing it. At least, they prevent the erection of small houses that would relieve my class from poor conditions in living quarters. This is borne out by the fact that I see by the report of your investigation committee, in regard to the subject, there is a scarcity of houses for living quarters in the District of Columbia renting for less than $50 a month, in spite of the fact that these laws have been in existence for six or seven years.

However, I do not want to get away from my object, and that is, if the Ball rent law is to be extended, a hundred and ten thousand colored people of the District of Columbia, 90 per cent of whom are rent payers, demand that they shall have a representation of at least two members on said commission—one man and one woman.

In order that there shall be no mistake or failure in regard thereto, I respectfully request you, as chairman of said committee, to propose an amendment to said bill in such behalf and to urge its adoption.

If you desire me to do so, I shall be glad to prepare a form for such amendment and mail a copy to you.

Hoping this letter will receive your early and favorable consideration, I am,

Yours very respectfully,

THOMAS L. JONES.

And on the editorial page there is an extended double column editorial from Editor J. A. G. LuValle demanding that there shall be placed on this Rent Commission one colored man and one colored woman. And their demands are such that if this Rent Commission is extended neither the President nor Chairman MADDEN nor the gentleman from Missouri [Mr. DYER] and the gentleman from Massachusetts [Mr. TINKHAM] can turn them down, hence it will mean an increase to seven commissioners, any one of whom is authorized under the present law to sit and determine rents and service.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Welsh, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2513. An act providing that unpaid letters of the first class shall be transmitted to destination and postage thereon paid upon delivery; and

S. 3116. An act to authorize the Choctaw, Oklahoma & Gulf Railway Co. and the Chicago, Rock Island & Pacific Railway Co. to construct a bridge across the White River near the city of De Valls Bluff, Ark.

SENATE BILLS REFERRED

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3116. An act to authorize the Choctaw, Oklahoma & Gulf Railway Co. and the Chicago, Rock Island & Pacific Railway Co. to construct a bridge across the White River near the city of De Valls Bluff, Ark.; to the Committee on Interstate and Foreign Commerce.

S. 2513. An act providing that unpaid letters of the first class shall be transmitted to destination and postage thereon paid upon delivery; to the Committee on Post Offices and Post Roads.

CHILD LABOR

Mr. GRAHAM of Pennsylvania. 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 H. J. Res. 184, proposing an amendment to the Constitution of the United States.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. J. Res. 184, with Mr. CRAMTON in the chair.

The Clerk read the title of the resolution.

Mr. GARRETT of Tennessee. Mr. Chairman, will the Chair advise, please, how much time remains for general debate?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAHAM] has remaining 36 minutes; the gentleman from Ohio [Mr. FOSTER] has 51 minutes remaining; the gentleman from Texas [Mr. SUMNERS] has 69½ minutes remaining; and the gentleman from Kentucky [Mr. THOMAS] has 34 minutes remaining.

Mr. MOORE of Virginia. Mr. Chairman, I think there should be a quorum present.

The CHAIRMAN. Does the gentleman make the point that there is no quorum present?

Mr. MOORE of Virginia. Yes.

The CHAIRMAN. The Chair will count.

Mr. MOORE of Virginia. Mr. Chairman, at the suggestion of some gentlemen here, I withdraw the point of no quorum.

Mr. FOSTER. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. HICKEY].

Mr. HICKEY. Mr. Chairman and gentlemen of the committee, I am very glad, indeed, that I have this very select audience to listen to this very important question. In the time I have it would be idle for me to attempt to enter into an extended discussion of this subject. However, I approach the question with a full realization of its importance.

Whether or not this resolution be passed by the Congress is, of course, a matter of concern to a great many people. Those who oppose the resolution direct their opposition not to regulating the question of child labor but to the method proposed by this amendment. I believe that everybody, without exception, is interested in protecting child life.

The resolution (H. J. Res. 184) is as follows:

Joint resolution proposing an amendment to the Constitution of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE —

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimparied by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

This resolution, if passed and ratified by the States would authorize Congress by legislation to limit, regulate, and prohibit the employment of persons under 18 years of age.

The wisdom of conferring this power upon Congress is questioned by those who oppose the resolution. It is not a new subject. It has been under consideration in this country for a great many years. Those who oppose the resolution do so not because they are unfriendly to regulating the employment of children in gainful industry but because they hesitate to change the organic law in order that Congress may have the power to deal with this subject. They take the position that the matter should be left where it is at present with the States.

The position of those opposing the resolution is set out in detail in a minority report of the Committee on the Judiciary. I call attention to a statement on the subject on the first page of the minority report. On this point the chairman of the committee, Mr. GRAHAM of Pennsylvania, has this to say:

It is not proposed to make any contention against the regulation of child labor. This is a subject which, although only recognized and legislated upon within recent years, is one upon which there is a well-founded and universally recognized sentiment which has its base in the natural feeling of humanity in almost every heart toward children. It is therefore not to be presumed that what is said is intended in any manner to be antagonistic to the subject of child-labor regulation in a reasonable and proper way.

Two questions, it seems to me, present themselves for consideration:

(1) Is it good legislative policy to adopt the amendment; and

(2) Is there a necessity for it?

In considering the question of policy it is necessary to take into account the attitude of Congress in previous sessions with respect to this subject. The question has been under consideration in Congress for many years. In 1916 an act was passed dealing with this subject, which was later declared to be unconstitutional, and to which I shall refer later.

In 1918 the matter was dealt with in a legislative way for the second time. This law was also declared unconstitutional. So it will be seen that Congress has been interested in the subject, and in taking the position that it now takes with respect to the subject it undoubtedly reflects the opinion of the Nation.

Then, again, in the sixteenth amendment and the eighteenth amendment, ratified by a majority of the States, it has been made manifest that in certain matters of national concern the people generally feel that they should be dealt with by the Federal Government as well as by the several States.

With respect to the question of necessity, I call attention to the majority report of the Judiciary Committee, on page 16, in which the following statement is made by the author of the resolution, Mr. FOSTER:

No State having a child labor law which fell below the standards of the former Federal law has brought its child labor law up to the standards of the former Federal laws since the Federal child labor tax act was declared unconstitutional on May 15, 1922. It was hoped by many that with the protection of the Federal law removed the States would act promptly to give children the protection that they had enjoyed while the Federal laws were in operation. Since the child labor tax law was declared unconstitutional legislatures have been in session in 32 States in which the standards of protection afforded children by the State child labor law had in some particular fallen below the standard which the Federal child labor law had in effect established. But, so far as the Children's Bureau has been able to ascertain, in only 8 of these—Delaware, Maine, Michigan, Missouri, North Dakota, Rhode Island, South Dakota, and Wyoming—was there any improvement in the age and hour standards, and in none of these have the State standards been brought up to those of the Federal law in every particular.

Again I call attention to a statement made by Miss Grace Abbott, Chief of the Children's Bureau of the United States, before the committee and reported on page 275 of the hearings before the Judiciary Committee of the House:

I want to remind you of the fact that, after all, the reasons why we are asking for a Federal minimum standard with reference to the employment of children, or that Congress be given power to enact a Federal minimum standard with reference to the employment of children, is (1) because we have shown that the numbers involved are very large; that is, that there are more than a million children between 10 and 16 years of age employed; and something over 300,000 of them are between 10 and 14 years of age; and that nearly half a million are in nonagricultural employments; (2) that this employment is confined to no one section of the country nor to no one part of a single State; (3) that while the States in various parts of the country have enacted child labor laws those laws have been uneven and inadequate, sometimes because of successful opposition to the enactment of a law and sometimes because of successful opposition to the effective enforcement of the law; (4) because, after all, we feel that the question of children involves the citizenship of the country in a way which justifies national concern and interest; (5) no one State alone can protect itself wholly against the evils of child labor; the children who grow up in other States migrate frequently to States in which ample provision has been made for the protection of children, and bring with them bad health and illiteracy to the State to which they go; (6) the State can not protect itself against the competition of low standards in other States.

Quoting further from the hearing, on page 276, and from Miss Abbott's testimony, is the following:

(7) I also want again to call attention to the fact that the States are not able to protect their children, as was demonstrated very spectacularly in the case of New York and New Jersey, in the home-work situation. New York and New Jersey both have home work laws. New Jersey officials were eager and willing to enforce those laws and punish the persons who placed factory work in the homes in violation of the law. But some of the people who placed the work in the homes in New Jersey were not citizens of New Jersey but citizens of New York, crossing State lines and dodging behind State lines in order to employ little children, which they were not allowed to do in New York, and therefore were sending it over into New Jersey homes.

We have other instances of that in various parts of the country. There is a group of children that every year travels practically the entire length of the country, going from one State to another to work in the canneries of the country; leaving Maryland, for example, they finally reach the State of Mississippi, subject apparently to the law of no State and being in the schools of none.

I also wish in this connection to call the attention of the House to a statement, furnished the Judiciary Committee by Miss Abbott, to be found on pages 280–281 of the hearings:

STATEMENT BY MISS ABBOTT, MADE AT THE REQUEST OF CONGRESSMAN FOSTER AS TO ACCURACY OF THE STATEMENTS FOUND UNDER THE HEADING "WHY DOES THE COUNTRY NEED CONGRESSIONAL ACTION?" IN A PAMPHLET ISSUED BY SEVENTEEN NATIONAL ORGANIZATIONS, TOGETHER WITH AN ENUMERATION OF THE STATES TO WHICH THE STATEMENTS APPLY

Only 13 States measure up in all respects to the conservative standards of the first and second Federal child labor laws.

These States are Alabama, Connecticut, Illinois, Indiana, Kansas, Kentucky, New York, Ohio, Oklahoma, Oregon, Tennessee, West Virginia, and Wisconsin.

Nine States have no law prohibiting all children under 14 from working in both factories and stores.

These States are Florida, Georgia, Mississippi, Montana, Oklahoma, South Carolina, Utah, Vermont, and Wyoming.

Twenty-three States with a 14-year minimum age limit have weakened their laws by permitting exemptions under which children not yet 14 may work.

Correct, with the qualification that the 14-year age minimum is understood to include at least factories and workshops. These States are Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Iowa, Kansas, Minnesota, Missouri, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, South Dakota, Vermont, Washington, West Virginia, and Wisconsin.

Thirty-seven States allow children to go to work without a common-school education.

Legislative changes made during the last year reduce this number to 35. These 35 States are Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wyoming.

Eighteen States do not make physical fitness for work a condition of employment.

This number is now 19, as follows: Arkansas, Colorado, Georgia, Idaho, Kansas, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming.

Fourteen States allow children under 16 to work from 9 to 11 hours a day.

Legislative changes during the last year change this to 11 States. These are Florida, Idaho, Louisiana, Michigan, New Hampshire, North Carolina (has 8-hour day for children under 14), Pennsylvania, Rhode Island, South Carolina, South Dakota, and Texas.

One [State] does not regulate in any way daily hours of labor of children.

This is true of Georgia only at the present time. (Georgia limits the legal hours of work per week in cotton and woolen mills to 60 hours for all employees, with certain exceptions.)

Five States do not protect children under 16 from night work.

This number is now 4, namely: Nevada, South Dakota, Texas, and Utah.

Since the day when Charles Dickens painted the picture of Oliver Twist the subject of child labor has been one of increasing interest to the general public.

The people have become more or less informed on the subject, particularly since the introduction of Federal legislation back in 1906, when a bill was introduced in the United States Senate by Albert J. Beveridge.

The purpose of this bill was to prohibit the employment of children under certain ages in factories and mines. This bill failed of passage, but, finally, in September, 1916, an act dealing with the subject of the suppression of child labor in industries was placed upon the statute books.

Immediately after the passage of this act a suit was instituted raising the question of its constitutionality, and on June 3, 1918, it was declared unconstitutional.

Legislation was again passed in 1918 to regulate the child-labor question. This was carried in the revenue act of that year and sought to overcome the objections made by the United States Supreme Court in its decision of June 3, 1918, in the case of Hammer against Dagenhart.

The object of this second law, which was included in the revenue act of 1918, was to impose a tax upon the profits of industries employing child labor within an age prohibited by the act. The constitutionality of this later act was also challenged, and a suit, the title of which was Bailey against the Drexel Furniture Co., was filed. Again the Supreme Court held unconstitutional Federal legislation dealing with this subject. This decision was announced on May 15, 1922.

Because of these decisions it is necessary either to amend the Constitution so that Congress will have authority to legislate on this subject or leave the subject of child labor to be dealt with solely by the States. I have briefly sketched the course of Federal legislation bearing on this subject.

It seems to me that we should act without hesitation in respect to the adoption of this amendment enabling the Congress to limit, regulate, and prohibit the labor of children under 18 years of age. I base my argument in support of this amendment not alone on social grounds but also on the broader grounds of the proposed amendment being in the interest of the national welfare. If it is true that there are thousands of children under the age of 18 years who to-day work in mines and factories and under insanitary conditions, I feel that those advocating the amendment have established their case and have shown a necessity for the adoption of the amendment.

It can not be denied that the most important concern of this country is its future men and women, fathers and mothers, and if the boys and girls of to-day are engaged in work which will militate against the realization of their full possibilities in coping with the problems of to-morrow, there is no matter before this Congress of such pressing importance. I waive all argument in support of Federal legislation on economic grounds.

The defense of the present system which leaves the entire matter to the States is many sided. Plausible reasons for its continuance are advanced. I would cite this particular statement from the minority report of the Committee on the Judiciary as embodying the crux of the argument in support of the present system:

Already 46 States out of 48 have enacted regulatory laws. It may be true that perhaps only 18 of the States have risen to the high degree of regulation which the proponents of this measure deem to be essential to the welfare of children. Is there, however, any valid reason for assuming that with the use of propaganda, persuasion, and appeal on moral grounds that this enlightened sentiment will not yet reach the high-water mark of their expectations? On the contrary, it is verily believed that if the same effort which is now being put forth to secure a Federal amendment were exerted in the field of State legislation the desired result would be obtained. We have a Children's Bureau in connection with the Department of Labor which, under the guidance of Miss Abbott, is doing good work. Why should it not continue to perform this work in the several States of the Union? The regulation of child labor is primarily a subject for State legislation and not for national enactment.

In answer to this argument I have only to say that there is no reason to believe there will be disinterested administration of a child labor law in those particular States in which the dominating influences are in support of the employment in mills and mines of children under 18 years of age. Absolutely regardless of any State legislation which is to-day on the statute books, or which may at a later date be put on, disinterested administration of child labor laws just does not happen in those particular States.

Many organizations which opposed the amendment were represented before the committee. Their opposition was based on the theory that the subject could be best dealt with by State laws and required the cooperation of local public sentiment. It was also urged in opposition to the amendment that it was an invasion of "State rights"; and further, that the States were dealing with the subject in a highly efficient manner at the present time.

The first reason, namely, that the States are better equipped to deal with the subject than the Federal Government, and that a State or local interest must be aroused in favor of its enforcement, is an argument worthy of considerable thought. But it must not be forgotten that this same argument has been advanced from time to time for many years, and yet up until the time a definite move was made in Congress the matter has never been given very much consideration, that some of the States have practically no laws at all on this subject.

In 1906, when Senator Beveridge brought the child-labor question to the attention of Congress, children as young as 8 years were being employed in mines and in factories, in places that were insanitary, and where practically no regulations obtained. The very fact that a law was contemplated stimulated interest and attracted the attention of the legislatures of many States.

There has been, since, more or less effort in nearly all States to control the evil to a certain extent. In some States a standard has been established equal to that provided for in the

Federal act of 1916. The States adopting the Federal standard are Alabama, Connecticut, Illinois, Indiana, Kansas, Kentucky, New York, Ohio, Oklahoma, Oregon, Tennessee, West Virginia, and Wisconsin; and those having a higher standard are Massachusetts, Minnesota, Montana, and North Dakota.

However, it is only fair to state that all States have legislation dealing with this subject. In some the minimum age in factories and canneries is fixed at 14 years. In some States the maximum number of hours is 8, with a 40-hour week for children under 16 in factories and canneries. In others, work is prohibited for children under 16. In States of the higher standards the minimum age of 16 obtains in many industries.

Because the Federal Government is directly interested in the welfare of its future citizens, it seems to me that it would be greatly in the interest of that Government to have a uniform plan or a uniform standard below which no State could go in the employment of children.

On the second question, the taking from the States that which they now possess, this issue is so peculiarly one which affects the public welfare that it is properly a matter for the Federal Government to handle; that it does not in any way impinge upon the States. It does not reduce the power of the States or their dignity and does not interfere in any way with their right to deal with the subject and deal with it comprehensively. What it does do is to impose upon the States a standard below which they can not go.

This question does not involve property rights and is a question of such primary importance to the Nation that it should be dealt with by the National Government. It is in the interest of good government and sound governmental policy to have a uniform law to deal with this in a national way.

On the third point, it is timely to call attention to the fact that in many States at this time, by the operation of the permit system and other plans, children are being employed between the ages of 10 and 15 to the number of more than a million. Opponents of this amendment say these figures represent but a small percentage of the total number of children between those ages as given by the last Federal census, which is approximately 12,502,582; but, assuming the figures are correct, both as to number employed and the total number of children, the fact that the lives of approximately 11 per cent of the children of the country are being injured by their being forced into employments beyond their strength should be sufficient reason in itself and a strong and convincing reason for the adoption of the amendment.

Surely the Federal Government has just as much right to deal with this subject as any other subject of paramount national interest. Every child should be permitted to grow to manhood and womanhood under the most favorable conditions. The Government is interested in her children, interested in seeing that no one of them is killed, maimed, stunted in growth, or so enfeebled in strength at the important period of development that he or she may later become a public charge.

The Government should afford to all her citizens an opportunity for healthy growth under favorable conditions. This is especially true of minors of tender age. These children should be permitted to grow up in the most wholesome surroundings so when they reach majority they may be possessed of a sound mind in a sound body and be capable of earning a livelihood and of serving the Government as her needs may be.

Prior to the enactment of child labor laws in this country, and in other countries as well, we all know the physical, moral, and intellectual welfare of this helpless and defenseless part of society was given very little consideration. If a child was born to poverty, it was expected he would always continue in that state. If he lost a parent, it was considered a misfortune, but he was expected to go to work.

The frightful abuses and distressing consequences of the employment of children in mines and factories has to a certain degree been prohibited and in most cases regulated, but there remains such a wide difference in the standards of the several States as to demonstrate the matter can not be dealt with properly except by Federal legislation.

Another thought in this connection. Laws of this kind are not passed primarily for the personal benefit of the individual but in the exercise of a wise policy that seeks to establish a national standard.

We have very recently passed a drastic immigration law. The proponents of this legislation considered it was necessary in order that American standards might be sustained and improved. It was felt that for the time being it might be well to restrict the number of immigrants into the country to the end that those who are here now from other countries could assimilate our ideals and become accustomed to their new surroundings.

The Nation is naturally vitally concerned that all within her borders be accorded every opportunity to improve themselves physically and mentally.

So, looking at the question from every aspect, it seems to me it is a matter of such general national concern that it should be dealt with by the Federal Government.

Whether or not the Federal Government should enter this field is, of course, a matter for the Congress to determine. [Applause.]

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

Mr. SUMNERS of Texas. Mr. Chairman, I regret that I shall have to take the position that a quorum must be present during the concluding hours of this debate. It is too important a matter to be considered otherwise, and therefore I make the point of order that there is not a quorum present.

The CHAIRMAN (Mr. BEGG). Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

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

Ackerman	Edmonds	McKenzie	Sears, Fla.
Almon	Fairchild	McLeod	Sears, Nebr.
Anderson	Frear	McNulty	Sherwood
Anthony	Fredericks	Magee, Pa.	Shreve
Beck	Freeman	Merritt	Sites
Bell	Fuller	Michaelson	Smithwick
Black, N. Y.	Funk	Miller, Ill.	Stephens
Bloom	Gallivan	Mooney	Strong, Pa.
Britten	Gasque	Morin	Sullivan
Browne, Wis.	Geran	Mudd	Sweet
Brumm	Gifford	Nelson, Wis.	Taylor, Colo.
Bulwinkle	Harrison	Nolan	Tinkham
Burdick	Hoch	O'Brien	Treadway
Burton	Howard, Okla.	O'Connor, N. Y.	Upshaw
Byrnes, S. C.	Hull, Morton D.	Patterson	Valle
Carew	Hull, Tenn.	Peavey	Vare
Chindblom	Johnson, S. Dak.	Porter	Vestal
Clark, Fla.	Johnson, Wash.	Prall	Voigt
Clarke, N. Y.	Kahn	Purnell	Ward, N. Y.
Cleary	Kendall	Rankin	Ward, N. C.
Collier	Ketcham	Ransley	Wason
Corning	Knutson	Rayburn	Wefald
Crowther	Kopp	Reed, Ark.	Welsh
Curry	Langley	Reed, N. Y.	Wilson, Miss.
Dallinger	Larson, Minn.	Reed, W. Va.	Wingo
Davey	Lee, Ga.	Rogers, N. H.	Winslow
Dempsey	Lehlbach	Rosenbloom	Wood
Dickstein	Logan	Sabath	Wright
Dominick	McClintic	Schall	Wurzbach
Drane	McDuffie	Schneider	Zihlman
Eagan	McFadden	Scott	

The committee rose; and the Speaker having resumed the chair, Mr. BEGG, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration House Joint Resolution 184, had found itself without a quorum; that he had caused the roll to be called, 309 Members had answered to their names, and he presented a list of the absentees for printing in the RECORD and the Journal.

The committee resumed its session.

Mr. SUMNERS of Texas. Mr. Chairman, I ask unanimous consent that I may occupy half a minute in making a brief statement to the committee.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to address the committee for half a minute. Is there objection?

There was no objection.

Mr. SUMNERS of Texas. Mr. Chairman, there remains about two hours and a half for general debate. There will be, of course, a roll call on the resolution. I would like to advise the House that on account of the importance of the matter under consideration I feel constrained to insist on the presence of a quorum during the remainder of the debate. I now yield 30 minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Chairman and gentlemen of the committee, permit me to express my regret that this measure should be debated in the Committee of the Whole, wherein only 100 Members are necessary to consider an amendment to the Federal Constitution. It is true we have the final vote of the membership, but we do not have their presence and consideration of the debate. It is regrettable, also, in that it indicates an unmistakable lack of appreciation by the House of the magnitude of the question, a most far-reaching amendment of the organic law of the Republic. I wonder what the effect on the country will be of such inadequate and flippant consideration. There will be practically no amendments to the proposed resolution, and therefore it will not be disposed of as if it were a revenue bill or other ordinary legislative matter.

Gentlemen of the committee, I find myself wholly in agreement with those who favor the liberalization and amelioration

of child labor. I concur in the speech made by the gentleman from Wisconsin yesterday morning in his appreciation of the sympathetic and humane aspects of the question. It is, however, irrelevant, if not untruthful, to put any Member of this House in the position of opposing the regulation of child labor because he opposes the proposed Federal amendment to the Constitution.

Gentlemen, you have a solemn duty to perform. You are to decide whether the regulation of child labor can be far better performed by Federal action than through State action. The great question is, Is it necessary to confer upon the Federal Government by a constitutional amendment this elementary police power belonging to the States, where it has been for the past 20 years exercised with increasing growth and progress? None of us differ as to the humane reasons underlying this reform.

I will now read the language of the Constitution authorizing amendments of that instrument:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution * * *.

The word "necessary" is not an idle adjective. It is an essential requisite to the exercise of the duty which we are now attempting to perform. We are to determine under our oath whether the great structural change in our political institutions that this amendment would accomplish is "necessary." Let us first consider in this connection the text of the proposed amendment:

SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

It should be observed that this is not a limitation or a prohibition or regulation of persons under 16 or 17 but 18 years of age. Then, with due respect to the draftsman of the resolution, the second rather meaningless section is as follows:

SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

Of course that latter clause is brutum fulmen. It is unnecessary, and in form and style repugnant to the dignity of our great charter. If the first section is adopted then this second section is merely a declaratory construction of the first, which the courts would inevitably adopt if the section were omitted. But as legislation, rather than the Constitution, seems uppermost in the minds of the advocates of the resolution it is perhaps well to drag in as many words as possible to conform to the general run of our Federal statutes which are so succinct and lucid that everybody understands them. [Laughter.]

Is it "necessary," I may inquire, to adopt an amendment to accomplish a reformation that has already been largely accomplished by the several States? What subject of such social importance has ever before in the history of our country made such advances? What comparable amelioration of the conditions of child labor has been made in any other field of governmental effort in the past 20 years? And this accomplishment has come through the laws of the several States. I can say without successful contradiction that no subject that has engaged the thought of statesmen and humanitarians has ever before met such responsive and beneficial legislation.

I have not the gift of making figures attractive, but a brief recital will demonstrate the suggestion or contention just submitted. The total number of children, according to the census of 1920, under 16 years of age is 12,500,000. That is the heritage we must hand on to the next generation. The gainfully employed children in the 1910 census, in round numbers, were 2,000,000, or 18.4 per cent, while the gainfully employed children of this age in the census of 1920 numbered 1,060,858, or 8.5 per cent. In other words, in 10 years the progress has been 50 per cent. That is, the number of gainfully employed children has shrunk from 2,000,000 to 1,000,000 in 10 years. But go further, for figures without analysis are not always illuminating. Of this 1,000,000 we find 413,000 engaged in urban or hazardous occupations, such as factories, mines, and as clerks, messenger boys, sales girls and boys, and urban occupations generally, as given by the census of 1920; and therefore about 60 per cent, or nearly 600,000 of the 1,000,000, are engaged in agriculture, and the number hired to work out on farms is almost negligible. The great bulk of the 1,000,000 "child slaves," who are held up to shock and divert this body from a fair consideration of what are the "necessary" conditions precedent to a favorable vote of this House, find employment in open fields, under sunshine and in pure air.

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

Mr. MONTAGUE. Yes.

Mr. HERSEY. Is the gentleman aware that all of the farm organizations of the Nation, including the National Grange, with one exception, are for this bill?

Mr. MONTAGUE. I am not. The gentleman may know better than I do, but I have had protest against this measure from some farm organizations. But the executive committees of some organizations speak without really having had an adequate referendum on the subject.

We would largely close up the farms of America if we put into effect and enforcement the 18-year limitation. There is not a gentleman here who can gainsay that. We would practically extinguish the agricultural interests of America if we enforce the age limit of 18 or 17 years.

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

Mr. MONTAGUE. Yes.

Mr. FOSTER. Referring to the executive committees of these national organizations, is it not a fact that 14 of the 16 who sent the letter that went to the members in their national conventions ratified this, rather than its being done by legislative agents?

Mr. MONTAGUE. Yes; some have.

Mr. FOSTER. I have one organization here representing 2,020.

Mr. MONTAGUE. But that is not a farm organization.

Mr. FOSTER. No.

Mr. MONTAGUE. I was discussing farm organizations. But as the gentleman from Ohio has interrupted me, I take occasion to say that his work on this subject has been faithful and able. If this measure should unfortunately meet the approval of the people of the States, its advocates will owe the gentleman from Ohio [Mr. FOSTER] a debt of gratitude. [Applause.] He has worked in and out of season and with generosity to the members of the committee who differ with him upon this subject.

Mr. Chairman, I have heretofore observed that about 60 per cent of these children are working on farms. But the figures must be held in their relation to the precise ages of the children. There are only about 10,000 children in the United States under 14 years of age who are working in mines, factories, or hazardous occupations, if the census figures are to be relied upon. The numbers begin to swell as the age advances from 16 to 17 and to 18. When under 14 years of age, it is evident that the progress in the amelioration of the hardships of child labor has been most satisfying. Therefore, I submit it is incontrovertible that this reform in the several States has been accomplished by reason of the interest and patriotism of their own people, and a reform that has assumed such enormous proportions and achieved such immeasurable success demonstrates that it is not "necessary" to call to its assistance the extraordinary powers conferred by the proposed amendment.

I shall not discuss constitutional questions, save and except the necessity and the wisdom of further adding to the present constitutional powers extracted from the States, and the consequent disturbance of the proportion and equilibrium of our present political system, State and Federal. I incline to think that the events and decisions of the last three-quarters of a century make conclusive the existence of the power by three-fourths of the States to assent to this radical transfer of authority, for I doubt if there are longer in existence any reserved powers on the part of the States.

Madison and Jefferson, Marshall and Hamilton, Lincoln and Chase would be shocked and grieved at this observation. But we might as well admit the prodigious march of Federal consolidation. I even doubt that the clause in the Constitution guaranteeing equality of representation in the Senate of the several States would withstand an amendment changing our form of government and thereby repealing this guaranty. Indeed, by the exercise of the amending power our Government could be transformed into monarchy or communism, and no Supreme Court would venture to rescue our institutions from such an abyss.

The Constitution is daily regarded as a mere statute, and no statute is beyond modification or repeal by a subsequent statute. We must disregard all history, all tradition, all facts, all political philosophy underlying the genesis and development of our free institutions. The Constitution excites but little reverence, and the immeasurable achievements thereunder command scant appraisement. We must leave to other republics its example and inspiration. A Gladstone or a Bryce may utter encomiums, but we seem wearied with the victories of freedom and order achieved by our written organic system of government. God grant that my pessimism is unfounded.

But is it vain to beg this House to consider that under this system of government we have advanced from the weakest of peoples to the most powerful in the world? In the hour of our strength shall we discard the principles relied upon in the hour of our weakness? By these principles the Nation has grown, and by their extinction the Nation will perish.

We hear it asserted in this debate that this Constitution was made for the children of America. Sir, the Constitution was made as well for the children of the several States, and if we submit this amendment for ratification we submit it not to the people as a whole, but to the people of the several States of the Union. When the Members of Congress return for reelection they return to the people of their several States for their official re-creation. The Constitution did not make the States; the States made the Constitution. These States gave so much to the Constitution and they severally reserved so much for themselves, and thus, and thus only, was our dual system of government worked out. Fundamentally, domestic concerns were retained by the States, and matters affecting all the States were by them granted to the Union, and with what success the truth of history will assemble and assess.

But the proponents of this amendment asseverate that it does affect matters common to all the States. What matters? The answer is the care and love for children. How attenuated the answer! Does not this humane consideration affect not only all the States of this Union but the civilized States of all the world?

But we persist in the inquiry for a more concrete example, and the answer is that child labor in one State is in unfair competition with adult labor in another State. I deny the existence of such competition. I challenge the record of the extensive hearings to support this denial. The few children going from Massachusetts to Rhode Island, and vice versa, and from Pennsylvania into New Jersey, and vice versa, or from Pennsylvania or Delaware into Maryland to pick berries are too few in numbers to support this argument; indeed, only the valor of prejudice will so contend. The assertion, however, is made, not in the hearings but in the press, that the competition of child labor did seriously prejudice the cotton-mill industry of Massachusetts to the advantage of North Carolina. But the recital of the census confounds and refutes this assertion. In 1920 the number of children in the cotton mills of North Carolina was 4,297 and in Massachusetts 7,264. From these figures North Carolina should rather fear competition from Massachusetts, but I am confident no such fear possesses the representatives of this great progressive State. So the facts drive the exaggerated competition theory to the wall! And I therefore repeat the inquiry, What necessity is there for an amendment to prevent an industrial competition that no longer exists?

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

Mr. MONTAGUE. For a question.

Mr. RAMSEYER. Something has been said about the indorsements received for this resolution. I see this was reported out in February, and I see, too, in the hearings you had before you 22 different resolutions.

Mr. MONTAGUE. I yielded to the gentleman for a question, not a statement.

Mr. RAMSEYER. What I wanted to ask is, what one of the several resolutions, nearly all of which are different, the 22 are all different, received these indorsements?

Mr. MONTAGUE. The gentleman means the resolutions offered by 22 Members of this House?

Mr. RAMSEYER. I said 22 were before the committee, and which one of those received the indorsements of these various organizations?

Mr. MONTAGUE. I do not think any one resolution was selected by these organizations. Perhaps few of them have read the full texts, but preference was given to the one under consideration by the managers of this particular measure, as I understand. I doubt if some of these organizations ever read the text of this resolution. I doubt if they know of the age limit of 18, and I am confident that few farmers of America know of the provision fixing this age limit of 18.

Mr. RAMSEYER. Do any of the indorsements go to the extent of asking Congress to adopt an amendment to the Constitution giving Congress the power to regulate the labor of children in the homes and on the farms, as this resolution does?

Mr. MONTAGUE. As far as I recall, the facts would negative your inquiry.

Gentlemen of the committee, I now ask your consideration of another aspect of this question. Much of the propaganda in behalf of this resolution comes from the political agents of the Government, the officials of the United States. And this is one of the dangers confronting the American system of government. We employ and pay from the Federal Treasury large sums of money to establish great bureaus, and then these bureaus inaugurate intensive propaganda for their own enlargement. We vote sums to bureaus to increase their powers and personnel, and behind these bureaucratic walls these very officials become irresponsible to the interest and deaf to the cry of the people. In the States the proximity and responsibility of officials to the people are close, thereby giving to the people an interest in and a control over their agents, with consequent increasing knowledge among the people of the subjects administered and a more concrete sense of obligation of the officials to the people.

The magnitude of our country and people, if nothing else, necessitates our dual system of government. Mr. Lincoln declared in his first inaugural address that—

> to maintain, inviolate the rights of the States to order and control under the Constitution their own affairs by their own judgment exclusively is essential for the preservation of that balance of power on which our institutions rest.

And these institutions, it is obvious to comment, are equally the States and the Union.

Fiske, a great publicist and historian, also declared that—

> If the day should ever (which God forbid) arrive when the people from the different parts of our country should allow their local affairs to be administered by prefects sent from Washington, and when self-government of the States shall have been so far lost as that of the departments of France, or even so far as that of the counties of England, on that day the progressive political career of the American people will have come to an end and the hopes that have been built upon it for the future happiness and prosperity of mankind will be wrecked forever.

Chief Justice Chase, in the case of Texas *v.* Whites (7 Wallace, 700, 725), decided in 1868, pronounced the judgment that—

> Under the Constitution, though the powers of the States were much restricted, still all powers not delegated to the United States nor prohibited to the States are reserved to the States, respectively, or to the people. And we have already had occasion to remark at this term that "the people of each State compose a State having its own government and endowed with all the functions essential to separate and independent existence," and that "without the States in union there could be no such political body as the United States." Not only, therefore, can there be no loss of separate and independent autonomy to the States through their union under the Constitution, but it may be not unreasonably said that the preservation of the States and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution in all its provisions looks to an indestructible Union, composed of indestructible States.

The "indestructible" state mentioned by this great jurist did not contemplate indestructible geographical units with feeble and negligible political powers, but an indestructible political entity historically recognized for centuries in the philosophy of governments as a sovereign state—

> having its own government, and endowed with all the functions essential to separate and independent existence.

Moreover, the corollary is inevitable that in our dual systems of governments neither government is authorized to destroy the other, but each must respect and preserve the other.

By amendment after amendment these "essential functions" are being reduced to impotency. We lop off one limb from the tree of the States to engraft it upon the Federal Constitution, only to observe the lessening of community responsibility and the enfeebling of community vigor. But now comes this radical amendment that goes further than the amputation of the limb—it digs up the very roots of the tree. [Applause.]

The administration of the powers conferred by the proposed amendment will necessarily invade every community and home. Federal espionage will haunt every fireside. But the reply is made that the amendment only enables the Federal Government to cooperate, that it will be a system of assistance, and not of domination of the States. If this be true, then what is the necessity for the amendment?

The proposed amendment gives power to "regulate" child labor. This word is comprehensive. "Words are things," said a great man, and seldom, if ever, has this quotation found a more powerful thing than the word "regulate." The power to regulate possesses every other power necessary to make the

original power effective. The constitutional power to "regulate commerce" affords a striking analogy. The regulation of commerce has grown and expanded beyond the imagination of the authors of the Constitution. From "white slavery" to the ownership, control, and operation of transportation seems a short step. But who to-day would deny the constitutionality of this exercise of power if Congress were to declare Government ownership and operation essential to effective "regulation" of interstate and foreign commerce? The analogies are precise and ominous. So a congeries of laws and administrations will inexorably grow out of the power of "regulation" conferred by the adoption of this amendment.

Mr. KVALE. Mr. Chairman, will the gentleman yield there?

Mr. MONTAGUE. Yes.

Mr. KVALE. Were not the same objections made to the eighteenth amendment? I know that the gentleman from Virginia is interested in that.

Mr. MONTAGUE. Irrespective of the merits or demerits of the eighteenth amendment, I imagine no intelligent and fair-minded person will controvert the fact that it was intended to impair—and has impaired—the original powers of the States.

Mr. Chairman, the contention has been made in this debate that the powers of regulation contained in the proposed amendment are practically no greater than those attempted to be exercised under the two Federal statutes heretofore adjudged unconstitutional. These two statutes attempted to regulate child labor by indirect methods. One by prohibiting the transportation in interstate commerce of goods manufactured by child labor and the other by taxing such manufacturers. But what unprejudiced mind accepts this standard or these indirect regulatory methods as the object or the purpose of the proposed constitutional regulation? To ask the question is to answer it. So great a power so feebly exercised, never! It is said revolutions never go backward. Surely jurisdictions never contract. Expansion and multiplication of authority and of officials is the inexorable tendency and the inevitable consequence.

I pause to advert to the argument advanced that these statutes prescribing indirect regulation have quickened the passage of laws on the part of many of the States. But how then can we account for the marked decrease, approximately 50 per cent in 10 years, in the child labor on farms, when we consider that the Federal statutes did not touch or affect this character of labor at all? Truth and candor compel the answer that this advance or reform was accomplished wholly by the States.

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

Mr. MONTAGUE. Yes.

Mr. LAGUARDIA. This resolution is simply to be submitted by us here for the ratification of the States, is it not?

Mr. MONTAGUE. Yes; I hope, however, to discuss that under the five-minute rule. We have had little or no consideration of the proposed amendments. We have had no membership to consider the subject. When the roll call was begun this morning we had no more than 20 Members present. It seems impossible to keep a quorum of 100 unless the point of no quorum is made or a roll call ordered. I am depressed at the lack of interest in a subject affecting the very structure of our political system.

I started to observe when interrupted that the key to the regulation of child labor will be found in the work permits or certificates. The age, physical condition, and education will be the vital elements of such permits. The degree or standard of education fixed by statute or bureau regulation will be carried into these certificates. What will be the standard, and whatever it is, will it not necessarily largely determine the education of our children? Indeed, is not this one of the great purposes of the proposed amendment? And will not the exercise of this power by the Federal bureau substantially control the education of the children of the several States? It seems self-evident that this will be the result. Thus we behold the entering wedge of Federal supervision and control of the schools or the educational agencies of the several States.

The extraordinary limitation of 18 years, with its fatal economic implications, are glossed over in this debate as a limit never intended to be reached. Then why retain it? This age limit is already applied in the several States; and, if granted, who will withhold its ultimate application to all the States? It may not come to-day or to-morrow, but it will as surely come as the procession of the equinoxes.

The difficulties arising out of the diversity of interests, resources, occupations, temperature and climate, transportation, and water power are attempted to be met by one vast system of uniform regulations. How manifestly impossible! And, conversely, how necessary for the States to do what geography and climate, interest and pride give them the best opportunity to do.

Mr. Chairman, not only will we have a multitude of Federal statutes growing out of this proposed amendment, if adopted, but time will develop supplementary and ancillary amendments. For example, what will become of those children of 16, 17, and 18 years of age denied an opportunity to work to support themselves or their families? The answer is that they will be put into schools. But who will feed, clothe, and house them? The Federal Government must do this. Then will ensue Federal amendments for old-age and childhood pensions. So, thick and fast will grow amendments, then laws, and more regulations, with innumerable officials, administrative agents, and employees not selected or appointed by the people and deaf or indifferent to their requests or protests.

Mr. Chairman, energizing all of this development and guiding all of its complex administrative machinery will be the ever-present Federal bureau with its army of officials and subordinate employees, many of them arbitrary in conduct, arrogant in manners, and inefficient in business.

The multitude of bureaus, with growing numbers, with superior political and partisan skill, spells the end of free institutions. The end will come, but it may be through revolution. These enormous bureaucratic organizations at Washington, labyrinthian in administrative complexity, insensible to the feeble pressure, and deaf to the exhausted voices of far away constituencies, leave room to no reformation short of the tragedies that have destroyed civilizations. The hope of American governments is founded upon responsibility, education, and love of the masses for their own communities. [Applause.]

By reason of their superior knowledge and capacity for political manipulations, the great officeholding class will eventually outreach and overcome the residue of the electorate. What hope then have the millions of distant people? The Congress of unwieldly numbers, crowded with multiform and irrelevant business, struggles to put in motion the complex and huge machinery. Indeed, we seem to have reached the stage of a Government not by legislation but by the impact of organization. [Applause.] Community citizenship is a citizenship of endurance and purpose, a citizenship of honesty and economy, a citizenship of courage and responsibility, a citizenship of faith in Democratic institutions.

Mr. Chairman, I submit that he is of prejudiced and audacious credulity who does not believe that this amendment, if adopted, will be followed by much supplementary legislation and a multitude of regulatory details. For example, how will it be administered as respects its violations? Will not pains and penalties be imposed for such violations? And what courts will pass upon these infractions? The Federal courts, of course. Then citizens must go great distances to appear before these tribunals. Their home vicinages will afford no convenience or solace, and the appellate court may be in a distant State.

Great numbers of agents or inspectors will be needed. From 25 to 100 inspectors to a State will perhaps be required. These can not function at less than $2,000, approximately, for each official, with their expenses, which I think is a conservative estimate. The Washington bureau will cost $500,000. That is a total of about $5,000,000 to swell the Budget in a very few years.

Mr. DOWELL. Mr. Chairman, will the gentleman permit a short question?

Mr. MONTAGUE. Yes.

Mr. DOWELL. How is this law administered in the States that already have this law?

Mr. MONTAGUE. I can speak of my own State with some confidence. There it is administered by competent officials with the support and influence of a patriotic citizenship. [Applause.] The law in Virginia prohibits all children under 14 from working in gainful occupations, except gardens, orchards, and farms, and all children under 16 are prohibited from working in all other gainful occupations save by and in pursuance of work certificates duly safeguarded in their issuance. Again, the hours of work of all under 16 is not more than six days per week, or more than 44 hours for any one week, or more than 8 hours a day, or before 7 in the morning or after 6 in the afternoon, except upon farms, gardens, and orchards.

In Virginia the 1920 census gives the total number of children of both sexes from 10 to 17 years of age engaged in the following occupations:

	Both sexes	Males						Females					
		Total	10-13 years	14 years	15 years	16 years	17 years	Total	10-13 years	14 years	15 years	16 years	17 years
Farm laborers (home farm)	20,109	17,809	4,687	2,711	3,081	4,183	3,147	2,300	839	365	375	431	290
Coal mine operatives	831	828	20	28	94	299	387	3	1	1			1
Cotton mills	275	181	5	30	25	63	58	94	4	9	16	32	33

In the manufacturing and mechanical industries, Richmond, with a population of 171,667, had, according to the 1920 census, children of both sexes, from 10 to 17 years of age, engaged as follows:

	Both sexes	Males						Females					
		Total	10-13 years	14 years	15 years	16 years	17 years	Total	10-13 years	14 years	15 years	16 years	17 years
Manufacturing and mechanical industries	2,382	1,186	9	68	176	418	515	1,196	7	108	235	408	438

This includes apprentices to building and hand trades, machinists' apprentices, printers, bookbinders, cigar and tobacco factories, iron and steel industries, and lumber and furniture industries. I have no doubt of the rapid reduction in the ages of the small numbers now working in mines and mills of the State. The figures, however, for the whole State afford much hope in the steady and rapid growth in the reduction of all forms of child labor.

Mr. DOWELL. I may say to the gentleman that it will be administered in the same way.

Mr. MONTAGUE. The State administration will be supplanted by the Federal administration. The State will wither whenever its administrative functions compete with Federal administrative functions. The larger organism, with highly paid administrative agents, will in time usurp and supplant the smaller organism, which when dormant or feebly active will find reaction, inefficiency, and then autocracy and corruption in the larger unit.

Mr. MICHENER. Was that the effect of the child labor law in your State? Did not the Federal statutes, as a matter of fact, stimulate State action?

Mr. MONTAGUE. No. No more than similar activities in other States and the humane laws throughout the world. The agents who established the Federal Child Bureau understood the situation. They felt their way cautiously. They wished first to get the camel's nose under the tent, and later they would drive the multitudinous caravan through its broken folds. The result here will be the establishment of a great bureaucracy that will end in the suppression of local activities and the seduction of the citizen from his duties to the community to the blandishments of high place, secure in its immunity from popular needs or desires. [Applause.] The highest duty of American citizenship is to strengthen the responsibility and opportunity of local and State governments. These communities constitute the sources of democratic powers and democratic aspirations which we should nourish and encourage. The hour demands that we add no more power to the Federal Government by constitutional amendments. The progress of child labor laws enacted by the several States is full of encouragement, and we should continue the development and administration of these laws. We must build our governments from the foundations. This Federal amendment inverts the pyramid, which, resting upon its narrow apex, will sooner or later lose its center of gravity or buckle and crumble under its inverted and expanding base. [Applause.]

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

Mr. SUMNERS of Texas. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. BULWINKLE].

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. BULWINKLE. Mr. Chairman, in the short time allotted to me I am unable to go into detail on the far-reaching effects of the proposed constitutional amendment.

Section 1 of House Joint Resolution 184 provides:

> The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

In speaking against the passage of this amendment by the House, I want it distinctly understood that I am not in favor of child labor. I am in favor of the several States enacting laws, as they have done, and enforcing them for the benefit of the children of America. I am against the further centralization of power and the further creation of bureaus in Washington by the Federal Government. As has been stated by many speakers on this floor, the destruction of all governments in the past has been brought about by the centralization of power. Too great centralization of power in any government makes it tyrannical, and the ultimate result has always been a revolution by the oppressed people.

In analyzing the proposed amendment we find, first, not only are the States deprived of control but every parent in the country gives the control of his child in regard to work or labor to the Federal Government until that child reaches the age of 18; second, that regardless of the kind of labor, whether agriculture or manufacturing, whether injurious or not injurious, whether necessary or not, control of the child's labor is granted to the Federal Government.

But it is said by many that Congress will never prohibit the labor of children on farms and those engaged in agricultural pursuits. The question then is, Why is it necessary to give this power to the Federal Government? We have no way of judging the future except by the past, and in all instances the Federal Government has assumed all the power granted it, and a little more besides. In regard to the labor of children on farms, just recently a little booklet was mailed to every Congressman by the National Child Labor Committee, and in it we find, according to the census of 1920, that 1,060,858 boys and girls between 10 and 15 years of age are tabulated as child laborers. Of this number, 647,309 were engaged in agricultural pursuits. From several paragraphs of this booklet I read, "Agriculture is the only important field of work entirely uncontrolled by legislation." Again, "The South, because of its agricultural character, still leads in child labor." And further, "Agriculture employs three-fifths of the million child laborers," and "investigation shows that there are many of these at work in sugar-beet fields, cranberry bogs, cotton plantations, and other agricultural pursuits throughout the country." Further, "The 1920 census was taken in January, a season when little or no agricultural work is being done," hence "many children who ordinarily follow agricultural occupations are reported by their parents as having no employment." "The Southern States have a larger percentage of child labor than any other section of the country because of the predominance of agriculture there." Again, "Child labor in agriculture does not mean running errands, doing a few chores, or occasionally helping in the field." "The census counts as farm laborers all those children whose labor constitutes a material addition to the labor income of the farm," and "thousands of children besides those working on home farms are hired out as farm laborers or contract with other families to work on other people's land." This booklet devotes many other paragraphs to the labor of children in agricultural work. I have read this much in order that the Members of the House may be informed as to the meaning and intent of those who are attempting to press this amendment through the House. Let no one deceive himself that these organizations contemplate prohibiting the working of children in the manufacturing establishments and mines only.

If his amendment were adopted, and Congress passed the necessary laws in compliance therewith, we would find that power would be given to a bureau to enforce the law and,

as stated by one in the Child Labor Bureau, the key to the situation would be the certificate issued by the bureau, and unless the bureau issued this certificate no child could even wash until reaching the age of 18 years. In order to secure a certificate there would be four requisites: First, conclusive proof of the child's age; second, the physical ability of the applicant; third, the educational training of the applicant; and fourth, the kind of work to be engaged in. Under the third requisite a Federal agent would examine the child under 18 to determine whether or not it has sufficient education to comply with the requirements of the bureau, and if it did not the application for certificate would be rejected. In the South we have many hundreds of negroes who fail, or refuse, to take advantage of the public-school system, and would be thrown upon the community without work.

Let us suppose again that this amendment is adopted and Congress passes the necessary laws, what is the next legislation that will be asked for? There may be many children with one or both parents dead, who are unable to go to school on account of lack of money. Congress will then be asked to pass laws granting widows' pensions and bounties for children in order that they may attend school until they have reached the required age.

Every State in the Union now has child labor laws, and as part of my remarks I am inserting the list of States with the minimum age each State allows children to engage in employment in factories, and so forth:

STATE LAWS RELATIVE TO EMPLOYMENT OF CHILDREN IN FACTORIES

Alabama, prohibited under 14.
Arizona, prohibited under 14. (Exception, boy 10 to 14 may, upon license, outside school hours work at labor not harmful.)
Arkansas, prohibited under 14.
California, prohibited under 15. (Exception, child 12 during school vacation.)
Colorado, prohibited under 14. (Exception, child 12 during summer vacation.)
Connecticut, prohibited under 14.
Delaware, prohibited under 14. (Exception, child 12 outside school term on special permit.)
Florida, prohibited under 14.
Georgia, prohibited under 14. (Exception, child 12 on permit if orphan or has widowed dependent mother.)
Idaho, prohibited under 14.
Illinois, prohibited under 14.
Indiana, prohibited under 14.
Iowa, prohibited under 14.
Kansas, prohibited under 14.
Kentucky, prohibited under 14.
Louisiana, prohibited under 14.
Maine, prohibited under 15.
Maryland, prohibited under 14.
Massachusetts, prohibited under 14.
Michigan, prohibited under 15.
Minnesota, prohibited under 14.
Mississippi, girl prohibited under 14, boy 12.
Missouri, prohibited under 14.
Montana, prohibited under 16.
Nebraska, prohibited under 14.
Nevada, prohibited under 14.
New Hampshire, prohibited under 14.
New Jersey, prohibited under 14.
New Mexico, prohibited under 14.
New York, prohibited under 14.
North Carolina, prohibited under 14. (Exception, boy 12 on special permit outside school hours. Only 66 so employed during 1923.)
North Dakota, prohibited under 14.
Ohio, prohibited under 16. (Exception, child 14 outside school term.)
Oklahoma, prohibited under 14.
Oregon, prohibited under 14. (Exception, child 12 outside of school term.)
Pennsylvania, prohibited under 14.
Rhode Island, prohibited under 14.
South Carolina, prohibited under 14.
South Dakota, prohibited under 15.
Tennessee, prohibited under 14.
Texas, prohibited under 15.
Utah, prohibited under 14.
Vermont, prohibited under 14.
Virginia, prohibited under 14.
Washington, prohibited under 14. (Exception, child 12 on permit of superior court judge in case of poverty.)
West Virginia, prohibited under 14.
Wisconsin, prohibited under 14. (Exception, child 12 during school vacation.)
Wyoming, prohibited under 14.

In my opinion North Carolina has one of the best laws of any State in the Union. The officials are vigilant and are enforcing the law, and if there is any weakness in the law in North Carolina I for one am willing to see that the law is strengthened in order that my State may have the best law on this subject of any of the States.

On account of the far-reaching consequences of this amendment, were it adopted, on account of the dangers of bureaucracy and centralization of power, I believe it my duty to vote against this amendment.

As part of my remarks I insert a letter from Mr. E. F. Carter, executive officer of the North Carolina State Child Welfare Commission, and his statement in regard to the operation of the present law in North Carolina, together with a brief synopsis of the North Carolina child labor law. For the information of the House, the North Carolina child labor law was passed by the legislature before the first Federal law was declared unconstitutional by the Supreme Court of the United States:

THE NORTH CAROLINA STATE CHILD WELFARE COMMISSION,
Raleigh, N. C., April 19, 1924.

Hon. ALFRED L. BULWINKLE,
Office Building, Washington, D. C.

DEAR MR. BULWINKLE: According to your request I am inclosing you a statement of the terms of the North Carolina child labor law, its rules and standards. In addition a copy of a report to be published in two of our leading college journals has also been mailed for your review. The tables showing the certificates of children for employment as well as the actual number found employed in North Carolina have also been inclosed.

Particularly striking is the statement that in the face of the tremendous growth of our manufacturing in North Carolina that we have experienced a very great reduction in the employment of children since it has come under State supervision.

Another outstanding fact is that the State has required a physical examination of all its children since March 1, 1922, and a volume of corrective health work has been accomplished through cooperation with the public health officers of North Carolina. Although this rule for physical examination was effective March 1, 1922, as far as we are able to ascertain, the administration of the Federal law did not regard it before the law was annulled May 12, 1922.

The educational force of our work has possibly shown the greatest results. As high as 85 per cent of its children over 14 years of age certified in some of the industrial plants were found to have voluntarily returned to school.

I am also inclosing a clipping of our first report, showing the number of recommendations made in cooperation with manufacturers and business managers for the public welfare of the people. We feel that truly a great work is being done in North Carolina, and that the law is founded upon correct principles for child-labor administration, and that the measure of good that may be accomplished is inestimable.

Very truly yours, E. F. CARTER.

THE NORTH CAROLINA STATE CHILD WELFARE COMMISSION,
Raleigh, N. C.

NORTH CAROLINA HAS PROMISE OF SOLVING HER CHILD-EMPLOYMENT PROBLEM

The North Carolina General Assembly had a broad conception of the needs of the child when the present child labor law was enacted combining its mandatory sections with those of compulsory school attendance. It gave a common ground upon which the citizens of this great Commonwealth may unite in advancing the education, health, and public welfare of its children. The creation of the State child welfare commission for the administration of this law is unique in its organization, but not in the principles incorporated and the powers delegated to the commission.

The superintendent of public instruction, the secretary of the State board of health, and the commissioner of public welfare are named as ex officio a State child welfare commission. To this assembly of commissioners the general assembly delegated the power to formulate such rules and regulations as it deemed necessary in the administration of the laws, also to authorize an executive secretary, field agents for inspection, and local county officers for enforcement of the laws. The county superintendent of public welfare and schools has been specially designated as the authorized agent in each county.

In all 10 rules have been passed by the commission which have the force of law. In addition, 21 standards for children employed have been adopted which codified the terms of the law and made a stricter application of their requirements for employment, hours, certification, and physical conditions. These rules and standards have placed North Carolina in the lead with eight other States requiring a physical examination of children before entering employment, and 1 to 32 requiring some kind of a school record of the grade and standing of the child in school before certification.

After the first 17 months' period, closing November 30, 1920, a total of 3,925 inspections of industrial and business places was reported. These reports showed a large volume of work had been accomplished in the interest of the child through cooperation with the community, the school, public-health directors, business and industrial leaders, and civic organizations by assisting in promoting wholesome recreation centers, with directors, organized community programs, centralized in community buildings and schools, vocational training, and corrective health work. The incoming general assembly recognized the tremendous force of this program and increased the appropriations of the commission. This enabled the commission to approve the broadening of the several phases of work in the supervision of child labor and adopt the plan submitted by the executive secretary after a careful study of the most efficient commissions administering similar laws. The plan, briefly speaking, was the application of the principles of the block system of inspection to the county as a unit of operation. It provided a uniform plan of certification of children for employment in each county, a local record for reference of each child, a complete inspection or special visit to each industry and business place in the county coming under the terms of the law. These reports gave an intelligent understanding to the commission of the physical conditions of the plant or place of business, industrial hygiene, its health or machinery hazards, as well as the moral surroundings. The efficiency of this plan is recognized in the report of 19 months ending June 30, 1922, which shows 5,555 inspections during that period.

On May 15, 1922, when the Federal law was declared unconstitutional, it found the commission and its machinery, State and county, organized and equipped to supervise and direct the child life of our State upon a broader plan, a closer and more intimate relation to the child and the agencies of the State that have the greatest influence in creating good citizenship.

Through the medium of the State and county organizations the commission was enabled for the first time to make a survey of the child employment in the State and check against each place where children were employed and discover the actual number of children working in the places enumerated in the law in North Carolina. This work was accomplished by the authorized agents of the commission and the reports filed in the office for tabulation over the signed signatures of its authorized agents.

The certification of children in North Carolina is given in three comparative periods, contrasting the certification of children for employment during each period with those of the United States census and the number actually found employed as a result of the survey.

The United States census of 1920 reported 6,244 children working in the manufacturing industries of this State; the State statistics for labor reported 6,623 for the same period. The eight months' survey ending March 1, 1924, reported 4,691 children 14 and 15 years of age actually employed in North Carolina, or a 33 per cent reduction in the employment of children since the State took over the complete supervision of this work. The decrease, therefore, in the employment of children is rather significant, in view of the fact of the remarkable advancement in the industrial growth of our State.

The survey of the children actually employed began July 1, 1923, in the midst of the vacation period of school and ended in the mid-term of the school which gives the peak of vacation employment as well as any influence the school may have upon employment of children. In all, 1,939 business and industrial places were visited and 2,089 inspections were made in connection with these places. These inspections included 462 cotton mills with 3,160 children employed, 143 hosiery mills with 598 children employed, 125 furniture plants with 127 children employed, 1,219 miscellaneous plants with 446 children employed, which included all other places not otherwise reported. The tobacco factories included in this group employed 360 children.

The per cent of North Carolina's children working between the ages of 14 and 15 years is found to be 3.5. This is far below a number of the other States, some of which assume to rank with North Carolina in her textile position.

A total of 66 violations were found in the survey. This is less than 1 per cent. The enforcement of the law in general has received hearty cooperation, and in all cases where violations were found the children were immediately removed and the superintendent and the foreman given notice of the violation. Our last biennial report discovered that in 19 cases our agents had to resort to court action in securing the ends designed by the law.

The certification by periods and the study of the ages of the children reflect some interesting variations. At the close of the period July 1, 1922, it was found that 7,283 children had been certified for employment during the biennial period of 19 months.

Of this number 2,875, or 49 per cent, were white boys 14 and 15 years of age. The white girls numbered 2,979, or 51 per cent. The colored children 14 and 15 years of age numbered 246, or 8 per cent of the total number of this age certified. A total of 364, or 6 per cent of the children whose age was doubtful, was established to be over 16 years of age. This did not include approximately 2,500 children who were found to have passed their sixteenth birthday when the State took up the certification of all children 14 to 16 years of age after the Federal law was declared unconstitutional.

Vacation employment certificates for boys 12 to 14 years of age were issued to 819 boys, or 11 per cent. Of this number 754, or 92 per cent, were white boys. Those 12 years of age received 269, or 34 per cent, of the certificates, and those 13 years of age received 485, or 64 per cent. The colored boys numbered 65, or 8 per cent. The 12-year old boys received 20, or 31 per cent, of the certificates, and the 13-year old boys received 45, or 69 per cent, of the certificates. The opening of the fall term of the schools found 268, or 33 per cent, had reached their fourteenth birthday. The 67 per cent were required by the compulsory school law to return to school.

At the close of the year, June 30, 1923, it was found that a total of 10,425 certificates had been issued during the year. Boys and girls 14 and 15 years of age received 8,688, or 83 per cent, of this number. White boys and girls received 8,079, or 93.6 per cent. The white boys were issued 4,063, or 50.3 per cent, while the white girls of this age were issued 4,016, or 49.7 per cent, of the total for white children. Colored children 14 and 15 years of age received 554, or 6.4 per cent, of the total certificates issued. Colored boys 14 and 15 years of age received 354, or 63.9 per cent, and colored girls received 200, or 36.1 per cent.

Vacation employment certificates were issued during the year to 1,065, or 10 per cent, of the total certificates issued to children. White boys 12 and 13 years of age received 981, or 92 per cent, of these certificates. The boys 12 years of age received 363, or 37 per cent, and those 13 years of age received 618, or 63 per cent, of the certificates. The colored boys 12 and 13 years old received 84, or 7.88 per cent, of the certificates. The colored boys 12 years of age received 28, or 33 per cent, and the boys 13 years of age received 56, or 67 per cent, of the certificates.

A comparison of the number of children certificated and their ages suggests certain influences in connection with this work. For example, it is found that about 35 per cent of the white boys 12 years of age received vacation employment certificates, whereas about 65 per cent of the white boys 13 years of age were certified for vacation employment. This reflects the opinion, I believe, commonly expressed that the employment of a child of this tender age is very limited in any particular vocation, and it is a practice to certificate them only for light employment and in places where it is more or less intermittent.

The children 14 and 15 years of age appear to have been well balanced in the number of boys and girls entering employment. At the close of the 1922 period we find the white girls are 2 per cent in advance of the boys. This situation was reversed in the 1923 period, and we find the boys have gained about three points of 1 per cent in advance of the girls.

While the boys and girls 14 and 15 years of age appear to be balanced in their number, it is discovered that about one-half or 46 per cent less children 15 years of age are certified for employment. This supports the evidence of the return to school of children after their first year in vacation employment. This evidence was discovered in the larger industrial counties and centers in which the agents checked the certificates issued with the children over 14 years of age which had voluntarily returned to school. In one industrial place 85 per cent of the children thus certificated were found to have returned to school. While a general survey of the school tendency could not be completed, it is evident that the more highly organized industrial centers average around 60 per cent of the children returning to school.

The entry of colored children in industry has been very limited in North Carolina. A few textile plants have attempted to operate with colored people. Tobacco plants, laundries, dry cleaners, delivery service, and shoe shine establishments are found to cover the major portion of their activities. This emphasizes that agriculture and domestic service remain the larger field of work for the colored people.

Comparison of the number of children certificated and their ages

CERTIFICATES ISSUED, 1922

	Age 12		Age 13		Total	Per cent	Age 14-15		Age 16		All ages
	Number	Per cent	Number	Per cent			Number	Per cent	Number	Per cent	
White boys	269	0.34	485	0.64	754	0.92	2,875	0.49			
White girls							2,979	.51			
Total							5,854	.92			
Colored boys	20	.31	45	.69	65	.08					
Colored girls											
Total							246	.08			
Grand total	289		530		819	.11	100		364	0.06	7,283

CERTIFICATES ISSUED, 1923

White boys	363	0.37	618	0.63	981	0.921	4,063	0.503			
White girls							4,016	.497			
Total							8,079	.936			
Colored boys	28	.33	56	.67	84	.783	354	.639			
Colored girls							200	.361			
Total							554	.064			
Grand total	391		674		1,065	.10	8,633	.828	727	0.069	10,425

The actual number of children employed in North Carolina after a survey of eight months of the industries in the State

Cotton mills inspected	462
Hosiery mills inspected	143
Furniture plants inspected	125
Miscellaneous plants inspected	1,209
Total number different plants visited	1,939
Inspection forms completed for the work	2,089
Children employed in cotton mills	3,160
Children employed in hosiery mills	598
Children employed in furniture mills	127
Children employed in miscellaneous mills	446
Children employed in tobacco mills	360

The North Carolina child labor law provides for the following:

1. Children 14 to 16 years of age may be employed 10 hours per day or 60 hours per week.

2. Boys 12 to 14 years of age may secure vacation employment certificates to be employed not more than eight hours per day.

3. No child under 16 years of age may be employed before 6 a. m. or after 9 p. m.

4. No child under 16 years of age may be employed in a mine or quarry.

5. The rules of the commission require a child to have a position and a signed application from the employer before issuing a certificate.

6. A signed statement of the age by the parents and their consent to the child's entering employment.

7. A bona fide contemporary record of the birth date and age of the child.

8. A physician's certificate certifying that the child is physically qualified for the employment that it is going to enter.

9. A personal knowledge of the place of business or industry, the nature of the work, and its surroundings before the authorized agent can issue a permit.

10. No child can be employed with symptoms of disease contributory to retardation or disability.

11. No child can be employed when determined by physical examination that employment is injurious to health.

12. No child can be employed with surrounding conditions injurious to morals.

13. No child can be employed with dangerous employment hazards present.

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

The CHAIRMAN. That privilege has been granted. Does any other gentleman care to yield time?

Mr. FOSTER. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. YATES].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes. [Applause.]

Mr. YATES. Mr. Chairman and gentlemen of the committee, I think I have on at least a previous occasion expressed the very great joy and pride which I have always taken in the fact that my forefathers came from Virginia. [Applause.] And although I am also proud of the Kentucky generation that followed, my pride in Virginia comes back this morning when I have the very great and high honor of following the ex-Governor of Virginia, who has used all the virtue of the voice, the genius of gesture, the symmetry of syntax, and the power of great argument. Gentlemen, I submit that if he could not argue this constitutional question in 30 minutes it will be impossible for a grandson of Virginia, myself, to argue it in five.

But I can not refrain from saying that I hail from a district which is great in itself. The district which I have the honor to represent here in this House, in this American House of Commons, is, as most of you know, the entire State of Illinois—in other words, Illinois at large. This district has a population approaching 7,000,000 souls, over 2,000,000 manly men, over 2,000,000 noble women, over 2,000,000 precious darling children, whose prosperity and welfare to-day in this period of peace, and whose fortitude and physical endurance in the period of war which will come with to-morrow, lie in your hands and in mine—in other words, in the manner in which we perform the sacred trust imposed upon us, to give aid and comfort to our most precious possession, the childhood, the child life of America.

This splendid State, this superb congressional district, Illinois, favors overwhelmingly this so-called child labor amendment, which will give the Congress the right to pass child labor laws.

Without regard to party or creed or circumstances, there have poured in upon me nearly a thousand letters—not the ordinary propaganda—urging this amendment. Among the appeals are those of the Illinois State Federation of Labor, the Illinois State Federation of Women's Clubs, the Illinois State Teachers' Association, the Young Women's Christian Association, and a number of the bravest and biggest of the American Legion, and nearly every welfare organization in the whole State—in short, all classes and conditions.

I would have voted for this amendment without these appeals, but I mention them to show that neither the awful destruction of States so solemnly predicted by the distinguished gentleman from Tennessee [Mr. GARRETT] nor the exquisite ridicule uttered by the witty gentleman from Texas [Mr. LANHAM] frightens Illinois.

Conceding, as all do concede, that the American child is precious, is most precious, and a most sacred charge of ours, why should we not heed him as he appears before us now? He is here.

One of the sweetest singers in America was Eugene Field, of Illinois. He it was who said:

With trumpet and drum the children come,
Marching so proudly with trumpet and drum.
This way and that way they march so fine
Till they march right into this heart of mine.

Well, to-day, they are, so to speak, marching into this Chamber. Why not? Having marched into our hearts, why not march into this Chamber?

Manhood came here—the old veteran, also the veteran of the World War—and he was not denied. Womanhood came here, demanding suffrage and also prohibition; she was not denied. Foreign governments came here, and were not denied. We let England have four of our billions, and we let France have three and a half billions. And even princes and kings came here and were not denied. Our sympathy for Belgium was such that when her King came he carried away with him a bank draft.

And now comes the child—"and of such is the kingdom of heaven." It was said of Lincoln that "his wisdom was like unto the wisdom of little children." May that wisdom of his guide us as we, in our time, are called upon to deal with the little child.

Mr. TILLMAN. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. MAJOR].

The CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes. [Applause.]

Mr. MAJOR of Missouri. Mr. Chairman and gentlemen of the committee, as a member of the committee which voted favorably to report the resolution providing that "the Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age," and as a Member of this Congress who intends to vote to submit this proposition to the States for their consideration, I want to make a few remarks and give to the committee my views on the subject. At the outset I desire to say that in the course of the hearings representatives of the following national organizations urged favorable action on the amendment:

American Association of University Women.
American Federation of Labor.
American Federation of Teachers.
American Home Economics Association.
Commission on the church and social service, Federal Council of the Churches of Christ in America.
Democratic National Committee.
General Federation of Women's Clubs.
Girls' Friendly Society in America.
National Child Labor Committee.
National Council of Catholic Women.
National Council of Jewish Women.
National Council of Mothers and Parent-Teacher Associations.
National Council of Women.
National Education Association.
National Federation of Business and Professional Women's Clubs.
National League of Women Voters.
National Woman's Christian Temperance Union.
National Women's Trade Union League.
Republican National Committee.
Service Star Legion.
Young Women's Christian Association.

The State legislatures of six States—California, Massachusetts, Nevada, North Dakota, Washington, and Wisconsin—have petitioned Congress to submit an amendment.

It will be remembered that President Harding and President Coolidge have both recommended to Congress the submission of a child labor amendment to the States, the former in his message of December 9, 1922, the latter on December 6, 1923. The late President Wilson was an enthusiastic supporter of the principle of Federal regulation and personally urged its importance on both Congress and the country as a whole. The platform of the National Republican Party for 1920 contains the following clause:

> "The Republican Party stands for a Federal child labor law and for its rigid enforcement. If the present law is found unconstitutional or ineffective, we shall seek other means to enable Congress to prevent the evils of child labor."

The National Democratic Party in that year made the following declaration:

> "We urge cooperation with the States for the protection of child life through infancy and maternity care, in the prohibition of child labor, and by adequate appropriations for the Children's Bureau and the Women's Bureau in the Department of Labor."

In the consideration of an amendment to our Constitution I think it well to bear in mind that this Government is the people's Government. When Columbus discovered America he discovered a great country, but the American people have made it not only a great nation but the greatest nation in the world, and the people ought to have a right to do what they please with their own. If the Government is not what they would have it, it is their own fault. But I do say and contend that we, as their representatives, when requested by a fair percentage of the citizenship of our country to submit to them any proposition to amend the organic law of their country, ought to give them an opportunity to do so. The Constitution of the United States was adopted by the American people and provides the manner in which that document can be amended. If amendments were never intended why was such provision inserted? As ably stated by the gentleman from Virginia [Mr. MONTAGUE] we have the right to amend the Constitution of the United States when two-thirds of the Members of both Houses deem it necessary. And the amendment, when so submitted, shall be adopted by three-fourths of the States in the Union before it becomes effective.

Now, gentlemen, I believe that the constitutional provisions for ratifying amendments to the Constitution by the States submitted by Congress are defective and should be remedied. There is a proposed constitutional amendment now pending before the Judiciary Committee of the House, known as the Wadworth-Garrett amendment, which I believe Congress should adopt before any other amendment is sent to the States for ratification. [Applause.]

It now frequently happens that when we submit an amendment we find legislatures that were elected before the proposition was ever thought of in Congress, and I believe we should provide that at least one branch of the State legislature shall be elected after the proposition has been submitted to the States, so as to give the people an opportunity to vote for their members, with the proposition in view. If that were done, the people themselves would know they were voting for representatives who would vote on an amendment to the organic law of the land. I believe we can trust to the good, sound judgment of the American people to make such changes as they see proper in the Constitution.

Now, gentlemen, I want to remind you that we are not at this time voting for the enactment of any child-labor legislation; and if we were voting for the enactment of child-labor legislation, I do not believe this Congress, or any other Congress, would ever enact a law providing that children under 18 years of age should not be permitted to work on the farms of the country. My confidence in the intelligence of the membership of Congress would allay my fears of any such performance.

The first proposal that was ever submitted to Congress in the way of a Federal law to prevent the exploitation of children was a bill to prevent the employment of children in factories and mines, and no one rightly constituted would favor putting children to work in mines, factories, or sweatshops. In other words, we are against the exploitation of child labor in factories, mines, or shops, but are not opposed to children from 10 to 18 years old performing suitable work on the farm.

Mr. RAMSEYER. Will the gentleman yield?

Mr. MAJOR of Missouri. Yes, sir.

Mr. RAMSEYER. The gentleman is on the Judiciary Committee, which reported out this proposed amendment?

Mr. MAJOR of Missouri. Yes, sir.

Mr. RAMSEYER. I agree with the last proposition which the gentleman just advanced and I am seeking light here. I want to know why the committee did not limit the proposal to what the gentleman has just suggested; that is, regulating the labor of children in mines and factories instead of conferring upon Congress power also to regulate the labor of children in the home and on the farm and many other places where there never has been any attempt to regulate?

Mr. MAJOR of Missouri. I will tell my distinguished colleague from Iowa that I could not tell you why this amendment was adopted or was drafted in the particular form it is, other than to say that all of the organizations—some 15 or more—that advocated it asked it in this form, and their reason was, I suppose, that in certain vocations children under 18 years of age should not be permitted to work, and they had confidence in the Congress to see that no law was passed including them. That is the only reason I can give you, sir.

Mr. RAMSEYER. Then why include power to regulate such labor on the farm and in the homes? Why should we confer a power on Congress that nobody ever expects Congress to exercise? In other words, we never confer power upon Congress unless we expect Congress to exercise that power, and heretofore Congress has always proceeded to exercise all the power conferred. Why not limit it? [Applause.]

Mr. MAJOR of Missouri. I want to say to the gentleman from Iowa, as I stated before, that when a respectable percentage of our citizenship requests us, not as their guardians, but as their Representatives, for an opportunity to express themselves on an amendment to the organic law of this country, what excuse have you or any other Member for refusing that request?

Mr. RAMSEYER. Just a question there.

Mr. FOSTER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield, and if so; to whom?

Mr. FOSTER. Perhaps the gentleman had in mind a fact which the gentleman from Iowa has overlooked, that each of the 48 States has never seen fit to put on such a restriction and neither did the Federal Government in the two acts that were passed. They did not have the apprehension that the gentleman has as to the exercise of reserve powers, many of which are not exercised, whereas the gentleman assumes that they are all exercised by Congress.

Mr. RAMSEYER. I have received letters from organizations——

Mr. MAJOR of Missouri. Mr. Chairman, this is certainly not being taken out of my time.

The CHAIRMAN. Yes. Does the gentleman decline to yield?

Mr. MAJOR of Missouri. I can not yield further then.

Mr. RAMSEYER. I would like to have light from the committee; and certainly if we can not get it from the committee, where are we to get it? Does the gentleman refuse to yield for a question?

Mr. MAJOR of Missouri. Yes, sir. I think I have done pretty well by you. You have used most of my time.

Now, here is the proposition as I look at it: We had exhaustive hearings before the committee. I believe we have gone too far in the centralization of power here in Washington, and I believe that the creation of these boards and the control of a great many of the questions that we have control of here in Washington could be better controlled by the States, but that is a question for the people to decide, and if they conclude, after the matter is thoroughly thrashed out in the States, to adopt these amendments, why have they not the right to do so?

Mr. LEA of California. Will the gentleman yield?

Mr. MAJOR of Missouri. Yes, sir.

Mr. LEA of California. If the committee is willing for the people of the country to take an intelligent and responsible part in this amendment to the Constitution, why did you not refer it to conventions of the States?

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

Mr. MAJOR of Missouri. Mr. Chairman, I ask leave to revise and extend my remarks.

The CHAIRMAN. That right has been granted.

Mr. MAJOR of Missouri. I would like to state in conclusion of my remarks that my position, concisely stated, is simply this: That the question involved here is not one of the enactment of legislation but, on the other hand, is whether or not we will accede to the request of a very large number of our citizens for an opportunity to vote on the proposition that Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age. There has been much said before the committee in its hearings on both sides of this proposition but without regard to the merits or demerits of whether or not the question could be best handled by the States or by the Federal Government. I am of the opinion that we should give the people of the States the right to vote on the proposition, bearing in mind that this is a Government of the people, by the people, and for the people, and we their representatives are their servants and not their guardians.

Mr. SUMNERS of Texas. Mr. Chairman, I yield 30 minutes to myself. How much time have I remaining?

The CHAIRMAN. The gentleman from Texas has 38½ minutes.

Mr. SUMNERS of Texas. Mr. Chairman, I will not be able to yield for interruptions, and I will ask the Chair to be good enough to protect me in order not to take up time in refusing to yield.

The CHAIRMAN. The gentleman from Texas states that he does not care to yield during his address.

Mr. SUMNERS of Texas. I regret exceedingly to find myself in disagreement with the majority of the Committee on the Judiciary and especially with important groups of our people for whom I have the highest respect and with whom I am usually in accord.

I can not profess myself entirely free from the influences which incline human conduct toward the paths of easy progress. I would not be so hypocritical as to profess myself at all times untempted by the whisperings of political expediency. But in this instance, at least, I am conscious that no motive of self-interest and no prompting of cowardice has helped to shape my decision. Maybe I am wrong in my position. But this I know; I feel that I am right, with a conviction which I could not ignore without knowing in my own heart that in the presence of a great responsibility I had made political merchandise of as high a duty as a citizen of this Republic can be called upon to discharge.

In matters of current legislation there is sometimes here a lighter view of public responsibility, and individuals and parties play for positions of political advantage, with only incidental hindrance and hurt to the public interest. But when we come in solemn counsel as to-day we meet to determine in the first instance whether we shall effect a change in the structure of our system of government which the centuries have given to us, which proposed change would reach to the very foundation of that system, and which deal in the most intimate way with things so vital as the childhood of the Nation, men can not think of self-interest. If ever men prayed for the guidance of a wisdom greater than theirs, it should be at a time like this. What shall we do? It is said that in the abundance of counsel there is wisdom. I lay before you for whatever they may be worth the reasons which have directed me to the position which I hold.

This resolution deals with childhood; with every child in every family of the land.

It deals with the government of every family in all the States.

It deals with the structure of our system of government.

It deals with the conditions and the agencies having to do with the development of governmental capacity.

We are commissioned to act under the provision of the Constitution, which is as follows:

> ART. V. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments. * * *

We sit in judgment upon the one issue, the necessity or nonnecessity for the Federal Government to be given the power to regulate or to prohibit the labor of all persons under 18 years of age. This is not a proposition to deal with industries and with commodities as did the laws declared unconstitutional, but to deal directly with persons. It is a proposition to delegate to the Federal Government the most general of the police powers heretofore reserved to the States. Indeed, it is the most comprehensive and intimate of all the powers of government. It sends the power of the Federal Government into the precincts of every home. The judgment and the mandate of the Federal Government thrusts itself between the parent and the child, and the control of the parent over the labor of his or her own child until 18 years of age is subject always to the Federal power.

In the practical operations, if a law follows this amendment effectuating it, the judgment of some bureau employee will control in the home as against the judgment of the father and the mother that nurtured the child and brought him along in the process of his development. If the good old-fashioned father believes it is essential to the development of his child that he shall learn responsibility, that he shall learn to work, that he shall learn to lift the burden from the shoulders of the old man, and the bureau employee does not think so, the judgment of the bureau employee by the mandate of the Congress will control. Nobody can controvert that.

Why, gentlemen stand on the floor of this body and look you men in the face, and offer the argument in favor of granting this power that the Congress will have too much sense fully to effectuate it. That is a great proposition, is it not?

We are not only dealing with the fundamental law of the Nation but we are dealing with the government of the home. That is a power too far-reaching and too delicate to entrust to any bureau employee of the great Federal Government except in the presence of a great necessity, except in the absence of some governmental agency closer to the people than the Federal Government is. My good friend whose name is attached to this resolution, by the very terms of that resolution brings solemn indictment against the States and the people of the States charging that there is not enough manhood and humanity and interest in childhood in the States and among these people to take care of the most priceless asset this world ever had. [Applause.] The States have full power now.

Against the State and their lack of proper care for their children he appeals to the bureaucratic Federal Government. What are the facts? What do they indicate. It depends upon where you look at it from. If you look at the progress made by the States with reference to the protection of childhood from the standpoint of the men and women who believe in popular government, who believe in the capacity of the people to govern, who believe in the humanity of the mothers and fathers of this country, who believe in the integrity and purpose of the State government—when you look at the question of necessity from that standpoint, what do you see?

You see some twenty-odd years ago little children going into the factory, being ground down by their exploiters. Their condition, their helplessness began effectively to appeal to the sympathetic interests of men and women of the communities of the States. They began the fight. There was no Federal Government at work there. Two things, two great things, began to develop. Under the challenge of that condition men and women began to be better men and women. Their love for childhood swept out beyond the confines of their respective homes. They began to feel themselves to be the "keepers" of their little brothers and their little sisters of the factories. They felt the urge of responsibility. To use a common expression, they felt "it was up to them," that it was their business.

Great organizations exploiting children controlled politics, controlled the press. The people lost at first, but they grew stronger in heart, in purpose, and in capacity through the struggle. They could not stop. It was their responsibility. They would not stop. Each time they fought they won more strength and won more strength and won more strength until that glad day came when the common people of this country, the plain mothers and fathers of this country, developed under their own leadership—and you can not underestimate the value of local leadership in the development of conscience and power—they met organized capital and organized greed with all their hired lobbyists and corrupted officials before the State legislatures and won their first important victory.

And they have been winning for 20 years. They have been winning not only for childhood but they have been winning for themselves. They have been winning for community, State, and Nation, an organized militant decency equipped under their own leaders for battle wherever right and wrong are in conflict. This is the record of these years of victory. [Applause.]

I quote from the testimony of Miss Grace Abbott, Chief of the Children's Bureau, United States Department of Labor, given at the hearings before the Judiciary Committee, page 18 of the hearings:

At present, a minimum age for work in factories has been established in all except in three States at 14 or over. * * * There has been a tendency to establish a special minimum for mines, which is 16 in more than half of the States. But four have a higher minimum than that, and some have lower minima. (P. 18.)

* * * * * * *

* * * The prohibition as to night work for children is also quite general; 35 States and the District of Columbia prohibit children under 16 years of age from engaging in night work in factories and stores, the prohibition often extending to other employment. In some of the States, however, exemptions are allowed.

The matter of the weekly hours of work for children has been a subject of regulation, and most of the States that have an 8-hour day prescribe to-day a 48-hour week, with one State, Virginia, leading in this respect with a 44-hour week for children 14 to 16 years of age.

* * * Twenty-two States make an examination by a physician mandatory before a child may receive his working certificate. In seven others, and the District of Columbia, the examination may be required only if in the opinion of the certificate-issuing officers it is considered necessary.

* * * The 28 States that meet that minimum age as inclusively as did the Federal child labor act are:

Alabama, Connecticut, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, West Virginia, and Wisconsin.

Fifteen other States have certain exemptions. Thirty States meet the requirements as to work period per day. Twenty-six States meet the Federal law as to night work. Eleven others have certain exemptions, and 11 fall below.

The last census showed the total number of children 10 to 15 years of age reported as engaged in gainful occupations in 1920 was 1,060,858. It showed that 647,309 of these children were engaged in agricultural pursuits.

I quote a paragraph from a letter written by the Director of the Census Bureau to the chairman of the Judiciary Committee of the House under date of March 18, 1924:

It is generally recognized, of course, that the great majority of the children reported by the Bureau of the Census as engaged in agricultural pursuits probably was not, as a matter of fact, working with any high degree of regularity or continuity. Of the 647,309 children 10 to 15 years of age reported as engaged in "agriculture, forestry, and animal husbandry" in 1920, 569,824, or 88 per cent, were farm laborers on the home farm, and it is very probable that a majority of the remaining 77,485 worked either for, with, or under the direction of their own parents. The work of these children doubtless varied from a few weeks or months work each year to regular employment throughout the year.

With regard to children between 10 and 15 years of age, inclusive, in nonagricultural pursuits, the census of 1900 showed a total of 7.1 per cent; 1910, 5.2 per cent; 1920, 3.3 per cent; a reduction of 1.9 per cent during each of these two decades. In 1900, of the total workers engaged in nonagricultural pursuits, children 10 to 15 years of age constituted but 3.7 per cent; in 1910, 2.2 per cent; and in 1920, but 1.2 per cent.

It is to be borne in mind that this is the record of the achievement of the States and of the people of the States. In 1916, according to the Tenth Annual Report of the Chief, Children's Bureau, Department of Labor, only two nations, Norway and Switzerland, had adopted the 14-year age minimum. "Now nearly all the civilized western nations afford the children this protection."

These exceptions are not as important as the number of States to which they apply would indicate. For instance, there are two States which have no minimum age for children in factories and stores, but those two States are Wyoming and Utah, which States, in all probability, have not provided an age limit because no necessity exists by reason of the nonemployment of children in factories and in stores.

Five States are listed as having no provision against night work. Those States are Nevada, Utah, Wyoming, North Dakota, and Texas.

I feel certain that, with regard to the State of Texas, the vigilant people of that State would have asked the legislature to enact such regulation if the necessity had existed, and I know the legislature of that State would have responded to such a request, and no doubt the same is true with regard to the four other States.

From page 23 of the hearings I quote the further following statement of Miss Abbott:

* * * Most of the regulation and control, however, has come in the last 20 years, since the census of 1900.

The Chief of the Children's Bureau, who by the way is one of the finest women I have ever met—I hope nothing I may say will be taken as a criticism of her interest or ability—says, "there is a definite tendency to advance."

Who advances the States? How do they advance? What do these advances indicate? What benefit besides that of protecting children as to labor comes to the community and comes to the children as they make progress? This progress is not easy. They have to struggle. That is the plan of life. These difficulties are God Almighty's gymnastic paraphernalia provided for the development of the races of men. And when you run from them and turn over the power and responsibility, even in part, you do just as foolish a thing as an athlete seeking to train himself in a gymnasium would do if he threw the paraphernalia or a part of it out of the window. What was it that made the pioneer great? Was it a lot of people telling him he could not do anything and let us help you do it?

Was that what made them great? It was the challenge of necessity, the inspiring of confidence in themselves. You make anyone cease to believe in himself and you have destroyed him. Do these Federal bureau employees go out to the people and say, "You can do it; you are all right; you are doing fine"? In the last report of the Children's Bureau they say that during 1923 "only eight States made progress." "Only!" The whole psychology is found in the word "only." That shows the viewpoint. They are looking from the top down. They are sent out to tell the people what to do. The people do not do it quickly enough. They want the power to force them to do. That is government from the top downward. If they had believed in the people, if they had hope in the people, if they were willing to trust the people to govern, they would have said that in one year eight States had made substantial progress, and they would have thanked God for the victory. That is the difference. Only eight States! There is nobody patting them on the back and saying that they are all right, they are doing fine, that they can win, that God has given them the power, that it is their responsibility, that these children are their heritage; it is not good to teach dependence. And it is not fair in the face of the record to assume that the States are failing in the task which they have assigned to themselves.

That course will never make a strong people; that course will never make a people grow and develop. The thing to do is to say to the people, "You have got to make the fight." They are

making it. I do not question anybody's motives. We are all interested in the welfare of the children of this country and of our Government. There is a difference of judgment as to what we ought to do.

My good friend, Mr. FOSTER, a man of sincerity and of ability, brings this indictment. He charges the people of the States with neglecting their children. He says that they are incapable of dealing with the problem; that the Federal Government must be given this power. The matter is submitted to the Judiciary Committee of the House, and the Judiciary Committee of the House, acting as a sort of preliminary grand jury, finds that an indictment ought to be returned. You gentlemen sit here as a grand jury. You are going to find this afternoon by your solemn determination, as a necessity, that the people who send you here and the States that send you here are guilty of the charge. I demur to the sufficiency of the testimony. It is not the truth under the record. These are peculiar times, it seems to me.

The question of my friend Mr. RAMSEYER is very significant and indicative of the spirit of the times. Everyone wants to legislate for somebody else's folks. My friend Mr. RAMSEYER—and if necessary to avoid an interruption I shall withdraw the statement or cut it out—is willing to legislate for the folks in the city, but he does not want any legislation for his folks in the country. He does not want this to apply to children on the farms. In the hearings before the Committee on the Judiciary three representatives from the State of Massachusetts appeared. They told us they had the best folks and the best laws in the world, that they were doing everything necessary for the children in Massachusetts, but that away off yonder somewhere somebody was not doing what they ought to do, and they wanted to make them do it. [Laughter and applause.]

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

Mr. SUMNERS of Texas. No; I withdraw the statement.

Mr. RAMSEYER. I do not want the gentleman to withdraw it. I want him to leave it in.

Mr. SUMNERS of Texas. I am sorry I can not yield. The great, big drive in this particular procedure is based largely upon the alleged necessity to do something to protect the boys and the girls on the farms. The more than 600,000 of them are used to make up the million working children mentioned in all the propaganda. Take the reports of 1922 and 1923 and the studies that have been made. Here is a little pamphlet entitled "Child Labor Facts," issued by the National Child Labor Committee this year. It is about the last thing they have gotten out, I believe. This is on the first page:

> Over a million children engaged in labor.
>
> Agriculture is the only important field of work entirely uncontrolled by legislation.

Why do they say that if they are not proposing to control that field of work? That is what they are talking about and are urging as a need for this proposed Federal power.

> The South, because of its agricultural character, still leads in child labor.
>
> Agriculture employs three-fifths of the million child laborers—

And so forth.

I was talking to one of my friends from Mississippi the other day. He was talking about these poor little factory children in States like Massachusetts. He wants a Federal power to regulate them, but he said: "I do not want them to bother with the folks in the country." [Laughter.] He ought to stay out of it, then. Massachusetts says it does not need this amendment but Mississippi does, and Mississippi says it does not need it but Massachusetts does.

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

Mr. SUMNERS of Texas. If I have misstated the gentleman's position I yield, but if I have not I can not yield.

Mr. FOSTER. It is not concerning the gentleman's statement.

Mr. SUMNERS of Texas. I am very sorry. It is always somebody away off yonder. Nobody seems to trust the people of the States to govern themselves. Well, gentlemen, if they can not govern themselves, we are gone. Our whole system is based upon the theory, if not upon the belief, that they can. At least it was based upon that theory. The modern theory seems to be that they can not and that bureaus must govern them. I say there is nothing in fact or in history to justify the modern theory.

Gentlemen, we are dealing not only with child labor but we are dealing with the structure of the Government. This proposed amendment is not an amendment to the Constitution; it changes fundamentally the system of government. I challenge the opinion of every student not only of our Constitution but of our history if that is not true. We talk about our Constitution being the greatest document which at one time was struck off from the brain and purpose of man. That is pure rot, absolute rot.

Our Constitution has been transplanted twice. In the fifth century the Germanic peoples, the Anglos, and the Saxons, when they settled on British soil, planted the institution of local government, and during all of the vicissitudes for government in Great Britain that principle obtained. The Government of the Town, the government of the Hundred, the government of the Shire resisted even the Norman conquest. We talk about State rights. State rights are nothing. It is the necessity to govern that is valuable. You can not preserve mental development and progress among our people unless you preserve the necessity and the responsibility of government. During all of those years the necessity of the people to govern obtained. Out of the Shire, out of the Town, out of the local leadership, out of that local government they drew the material to build up the Parliament of Great Britain. Up from those people came our common law, the most marvelous body of laws that history records. They came from the common people.

I believe in the people, and I am justified by the history of the world in that belief. [Applause.]

Mr. Chairman, there is not a single great provision in the American Constitution that was not first declared in the constitutions of the States, which were written 10 years before. One hundred and thirty years before the Constitutional Convention assembled it was declared in Massachusetts that there can be no liberty where the executive, the legislative, and the judicial powers of government are combined. We have the warning of all the ages against our bureaucratic tendency, and yet we are concentrating governmental power here which we are taking from the States and creating these bureaus to take care of the overplus of governmental responsibility. We are giving to them legislative, executive, and judicial powers. They make the rules, they construe the rules, they enforce the rules, and then we wonder that there sometimes comes corruption and mismanagement. You have oppression, tyranny, and extravagance wherever there is a combination of legislative, executive, and judicial power. We have overloaded the Federal Government.

I make that as a statement, and there is no man here who can deny it. We have overloaded the machinery of the Federal Government to the point where it can not function as a representative government. That is a fact. We grope our way through legislation without properly understanding the tremendous matters that we legislate upon; we have shifted governmental powers and responsibility that under the genius of our Government ought to remain here, to bureau after bureau, because our Nation is so big, its population is so numerous, that it is beyond human capacity for us to operate it through the machinery of representative government. It is not a theory, as it once was. It is a fact. We are destroying our system of government at both ends. We are taking from the States those governmental responsibilities which they must exercise in order to preserve their vigor, and we are destroying the system at this end by overloading the Federal machinery with that responsibility taken from the States.

These bureaus have grown until their personnel of the Federal Government is between five and six hundred thousand people. Less than 600 of the whole personnel are elected by the people, and every one of those elected is functioning up here in this little spot on the eastern border of this country. If you delegate this power to the Federal Government, as is here proposed, the real administration of the laws enacted is going to be in persons four or five removed from anybody whom the people have elected.

Mr. MOORE of Virginia rose.

Mr. SUMNERS of Texas. I regret I can not yield. I do not want to be discourteous. The thing has come about, gentlemen, until these bureaus, by reason of the fact of their power, by reason of the tremendous number, by reason of the volume of business we turn over to them, these bureaus are ceasing rapidly to be the aids of the Government through which representative government functions and are becoming the real governors of the people. [Applause.] Talk about popular government! Why, gentlemen, this Federal Government never was designed, and never can be designed, and never can function as the agent of popular government.

The genius of our system is not to be found in Federal Government; it is to be found in the States. The States themselves are the direct and lineal descendants of that system of government planted by the Germanic people on the shores of

England in the fifth century. When we came to this country we planted those institutions in American soil. In the fertile soil of pioneer life it progressed and developed with tremendous rapidity. When the time for the declaration of our independence came about it was not a declaration of independence nor a revolt against that Government grown up from the people; we revolted against King George, but never against the Government which had come from the people. When the English governors left we selected somebody to take their places, and the colonies became the States. When the States had failed in their operations under the Articles of Confederation it became necessary to form a more perfect Union, and the wisdom and the genius of the fathers is shown, not so much by any creation by them, but it is shown in what they did not try to do. They did not try to create a government. They declared that which had been created. I speak of the State and National Governments. Why, popular government can not be created by constitutions. Popular government creates constitutions. They come up grown like a tree from the instinctive love of liberty that God has put in the heart of man. It is not progressing when you destroy the sense of responsibility.

I am against this proposed amendment, because I am interested in childhood as everybody else is interested in childhood. And let us see what this resolution proposes. This power is negative; it closes the door of the factory or farm. That is all, except that it divides responsibility. What do the States do? The children need not only the factory door closed but they need education, they need hygienic conditions, they need schools, they need playgrounds, they need moral surroundings. Who can give it to them? I say, gentlemen, you take away from the childhood of America a thing of value when you divide that responsibility. This matter of child exploitation is the one thing that is appealing to the sympathy and serious concern of the people of the States as nothing else does. Out of that a comprehensive constructive program for childhood is developing. I say it is a tragic thing to contemplate if the Federal Government closes the doors of the factories and you send that little child back, empty-handed; that brave little boy that was looking forward to get money for his mother for something to eat. But the people of the States, aroused under a sense of undivided responsibility, do not send the child upon the streets. The people of the States, aroused to interest by his exploitation, take a comprehensive interest in him and in his family. They are providing pensions for the widowed mother and her children. They are not going to send the child on the street. They provide schools and recreation centers. It makes bigger people; it makes better people; it makes a militant people. You develop local leadership, you develop local pride, in the protection of their children.

Everybody knows the historical fact that the one thing in all the program that has led to child betterment in America has been the protest against factory labor.

The CHAIRMAN. The gentleman from Texas has used 30 minutes.

Mr. SUMNERS of Texas. I will take one minute more.

Now, gentlemen, what are we going to do about it? You are going to write a verdict that is not warranted by the facts against the people of the States.

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

Mr. SUMNERS of Texas. If you will give me time, I will.

Mr. FOSTER. You started out this morning with 50 minutes more than any of us.

Mr. SUMNERS of Texas. I thought the gentleman was going to yield. Do not count that in my time, Mr. Chairman.

Gentlemen, I have done the best I could. If I have spoken in a way that is offensive, I wish to assure you that I did not intend to do so. I know I have spoken to my own hurt. I must pay the price. I believe this is hurtful to the States, to the Nation, and to the permanent interest of the children of America. To discuss a question like this in 30 minutes is impossible. I have undertaken to discuss this question from the standpoint of the child and from the standpoint of the Government. Gentlemen, this process of centralization can not continue.

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

Mr. SUMNERS of Texas. I will yield myself one minute more.

I repeat, Mr. Chairman, this process of centralization can not continue. You can not maintain the American Republic and our institutions and protect the childhood of this country by means of a citizenship that can not make our States function, and upon a system under which the States will not discharge their duty; and you can not make people discharge their duty unless you hold them closely to the necessity and to the responsibility of discharging their duty. I thank you, gentlemen. [Applause.]

The CHAIRMAN. Does any other gentleman care to yield?

Mr. FOSTER. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes. I believe the committee appreciated the attention and good order that we had during the last speech. Let us just make it that way all the time. [Applause.]

Mr. GRAHAM of Pennsylvania. Mr. Chairman, may I ask the gentleman from Texas how much time he has left?

The CHAIRMAN. The gentleman has six and one-half minutes.

Mr. TINCHER. Mr. Speaker, on yesterday we listened to some good speeches on this subject, perhaps some were as eloquent as have recently been delivered in this Hall. From a standpoint of opposition to this measure I think the Democratic leader [Mr. GARRETT of Tennessee] made as fine an address as can be made from that standpoint. Personally, I differ with him as to what the organic law should be on this subject. His arguments for State rights and in favor of the States having full power in matters of this kind would, of course, apply with equal force to the subject of prohibition and to some much older fundamental questions.

We all agree that we must not have child slavery. The only dispute is whether it is a State question or a Federal question, or both. It is my judgment that if every State in the Union save one were to pass a child labor law like most of the States have now, and that one State should stand out and permit child slavery, that State's attitude would be sufficient cause for the adoption of the constitutional amendment proposed.

Mr. HILL of Maryland in his speech yesterday opposed the amendment, and quoted from the first Republican platform to prove that Lincoln was for State rights. That was an unfortunate quotation so far as its application in this particular instance is concerned. That platform was denouncing a program of citizens of other States forcing slavery upon Kansas. Lincoln's position at that time, as all who are familiar with history know, was that the State of Kansas itself should be permitted to decide whether it would have slavery or not. After that time Lincoln decided to go further than to deny one State the right to force slavery upon another, as that platform did, but denied any State the right to have slavery.

It is unfortunate that some of the States have held back in the matter of passing laws on this subject. It is unfortunate that it is necessary for the Federal Government even to contemplate the forcing upon any of them of this humane proposition, but I prefer to go along with men like General SHERWOOD, who, I think has a better chance in this instance to know the views of the beloved Lincoln, than to follow Mr. HILL of Maryland.

The gentleman from Virginia [Mr. TUCKER] in speaking yesterday morning, said that they did not know what they would do with the colored children in the South if we adopted such an amendment. I notice his remarks this morning in the RECORD certainly read better, by the insertion of a few words that were not uttered, than they sounded; but this question has been settled. We are not to have any form of slavery in the United States. And if the States themselves, some of them, have been so negligent in the passage of these laws that our Government, the greatest of them all, is outranked by nearly every other Government in the world in this one respect, it is high time that we cure it in the orderly, straightforward American way, by amending our Constitution.

I am not only for submitting the proposed amendment but I hope the States will ratify it and after they do, I am in favor of Congress, if occasion demands, passing such laws as will not only prevent any form of child slavery in America, but will place us upon an equal basis with, if not make us outrank, any other nation in the treatment of our children.

This is not a question that can be ridiculed and laughed out of court, as was attempted yesterday by my friend from Texas [Mr. LANHAM]. You can not, by absurd comparisons and statements, make the people of this great country of ours lose sight of the issue involved. My State has good and wholesome laws upon this subject, but the children of other States deserve good and wholesome laws. The principle involved in this question is one of the oldest controverted questions of government. It has been practically cured by certain amendments to the Constitution, and the Congress thought that the Constitution would permit the curing of this by the Federal Government, and passed two laws which were held unconstitutional by the Supreme Court. The opinion of the court was divided. The

orderly way now is to afford the States the opportunity to amend the Constitution.

The CHAIRMAN (Mr. DENISON). Does any gentleman yield time?

Mr. GRAHAM of Pennsylvania. Will the gentleman from Texas yield the remainder of his time?

Mr. SUMNERS of Texas. I yield the remainder of my time.

Mr. GRAHAM of Pennsylvania. That is six and one-half minutes. I yield in addition to that six minutes, making twelve and a half minutes, to the gentleman from Massachusetts [Mr. ANDREW].

Mr. ANDREW. Mr. Chairman and gentlemen, out of the discussion of this intensely appealing problem, two very encouraging facts have emerged.

First, the figures presented have revealed tremendous improvement in the child-labor situation during recent years. The census of 1910 showed that 2,000,000 boys and girls under 16 were working in that year—or more than 18 per cent of the children of that age, but the census of 1920 showed that during the 10 succeeding years the number so engaged had been cut in half, notwithstanding the intervening increase in population. The percentage of children so employed had been reduced by more than half. Speaking in exact figures, the proportion of children under 16 engaged in work was reduced during a single decade from 18.4 per cent in 1910 to 8.5 per cent in 1920.

Second, the record of State legislation has shown that the individual States made great and rapid strides during the same period in protecting children's health, education, and working conditions. Within the decade just elapsed every one of the States has come to have written upon its statute books laws compelling school attendance, as well as laws governing employment of children in industry. Some of the States have passed from six to ten successive laws restricting child labor. With regard to child labor in mills and factories, 45 of the 48 States to-day prohibit such work for children under 14, and there is less ground for anxiety about the 3 States that are remiss in their factory-age standard, because they are not industrial States and have virtually no factories employing children—Utah, Wyoming, and Mississippi. Even the last-named State has a 14-year minimum for girls and a 12-year minimum for boys.

With regard to child labor in mines, 41 of the 48 States have now a 16-year age minimum for such employment, and of the 7 States which lack such provisions 5 are not mining States, and 1 of the other 2 has a 15-year age limit and the other a 14-year age limit.

Both the census statistics and the reports of State legislation tell the same story. The conditions are by no means what they were a decade or so ago when so much was said—and rightly said—about the "cruel slavery of little children in mines and factories."

Let me quote the words of Mr. Raymond G. Fuller, one of the ablest and best-informed students of the subject, in his work upon Child Labor and the Constitution. Mr. Fuller is an advocate of this Federal amendment, yet he speaks as follows:

> Nine out of ten persons still think of child labor in terms of bygone conditions or of conditions that represent only a fraction of its total amount to-day. Nine out of ten think of it in terms of the spectacular horrible conditions calling for drastic methods of reform. Such thought of it does not fit the present situation. The worst evils of 40, 20, even 10 years ago have been removed or vastly abated.

The fact remains, however, that about a million children under 16 were still recorded in 1920 as engaged in gainful occupations, and this situation must give us pause and demands investigation. Let us look into the figures a little further. What we find is this: That of the million children employed in 1920 more than 647,000—or more than three-fifths of that number—were employed on farms, the bulk of them on home farms. Only 413,549 were reported as gainfully employed in nonagricultural pursuits, and the census shows that of this number the larger proportion were not engaged in mines and factories or in dangerous and unhealthy occupations, but were messengers, office boys and girls, newsboys, clerks, and employees of stores. Let it also be observed that the census figures which have been quoted include all of the boys and girls who were gainfully employed; no matter whether their work was harmful or beneficial; no matter whether it was indoors or out of doors; no matter whether or not they only worked during vacation or after school hours or on Saturdays; no matter whether they helped merely during the planting and harvesting periods or the fruit picking and canning seasons; no matter whether or not they were getting a part of their vocational education as apprentices in actual work instead of in the schools. There may be a million children under 16 who still at some time in the year perform some labor for which they are paid, but the situation is certainly not as deplorable as that statement would seem to imply.

There are doubtless still many delinquencies in legislation, many lamentable instances of lax enforcement, many conditions still requiring remedy, but the child-labor problem of to-day is by no means what it was a decade ago. The facts just quoted show that legislation by the States and its enforcement by the States have been improving by leaps and bounds. Only last year seven State legislatures added to their existing child labor laws. The question, therefore, presents itself to us to-day in a very different aspect from that which confronted our predecessors 10 and 20 years ago, when Federal legislation for the restriction of child labor and for the protection of children was first asked for. We must not discuss the question to-day in terms of 1900 or 1910. We must ask ourselves first whether the evils which still remain are sufficiently urgent and otherwise irremediable to justify the drastic step of a constitutional amendment. I must confess, in view of the changed conditions, that I, for one, believe it altogether doubtful whether further attempts at Federal legislation in this field are justifiable.

Mr. Chairman, as I view the question, this proposed amendment is part and parcel of a much larger problem. The fundamental problem is whether we propose to abandon altogether the method of government by States which in the past has insured adaptation of law to local conditions, and made possible law enforcement in the only way in which laws can be effectively enforced—through the respect and concurrence of local opinion. [Applause.]

This is a very large and immensely grave problem which underlies the whole structure of our Government and upon the decision of which may very well depend our Government's continuance. Advocates of every sort of reform are looking more and more to the Nation's Capitol to correct local abuses and to launch new adventures in philanthropy upon a national scale. Every Congressman's daily mail brings letters urging support for Federal legislation to promote one or another more or less praiseworthy purpose which is inadequately realized in certain States or sections of the country. We are urged to support new Federal laws not only for the protection of children and women in industry and the restriction of the hours and wages of labor but also for the advancement and control of education; for assistance to mothers in childbirth; for the correction of inadequate divorce laws; for the suppression of gambling, prize fights, and lynching; for the encouragement of physical training; for the censorship of the press, moving pictures, advertisements, and general literature; for the control of hunting and fishing—in fact, for the regulation of everything in our lives and business except our inmost thoughts.

Our daily conduct from the cradle to the grave is thus being surrounded with restrictions emanating from the National Government, administered by Washington bureaus, enforced, or putatively enforced, by Federal police. Instead of confining the Federal Government, as was intended by the founders, to certain functions which could not be effectively handled by the States such as the control of the Army and Navy, our foreign relations, our interstate and foreign commerce, our Postal System, our coinage and our currency, we are developing a Federal administration which parallels most of the activities hitherto looked after by the States, and which attempts from Washington to regulate and police everything that we have, everything that we buy and sell, everything that we enjoy, everything that we do.

The tendency is open to serious objection from many standpoints. First of all, it involves a vast addition to the expense of Government. It makes of Government a two-headed monster, with two sets of laws governing the same subjects, though not always conforming one with the other. It means two sets of bureaus doing the same thing with double overhead, a twofold machinery for enforcement and twice the necessary personnel. And what is worse, the cost of every new Federal bureau once established grows by what it feeds on. People anxious for betterment of conditions in States that are remiss in one or another direction first implore their representatives in Washington to establish a Federal bureau, and to enact legislation for the entire country in order to correct these local deficiencies. Then, when the wedge has been entered, they seek to drive it further. Inevitably and annualy, they demand enlarged appropriations and additional enforcement officers, because the Federal bureau feels that it needs larger scope and power, and because the national laws thus enacted to remedy local conditions can not be made operative in these localities

without coercion. The case before us is a case in point. We established a Federal bureau to study the problems of children, and then came the demand for larger and larger appropriations, for extended powers, for more agencies and agents to do what the State bureaus have hitherto been doing. The cost of our Federal administration is thus continually mounting. The number of Federal officeholders is continually multiplying. During the past 50 years, the number of Federal employees has increased nearly four times as rapidly as the population, and the cost per capita of the purely civil establishment (leaving out of account the Army and Navy, interest on the public debt, the expenses of the Veterans' Bureau, and the Shipping Board) is to-day nearly five times what it was 50 years ago.

In the second place, the tendency, if it continues to develop as it has in recent years, will in another generation make State legislatures and State administratives useless. They will have nothing to do except to reenact and assist in executing the laws and decrees of Washington, and when that time comes, as it surely will come unless we quickly "right about face," we might as well dissolve our State lawmaking bodies and make our State officials agents of the national administration. The country will not and can not afford to maintain superfluous State lawmakers, State bureaus, and State executives when their powers and functions have been reduced to shadows. I question whether the public realizes the growing expense entailed by the present drift toward overlapping jurisdiction. I question whether the people of the several States will be content to see their local governments completely wiped out and superseded by government imposed from beyond their borders.

In the third place, I question whether many of those who now so eagerly seek Federal intervention at every turn appreciate how obnoxious the realization of their demands is likely to be, how certain it is to breed friction and dissension, how damaging to the respect for law, how menacing to the very permanence of our Government. Yet if their demands are listened to, if Congress continues to legislate about matters not essentially national, but to remedy local abuses and deficiencies, if Federal bureaus send more and more of their agents and wardens and police into our factories and stores and homes, the Government in Washington is certain to become more and more the object of distrust and animosity. Different sections of our vast country will be more and more lined up against each other. Our political parties will tend more and more to divide along sectional lines. In seeking to build a more powerful central government we shall tend to weaken it by making it less respected. Mr. Chairman, by pursuing this policy we are sowing the seeds of disruption and perhaps ultimate disunion. By following European models of centralized government we are not inconceivably imperiling the very continuance of the greatest experiment in popular government which the world has ever known.

Mr. Chairman, when certain States are found lax in some field of appropriate control, it would be far wiser, instead of urging the Federal Government to multiply its laws, officials, bureaus, enforcement officers, and courts, with all that this means of enlarged and duplicating expense and annoying interference, to concentrate effort on the correction of deficient legislation or of negligent enforcement in those particular States. If in certain parts of the country the sentiment of the people has not provided, or is not supporting, wise legislation in one field or another, it would be far better to focus effort upon those sections and persuade their people willingly to adopt such measures than to seek to impose forcibly upon them legislation framed in Washington, which they perhaps have not been educated to approve or understand and which must necessarily be put into effect by outside officials sent into those regions under orders from Washington.

This is why we are bound to withhold support from many measures with the general intention of which we may be in complete accord. This is why we are bound to question all proposals for Federal laws duplicating State activities, no matter how estimable or appealing their particular purposes may be. It is on such grounds that many of us voted against the maternity bill and are reluctant to favor Federal bills looking toward control of the public schools, the press, moving pictures, physical education, hours of labor, marriage, divorce, lynching, hunting, and scores of other matters. Such proposals often have a noble purpose and a strong emotional urge, as in the matter of child labor, which is before us to-day; but here, as in most of the other cases, in my judgment, legislation and its enforcement can be left more wisely, as the founders of our Federal Government intended that they should be left, to the governments of the several States.

The time has arrived when we must call a halt upon an usurping Federal Capital. We must stop right here and now, if we are not going to abandon altogether the spirit of freedom, the tradition of home rule, and the essential principle of government by the consent of the governed, which are our richest heritage. [Applause.]

Mr. FOSTER. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. MICHENER].

The CHAIRMAN. The gentleman from Michigan is recognized for five minutes. [Applause.]

Mr. MICHENER. Mr. Chairman and gentlemen of the committee, I am in exact harmony and accord with much that has been said by the gentleman who preceded me, but I am mindful of the fact that to-day we are not deciding whether or not it is a wise policy to amend the Federal Constitution as a general proposition, but we are to determine on the advisability and necessity for this amendment.

I listened with much interest to the splendid address of my good friend, the gentleman from Virginia [Mr. MONTAGUE], and to the splendid scholarly speech of my friend, the gentleman from Texas [Mr. SUMNERS]. I agree with much they say; but, gentlemen, every time a constitutional question is up for consideration we hear that same argument repeated by gentlemen on this floor. If you go back to the records you will find that speeches of a similar nature have been made from time to time by these State rights people against the seventeenth amendment, against the eighteenth amendment, and against the nineteenth amendment. As a rule, the people who are opposing this amendment are the same people who opposed those amendments.

Mr. MONTAGUE. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. MONTAGUE. Will the gentleman cite me to the place and time that I spoke on those amendments?

Mr. MICHENER. I will withdraw that statement as far as my good friend is concerned, but I will say that I have heard him repeat these things so many times in committee that I have almost commenced to believe some of them.

Mr. MONTAGUE. It is a pity the gentleman can not.

Mr. MICHENER. Be that as it may, I say that the regulation of child labor has been before the American people for many years, and what has been the result? The very people who come here to-day and ask us for more time are the people who have from time to time asked us for more time. In 1916 when we passed a Federal law we found that a necessity existed, and Congress was thoroughly convinced that that statute was necessary and was needful and helpful, and the American people approved that law. There are men here to-day who voted for that law, and who then proclaimed by their vote and by their word that it was necessary, who are now telling us that we do not need it and that the children do not need this protection. Why, men, if we needed it then we need it now, and if some of the States will not step up to the line and establish proper standards, then it should be possible for Congress to do it.

I have no use for so many bureaus. I have no use for this coterie that comes to Washington for everything. It is true the country is overrun by agents—Federal agents—but some of the men here who to-day are talking about the country being overrun by Federal agents are the very men who want more Federal agents if they have anything to do with sending money into their States. Is not that true? When it comes to the question of good roads our friends say, "Let us have them." When it came to the question of the maternity bill many of them said, "Let us have it." When the question refers to money going into the States in the shape of Federal aid which carries Federal regulation we hear nothing about losing State rights.

Mr. McSWAIN. I did not vote for the maternity bill.

Mr. MICHENER. They are the very people who are insisting on those things, and yet to-day——

Mr. FOSTER. Will the gentleman yield?

Mr. MICHENER. Yes.

Mr. FOSTER. The records show that every Southern State but one has taken advantage of the maternity appropriation, and only 8 States out of 48 have failed altogether to take advantage of the maternity appropriation. That was popular.

Mr. McSWAIN. The gentleman was looking right straight at me and shaking his "gory locks at me," but I want him to understand that I did not vote for it.

Mr. MICHENER. But you come in here and ask us to help eradicate the boll weevil, and if we are asked to engage in any other public activity in the gentleman's State he stands up here and insists on it, but that is beside the question. The first bill looking toward the regulation of the labor of children by the Federal Government was introduced into Congress in 1906, and from that day up to now the matter

has been thoroughly considered and discussed. The first Federal child labor law was adopted in 1916, and after this law had been in operation a little more than nine months it was declared unconstitutional by the Supreme Court of the United States, and in February, 1919, the child labor tax law was enacted, only to be declared unconstitutional on May 15, 1922. During the last Congress the Judiciary Committees of both the Senate and the House reported favorably constitutional amendments making it possible to control child labor. During the present session of Congress the Judiciary Committee has held extensive hearings covering all phases of the subject, and after careful consideration has favorably reported the pending legislation, with the recommendation that the resolution be agreed to. The Senate Judiciary Committee has taken like action, and consequently it can not be said that our action at this time is ill-advised or hasty.

As a general proposition it is conceded, or at least not seriously denied, that legislation is necessary in many States of the Union for the protection of the children of those Commonwealths. Some States have splendid child labor laws, and it is not the purpose of this resolution to prevent the States from enacting beneficial laws but simply to make it possible to establish a proper minimum standard for the protection of all the children in all the States.

Those opposing the resolution are divided into two classes—first, those who believe that child labor is a matter to be controlled entirely by the States, and, second, a very small number who believe that the Government, Federal or State, should not attempt to regulate the hours and conditions under which children labor or are employed.

Many of those belonging to the first class view with apparent alarm amendments of this character to the Federal Constitution. These same people, as a rule, strenuously opposed the seventeenth, the eighteenth, and the nineteenth amendments. They feel that regulation of this nature is a matter wholly for the sovereign States. They insist that this is paternalism and centralization of the kind which imperils our form of government.

Personally I am one of those who strenuously oppose miscelaneous tinkering with our Constitution. I deplore the paternalistic tendency of the General Government. I am cognizant of the fact that of late there has developed a tendency toward a top-heavy Government in Washington. Our people are looking too much to the Federal Government and are demanding from that source relief, aid, and supervision which belong to and should be administered by the State. The integrity of the State and the individualism accompanying it have made us what we are, and I for one am loath to do anything that would tend toward the destruction of local self-government, stimulated by local pride and responsibility.

I hold in my hand a letter written by Henry M. Bates, dean of the law school of the University of Michigan. In addressing Mr. FOSTER, the author of this amendment, Dean Bates says:

> I venture to write to you in support of the proposed amendment relating to child labor, as printed in report No. 395 of the Sixty-eighth Congress.
>
> As you well know, all efforts to secure valid congressional legislation on this subject without amendment to the Constitution have failed. There is no other recourse, if we are to meet this serious evil, than to amend the Constitution. I am not one of those who is willing to see an unlimited extension of Federal power, but where economic and social considerations demand as urgently as in the case of child labor national dealing with a subject, I am willing to see the national power expanded to meet the need. I sincerely trust that the amendment will be pushed in Congress and presented to the several States.

And Dean Bates is one of those constitutional lawyers who only consents to amendment when amendment is essential.

Amendments to the Constitution of the United States are regulated by Article V, which provides, among other things—

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution.

Therefore before Congress can propose an amendment a necessity therefor must be established, and we are confronted with the question: Is a constitutional amendment necessary for the protection of our children?

There is inherent power in each State to enact all proper legislation covering the subject, but the fact is that several of the States have not exercised this power, and if we are to judge by the attitude of some of those appearing before the committee there is no inclination on the part of those States to pass laws establishing minimum standards which in any way meet the demands of the hour. We are confronted with facts and conditions and not with theories. It is true that much progress has been made along this line during the last decade. It is also true that this progress was stimulated and that many improvements were made after the enactment of the two child labor laws which were declared unconstitutional. However, no State having a child labor law which fell below the standards of the former Federal laws has brought its laws up to the standards of the former Federal laws.

It was hoped that when the Federal law was declared unconstitutional that these backward States would do that which the opponents of this measure now contend that they will do, and bring their laws up to the standard; but this was a vain hope. Only eight of those States have improved their laws on the age and hour standards, and I am pleased to say that my home State of Michigan is one of those States. Notwithstanding these hopes and promises, child labor has steadily increased since 1920. Statistics compiled by the Children's Bureau of the Department of Labor indicate that since the middle of 1922 the number of children between 14 and 16 going to work has steadily increased. In 19 of the cities reported in 1923 there was an increase over 1922 of at least 20 per cent, and in nine cities the increase was approximately 50 per cent or more. These figures are based upon the number of work permits issued, and show, therefore, the number of legally employed children, and, of course, there is no way of ascertaining the number who were illegally employed.

In arriving at a decision as to whether or not there is a necessity for Federal action in this matter, be it remembered that in the United States to-day one child out of every 12—and in at least one State, one child out of every four—is a child laborer. Over 1,000,000 from 10 to 16 years of age are working in the United States in factories, mills, canneries, agriculture, mines, and in other industries and occupations. Nearly 400,000 of them are between 10 and 14 years of age. Nine States have no laws prohibiting all children under 14 from working in both factories and stores. Twenty-three States with a 14-year minimum age limit have weakened their laws by permitting exemptions under which children not yet 14 may work. Thirty-seven States allow children to go to work without a common-school education, and eight do not make physical fitness for work a condition of employment. Fourteen States allow children under 16 to work from 9 to 11 hours a day. Two States do not regulate in any way daily hours of labor for children. Five States do not protect children under 16 from night labor. Eighteen States have no definite educational requirement for children leaving school to go to work.

The object of the first and second Federal child labor laws was to prohibit the work of children under 14 in factories and canneries, and of children under 16 in mines and quarries, and to prohibit the work of children 14 to 16 years of age for more than eight hours a day for six days a week in factories and canneries.

The statutes are most salutary. Nevertheless, after the first ceased to operate nearly three times as many violations of the Federal child labor law standards were found in 10 States as had been found in 25 States when the law was in force. After the second was declared unconstitutional an investigation of 39 factories in one State brought to light 560 violations of Federal standards and 149 violations of the State child labor law.

While the States have plenary power to deal effectively with this subject, yet they have failed to exercise that power. They still refuse to exercise that power, and we are asked to defer action until such time as these delinquent States come to an understanding of the real needs of these beneficent laws. How long must we wait? The children of to-day are the men and the women of to-morrow. They pass this way but once as children. A public consciousness awakened in the people of the States a few years hence will not atone for the sins visited upon the present generation. We are not dealing in dollars and cents, we are not dealing with property, we are dealing with human lives. We are building the citizenship of our country, and as we sow so shall we reap. This is a national question and should be dealt with as such, and our scruples against constitutional amendments should in no way interfere with our exercising our right to amend the Constitution when necessity requires.

With that small number of our citizens who feel that there should be no regulation by law of the hours and conditions under which children labor or are employed I have no sympathy. Their contention in this day and age should not be given serious consideration. We may prate about parents properly caring for their children, about work being good for children, and about the invasion of the home by the Government, yet the fact remains that there are those among us who for their own greedy purposes would exploit child labor, and all laws are necessary for the protection of the many against

the few. The individual who opposes this amendment from a mercenary standpoint is not a good citizen and should be so branded.

We are told in this debate that if this amendment becomes effective that the boys and the girls will be prevented from doing chores on the farm; that immediately the power is vested in Congress that power will be exercised without reason and without common sense. The best answer to this argument is the fact that Congress thought it possessed the power to pass child-labor legislation and did pass two Federal laws, and there is no reason to presume that a Federal statute enacted after the ratification of this amendment would differ widely from the statutes already passed. Every State in the Union to-day has unlimited authority to pass child labor laws, yet no State has passed an unreasonable law. The tendency is in the other direction. This is merely an enabling act and must be ratified by 36 out of the 48 States before it is effective.

The childhood of America is calling, and I believe a vast majority of the people is demanding, that we, the Representatives of the people, make it possible for the sovereign States of this Union to say whether or not this amendment should be made to our basic law. The framers of the Constitution anticipated the need of change and they provided the method. The Constitution is not a barrier in the path of new measures for new needs. This amendment must be passed or present conditions will continue.

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

Mr. MONTAGUE. I want to say to the gentleman that I do not defend the Southern States, because I think they are amongst the worst offenders.

Mr. TILLMAN. Will the Chair please indicate how many minutes I have remaining?

The CHAIRMAN. The gentleman from Arkansas has 24 minutes remaining.

Mr. TILLMAN. If it is agreeable with the gentlemen on the other side, I might consume all of my time; or does the gentleman from Ohio desire to yield time?

Mr. FOSTER. No; go right ahead.

Mr. TILLMAN. Then I yield four minutes to the gentleman from New York [Mr. DICKSTEIN]. [Applause.]

Mr. DICKSTEIN. Mr. Chairman and members of the committee, I have heard both sides of the case, and I can not conceive of the fact that there are opponents to this resolution. Is it their purpose to claim State rights? I can not believe that. What is in their minds and what objection have they to this resolution that will more or less be submitted to the States for ratification and the result of which will be to protect the children of America?

Let us see what the statistics show upon an investigation. The statistics of 1920 show that Mississippi has child labor or children employed from 10 years to 15 years of age, 70,354; South Carolina, between the ages of 10 and 15, 63,520; Alabama, 84,397; Arkansas, 88,914; North Carolina, 62,162; Rhode Island, 8,569; Louisiana, 32,274; Texas, 80,872; Tennessee, 39,837; Florida, 10,864; Massachusetts, 33,723.

As a result, gentlemen, of this child labor from 10 to 15 years of age, the very time that you should give that child, that boy or that girl, an opportunity to become a man or a woman, you throw it upon the farm or in other lines of work, thereby depriving the youth of at least the memory he would possess as a child of the opportunities he had, and, my dear friends, let me call your attention to this very important fact: As a result of your child labor, the census of 1920 shows that there are nearly 5,000,000 illiterates, or 6 per cent of the total population in this country is illiterate as a result of child labor in the various States.

Do you not think we owe a duty to the child that is just about opening its eyes? Instead of giving it an opportunity to be thrown amongst other children to play or to go out and educate itself or to go out and understand the world, you are throwing them into labor such as factories, in mills, in agriculture, and God knows what not. [Applause.]

Over 1,000,000 children, or 1 out of every 12 children between the ages of 10 and 15 years in the United States, are at work. School attendance is worst and illiteracy highest in practically the same States that have the highest proportion of their children at work. The census of 1920 also shows 1,060,858 boys and girls between the ages of 10 and 15 years as child laborers. With regard to children under the age of 10 years, the census does not report the number working. Investigation, however, shows that there are many of these at work in sugar-beet fields, cranberry bogs, cotton plantations, and other agricultural pursuits throughout the country as well as in street trades, tenement home work, domestic service, and canneries. The Southern States seem to have a larger percentage of child labor than any other section of the country because of the predominance of agriculture there, and it is needless for me to discuss the various branches of occupation, as time will not permit, but anyone can refer to the statistics, which clearly show the facts which I am pointing out to this House.

Child labor in agriculture does not necessarily mean running errands, doing a few chores, or occasionally helping in the fields. Those children are practically laborers who constitute a material addition to labor income of the farm. Information comes to me from reliable sources that thousands of children besides working on home farms are hired out as farm laborers or contract with other families to work on the other people's land. The 1920 census showed in all over 600,000 children from 10 to 15 years gainfully occupied in agricultural work, and this figure because of the season at which the census was taken did not include many of the thousands of children at work in cotton, tobacco, beet, onion, and berry fields, in berry patches, cranberry bogs, and truck gardens, or the hundreds of children under 10 years who are found engaged in this kind of work from examinations made throughout the country by various child-welfare members in the communities.

In the State of New Jersey 1,044 children were absent from school during all of September and October in the Philadelphia school districts alone, because they were working in adjacent cranberry bogs of New Jersey, according to the report of the Philadelphia Bureau of Compulsory Education. It has been shown that these and other children pick berries 10 hours a day, crawling on their hands and knees through the marshes, and bunking at night in shacks, 7 by 9 in size, shared with four or five others. Conditions are deplorable. I can keep on citing one condition after another, but, gentlemen of the House, it would be needless for me to cite the further statistics of the various States which employ child labor, as you are in the same position as I am and able to obtain that information from the records.

In December, 1906, the first proposals for a Federal law to prevent the industrial exploitation of children were made in Congress when Senator Beveridge, of Indiana, and Congressman Herbert Parsons introduced bills to "prevent the employment of children in factories and mines," and Senator LODGE sponsored a measure designed to "prohibit the employment of children in the manufacture or production of articles intended for interstate commerce." Almost 10 years later, September 1, 1916, the first Federal child labor law was adopted, with the provision that it should become operative one year later, or September 1, 1917.

Under its power to regulate interstate and foreign commerce, Congress sought in this measure to close the channels of interstate and foreign commerce to the products of child labor. Three days before the act went into effect the United States district attorney in the western district of North Carolina was enjoined from enforcing the act. On June 3, 1918, after the law had been in operation nine months and three days, the decision of the district court was affirmed by the United States Supreme Court, in a 5 to 4 decision, on the ground that the law was not a legitimate exercise of Congress's power to regulate interstate commerce, and was therefore unconstitutional.

Following this decision, Congress enacted on February 24, 1919, as a part of the revenue act of 1918, a provision for a tax of 10 per cent on the annual net profits of certain enumerated establishments which employed children in violation of the age and hour standards laid down in the act.

The child labor tax law became operative on April 25, 1919, and was in effect until May 15, 1922, when the United States Supreme Court in the case of Bailey *v.* The Drexel Furniture Co. held that it was not a valid exercise of Congress's right to lay and collect taxes. Only one judge dissented from this opinion. It therefore seems to be clearly established that either Congress must abandon the object which was sought in these two laws or the Constitution must be amended so as to give Congress the power which it was believed to have when these two acts were passed.

This joint resolution which we are now considering, as I have stated at the outset, is simply an amendment to the Constitution which is to be submitted to the States—to the respective legislatures, who may accept or reject the proposed amendment to the Constitution of the United States. Surely you can not complain about the justness of that proposition. You have done identically the same thing when you submitted to the legislatures of the States the eighteenth amendment to the Constitution. You did not then claim that it was invading upon State rights. It is peculiar how some people will blow

hot and cold when it affects some of their interests in their communities.

Since the Federal child labor tax law was declared unconstitutional by the Supreme Court in 1922, the number of child laborers in the United States has been continually increasing. It simply goes to prove that the big operators of child labor can not part with these youngsters, and naturally so, as two children of 10 or 12 would keep out a man with a family from employment who could receive a living wage. Is it a wonder that some people are discontent with conditions? Gentlemen, we can not blame them in the slightest.

When the immigration bill came before this House some of the Representatives from the States which I enumerated and which have a majority of child labor, told us on the floor of this House that we must protect America from the foreigner. We must protect our citizens who are in the United States of America, we must better our conditions, we must be able to assimilate the melting pot which is here in America. That sounded to me like a pretty patriotic speech. I agree with them that America should be protected; nevertheless the admission of more immigrants than heretofore admitted would in no way affect the welfare of the country, but on the contrary it would greatly benefit this country and make it richer and richer and stronger and stronger, and these very men who talked so much of America and its youth are the ones who are practically opposed to the proposed amendment to the Constitution to do away with child labor. Is not the youth entitled to the same recreation and the same play as the rich boy? I can imagine how some of these youngsters from 7 to 14 are kept working in the various enterprises 8 to 10 hours a day and looking through the windows while the other children are at play on the streets. Is that what you call protecting America?

What kind of a generation are we going to have in 25 years? Present statistics show, as I pointed out, that there are over 5,000,000 illiterate children, not because there are no schools but because they are employed at labor in the various States.

Mr. Chairman and gentlemen of the House, as an American and as a Member representing a district who are hard-working people whom I call true Americans in the spirit as I know they love America, I do not think that they would permit their children of these tender years to toil as appears from conditions in the States I have enumerated. My people believe in giving the boy and girl an opportunity to develop so that they may be able to function when they grow into manhood and womanhood. I wish you could come to our district and go through our schools. You would find thousands graduating and receiving the highest marks, and the manner of attending school and general understanding of America is thorough. Yes; some of them may be foreigners and have been here only a short time, but they can tell you something about America, the country they have adopted. I am happy to state, Mr. Chairman and Members of the House, that I will support this resolution and I hope this House adopts the resolution to do away with child labor. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FOSTER. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Chairman, America is to-day the richest of the world's nations, but there are some things America can not afford. She can not afford to transform bright-eyed children into hopeless and vicious young people in order to add an extra per cent to the profits of child-labor exploiters. She can not afford to permit the rule of the law of the jungle in industry through which men who are willing to hold childhood in involuntary servitude have the advantage over business men of greater moral sensitiveness.

We have listened to lengthy disquisitions upon the rights of the States in the solution of this problem. This is no State question to be solved in piecemeal and by fractions. It is a national question to be solved by national action. Only action such as is proposed here can take the child toilers out of the mines and mills and factories in some States and put them in the schools and playgrounds. That being true, it is an act of self-preservation to protect such children from the evils of child labor in order that they may become enlightened, self-governing American citizens. The children of to-day will rule this Republic in 20 years from now.

The State of Pennsylvania has made a noble effort to deal with this evil in industrial life. I am proud of the record she has made. For many years earnest men and women urged that the State take action to prevent the coining of the blood and health of children into dollars. In 1915 an effective child labor law was passed. The commissioner of labor and industry in his report for that year declared that it was enacted after full consideration and extensive hearings and that it represented the almost unanimous public sentiment of Pennsylvania.

In that law Pennsylvania undertook to regulate the labor of minors, in some cases to the age of 21 years. It prohibited the employment of persons under the age of 18 in a number of occupations. Here is the list:

> The operation or management of hoisting machines, in oiling or cleaning machinery in motion; in the operation or use of any polishing or buffing wheel; at switch tending, at gate tending, at track repairing; as a brakeman, fireman, engineer, or motorman, or conductor upon a railroad or railway; as a pilot, fireman, or engineer upon any boat or vessel; in or about establishments wherein gunpowder, nitroglycerine, dynamite, or other high and dangerous explosive is manufactured or compounded; as a chauffeur of an automobile or an airplane; that no person under 21 years of age shall be employed as a messenger of any kind before 6 o'clock in the morning or after 8 o'clock in the evening.

Mr. Chairman, Pennsylvania is undoubtedly as much an industrial State as any other in the Union, and if there is likely to be undue interference with the labor of minors in homes and on farms it would be evidenced in that State. The legislature had undoubted right and power to lay down any restrictions upon such labor that it might desire. It might have made all the alleged fears expressed here during this debate come true had it willed to do so. But it did not so act and no legislative body in America is going to act in unreasonable and unworthy fashion in exercising the power granted under such an amendment as this.

Mr. BUTLER. Will the gentleman yield?

Mr. KELLY. I yield to my colleague.

Mr. BUTLER. I wonder why the State of Pennsylvania did not restrict the labor of children in agriculture? My friend can answer this because this question of child labor has been a matter of great interest to him for many years. Why did not Pennsylvania restrict the hours of labor on the farm? You can work a child to death on a farm as well as you can in a factory.

Mr. KELLY. The answer to the question of my friend and colleague is clear. Pennsylvania did not undertake to include farm labor in its statute because the labor of children on the farm is under the control of the fathers and mothers of the children, the natural guardians of their welfare. There is a vast difference between labor under such conditions, in the open air, and employment of children by taskmasters inside factory walls whose only interest in the children is to squeeze out of their little bodies the last ounce of energy in order to pay bigger dividends.

But, Mr. Chairman, Pennsylvania could not settle this question through her own efforts. Other States without such restrictions upon child labor lured the children across State lines. That fact is clearly shown in the testimony of Miss Grace Abbott, of the Children's Bureau, before the committee holding hearings on this proposed amendment to the Constitution. Here is what she says:

> There is going out of the city of Philadelphia every spring an army of children to work in other States who would not be allowed to leave school, so far as the law of Pennsylvania is concerned, but who escape those laws by working across the State line. They leave in the spring and return to Philadelphia in the fall, bringing with them the results of the long season of camp life and showing serious retardation in school.
>
> These studies show that every spring from the city of Philadelphia hundreds of families migrate to farms of New Jersey and Delaware for seasonal work on the strawberry, asparagus, tomato, and other truck crops. Many remain until fall for work in the cranberry bogs. Partial reports received from attendance officers in different parts of Philadelphia showed that at least 1,300 children left school in the spring of 1921 for work in the country. The majority do not return to the city until the last of October or the first of November, and then, eight or nine weeks late, straggle back to the already overcrowded schools. Many return even later and present a still more difficult school problem. The bureau of compulsory attendance of Philadelphia estimates that the number of children leaving school for such work each year is between 2,500 and 3,000.

Mr. Chairman, the American people recognize this to be a national question, and for years they have demanded action. Twice Congress has responded to that demand by passing laws to prevent child labor. Twice the Supreme Court has decided that constitutional limitations make Congress powerless to act in the premises. That leaves only one course open, and that pathway is being taken to-day—to remove these limitations by submitting an amendment to the Constitution specifically grant-

ing to Congress the power to limit, regulate, or prohibit child labor in the United States.

What is this Constitution of which we have heard so much in this debate? It is simply the means of securing the control of public opinion. One might gather from speeches uttered here that amendment of the Constitution is so easy that there is danger of every vagary of dreamy-eyed sentimentalists being written into the organic law of the land. As a matter of fact, it is impossible to amend the Constitution unless the public sentiment in favor of the change amounts almost to a revolution. Two-thirds of the House and the Senate, three-fourths of the State legislatures, make barriers which can only be crossed by an overwhelming tide of the people's will.

Mr. Chairman, child labor in America must go. It denies life, liberty, and the pursuit of happiness to childhood, America's greatest asset. It prevents the development of heart, mind, and body. It is not essential to any legitimate industry, and the business which can not exist without wasting the life force of the Nation had best be eliminated.

The American Constitution must be a protecting hand of helpfulness to the weak and oppressed. It must reach into new conditions whenever and wherever conscienceless greed undertakes to injure the common welfare. Through the adoption of this proposed amendment by Congress and the States we may take a long stride forward in the task of making America make good the principles of justice and freedom upon which the Republic was established. [Applause.]

Mr. FOSTER. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. BERGER].

Mr. BERGER. Mr. Chairman and gentlemen, Aristotle, the great Greek philosopher, in his famous work on politics, described the constitutions of all the different States known to him. And he said the State existed longest and prospered most which was readiest to change its constitution and adapt it to changed conditions.

This rule holds good to-day. Our conservatives, however, claim that a constitution which could be changed readily would put the fundamental law at the mercy of every passing whim of the people or of a group of mouthy and designing demagogues. History, nevertheless, teaches that mouthy demagogues flourish best when the constitution is hard to change.

WE WERE FIRST TO ADVOCATE PROTECTION FOR CHILDREN

There is no doubt in my mind that the constitutional amendment to permit Congress to legislate on child labor will pass the House and will pass the Senate. It is a good amendment, a necessary amendment, and the socialists were the first to advocate the abolition of child labor, which this amendment makes possible.

But whether it will get the necessary three-fourths of all the States is another question. We know from experience how difficult it is to pass an amendment to our Constitution, especially one like this which will have the solid opposition of an entire group of States—the Southern States.

BEST LEGISLATION IMPOSSIBLE UNDER PRESENT CONSTITUTION

So great are the difficulties of such an amendment that in effect they are insurmountable. I believe that we could just as easily rewrite the Constitution as to amend it again. Yet it is a fact, nevertheless, that advanced social legislation is impossible under the present Constitution. Not only child-labor legislation but also legislative attempts to regulate and control corporations have over and over again been declared unconstitutional.

MUST READ WORDS INTO LAWS

The Supreme Court not only holds certain laws unconstitutional but puts words that were not there into laws. For instance, the word "reasonable" was read into the antitrust law. The court has been blamed—but wrongly. The court had to do it in order to make the law fit the Constitution somehow.

HAS ALREADY NINETEEN PATCHES

If this constitutional amendment should pass, it will be the twentieth amendment to the Constitution of the United States—the twentieth patch on the cloak of the body politic, which now has nineteen patches already.

There can be no doubt that the old Constitution of the United States, which was passed in 1789, has outlived its usefulness and should make room for a modern instrument suitable to the twentieth century.

NINETY MORE PROPOSITIONS TO CHANGE IT

Laws must be based upon the habits and the customs of the people, and a constitution must express the political ideas as based upon the economic conditions of a certain period. That our old Constitution is inadequate is also proven by the fact that there are at present about 90 propositions introduced to change it in one way or another.

Even the wisest of men could not have foreseen in 1789, when this was a little frontier country, the political and economic conditions of 1924, when the United States got to be one of the leading, one of the most powerful, countries of the world.

OUR CONSTITUTION IS A SMALL COUNTRY CONSTITUTION

Our Constitution was adopted in 1789. At that time a great part of the country was covered with one vast primeval forest. The largest city, Philadelphia, had about 30,000 inhabitants. There were only a few towns which had a population of from two to five thousand.

STEAM AND ELECTRICITY UNKNOWN

Manufacturing in the United States was then in its childhood, mainly in Philadelphia. The use of steam and electricity was not known.

Corporations in the present sense were not known.

In those days a corporation meant a city or a township. There were no railroads, no telegraphs, no telephones, and, of course, no radios or airplanes. Public schools were few and far between. A man who could read and "reckon" was looked upon as a wizard in many country places. Capitalism in its present form and development was not even dreamt of.

The Constitution adopted at that time, of course, was made to suit those conditions. It was made to express the needs of a frontier State. It reflected the social, political, and economic conditions of that day.

What a great difference between the United States of 1789 and the United States of to-day. That time the entire population was 2,500,000. To-day we have 115,000,000.

NEW CLASSES CAME INTO EXISTENCE

In 1789 we had no proletariat in the present sense. Entirely new classes have come into existence since that time. In 1789 any man with a pair of strong arms and moderately good habits could not only make his living comfortably, but also lay the foundation for a prosperous second generation by simply sticking to the land. To-day we have not only an economically powerful class of capitalists, but also a very numerous proletariat which to all intents and purposes has become a fixed class.

We have tremendous aggregations of capital, big railroad companies, public service corporations, and greedy trusts and grasping combinations of all kinds. Their oppressive power is felt by every farmer and every workingman.

In 1789 the worst evil influence which the people had to contend with was the issuing of scrip money. To-day there is no scrip money. Our United States currency is good enough, if one can get hold of a sufficient amount. But the banks have simply become the handmaids of the big corporations and the trusts.

WHOM OUR CONSTITUTION PROTECTS

The economic conditions have changed absolutely. Yet it is unconstitutional for Congress to regulate the hours of labor for women and children but it is constitutional to pass a law that will send a man or woman to the penitentiary for 20 years if "he speaks disrespectfully of the uniform of a soldier"—I am quoting from the so-called espionage act, which is still on the statute books.

The Constitution should be an instrument to make sure that the minority has certain rights which the majority is bound to respect. This is so, provided that minority is wealthy enough to enforce those rights through lawyers and courts. A minority that is poor, however, has no constitutional rights that need be respected. We have seen this in the treatment of the I. W. W., the communists, and other radicals by Palmer, Daugherty, Burleson, and others.

WHAT CHIEF JUSTICE TAFT SAYS

Even according to William H. Taft, former President of the United States and now Chief Justice, "the man with the longest purse has the decided advantage in legal battles."

Now, if we were influenced only by party motives, we would simply say: "Keep your old Constitution. Under the present Constitution, our Congress can not legislate beneficially. All good laws, such as are made to fit changed conditions, are necessarily unconstitutional. And if no laws are made to alleviate the hardships of the people, the people will, of necessity, become revolutionary."

But this is not the way we reason. We have so much confidence in the righteousness of our cause that we know that even the best constitution can not stop our progress in the end. On the other hand, a good and timely constitution will do away with a great deal of avoidable friction. It will make sane and constructive progress possible.

OLD TAMMANY ADAGE

It will do away with the old adage of the Tammany politician:

Give the people what they want, but make it unconstitutional.

WAS CONDEMNED BY THOMAS JEFFERSON

At the time the Constitution was adopted no one considered it anything but a miserable piece of patchwork—a stupid imitation of the English constitution—which had to be amended ten times before it could be adopted by the thirteen original States. Jefferson condemned it severely. It really satisfied nobody.

SLAVE BARONS GET IDEA

However, by and by it dawned upon the Southern slave barons that they could hide behind its provisions to defend chattel slavery. They were right about that, and it took a terrific war to patch up and amend once more what had been poor patchwork to begin with.

After the Civil War the growing capitalist class of the North, which for a while had been very much dissatisfied with the Constitution, found that just because the Constitution was antiquated and unsatisfactory, the capitalists, with the help of shrewd lawyers, could make the same use of it for their own ends as did the slave barons for theirs. So the Constitution became a blessed and holy document once more.

It was again, in the seventies and eighties of the nineteenth century, the fetish of every lawyer and every school-teacher. Only it was then the northern fetish. The fervor of the South had been rather chilled by the so-called "negro amendments" as a result of the war.

NOW UNITE IN REVERENCE

However, the South found a way to get around these amendments. And now the unthinking elements of the North and South unite in doing reverence to a poor makeshift which tried to combine the constitutional ideas of Montesquieu with the archaic conception of an executive with despotic powers, and the ideas borrowed by Alexander Hamilton from the English constitution.

EVEN CONSERVATIVE MEN ADMIT IT

The intelligent men of all classes during the last 20 years have become convinced that our Constitution must be changed. Not only the proletariat but also the most enlightened elements of the middle class demand it, and even some plutocrats admit it.

No doubt there were many leading men at the close of the American Revolution who were in favor of adopting the British constitution as they understood it. Only this being a Republic, they were very much more afraid of the people, of the mob, than they would have been in a monarchy. They admitted that. Therefore they wanted a strong Executive—"one that could dare to execute his powers"—as Hamilton stated it.

OUR ELECTIVE MONARCHY

That is how we got our kind of a President for the United States. That is also the reason why we have the Senate.

And also why we have the "additional check" by the courts.

Not everybody was satisfied with this.

Thomas Jefferson, of course, was not.

But even at a much later day Henry Clay compared our Presidency to "an elective monarchy—the worst form of old governments."

And he was right, inasmuch as with the exception of the Czar of Russia and the Mikado of Japan, even before the World War, there was not a monarch in the world who had as much power as the President of the United States. He is not only the Chief Executive, but also a part of the law-making machine—and what part? He counts as much as two-thirds of the House of Representatives and the Senate combined.

CABINET BELONGS TO PRESIDENT—NOT TO PEOPLE

Furthermore, his Cabinet is not dependent upon Congress at all and is not responsible to Congress. Neither Denby nor Daugherty could be ousted from office by Congress.

The members of the Cabinet are simply the secretaries and the servants of the ruler in the White House whoever he may be—and he is also the Commander in Chief of the Army and Navy and appoints over a million officeholders.

OUR DICTATOR

Gen. C. H. Sherrill, once an adjutant general, and later a United States minister to Argentina, organizer of preparedness parades—and according to his own statement a Son of the Revolution—in his recent book The Purple and the Red is in favor of a monarchy, or a dictator. He tolerates the Republic in the United States only because "we already have a dictator—the President of the United States for his term of office."

DANIEL WEBSTER'S OPINION

No wonder that even Daniel Webster once said:

The contest for ages has been to rescue liberty from the grasp of executive power. The President carries on the Government; all the rest are only subcontractors. A Briareus sits in the center of our system, and with his hundred hands touches everything, moves everything, controls everything. I ask, is this republicanism? Is this a government of laws?

The present Constitution was designed by the wealthy class of that day—the speculators in scrip and the big landowners, and their representatives—with a view to preventing the common people from exercising their political influence. A cleverly devised system of checks and balances was employed to attain that end.

SOUNDED LIKE BOLSHEVISM TO-DAY

The framers were afraid of democracy, which had the same sound to them as the word Bolshevism has to a similar class to-day. Thus the worst features of a monarchy were included in the office of the President to defeat the people's will.

The United States Senate, the "upper House" of our National Legislature, was created for the very purpose of representing wealth and the vested interests of the country, as Alexander Hamilton put it. And from the beginning it was intended to "form a check upon the will of the people." Therefore its selection was removed from the people as far as possible and put into the hands of the respective legislatures.

This has been changed only since the introduction of the direct primary. But now it takes so much money to get nominated and elected in a State that the Senate is in danger of becoming a millionaire's club in reality, not only by reputation. It is unnecessary to show what the United States Senate was from its beginning and what it is now.

IS NOW A STRONGHOLD OF TRUSTS

We all know that the Senate was the stronghold of the slave barons, compelling the solution of the slavery question by the force of arms. We all know that it is the bulwark of the railroads and trusts now.

The Oil Trust, the Railway Trust, the Sugar Trust, the Steel Trust, and every robber concern preying upon the common people have their representatives in the Senate.

It is a notable fact that, while the founders of the American Constitution were taking up this relic of feudalism and clothing it with formidable powers, the English nation was already preparing the forces that were to reduce the House of Lords to the secondary position it now occupies. And, as everybody knows, there is a strong tendency in England to abolish the House of Lords altogether.

DOUBLES OPPORTUNITY FOR LOG ROLLING

The two-House legislature—upper House and lower House—only doubles the opportunity for political trading, for log rolling, and for the activities of skilled lobbyists.

The abolition of the two-House legislature will also put an end to the common practice of passing bills in one House and defeating them in the other.

CAN NOT BE MADE EQUAL

It is said, however, that there must be in a Federal Government some institution, some authority, in which the separate States composing the confederation are all equal. I confess this doctrine is not convincing to me.

The State of Delaware is not equal in population or influence to the State of New York, and one can not make it so by giving it an equal vote in the Senate.

ABOLISH CLUMSY SYSTEM

The other argument—the necessity of counterpoise and counterbalance, or of a check against bad legislation—looks a little better. But if one considers it closer, it is even worse. Most good legislation is always opposed in the "upper House." Most of the bad legislation originated there. This may be a little better at the present moment, because there are a half-dozen radicals in the Senate.

Therefore, we say, abolish the clumsy two-chamber system. And for a good substitute and best possible check upon any whimsical or hasty legislation, or even crookedness of the legislators, give us the referendum. The referendum in any country is stronger than all the senates and houses of lords in the world.

THE CURE IS MORE DEMOCRACY

The best cure for most evils arising from democracy is—more democracy.

However, even the Senate is not "in it" as an obstacle to progress and justice when compared with the position our judiciary occupies as an illegitimate part of our law-making body—and in telling the people what they may want and what they may not want.

NOT KNOWN ANYWHERE ELSE

And this monstrous guardianship of the judiciary over the people, dictating to them what is law and what is not, is purely an American institution.

The British constitution, of which ours is otherwise a copy, knows nothing like it. The germ of the disease was put into our Constitution by conservatives of the type of Alexander Hamilton and it had the warm support of the so-called Loyalists—but the disease was developed by the shrewd manipulations of some Supreme Court Justices, like John Marshall.

The Hamilton clique had created the Senate to take the place of the House of Lords. Yet it was still afraid of the common people. It wanted something in place of a king. And, mind you, not the constitutional King of England, either. They wanted the absolute king of the fifteenth and sixteenth centuries, and they got him. He is our American judge.

THIS IS A LAWYER-RIDDEN COUNTRY

And this king judge and his retinue of lawyers is now the most distinguishing mark between the American people and all others on earth. Only in our country we find the notion that unusual sanctity and infallibility surrounds and becomes the characteristic of the ordinary lawyer the moment he is elevated to the position of a judge.

And perhaps the most dangerous judge to the rights of the people is the Federal judge. Federal judges are appointed by the President of the United States upon the recommendation of our prominent business men; that is, upon the recommendation of our railroad presidents and millionaire manufacturers.

The Federal judge almost invariably is a corporation lawyer. He is appointed for life, and his very environment makes him part and parcel of the American plutocracy.

MUST BE AN ENEMY OF DEMOCRATIC INSTITUTIONS

The Federal judge looks down upon the State judiciary very much in the same way as the Regular Army looks down upon the militia.

Almost every Federal judge nowadays is an enemy of our democratic institutions and an adversary of the common people. Almost every Federal judge becomes a regular fiend when he has to decide questions regarding the rights of the laboring class.

It is usually laws involving economic problems that are in danger, because our Constitution was framed at a time when such problems did not exist. Under this Constitution the judges should really not be blamed for their decisions.

LAST RESORT OF CORPORATIONS

The Federal judiciary of the United States is the last resort of the corporations, the railroads, and all kinds of plutocratic evildoers in their straits.

There they can get help and comfort when the legislators, whom they often own, become frightened at the anger of the people. There they can get "injunctions" galore, and these injunctions will be in full accordance with the wording and spirit of the Constitution.

LINCOLN AND THE SUPREME COURT

Criticism of the Federal courts, and particularly of the Supreme Court, is not a new thing in our history. Both Jefferson and Jackson attacked the Supreme Court and sarcastically advised that body to execute certain of its decisions.

The Dred Scott case was made the occasion of a bitter attack by Abraham Lincoln before he became President. Lincoln went so far as to accuse the Supreme Court of conspiring with the national administration to frame a collusive suit.

CONSTITUTION SHOULD BE FLEXIBLE

In these days of rapid economic and social changes it is more necessary than ever that the fundamental law of our Nation—our national Constitution—should be flexible and adopt itself with reasonable ease to the changing conditions of our life.

What do we find, however?

With one exception, the Constitution has never been changed since its adoption except by bloody war—during the war or after the war.

It takes a two-thirds majority of Congress, and in addition thereto a majority of three-fourths of the legislatures of all the States to change it. And that can hardly ever be gotten.

We Socialists want a constitution that can be amended by a majority vote of all the people. The American Government is a democracy—at least, supposed to be one.

IS MAJORITY RULE VISIONARY?

And every law passed by our representatives ought to be valid unless repealed by our lawmakers or rejected by a majority of the people.

Is this idea of majority rule "a wild, visionary, revolutionary scheme, unpatriotic to the core," as some of my opponents claim?

CAPITALISTS FOOL THEMSELVES

However, the capitalists make a fatal mistake when they trust to judges and senates to check the will of an enraged people.

An "upper house" which during a revolutionary period would resolutely stand out and oppose the branch of the legislature representing the excited state of popular feeling would be infallibly swept away; and consult any history as to what became of kings and judges in either the English or the French revolutions.

ON PAR WITH FETISH WORSHIP

As to judges, history tells us they simply cease to exist at the very first outbreak.

All this worship of the Constitution is at par with the fetish worship of our ancestors 10,000 years ago. At that time they worshiped fetishes of wood and stone, and now they worship a paper fetish. But what is the difference? A fetish is a fetish.

WE ARE STILL RULED BY THE GENTLEMEN IN KNEE PANTS

A constitution is simply a cloak for our body politic. A garment that may have fitted us well in 1789, when the baby Nation could use swaddling clothes, can not possibly fit us to-day. We do not revere Cotton Mather's book on witchcraft, which was considered the greatest book of his time by his contemporaries.

Now, why should we worship a document which was patched together 130 years ago by a lot of gentlemen wearing knee pants and knowing nothing about railroads, telegraphs, corporations, and trusts?

NOT ONLY FOR LAWYERS

But it has been said by some ultraconservative persons who hate everything that looks like a change that the lawyers and courts understand this Constitution and know how to interpret the laws accordingly. They would first have to learn a new constitution, and this would make trouble.

Now, in the first place, the Constitution is not made for the lawyers and the courts, but ought to be made for the people.

We all know that every law is interpreted in three or four different ways, according to the personal likes and prejudices of the lawyers and the courts. Even the decisions of the Supreme Court have been fearfully inconsistent.

A tremendous amount of injustice and barbarism is rampant on account of our antiquated Constitution.

"STOOD THE TEST"

But, says our reactionary, the Constitution has "stood the test of 130 years so well as to prove that if it is a stupid imitation of the English constitution, it is an imitation of a good thing."

It was not on account of the Constitution that this country has flourished. Our present Constitution permits incredibly large fortunes to be amassed by predatory competition, by ownership of patent rights, by monopolizing of natural resources, and by special privileges and exploitation of labor.

If our country has flourished, it has been due to colonial conditions, our virgin soil, our apparently inexhaustible resources, and our immense and intelligent immigration. Even with all that, our people practically used up in a few generations the resources that nature had stored up in many thousands or, in some instances, many millions of years.

BROKE DOWN OFTEN

This was the richest country on the face of the globe, and we had the cheapest and most intelligent labor upon the face of the globe brought here. That is why we prospered and probably would have prospered even more if we had had no constitution at all. Whenever and wherever this Constitution was subjected to any test, as, for instance, in 1860, then this Constitution did not stand the test. And it broke down again in 1917.

Again I say it is all right enough to put through amendment No. 20—to put one more patch, the twentieth patch, on our political cloak. But our Nation, the American Nation—thanks

to the tremendous opportunity and to the millions of hard-working immigrants—has become a great, powerful, and rich people. And this great people, this great new Nation of 115,000,000 inhabitants, can not be satisfied with the little old garment of the year of the Lord 1789. Uncle Sam deserves a new and modern cloak, made to the measurement of our day and made to fit our century.

NEW PROBLEMS BEFORE US TO-DAY

In short, the tremendous changes in our political and social conditions—due to modern inventions, to improved means of transportation and communication, to the development of the factory system, and to the growth of corporations and trusts—have brought along problems whose solution is impossible under the principles of law that seemed to be permanent to the leaders of the American ruling class of the eighteenth century.

Even the best and foremost thinkers of that time believed with De Montesquieu and Rousseau that organized society was static and permanent—not dynamic and progressive.

In other words, they believed that it was possible to form a government which was absolutely ideal under all conditions and at all times.

THESE THEORIES GIVE WAY

It was the time when the two great theories of the "social compact" and of the "natural rights" were generally accepted as basis of law.

These theories have now generally given way to the economic interpretation of history. And there can be no doubt that the American people will be called upon to solve the same problems as to political and social reforms as other modern progressive nations—particularly the British nation.

LET US HAVE TWENTIETH CENTURY CONSTITUTION

Mr. Chairman, instead of asking three-fourths of the States to amend this eighteenth century Constitution in such a manner as to give the Congress of the United States the right and the power to protect the lives of our children—which right Congress evidently has not at present—let us ask the 48 States of our country to give Congress the right to call a constitutional convention to frame a new constitution.

Mr. FOSTER. Mr. Chairman, I now yield to the gentleman from Minnesota [Mr. LARSON.]

Mr. LARSON of Minnesota. Mr. Chairman, the debate on this resolution affords us additional proof of the truth of the saying that "there is nothing new under the sun." The vigilant and vigorous votaries of the archaic doctrine of States rights which long ago, as I had supposed, had been emasculated if not totally destroyed, has been invoked to combat the proposed constitutional amendment. They are the same old arguments, the same old fallacies. Like Banquo's ghost, they do not seem to down.

Their use in this debate recalls to my mind Sydney Smith's witty and brilliant review of Jeremy Bentham's Book of Fallacies. To those of you who have not read Smith's masterpiece of wit, let me commend it to you. Every statesman and politician, yea, every citizen, should read it. In it the ultra-conservative and the incorrigible reactionary can see his own visage. Besides, it is a handy tool chest for those whose wont it is to oppose all progressive and popular legislation.

May I very briefly mention a few of the fallacies of the anti-reformers that Sydney Smith so delightfully dissects and exposes? Some of them sound not unlike many of the fallacies that we have been listening to during this debate. Listen to these:

Our wise ancestors: hands off their infallible work. No innovation: the fool sayeth in his heart and crieth with his mouth, "I will have nothing new!" The quietest fallacy: nobody complains; the measure is unnessary. Fallacy of false consolation: what would you have; look at the people there and there; your prosperity and liberty are objects of their envy; your institutions are models of their imitation. Snail's pace argument: not so fast; one thing at a time; slow and sure; importance of the business; danger of innovation; need of caution and circumspection; impossibility of foreseeing all consequences; this is not the time; the people well satisfied; no such mischief has taken place; stay till it has taken place. Anti-rational fallacies: theoretical, visionary, chimerical, romantic, Utopean.

Such—

Says Bentham, as quoted by Sydney Smith—

is the prattle which the magpie in office, who, understanding nothing, yet understands that he must have something to say on every subject, shouts out among his auditors as a succedaneum to thought.

The people have had their fill of fallacies and even of arguments. They now want action. They are impatient of further delay. For nearly a quarter of a century they have been demanding national child labor legislation. The demand for an appropriate constitutional amendment is not a mere vagary, whim, or caprice. It is the result of the mature, sound, and well-considered judgment of the American people. This question has for many years been discussed in the press, in the pulpit, on the platform, in the conventions of organized labor, in the parents' and teachers' clubs, in the women's clubs, in the homes. The public sentiment favoring national child labor legislation is thoroughly crystallized. It is insistent for action.

As the representatives of the people, we have no right to frustrate their will. We should hearken to their certain and clear voice. The voice of the people may not always be the voice of God, but if it ever is on any public question it is on the necessity of national child labor legislation.

We prate glibly about democracy. On the hustings we shout, "Let the people rule," but when the people ask Congress to give them an opportunity to amend their own Constitution—the people's law—we betray a lack of confidence in their ability to rule themselves. We impose our guardianship upon them. We question their judgment. We impute to them ignorance and even a desire to destroy their own institutions. We are hypocritical democrats. No wonder the American people are manifesting a distrust in their Congress.

Our State rights friends argue that to amend the Constitution so as to allow Congress to enact child labor laws would be to usurp the exclusive and divine prerogatives and rights of the States. Was there ever a more preposterous argument advanced to a body of men worthy to make laws for a Nation? What is usurpation? Webster's International Dictionary defines usurpation to be "an unauthorized arbitrary assumption and exercise of power." The Congress could not usurp even if it would. Before the proposed amendment can become a part of the Constitution, it must first be "ratified by the legislatures of three-fourths of the several States." The people have the right to ratify or to reject the proposed amendment. Wherein, then, is the usurpation?

Hamilton has been quoted by the constitutional expounders who are afraid to have Congress submit the proposed amendment to the people for their consideration and action. We, too, will appeal to Hamilton.

In the Federalist—the American political bible—he observed that—

the fabric of American empire ought to rest upon the solid basis of the consent of the people; and if the people consent to grant larger powers to the Federal Government, those powers are legitimate and not usurped.

Need we further discuss the absurd and preposterous argument of usurpation of State rights? It would seem that the constitutional expounders who have invoked the moth-ridden dictum of States rights in their frenzy of desperation to defeat this resolution have gone to the limits of absurdity. Politically and intellectually they are living in the past. They do not seem to realize that the States rights doctrine has long since been thrown into the junk heap of political nostrums.

Yesterday in replying to the argument of the distinguished floor leader of the minority that national child-labor legislation would hamper and hinder our industries, I stated then that he was putting the cart before the horse; that the primary and paramount purpose and end of our civilization was not simply to amass great material wealth, to increase our commerce, to build big cities, but that the chief purpose of our civilization is to rear and train our children into men and women with strong and healthy bodies and alert and trained minds so that they may become fit to rule their own country. I wish I had the time to amplify that thought. Industries and material wealth are merely a means to an end, and that end is the development of children into good, virile, intelligent men and women; law-abiding, God-fearing, liberty-loving, patriotic citizens.

The most valuable resource of any country is its fund of human energy—that is, the working power, both mental and physical—of its people.

The purpose of national child labor laws is to conserve our Nation's fund of human energy. The Congress appropriates funds out of the public treasury to instruct the American farmers how best to breed and raise their hogs. Are not the children of America also worthy of conservation? Are they not also entitled to a portion of congressional solicitude? They are to become the future rulers of the Republic.

To those who look with complacency at the amazing and humiliating disclosures of illiteracy and physical degeneracy

made manifest by the selective-draft records, I want to quote, in conclusion, the warning of Henry Van Dyke:

We are debasing the human currency of the Republic. We are laying unbaked bricks in our foundations and building our walls with untempered mortar. We are heaping up at the doors of our own temple piles of tinder and quick-flaming fuel ready for the torch of the anarchist or the insidious, slow match of the cunning usurper. We are recruiting the sullen armies of ignorant unrest—

For every soul denied the right to grow
Beneath the flag, shall be its secret foe.

Mr. FOSTER. Mr. Chairman, I yield four minutes to the gentleman from Ohio [Mr. MOORE].

Mr. MOORE of Ohio. Mr. Chairman and gentlemen of the committee, I yield to no man in my admiration of and respect for the Constitution, but I am one of those who believe that the founding fathers, when they provided for amending the Constitution, expected that amendments would be necessary as the country developed. The Constitution provides that the Congress may propose amendments "whenever two-thirds of both Houses shall deem it necessary." The question has been raised as to the necessity for what is known as the child labor amendment. I introduced in the last Congress and again in this Congress one of several resolutions to so amend the Constitution. I believe, since some States refuse or neglect to pass child labor laws, or have inadequate laws on this subject, it therefore becomes our duty and obligation to amend the Constitution of the United States, so that this important matter may be controlled by the Federal Government in cooperation with the States. It has been brought out in this debate that one State may have an adequate State law and yet families and children residing therein cross the line into another State and secure employment where child labor is permitted or not well regulated.

Twice the Congress has enacted laws regulating child labor to some extent, and each time the Supreme Court has declared the law unconstitutional. As a Federal Government we must either abandon our efforts in this respect or amend the Constitution.

When we consider that there are at least a half million children in the United States between the ages of 8 and 15 years who are working in gainful occupations, not in agriculture, and losing their opportunity of schooling, working at night and some very early in the morning, starting as early as 4 o'clock and working all day, we will observe the necessity for this amendment. Much has been written on this subject, and recently a series of articles have appeared in my home newspaper, The Daily Jeffersonian, of Cambridge, Ohio, setting out some of the evils in some of the States of the Union that do not have proper child labor laws. I am looking now at a copy of this newspaper on the front page of which appears the picture of a boy of 8 years who had gone to work at 4 o'clock in the morning as an oyster shucker in one of the camps in Mississippi. This is but an illustration of what is happening in many other places.

There is no intention to use the power that would be given the Congress arbitrarily. No one wants children to grow up in idleness, but we do want to see that they have the opportunity for physical, educational, and moral development, and that their hours of labor shall be so regulated as to safeguard these rights. There is no intention here and no law contemplated that would trespass upon the rights of the home or children working in the home or on the farms of their parents. It is directed against those who want to exploit the childhood of America for selfish gain; those who think of the material side of things and forget the spiritual, moral, physical, and educational as applied to the children of America.

I believe the sensible employer of labor will find that in the end child labor is unprofitable, and it seems to me unfair to the employer of labor, and the laborer in the States where we have child labor laws, like Ohio, to be thrown into competition with the products of other States where there is cheap child labor. Most of the nations of the world, even those that are supposed to be less progressive than we are, have child labor laws of some kind, and it ill becomes us as a nation to have any place in the United States where the rights of children are not safeguarded and protected.

This amendment is backed by a strong public sentiment. Never has any amendment to the Constitution been approved by as many social, political, educational, religious, welfare, labor, and industrial organizations. For example, there are many United Mine Workers of America in my district, and in their district meeting a child labor amendment was unanimously approved. President Coolidge recommended it in his message to Congress. I believe there is a general demand for the action we contemplate, and I think we should submit the resolution to the States for ratification or rejection.

If this resolution should pass by a two-thirds vote and be adopted by the legislatures of three-fourths of the States, it will then enable the Congress to pass proper child-labor legislation. This should be kept clearly in mind, because some who write us think we are now legislating on the subject of child labor, whereas the passage of this resolution and its adoption by the legislatures of three-fourths of the several States must be accomplished before the Federal Government can provide any child-labor legislation, the Supreme Court having twice declared that the Congress is without authority to enact child-labor legislation.

I think it is splendid that the original Constitution and the immortal Declaration of Independence are now in the Library of Congress where the hosts of visitors that come to the National Capital, both young and old, can see these immortal documents.

The Constitution of the United States was born of necessity, a necessity that grew out of the aftermath of the Revolutionary War. There was safeguarded to us the important right expressed in this Constitution to change it, and I believe in making necessary changes according to the methods provided therein, but in no other. I would not change the Constitution recklessly or hastily. It is a testimonial to the wisdom of the founders that we have found it unnecessary to frequently amend the Constitution in recent years. I believe that the amendments that we have represent the deliberate judgment of the American people, and, being a part of the Constitution itself, are binding upon us. The laws enforcing our Constitution and these amendments should be respected and vigorously enforced in order that there may be no disrespect of our Constitution and our laws.

We are all familiar with the purposes for which our Constitution was established, and among the rights safeguarded were human rights which we have come to regard as the most sacred. Certainly these rights include the rights of childhood. I refuse to believe that looking after the sacred rights of childhood by the Federal Government would do violence to the conception of a Federal Government such as that in the mind of Alexander Hamilton, one of the greatest men of our country and of any country. I want to respect the powers and rights of the States, but if I must choose between State rights and the rights of childhood I prefer the latter.

I refuse to believe that helping the helpless and defending the defenseless by the Federal Government is out of harmony with the Constitution. In fact, it seems to me that is the thing we should do in cooperation with the States, seek to develop the childhood of America, giving the greatest possible opportunity for physical, educational, and moral development.

I want to see that oft-repeated phrase, familiar to all Americans, "that all men are created equal" become a reality, as nearly as possible, and not a generality. [Applause.]

Mr. TILLMAN. Mr. Chairman, there seems to be a misunderstanding as to the scope and purpose of this resolution. It merely provides for a solemn referendum to enable the people of America, the people of the 48 States, to determine whether they want a national child labor law.

HISTORY OF FEDERAL CHILD-LABOR LEGISLATION

In December, 1906, the first proposals for a Federal law to prevent the industrial exploitation of children were made in Congress when Senator Beveridge, of Indiana, and Congressman Herbert Parsons introduced bills to "prevent the employment of children in factories and mines" and Senator LODGE sponsored a measure designed to "prohibit the employment of children in the manufacture or production of articles intended for interstate commerce." Almost 10 years later, September 1, 1916, the first Federal child labor law was adopted, with the provision that it should become operative one year later—or September 1, 1917. Under its power to regulate interstate and foreign commerce, Congress sought in this measure to close the channels of interstate and foreign commerce to the products of child labor. Three days before the act went into effect the United States district attorney in the western district of North Carolina was enjoined from enforcing the act. On June 3, 1918, after the law had been in operation nine months and three days, the decision of the district court was affirmed by the United States Supreme Court in a 5 to 4 decision on the ground that the law was not a legitimate exercise of Congress's power to regulate interstate commerce and was therefore unconstitutional.

Following this decision Congress enacted, on February 24, 1919, as a part of the revenue act of 1918, a provision for a tax of 10 per cent on the annual net profits of certain enumerated

establishments which employed children in violation of the age and hour standards laid down in the act.

The child labor tax law became operative on April 25, 1919, and was in effect until May 15, 1922, when the United States Supreme Court in the case of Bailey against the Drexel Furniture Co. held that it was not a valid exercise of Congress's right to lay and collect taxes. Only one judge dissented from this opinion. It therefore seems to be clearly established that either Congress must abandon the object which was sought in these two laws or the Constitution must be amended so as to give to Congress the power which it was believed to have when these two acts were passed. In its consideration of these two alternatives the committee has considered carefully (1) the present status of State child-labor legislation and the numbers and geographical distribution of working children in order to discover whether the need for Federal action still exists, and (2) whether the experience gained in the course of administration of the laws held unconstitutional indicates the value of Federal intervention for the protection of children.

PRESENT STATUS OF CHILD-LABOR LEGISLATION IN THE UNITED STATES

It may perhaps be said that the developing tendency in our child-labor legislation has been to establish an age, an educational, and a physical standard which a child must attain before he can be employed in specified occupations; to regulate the hours during which he may work during the first few years of employment and prohibit him from certain especially hazardous occupations. The enforcement is through a work-permit system usually administered by the public schools and through inspection of the place of employment.

PROVISIONS OF THE TWO FEDERAL LAWS

The two Federal laws which have been held unconstitutional by the Supreme Court did not specifically prohibit or regulate the employment of children. By prohibiting the shipment of the products of child labor in interstate or foreign commerce, or imposing a tax on child-employing industries, they established in effect the following minimum standards for the United States as a whole during the period they were in operation:

THE ADVOCATES OF A CHILD-LABOR AMENDMENT

In the course of the hearings representatives of the following national organizations urged favorable action on the amendment:

American Association of University Women.
American Federation of Labor.
American Federation of Teachers.
American Home Economics Association.
Commission on the church and social service, Federal Council of the Churches of Christ in America.
Democratic National Committee.
General Federation of Women's Clubs.
Girls' Friendly Society in America.
National Child Labor Committee.
National Council of Mothers and Parent-Teacher Associations.
National Council of Women.
National Education Association.
National Federation of Business and Professional Women's Clubs.
National League of Women Voters.
National Woman's Christian Temperance Union.
National Women's Trade Union League.
Republican National Committee.
Service Star Legion.
Young Women's Christian Association.

The State legislatures of six States—California, Massachusetts, Nevada, North Dakota, Washington, and Wisconsin—have petitioned Congress to submit an amendment.

It will be remembered that President Harding and President Coolidge have both recommended to Congress the submission of a child-labor amendment to the States, the former in his message of December 9, 1922, the latter on December 6, 1923. The late President Wilson was an enthusiastic supporter of the principle of Federal regulation and personally urged its importance on both Congress and the country as a whole. The platform of the National Republican Party for 1920 contains the following clause:

The Republican Party stands for a Federal child labor law and for its rigid enforcement. If the present law is found unconstitutional or ineffective, we shall seek other means to enable Congress to prevent the evils of child labor.

The National Democratic Party in that year made the following declaration:

We urge cooperation with the States for the protection of child life through infancy and maternity care, in the prohibition of child labor, and by adequate appropriations for the Children's Bureau and the Women's Bureau in the Department of Labor.

ARKANSAS

The child labor law of this State is identical in its provisions with the Federal taxing law. A compliance with the State law will save to employers of children the penalties under the Federal law. Every cooperation possible with the State department has been had from the Federal officers, and we are of the opinion that employers of the State do not appreciate the advantages they have over those in States where the State and Federal laws are not similar and where this cooperation does not exist.

There is one peculiar feature connected with the issuance of age certificates, that being when in the discharge of routine work we discover a violation, the most often advanced excuse was, "We did not know what the law was," but no sooner had the Federal taxing law been passed than the department was deluged with inquiries as to the provisions of the law and how the penalties of the Federal law could be avoided, many frankly admitting that they did not wish to get "in bad" with "Uncle Sam."

We are glad to know that there has been a material improvement in respect to observance of the child labor law. We hope that all violation will soon be eliminated. (P. 13, Fourth Biennial Report of Bureau of Labor Statistics of the State of Arkansas, 1919–20.)

The gentleman from Tennessee [Mr. GARRETT] stated that different conditions prevail in different States, therefore there should be no effort to have uniform child labor laws. I remind the gentleman that the child is the same the world over, and should have the same protection in Louisiana as in Maine; the same protection in Florida as in California. [Applause.]

Mr. Chairman, I yield five minutes to the gentleman from Oregon [Mr. WATKINS].

Mr. WATKINS. Mr. Chairman, I am delighted to know that for once in my life I am in hearty accord with the Republicans, the Socialists, and the Democrats, or, rather, that they are in unison with me. I came to this Congress dedicated to the proposition of voting not as a party man but as an American. I appreciate the evil of bureaucracy; I realize the danger of paternalism; I recognize the horror of centralization; I abhor all of these things, but there is one thing that I shall never abhor and shall never hesitate to approve, and that is to submit to the people of this country the right to vote on anything they may wish to vote upon; that is all this resolution provides. All the arguments made here so far are arguments that should be submitted to the people of the States. The only thing that this resolution provides is whether or not we propose to submit the matter to the States for the States themselves to approve or disapprove. When the matter is submitted to the States, and 13 of them reject it or 13 fail to approve it, that ends it, and that is the meat of this entire matter.

Mr. Chairman, the question before us is a very plain and a very simple one. We are not called upon to amend the Constitution. That is not the proposition confronting us. If by our votes we were attempting to change the fundamental law of our country, well might we hesitate. The proposed amendment does not propose any law whatsoever. Permit me to present the question by analogy: The Constitution is a contract; the people are the principal; the Congress is the agent; the agent is confronted with a problem not covered by the contract; the agent is dubious as to his principal's wishes; the agent receives conflicting reports concerning his principal's views; the opportunity is presented to ascertain what the principal desires. A responsive agent would submit the matter to his principal for enlightenment and instructions. Thus ought we to act.

If the principal desires to change the contract, he ought to have that opportunity; if he prefers to leave it as it is, then he can do so. In other words, we, the agents, propose; the principal, the States, dispose. And to me it seems that that agent who refuses to refer to his principal that which belongs to the principal and that which, for aught the agent knows, the principal anxiously desires is an arbitrary and unresponsive servant.

The theory of State rights is as appealing to me as it is to anyone; fighting for the children of America I incidentally battle for that principle; for it so happens that in voting to submit this matter to the States and later on in voting to amend the Constitution as I surely will, I am following the course of the founding fathers much more religiously than those who oppose me. The founding fathers in establishing this matchless Government fashioned and formed a dual system wherein the principle was laid down that—

the Nation should and was to be supreme in all foreign affairs and in all domestic matters that touch all the people of all the States, whereas each State should and was to be supreme in all matters that are local or peculiar to the State.

Now if—

the Nation is to be supreme in all domestic matters that touch all the people of all the States—

then surely this matter belongs to the Federal Government, for beyond the peradventure of a doubt it touches all the people of all the States; for the reason that 5,000,000 boys, from 14 to 20 years of age, are employed in our various industries, working from 8 to 12 hours a day; that half as many more attend school and work part time; that an equal number of girls of the same age are employed in factories and stores; that employment of these children results in the displacement of 15,000,000 adults; that employment of children has a direct bearing on lowering wage scales; that employment of children tends to the deterioration of the race; that 23 States with a 14-year minimum age limit have weakened their law by permitting exemptions under which children not yet 14 may work; that 9 States have no law prohibiting all children under 14 from working in both factories and stores; that 37 States allow children to go to work without a common-school education; that 18 States do not make physical fitness for work a condition of employment; that 14 States allow children under 16 to work from 9 to 11 hours a day; that 5 States do not protect children under 16 from night work; and that 2 States do not regulate in any way daily hours of labor of children. If these things do not touch all the people, then in Heaven's name what does?

The States can not cope with the situation—at least the States do not. This fact coupled with the welfare of the children of America, which in the end means the perpetuity of our common country, makes it a duty of the Congress.

School attendance is worst and illiteracy highest in practically the same States that have the highest proportion of their children at work. The fact that over 1,000,000 children between the ages of 10 and 15 years in the United States are at work, or 1 out of every 12, makes it a national question.

The people of the States are at a disadvantage by virtue of the patchwork and haphazard system now in vogue throughout the United States. The people of progressive and advanced States which restrict, regulate, control, and prohibit child labor can not compete with those of their sister States which permit the employment of children at tender years and at small pay. Furthermore, the American man is oftentimes brought into competition with the alien who works his wife and his children, even those of tender years. Herein enters the economic phase of it which affects the people of the United States and which warrants a uniformity in the law. Furthermore, herein lies the condition that places it in the Federal sphere and simultaneously places it beyond the purview of State control. But whether it does or not, I consider American children more important than and paramount to the principle of States' rights.

The future of America depends upon the children of this day and age. Consequently it is to our interest to see that the children are protected and given the advantages that will develop and make of them the very best of citizens. There are several million children in this country who are not getting a square deal. They are being robbed of their time to play and of the schooling they ought to have and are being made to work, hard, tiresome, tedious manual labor in the factories, mills, mines, and on the farms. Some of them deep down in mines where the sun never shines; in factories before dawn and long after the setting sun—10 and 12 hours a day—little ones just as precious, just as innocent, just as sweet as yours and mine.

All day the iron wheels go onward,
Grinding life down from its mark;
And the children's souls, which God is calling sunward,
Spin on blindly in the dark.

This thing must stop! Childhood is endowed with certain inherent and inalienable rights that tower over and above any and all material progress; among these rights are freedom from earning their daily bread in the sweat of their brow; the right to play and to dream; the right to sleep when night steals over the day; the right to be educated and to pursue and enjoy the happiness of childhood and the company of other children. Upon that doctrine I take my stand and urge that we submit this matter to the people.

Work that is being done by little children had better go undone; factories and farms wherein and whereon children starve and slave had better close and lie idle. The price is too great; it will damn America. Let us force an amendment to the Constitution prohibiting forever this damnable practice. Let us save them—first because it is right, and next because in so doing we serve and save America. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. PERLMAN].

Mr. PERLMAN. Mr. Chairman and members of the committee, in the Sixty-seventh Congress, on May 24, 1922, I introduced a joint resolution proposing an amendment to the Constitution of the United States granting Congress the power to regulate and prohibit throughout the United States the employment of children under 18 years of age. In this Congress, on December 5, 1923, I introduced a similar proposed amendment, which is House Joint Resolution 42. The amendment now before us is as follows:

Joint resolution (H. J. Res. 184) proposing an amendment to the Constitution of the United States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE —

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

This proposed amendment was referred to the Committee on the Judiciary, of which committee I have the honor to be a member. Many hearings were held by this committee on all child-labor amendments, and I am very happy to state that I was one of the majority of the committee who voted to report this resolution favorably and to recommend that it be passed by the House.

This amendment, if passed by the United States Senate and the House of Representatives, must be submitted to the States for ratification, and when it is ratified by the required number of States it will become part of the Constitution of the United States. Then Congress will have the power to legislate so as to limit, regulate, and prohibit the employment of children under 18 years of age.

Many here who are opposed to this amendment have urged that if it is adopted that some future Congress will pass a law prohibiting the employment of all persons under 18 years of age. Under this amendment Congress will have the power not only to prohibit but also to regulate the employment of children under 18 years of age. It is reasonable to assume that a future Congress will prohibit the employment of all children under a fixed age and will limit and regulate the employment of children above that age and under 18 years of age. It can not seriously be urged that children under 18 years of age ought to be employed in mines or in hazardous occupations. All possible safeguards ought to be placed about the children between the ages of 16 and 18 who may be employed.

Since this is an amendment, it must be broad enough so that there will be no need for a further amendment. This amendment will not interfere with girls helping their mothers with the housework nor with boys helping their fathers on the farms; but it will, if adopted and ratified, give Congress the power to legislate so as to regulate, limit, and prohibit the employment of children in mines, mills, factories, workshops, and manufacturing establishments.

Education, physical well-being, and recreation are a child's heritage. Our greatest asset is our children, and our first concern should be to give them every opportunity for education, recreation, and physical development. These they are deprived of if they are employed.

There was an abundance of evidence before the Committee on the Judiciary that in many of the States, especially in the South, a large number of children of tender years are employed in gainful occupations; yes, a great many in hazardous occupations. In 1920 there were in the United States 378,063 child workers 10 to 13 years of age. This did not include the number of working children under 10 years of age. In the same year 1,060,858 children 10 to 15 years of age, inclusive, were reported by census enumerators as engaged in gainful occupations. This number was approximately one-twelfth of the total number of children of that age then in the United States.

Of the 1,060,858 children 10 to 15 years of age, inclusive, 413,549 were engaged in nonagricultural pursuits. Some were employed as follows: 5,850 as coal-mine operatives, 12,904 iron and steel industry operatives, 21,875 cotton-mill operatives, 11,757 clothing industry operatives, 10,023 silk-mill operatives, 7,077 woolen and worsted mill operatives, 7,545 shoe industry operatives, 10,585 lumber and furniture industry operatives.

In 1880, in the United States, there were 396,504 children 10 to 15 years of age, inclusive, engaged in nonagricultural pursuits. In 1920 there were 413,549 children 10 to 15 years of age engaged in nonagricultural pursuits. The Children's Bureau of the Department of Labor reports that since the middle of 1922 the number of children between 14 and 16 going to work is steadily increasing. In 21 out of 35 cities in the United States more children under 16 years of age went to work in 1922 than in 1921, and in 29 of 34 cities more children went to work in 1923 than in 1922. In these cities 90,166 children 14 and 15 years of age went to work in 1923, the majority of them in factories and stores. In 19 of the cities in 1923 there was an increase of child labor over 1922 of at least 20 per cent, and in 9 cities the increase was approximately 50 per cent or more. In Louisville, Ky., the increase in 1923 over 1922 was over 126 per cent; in Birmingham, Ala., the increase regularly employed in 1923 over 1922 was 72 per cent; in Mobile, Ala., the increase was 64 per cent, and in many other cities the increase of children between 14 and 16 years of age in regular employment in 1923 over 1922 was from over 50 per cent to 139 per cent. The 10 States with the largest percentage of child laborers, according to the 1920 census, are:

States	Child laborers 10-15 years	Total child population	Per cent
Mississippi	70,354	275,782	25.5
South Carolina	63,520	260,204	24.4
Alabama	84,379	349,537	24.1
Georgia	88,934	427,235	20.8
Arkansas	48,140	259,593	18.5
North Carolina	62,162	373,484	16.6
Rhode Island	8,569	63,739	13.4
Louisiana	32,274	258,052	12.5
Texas	80,872	642,586	12.5
Tennessee	39,837	323,548	12.3

Child labor and illiteracy go hand in hand. Illiteracy is greatest and school attendance is worst in the States having the highest proportion of their children at work. The census of 1920 showed that 1,400,000 children between the ages of 7 and 13 were not attending school at all. In Mississippi, with 25 per cent of her children at work, 9.3 per cent of them are unable to read and write. Alabama, with 24.1 per cent at work, has an illiteracy percentage of 7.6 per cent. It has been urged that children when employed help sustain their parents and other members of their families. The fact is that their employment throws out of work the adults and brings about greater poverty and destitution. Those who employ children do not do it as an act of charity but rather because it is cheaper to employ children than adults. When children are employed they are competing with their parents and their older brothers and sisters, and when employed they are to a great extent responsible for the unemployment of their fathers and older brothers and sisters.

In face of these facts can it be fairly urged that child labor is a local or State problem and not a national problem? Great Britain, Belgium, Bulgaria, Norway, Germany, Denmark, the Netherlands, Greece, and Czechoslovakia are among the countries that have national child labor laws. Russia has a 16-year minimum for employment of children in industrial undertakings. China prohibits night work for boys under 17 years and girls under 18. Austria, Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Norway, Peru, Russia, Kingdom of the Serbs, Croats, and Slovenes, Sweden, and Switzerland prohibit night work for all under 18 years of age. Most of the countries have limited the hours of employment of children between 16 and 18 years of age.

State laws and regulations are not sufficient and can not effectively prevent the exploitation of our children. A survey of the child labor laws of the several States of the United States shows as follows: One State has no age minimum; 46 States fix the minimum working age at 14 years or higher for boys and girls in factories; 1 State fixes the limit at 12 for boys and at 14 for girls; 15 States allow children under 16 to work in mines and quarries; 7 States prohibit children under 16 from working in mines but not in quarries; 26 States prohibit children under 16 from working in mines and quarries.

Eighteen States have no definite educational requirement for children leaving school to go to work. Only 12 require the completion of eighth grade before the issuing of employment certificates. One State does not regulate the working-day in any way. Seventeen States allow children under 16 to work 9, 10, and 11 hours a day. Thirty States limit the work of children under 16 to eight hours a day. Four States have no prohibition of night work for children under 16. One State prohibits night work for children under 16, with exemptions for certain industries. Thirty-eight States prohibit night work for children under 16.

If this amendment is incorporated in our Constitution and Congress thereafter enacts laws regulating the employment of children under 18 years of age, our Federal Government will not enter a new field of activity, because we have had two Federal child labor laws. On September 1, 1916, the first Federal child labor law was adopted, with the provision that it should become effective one year later, or September 1, 1917. This law provided that the products of child labor could not be transported in interstate shipments. On June 3, 1918, after this law had been in operation nine months and three days, the United States Supreme Court in a 5 to 4 decision declared it unconstitutional.

On February 24, 1919, a second child labor law was enacted by Congress. Under this law a tax of 10 per cent was imposed on the profits of certain establishments which employed children in violation of certain standards laid down in the act. This child labor law was in force until April 25, when the United States Supreme Court held it was unconstitutional. This decision was not unanimous. These two child labor laws which were held unconstitutional had for their purpose the prohibiting, limiting, and regulating of the labor of children.

I am firmly of the opinion that the people of the United States desire that Congress have the power to enact legislation to prohibit and regulate the employment of children under 18 years of age. This power Congress can not have unless the Constitution is amended as is proposed in the resolution now before us.

Who are opposed to this amendment? In the main those who wish to exploit children for their own profit. Most of the opposition to this amendment comes from those States which do not have adequate laws protecting the children. Most of these States are in the South. Many of the southern Congressmen who are opposed to this amendment urge that this amendment will violate State rights. I was not a Member of this House when the eighteenth amendment was adopted, but I have read some of the speeches made by southern Congressmen in favor of the eighteenth amendment at the time it was adopted. Those Congressmen did not then oppose the eighteenth amendment on the ground that it would violate State rights, nor did they urge the sovereignty of the States as an argument against the adoption of the eighteenth amendment. [Applause.] How inconsistent these southern Representatives are to-day, when the welfare of the children of America are involved. I think that some of them are more concerned about the welfare of the manufacturers of their States than they are concerned about the education, recreation, and physical development of our children.

It has been argued that this amendment violates the spirit of our Constitution. That the framers of our Constitution constructed our Government on the basis of reserving to each State the absolute right over all domestic problems. If it were possible to bring back to life to-day the framers of our Constitution and if they were asked their views on this amendment I think that they would unhesitatingly approve it and say that if they had had any suspicion that a day would come when there would be any child slavery in our country that in order to prevent such child slavery they would have written into the Constitution a grant of power to Congress to prohibit and regulate the employment of children.

In his message to Congress, President Harding, on December 8, 1922, said:

> Closely related to this problem of education is the abolition of child labor. Twice Congress has attempted the correction of the evils incident to child employment. The decision of the Supreme Court has put this problem outside the proper domain of Federal regulation until the Constitution is so amended as to give the Congress the indubitable authority. I recommend the submission of such an amendment.

President Coolidge, in his message to the Congress on December 6, 1923, said:

> Our National Government is not doing as much as it legitimately can do to promote the welfare of the people. Our enormous material wealth, our institutions, our whole form of society, can not be considered fully successful until their benefits reach the merit of every individual. This is not a suggestion that the Government should or could assume for the people the inevitable burdens of existence. There is no method by which we can either be relieved of the results of our own folly or be guaranteed a successful life. There is an inescapable

personal responsibility for the development of character, of industry, or thrift, and of self-control. These do not come from the Government but from the people themselves. But the Government can and should always be expressive of steadfast determination, always vigilant to maintain conditions under which these virtues are most likely to develop and secure recognition and reward. This is the American policy.

It is in accordance with this principle that we have enacted laws for the protection of the public health, and we have adopted prohibition in narcotic drugs and intoxicating liquors. For purposes of national uniformity we ought to provide, by constitutional amendment and appropriate legislation, for a limitation of child labor, and in all cases under the exclusive jurisdiction of the Federal Government a minimum wage law for women which would undoubtedly find sufficient power of enforcement in the influence of public opinion.

The platform of the Republican Party for 1920 contained the following clause:

Republican Party stands for a Federal child labor law and for its rigid enforcement. If the present law is found unconstitutional or ineffective we shall seek other means to enable Congress to prevent the evils of child labor.

The legislatures of many States have recently petitioned Congress to pass a child labor constitutional amendment. The amendment before us has the support of the American Federation of Labor and many organizations. Some of these are:

Federal Council of the Churches of Christ in America.
General Federation of Women's Clubs.
Girls Friendly Society of America.
National Child Labor Committee.
National Congress of Mothers and Parent-Teachers Associations.
National Consumers' League.
National Council of Jewish Women.
Nation Council of Women (Inc.).
National Education Association.
National Federation of Teachers.
National Federation of Business and Professional Women's Clubs.
National League of Women Voters.
National Woman's Christian Temperance Union.
National Women's Trade-Union League.
Service Star Legion.
Young Women's Christian Association.

In conclusion, to-day in the United States there is considerable child labor and children of tender years are exploited. The most effective way to eradicate this evil is by passing an amendment to our Constitution, granting Congress the power to legislate on the subject. There is a universal demand for the adoption of this amendment. For the general welfare of the United States I earnestly hope that this amendment will be adopted. [Applause.]

Mr. TILLMAN. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. STENGLE].

Mr. STENGLE. Mr. Chairman, once more the Members of this House are called upon to legislate in the interest of future America, to lay the organic foundation upon which to erect the protecting arms into which shall be gathered the childhood of the Nation, thereby guaranteeing to generations yet unborn a reasonable opportunity for mental, moral, and physical growth.

A few days ago we were called upon to decide how far we intended to go in the matter of opening our gates to the peoples of the world. At that time special emphasis was laid upon the need for stricter care and a better selection in the admission to our shores of the natives of other lands. Future America was the keynote of many eloquent addresses, and almost all of us agreed that it was the duty of Congress to legislate for the benefit of future generations. In that conviction I fully shared, and so loud did duty call that I laid aside every hope for future political preferment and cast my vote in the interest of America. I said then and I repeat now no Congressman, in my opinion, has a right to place political expediency ahead of public duty. This may sound like strange doctrine to some, but, gentlemen, it is founded upon common honesty.

We have heard to-day that the passage by this House of the proposed amendment to the Constitution permitting Congress to legislate for the protection of our children against unrighteous employment in their tender years would be a serious invasion of State rights. That may be, and is possibly, true, but, Mr. Chairman, if I am called upon to decide between the rights of childhood and State rights, I shall cast my vote for the childhood of the Nation, for of what benefit would State rights be were we to rear in this fair land a race of mental defectives and moral and physical pigmies rather than groups of healthy-minded, physically and morally vigorous young men and women? I believe in State rights and am opposed to a centralized government in America. We already have too much bureaucracy in our midst, too much government under the direction of bureau chiefs, but I fear sometimes that in our desire to rid ourselves of this growing evil we lose sight of the larger things involved in proposed legislation.

Here we have before us a proposal which, if passed by Congress and approved by three-fourths of the States, will fix a standard for the treatment of the childhood of America. Here we have an opportunity to say by our votes whether your offspring or mine shall first pass through child slavery before reaching the age of maturity or be given a fair chance to grow and develop in healthy environment surrounded by all the safeguards necessary to the making of splendid manhood and womanhood. What a wonderful chance to legislate for the future greatness of our glorious country. What a privilege you and I have to write a new epoch in the Nation's history.

The birds of the air and the beasts of the field care for their offsprings in the tenderest way, and not until the hour of maturity arrives are these little ones expected to go forth and earn their livelihood; but humanity in its recent craving for wealth has been reaching down into the very cradle and dragging forth the infants in order to secure another scion of the family to rush forth in search of the almighty dollar, with the result that we are raising here in America a generation of weaklings who, if they had been given a fair chance, would have been strong and healthy. The time has come to stop this unrighteous practice. God in His benevolent way has bestowed upon America much more than any of us need. We have only to scratch the fields and vegetation bursts forth most bountifully. We need only to cast our nets and the sea gives up a wonderful supply of food. Dig into the mountain side and you discover that which enriches the industrious. Bore into the bowels of mother earth and oil gushes forth in great quantities. Then why, I pray you, is it necessary to lay our own offspring upon the altar of greed and blanch their cheeks and dull their vision in order to obtain more of the filthy lucre? [Applause.]

Mr. Chairman, the motherhood of America demands that we enact this legislation. I know that some of my colleagues do not attach much importance to this phase of the case before us, but I do. I am not unmindful of the fact that woman is the mother of the race; that to her more than to any other agency we owe our greatest successes in life. Show me the man in this country who ever amounted to a "hill of beans" and I will show you where his opportunity sprung and was cultivated when it needed its greatest care and attention. The old motto which used to hang in almost every home, which read, "What is home without a mother" spoke a truth that neither time nor tide can ever efface. He who respects his mother is always respected by his fellow man. Ah, colleagues, the mere fact that mother asks you and me to pass this resolution ought to be sufficient reason for favorable action.

The protection of the children of America is more than a State or local question. It reaches far out into the future of this Republic and portrays a Nation composed of mental, moral, and physical weaklings, or it guarantees, if we act favorably upon the pending resolution, that the America of to-morrow will be the embodiment of righteousness personified by a race of clean-living, God-fearing people.

Mr. Chairman, I certainly shall not by my vote expose the millions of future citizens of this country to industrial exploitation, thereby squandering the possibilities of our young for commercial gain. Kill this resolution and you announce to the world that the king of avarice sits enthroned. Deny this protection and you invite the sweatshops, mines, and other death-dealing agencies to take your children as a sacrifice on the altar of greed. Give so-called State rights preference over child rights and future generations will regret that you ever lived. If America can not live and prosper without destroying the hopes and aspirations of its progeny, it were better that we hang a millstone about our necks and leap into the sea, leaving the pages of history blank, rather than to inscribe upon its sacred scroll the names of thousands who might have been worth while in life had we not been too weak to stand up for justice when justice cried out for our support.

Without a moment's hesitation, Mr. Chairman, I here and now record my vote in favor of this important resolution. [Applause.]

Mr. FOSTER. Mr. Chairman, I yield four minutes to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Chairman and gentlemen of the committee, the supporters and opponents of the pending resolution

which proposes to empower Congress to regulate the employment of child labor agree as to the desirability and importance of laws for the protection of children and the promotion of their welfare. I am not one of those who impugn the motives of gentlemen who are opposed to this amendment or charge them with not being interested in the welfare of children. I believe that every Member of this House is in favor of legislation for the protection of children by either the States or the National Government. Those who oppose the measure, however, do so on the theory that the proposed amendment would violate the principle of State rights. I, too, am a firm believer in the principle of local self-government; and, of course, the term "local self-government" includes the more limited application of the principle known as the doctrine of State rights.

As a matter of strict principle, in order to be truly democratic, conditions and activities affecting people within any particular subdivision of government should be controlled and regulated by the people or the representatives of the people residing within such subdivision. Fortunately, our Constitution has followed this principle to a considerable extent. Applying the principle to our social, industrial, and commercial activities and conditions, we immediately agree that such activities and conditions as affect the people of a municipality only should be regulated and controlled by laws enacted by the people or the representatives of the people of such municipality. So also conditions and activities which substantially affect only the people of one State should be regulated and controlled by laws enacted by the people or the representatives of the people of that State.

Conditions and activities, however, which substantially affect the people of all the States should be regulated and controlled by laws enacted by representatives of the people of all the States—that is, by Congress.

Recognizing the desirability of the freest possible commercial relations among the States, the framers of the United States Constitution expressly provided for the regulation of interstate commerce by the National Government.

If, then, the Federal Government is logically and properly the government to regulate interstate commerce, it certainly is the proper agency to regulate the employment of children, for if one State were to legislate humanely on the subject of child labor while other States allowed the employment of children of any age at any kind of work, the employers producing merchandise in the States where child labor had not been prohibited would ship such merchandise into the States where child labor had been prohibited, and because of the lower cost, due to the employment of the cheap labor of children, the manufacturers shipping their goods into the States prohibiting the employment of child labor could and would drive out of business the manufacturers of the State prohibiting child labor, or would eventually force such State to modify or repeal its laws prohibiting the employment of children.

Moreover, if we were to allow each State to say to what extent it would allow merchandise to go into that State from a State prohibiting child labor or having child labor laws less strict, we can very easily imagine a situation where the commerce among the States would come to a stop. I contend, therefore, that the proposed amendment is perfectly consistent with the original theory of the Constitution and is absolutely essential to the proper working of both National and State Governments. No, gentlemen, do not try to excuse opposition to the pending resolution on the ground that it invades the rightful domain of the States, for it does not.

If the framers of the Constitution could have foreseen that diverse action by the different States would seriously affect the commerce among the States, I feel sure that they would have expressly stated that the National Government shall have authority to regulate the employment of children as a necessary incident to the effective exercise of the authority given it to regulate interstate commerce.

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

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

The CHAIRMAN. The gentleman has that privilege.

Mr. TILLMAN. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. CONNERY].

The CHAIRMAN. The gentleman from Massachusetts is recognized for two minutes.

Mr. CONNERY. Mr. Chairman and gentlemen of the House, better than any speech that I might make on the subject of child labor I consider this little editorial, which I will read from Collier's Weekly of February 16, 1924:

THE TRAGEDY OF REUBEN DAGENHART

Back in 1916 Congress passed a law forbidding child labor. A southern cotton mill made a test case of one of its juvenile employees, Reuben Dagenhart, and succeeded in having the act declared unconstitutional by a 5 to 4 vote of the Supreme Court.

Reuben Dagenhart has been back at work in the cotton mills ever since. Lowell Mellett looked Reuben up awhile ago and told in the Scripps papers what the Supreme Court had done to Reuben.

Reuben is now 20 years old, is married and has a child, and weighs 105 pounds. He is wholly uneducated, because he has been at work since childhood and has had no time for school. This old young man is physically and mentally undersized, stunted, and burned out. How much good will the child be that is sired by such stock?

Nine old men with splendid hair-splitting brains sat in Washington. Four of them said that the Constitution did not forbid child labor legislation by Congress. Five of them said it did, and so it did. And a million Reuben Dagenharts the country over went back to the looms and the lint and the coal and the dust and disease and death.

Suppose that any one of the five judges had had a better luncheon or had not had dyspepsia or gout or whatever it is that makes judges what they are—suppose he had voted the other way? Wouldn't the Constitution still be safe? We must amend that Constitution so that Congress can say where and how children shall work.

The children's amendment must pass.

Now, gentlemen, I do not know much about the digestion of the judges of the Supreme Court, and I have the highest respect for the gentlemen who compose that highest judicial tribunal of the United States, but I wish to say, with all due respect to the gentlemen here, my colleagues, who are against this amendment—and I believe that they are actuated by the highest motives—that most of the opposition to this resolution submitting a child labor amendment comes from the selfish and greedy corporate interests of this country who want to send our little children into the mills and manufacturing industries and pay them starvation wages so as to compete unfairly with other industries that are paying decent wages suitable to decent living conditions in the United States. I am in favor of this amendment, and I hope it will pass. [Applause.]

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

Mr. TILLMAN. Mr. Chairman, I yield one minute to the gentleman from New York [Mr. CELLER].

Mr. FOSTER. And I yield one minute to the gentleman also.

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

Mr. CELLER. Mr. Chairman and gentlemen of the committee, the problems of child labor have for years agitated the country. Many remedies have been tried, but still, in some of our backward States, thousands upon thousands of children are engaged in laborious work. Hard taskmasters in many parts of the country still "grind the faces of poor" children. Public opinion now demands the highest form of legislation—amendment to the Constitution to remedy the evil.

In 1912 the Republican and Progressive Parties declared for a Federal child labor law. In 1916 both the Democratic and Republican Parties demanded such a law. In September, 1916, the first child labor law was passed. Congress invoked for that purpose its power over interstate commerce. It became a misdemeanor for the producer—the employer of child labor—to put into interstate commerce the products of any mine or quarry where children under 16 were employed, the products of any mill, cannery, workshop, and so forth, in which children under 14 were employed. The Supreme Court declared the act unconstitutional, holding that the Federal power over interstate commerce was to regulate such commerce and was not to give Congress power to control the States in the exercise of their police power over local trade and manufacture.

In February, 1919, the second child labor law was passed. This time Congress used its taxing power for the purpose. It exacted a tax of 10 per cent in excess of all other taxes to be levied upon the net profits resulting from sale of products of mills, workshops, canneries, and so forth, where children within the prescribed ages were employed. The Supreme Court once more held the act unconstitutional, and said Congress could not under the guise of taxation practically regulate or prohibit certain kinds of labor. The court further held—

Grant the validity of this law, and all that Congress would need to do hereafter in seeking to take over to its control any one of the

great number of subjects of public interest, jurisdiction of which the States have never parted with and which are reserved to them by the tenth amendment, would be to enact a detailed measure of complete regulation of the subject and enforce it by a so-called tax upon departures from it. To give such magic to the word "tax" would be to break down all constitutional limitation of the powers of Congress and completely wipe out the sovereignty of the States.

Thus twice Congress used methods of indirection to prohibit child labor and in each case it failed.

Everything has thus been tried and has been futile. Many States have been backward in enactments of child labor laws. The laws of 35 of them, in one respect or another, fall below the very moderate standards incorporated in one or the other of the Federal child-labor enactments. Not only have some of the States failed to measure up to Federal standards but there is no telling when, if left to themselves, some States will slip back and reduce their standards.

To my mind the constitutional amendment giving Congress power to act will be ample protection. Knowing that Congress has the power to act, even if Congress does not assume to act, the States of their own accord will promptly fall in line and give adequate protection to our children. The children are the Nation's dearest heritage. They are the Nation's priceless and most precious resources. We must protect them from exploitation and neglect. Our self-respect demands this amendment.

The amendment, which is as follows:

The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

The power of the several States if unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress—

does not deprive the States of any rights or powers which they now possess; they are left free to go above or beyond the Federal minimum; they can not go below.

I recognize that our Government is becoming more and more centralized. There is inherent danger in this. The more powerful our central Government the less effective will become its decrees of enforcement. Witness prohibition. The enforcement can be only that which the people of the various States desire. Water can not rise above its source. Enforcement can not rise above what each State's public opinion demands.

We should not always have recourse to the Federal Government to correct social abuses. But each issue should stand upon its own bottom. Each case must be considered sep rately. However, I firmly believe no harm can come to America, to its life and Government, if we give Federal Government power of regulation over the labor of the child.

As against humanity, everything must give way—even the Constitution—hence this amendment.

There is nothing providential about our Constitution. There is nothing sacrosanct about it.

"We, the people," begins the preamble of the Constitution; but the almost unanimous sentiment in the Convention of 1787 was that the less the people had to do with government the better.

In The American Commonwealth, James Bryce remarks:

Had the decision been left to what is now called "the voice of the people"; that is, to the mass of the citizens all over the country, voting at the polls, the voice of the people would probably have pronounced unhesitatingly against the Constitution. He points out also that the convention met at the most favorable moment in American history for securing the adoption of such a constitution. Had it been attempted four years earlier or four years later, at both of which times the waves of democracy were running high, it must have failed.

To the same effect we have what Woodrow Wilson said in his Division and Reunion:

In plan and structure the Federal Government had been meant to check the sweep and power of popular majorities. The Senate, it was believed, would be a stronghold of conservatism, if not of aristocracy and wealth. The President, it was expected, would be the choice of representative men acting in the electoral college, and not of the people. * * * Only in the House of Representatives were the people to be accorded an immediate audience and a direct means of making their will effective in affairs.

Thus the Constitution is not wholly responsive to the will of the people. Particularly is this so apropos of child labor. It must be made so by amendment.

The first textile mill in America was not set up until three years after the Constitutional Convention of 1787. There were no large cities at that time. America was rural, and rural conditions then were different from the rural conditions of to-day.

Then there were no children of 10 and 12 years in factories, sweatshops, quarries, mines, and canneries. These evils are prevalent and with us to-day. The amendment is the only remedy. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. Does the gentleman from Pennsylvania [Mr. GRAHAM] desire recognition?

Mr. TILLMAN. I have, I think, one minute more.

Mr. FOSTER. I have 9 minutes. The gentleman from Pennsylvania has 30 minutes.

Mr. TILLMAN. I will either yield my one minute to the gentleman from Ohio or he can yield to me.

Mr. FOSTER. We can decide that while the gentleman from Pennsylvania is addressing the House.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I raise the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Pennsylvania raises the point of no quorum. The Chair will count.

Mr. RANKIN. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Mississippi moves that the committee do now rise.

Mr. RANKIN. Mr. Chairman, I will withhold that.

The CHAIRMAN. The gentleman from Mississippi withdraws the motion. The Chair will count. [After counting.] One hundred and twenty-five gentlemen are present. A quorum is present.

Mr. GRAHAM of Pennsylvania rose.

The CHAIRMAN. How much time is the gentleman from Pennsylvania yielding to himself?

Mr. GRAHAM of Pennsylvania. I am going to use as much of my 30 minutes as I may need.

The CHAIRMAN. Does the gentleman understand that the gentleman from Arkansas and the gentleman from Ohio are yielding to him their time?

Mr. FOSTER. If the Chair has that in mind, I hope he will disabuse his mind of the idea.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, am I right in the impression that I have 30 minutes?

The CHAIRMAN. Yes. The gentleman has 30 minutes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman and fellow members of the committee, I have always thought, particularly when a change in the fundamental law was contemplated, that the great purpose of our gathering together in this Hall would be to confer with each other and discuss the subject from our various viewpoints, with the ultimate purpose in mind of trying to reach a just and righteous conclusion. It seems that the purpose of deliberation upon this measure has not been very closely observed. Frequently yesterday as few as 25 or 30 men out of 435 graced this Chamber with their presence.

Surely no man ought to say "I have thoroughly made up my mind on this point" without a conference with his associates. The very object of convening together is that each may have the benefit of the thoughts of the others, appraise them, after we hear them, as we may, as being either of much or of little value.

The subject we have before us to-day is one of unusual importance. A great deal has been said by men on the floor about "the interests" that are behind those who object to the passage of this amendment. I want to say to my colleagues that I have no "interest" behind me upon this subject. I am speaking out of reason and justice solely and only as a Member of this House. I feel keenly what devolves as a duty upon me as a Member of this House with respect to the constitutional amendment proposed and the effect of that amendment upon the structural Government which that Constitution created. There has been no evidence before our committee of manufacturers or any other section of our community dominating or attempting to dominate the consideration of this question. On the other hand, the proponents of this measure have been thoroughly well organized and have exerted a degree of political sagacity in the management of their campaign that shows the concentrated effort that has been and is being put forth to pass this amendment to our Constitution.

Let me try to make clear one point at the very beginning. I think it was the gentleman from Indiana who yesterday made a statement with which I can not and do not quarrel. Of course, if this amendment is sent down to the States and the States voluntarily vote for it and pass it, of the requisite number, then that presents the spectacle of the States voluntarily relinquishing their rights; and that is correct, but we have much more involved in this question than that of sending

this resolution down for the purpose of having the States pass upon it.

I contend that originally—although it may be merely academic to raise such a contention at this day—when the organization of our Government under the Constitution was created the powers delegated to the Federal entity were limited and those reserved were not State rights; they were sovereign rights. Each State to that compact was a sovereign State and each State said, "I will or will not consent to this Constitution," and without the consent of each State the Constitution would not be binding upon any State which did not consent to it. Therefore the reservoir of police power and sovereignty remained in the States of this Union, and I contend could not be taken from them without the individual consent of each State.

Mr. RATHBONE. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. No, sir. That, as I said, is now merely academic, for the decision of our Supreme Court has passed upon that question adversely to the view which I entertained, but I refer to it only to show the care, therefore, with which we should regard this question of invading those reserved sovereign rights of the States.

If the amending clause of the Constitution only meant, when put there by the fathers, amendments within the line and limit of the delegated powers to perfect them or to make them more effective—which is all that logically ought to have been claimed for it as against sovereign contracting powers—then it would have required the consent of each State to every amendment which added a new power. The court has expanded that amending clause so as to make it cover any amendment proposed by two-thirds of the Congress and action by three-fourths of the States when sent down by us or any amendment that is created through conventions in the States. So that while the question of unanimity is eliminated, the idea of preserving those sovereign powers still exists.

But I do not base my opposition to this amendment upon the theory only that it is taking something out of that reservoir and adding it to the Federal power. I go one step further, and my thought has been well brought out in the arguments that have been advanced here by the gentleman from Virginia [Mr. MONTAGUE], the gentleman from Texas [Mr. SUMNERS], and others, when what the effect of this amendment is likely to be was discussed, and what also if it is to be followed, as it will be, just as surely as we are here contemplating the passage of this resolution, by other resolutions proposing other amendments touching similar matters and based upon the equally flimsy bases as this one rests upon—and pointing out that the structural existence of this Government is at stake by such amendments. It is not a question of constitutional law. No; it is a question of living up to the very spirit and thought of the fathers in creating the structure of our Republic and in the maintenance of the duality which exists in it, and preserving checks and the limitations and balance of powers that have been established—a question whether or not this structure, which has existed, an object of symmetry, beauty, and efficiency for over 125 years, shall remain perfect and intact. That is what we are to determine by voting upon this resolution to send down this amendment to the States. It is not a question simply of amending the Constitution; it is not a question of that character; it strikes at the very root of the existence of this Government which we love, and which we propose to defend with voice and vote to the very last limit and extremity of our power.

Yes; but it will be said, "This is an amendment to the Constitution which does not take away anything from the States but leaves the State power intact." In fact, the draftsmen of this resolution have carefully provided that this shall not impair the rights of the States, a perfectly useless, senseless, and silly provision, because that follows as a matter of law and interpretation without that provision.

But, my colleagues, this amendment, if adopted, does take away the power of the States. Why? Because the provision of the first section is that power is hereby given to Congress to prohibit, to regulate, and so forth, up to 18 years of age. Now, then, if the power is given to Congress to do that, what remains to the States? Simply this: That a State may go further than Congress if it wishes, but it can not go back of what Congress may enact. So that if Congress legislates up to 18 years no State can exercise power below that 18-year limitation which Congress may establish. If Congress makes a partial regulation up to and within the 18-year limit, the State is absolutely powerless to interfere up to the point fixed or change it in any manner. So I respectfully submit to the gentleman who said this took no power away from the States that it is an error to so contend, for it does absolutely place the power in Congress, and if Congress chooses to exercise it the States are disfranchised and the States are convicted of being incapable of taking care of the childhood within their limits and the States are excluded from the exercise of control over the children within their borders.

Now, it has been said here with great ostentation, as if it meant something splendid for this Congress to consider, "Why, this resolution was drafted, and Dean So-and-So, of a law school in such a State, passed upon it, and Dean So-and-So, of another great institution, passed upon it, and they all say it is perfectly constitutional and properly framed."

Mr. FOSTER. No letter I read said it was constitutional. I have the letters, and that language was not used by any of the deans.

Mr. GRAHAM of Pennsylvania. I did not allow myself to be interrupted, but, nevertheless, I overlook the lack of assent and accept the interruption and I will say that possibly the gentleman is right, that the word "constitutional" was not used. But I meant to say that they gave their certificates as to its propriety, its completeness, and as to the splendid verbiage that was contained in it. The gentleman can not deny that, because he quoted one man at least who spoke along that line and then launched into an argument to prove that it did not infringe upon State rights. I only refer to this to make the added remark that many of us—and some of us have served among the professorships of these schools—are aware of the fact that there is no more fertile soil for socialistic ideas, communistic notions, and altruistic ideals incapable of accomplishment than in the minds of some of these men who figure as professors and deans of law schools at our universities. [Applause.]

It has been boldly asserted that this only gives the Congress power to legislate and it is not contemplated that they are going to exercise that full amount of power. To my humble judgment that involves a most erroneous proposition in connection with granting power to the Federal entity. Congress is limited in its powers, generally, by the provisions that are enacted in the Constitution and amendments to the Constitution, and should carefully define the power and limit it; not leave it to the possibility of a nonuser.

There is no doubt in my mind as to the ultimate extension of this power to affect agriculture. I quote from page 36 of the hearings, Mr. FOSTER questioning Miss Abbott. Miss Abbott was the head and front of this propaganda. Originating largely in the Children's Bureau of the Labor Department, she was the guiding spirit who with great skill and power handled and shaped the campaign that has resulted in the presentation of these multitudinous societies before you as commanding us and imploring us to pass an amendment of this kind:

Mr. FOSTER. Do you know of any reason why, if an amendment was made to include agricultural labor, the farm bloc would not be able to take care of that?

Miss ABBOTT. I come from the farm bloc region, and I think they would be pretty well able to take care of the situation.

Mr. HERSEY. There are a number of forms of amendments before us, some of them describing absolutely the age and the manner and the kind of employment prohibited and making an absolute prohibition of that kind of employment of children; there are other resolutions saying that Congress shall have the power to prohibit and at what age and omitting the details.

Miss ABBOTT. Yes.

Mr. HERSEY. Which one do you favor?

Miss ABBOTT. I favor the general grant of power.

Mr. HERSEY. The one I mentioned last?

Miss ABBOTT. Yes; the general grant of power, with the statute to be worked out in the future.

Mr. HERSEY. Then, anything that is before us to-day on that part of it, anything in regard to whether it shall be farm employment or some other employment that is prohibited, of course, is outside of what you desire at this time, which is merely an amendment granting that power.

Miss ABBOTT. It is totally irrelevant, it seems to me, at this time.

The CHAIRMAN. Except so far as this being a general power, it includes the power to regulate labor upon the farms and in agriculture?

Miss ABBOTT. Yes.

The CHAIRMAN. That the power to do it is proposed here?

Miss ABBOTT. Yes.

Mr. MONTAGUE. You would give them just as much regulatory power as to farming as you would as to mines or any other work or occupation?

Miss ABBOTT. Yes; as far as the power goes.

Is there room for anyone to contend that there is not in the minds of these enthusiasts, these idealists, these people who

are picturing an Elysian state for the childhood of America; that in the course of time that power will be exercised to the detriment of those who are engaged in farming, as well as to the full extent of the 18-year limit?

This amendment reaches the age of 18. Men, think of it! They are going to provide a guardian or nurse for our young men up to 18 years of age. That power is given. Do you reflect for a moment that the boys who fought the battles of the Civil War and in the late war were 18, and many of the surviving veterans of the Civil War were 15 or 16 years of age when they enlisted. Think of it! Able to fight the battles of their country, but unable to take care of themselves and provide for their own employment and education. [Applause.]

Another argument that has been used here is that if the original draftsmen of the Constitution were here to-day and had this amendment submitted to them for their consideration there would not be found any objection, because it is entirely consistent with the views which they had in mind when the Constitution itself was originally drafted. Those who assert this have not read colonial history.

This is on a par with the other arguments which I have listened to to-day, such as when a man arose and stood at this desk and talked about the existence of "child slavery" in this country, and used other terms that are equally extravagant. There is no such thing as child slavery in this Nation. I challenge any man to show me from the record the slightest evidence of the existence of such a thing.

Mr. CONNERY. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. No.

Mr. FOSTER. You challenged him.

Mr. GRAHAM of Pennsylvania. Show me from the record. I do not want talk. I have learned in my time here that it is dangerous to let a man take time away from you under the disguise of asking a question and occupy the floor during the short time allotted to one.

I want to quote at this point from the majority report, pages 18 and 19. This is what is probably characterized by that gentleman as child-slave labor, for there is nothing else in the record; it is found among the reasons that are given why Federal action should be taken, but before discussing that let me briefly allude to the statement made here a number of times in the discussion, that because Congress passed two acts, one supposedly in the exercise of power under the interstate commerce provision and the other supposed to be under power given by the taxing authority in the Constitution, that those two acts indicated a desire on the part of Congress to take control of this subject.

Gentlemen, the only logical inference from those acts is that they indicated an intention on the part of Congress to cooperate with the States in the accomplishment of the reforms that were planned in child labor, just as the establishment of the Children's Bureau in the Department of Labor is an act by which Congress shows its willingness to cooperate in the management and control of this subject by the States. I now call your attention particularly to the reasons assigned for Federal action, and, first, I will refer to those which are considered illustrative of the worst treatment that the committee could find and report:

As the industry has shifted to the Southern States the difficulty of securing an adequate labor supply has led to a system of importing help from northern cities, principally Baltimore and New York, for the season and returning there when they are no longer needed. When this is done there is a tendency to select "family help"; that is, the employers hire heads of families with the understanding that wives and children are to be brought also.

Is that child slavery. Would a calm and dispassionate consideration of a matter involving great and grave questions warrant the use of the language "child slavery"? "The family went"—they went down there to aid in this employment for a few months and return again to their homes. They went in their battle against poverty. The whole family went voluntarily.

Mr. FOSTER. May I answer the question inasmuch as the gentleman puts it in the form of a question?

Mr. GRAHAM of Pennsylvania. Not yet. I have not finished.

On pages 18 and 19 of the majority report is arranged "The reasons why Federal action is considered necessary." What are those reasons?

The reasons why Federal legislation in this field was first sought were: First, because in some States a single industry was so powerful as to prevent the passage of a reasonable child labor law or the enforcement of one after it was passed; second, because consumers had come to feel a moral repugnance to the use of the products of child labor; third, because manufacturers objected to the competition of those who relied upon the low wages of children as the basis of their profits; and, finally, because States found themselves unable to protect not only their consumers and the manufacturers but their citizenship. For after all, children who suffered from the educational, physical, and spiritual losses which premature child labor brings could migrate to any State, so that the citizenship of no State was secure against the neglect of another State.

A new need for Federal regulation has recently been emphasized by disclosures regarding the sweat-shop labor of young children in their homes on work sent in from other States. A recent investigation of home work by children in Jersey City disclosed the fact that more than 1,000 children, the great majority of whom were under the age of 14, were doing sweat-shop work in their homes under dangerously insanitary conditions. Wages were very small, families of three and four working long hours earning as little $3 and $5 a week.

It was brought out in the testimony given in connection with these inquiries that a considerable amount of the tenement home work done by the New Jersey children was distributed from factories in neighboring States. Thus, New York manufacturers, who were sending their work to Jersey City to escape the New York regulations against tenement home work, were not subject to the penalties imposed by the New Jersey laws. In this way they succeeded in successfully dodging State laws.

Child workers themselves cross the State lines also and create special local problems. The importation of workers to one State from another is a particular feature of the canning industry. According to the findings of the Bureau of Labor Statistics investigation, the condition of woman and child wage earners in canneries—

"As the industry has shifted to the Southern States the difficulty of securing an adequate labor supply has led to a system of importing help from northern cities, principally Baltimore and New York, for the season and returning there when they are no longer needed. When this is done there is a tendency to select 'family help'—that is, the employers hire heads of families with the understanding that wives and children are to be brought also."

A Children's Bureau study in 1919 of child labor in canneries on the Gulf coast showed that large numbers of families were still going from northern cities, principally Baltimore, for work in the canneries of Mississippi, Alabama, Florida, and Louisiana. It was estimated at that time by the assistant general passenger agent of the railroad which usually carries the migrating families from Baltimore to the Gulf coast that in normal years from 3,000 to 3,500 workers go south annually from Baltimore alone to work in the oyster and shrimp canneries. In 88 of these families included in the Children's Bureau study 105 children from 6 to 14 years of age worked in the canneries. Inspections of fruit and vegetable canneries made by the Children's Bureau in Maryland showed that many of the larger canning factories import their labor from Philadelphia as well as from various parts of Maryland. Some of these families, it was found, follow cannery work throughout the year, working in the Maryland fruit and vegetable canneries in summer and going south to the oyster and shrimp canneries in winter. Because of this nomadic life and the fact that the communities where they lived and worked temporarily did not regard themselves as responsible for their education or general protection, some of the children interviewed had never attended school, and others were barely able to read and write. Child labor is thus not only a matter of national importance because of the numbers involved and the geographical distribution of working children or because of the present serious inequalities in State legislation, which hamper effective action in every State, but it has also an interstate aspect for which local control is difficult or impossible.

Think of the horrid condition of affairs in that State where a single industry could prevent a law from being enacted and, if there were power enough to enact the law, could prevent its enforcement. Where is there such a State? Does it exist outside the land of imagination? Think of the picture of a State absolutely powerful and able to pass a law which a single industry could defy.

The second reason is even worse as an argument, namely, "moral repugnance" to use the products of child labor. When that repugnance existed it could soon mold public opinion and gain a law to regulate or control child labor.

The third reason is based on competition. Can the existence of competition between citizens of different States be a reason for a constitutional amendment? Perish the thought!

The remaining reason is that children suffering from premature child labor—physical or spiritual loss—could migrate into some other State carrying their physical and spiritual disabilities with them. Can a Federal amendment cure that? Can Congress, even if this amendment becomes part of the Constitution, prevent migration from one State to another? Surely it can not; neither does the migration evil furnish an argument for Federal intervention.

Then there are two or three local evils which are given as added reasons. Sweatshops in New Jersey, cranberry bogs in that State, and the moving of whole families to Southern States to engage in work in canneries. All of these evils involve probably five to ten thousand children out of over 12,000,000 children, and the evils can themselves be easily eradicated by local effort and legislation; yet the fundamental law is to be changed on such grounds. One can scarcely imagine a weaker array of reasons advanced in any cause. If it were not that sentiment and emotion rule instead of logic and reason, they would be ruled out of court. Let a gentleman arise and tell some story of child suffering, and the minds of his auditors, obeying the heart, are at once inflamed, ready even for mob action. It does credit to the heart, but sound reason is silenced.

Equally easily answered are the reasons given by Miss Abbott, if only one could get an unbiased hearing in the forum where logic and justice rule.

Miss Abbott, in the hearings before the Committee on the Judiciary, page 275, stated the grounds upon which the proponents claim there exists an overwhelming and irremediable necessity for the adoption of this amendment. I quote them:

I want to remind you of the fact that, after all, the reasons why we are asking for a Federal minimum standard with reference to the employment of children, or that Congress be given power to enact a Federal minimum standard with reference to the employment of children, is (1) because we have shown that the numbers involved are very large; that is, that there are more than a million children between 10 and 16 years of age employed and something over 300,000 of them between 10 and 14 years of age, and that nearly half a million are in nonagricultural employments; (2) that this employment is confined to no one section of the country nor to no one part of a single State; (3) that while the States in various parts of the country have enacted child labor laws, those laws have been uneven and inadequate, sometimes because of successful opposition to the enactment of a law and sometimes because of successful opposition to the effective enforcement of the law; (4) because, after all, we feel that the question of children involves the citizenship of the country in a way which justifies national concern and interest; (5) no one State alone can protect itself wholly against the evils of child labor; the children who grow up in other States migrate frequently to States in which ample provision has been made for the protection of children and bring with them bad health and illiteracy to the State to which they go; (6) the State can not protect itself against the competition of low standards in other States.

Her first reason is the "numbers involved," which she says are very large. She claims that more than 1,000,000 children between 10 and 16 years of age are employed, and possibly over 300,000 of them are between 10 and 14 years of age. When we take the percentage of the total number of children whom she alleges to be engaged in gainful occupations or doing child labor, the number is not so appalling as one states merely the bald fact that it is about 1,000,000. According to the Children's Bureau, of which she is the head, in a publication intended as part of the propaganda for this amendment, on page 1 it is stated that the number of children between 10 and 15 years, inclusive, in the country is about 12,502,582. This would only mean not more than about 11 per cent of the children of the country between the ages of 10 and 15 are thus being worked. By this same publication it would appear that of this number the child workers between 10 and 15, inclusive, are about 378,000 out of the total of 12,500,000, or about 3.3 per cent of children under 16 years of age.

According to the census report and according also to this same publication of the Children's Bureau, that of the 1,000,000 children between the ages specified, 10 to 15 years, 87 per cent are engaged in agriculture; 2 per cent in the extraction of minerals; 2.5 per cent in manufacturing and mechanical industries; 0.5 per cent in transportation; in trade, 4.6 per cent; professional services, 0.2 per cent; domestic and personal services, 3.2 per cent; clerical occupations, 1.8 per cent. A number of the States fix the age of employment for children at a minimum of 14 years, so that a part of this million are lawfully employed according to the laws of these States, and it is a debatable question to-day as to whether 14 years is or is not too young an average age at which to allow children to work. It would seem, therefore, that the number is not such an appealing factor as would authorize us to move in favor of the adoption of this amendment.

Her second reason is that this employment is confined to no one section of the country nor to no one part of a single State. It would seem, therefore, that in the 18 States in which ideal regulatory laws have been established it must be due to the lack of the enforcement of those laws. This certainly is no ground for the enactment of a constitutional amendment. If in these advanced States the laws, home laws, are not enforced, could we expect Federal authority to do better?

Her third reason is the unevenness and inadequacy of the law in certain cases and opposition to successful or effective enforcement of the law. This certainly is not a reasonable ground for the adoption of the proposed amendment by Congress. Opposition to the law ought to be overcome in the place where it exists by the attention of the authorities being called to the violations and prosecutions instituted. The unevenness of the law is not a basis. The history on this subject shows a gradual growth toward a uniformity of standard. The mere fact of the existence of the unevenness does not justify a resort to legal force to compel the backward States to even up to those which are in advance. In these modern days idealists and reformers have forgotten the "law of love" and are seeking to put every one of their reforming ideas into effect through the application of force. The bludgeon is resorted to instead of persuasion. If inequality of the law and unevenness of the law were to be a basis for Federal intervention, then indeed is the door open with regard to other inequalities and unevennesses in the various State laws for the intervention of innumerable amendments.

The fourth reason, "the question of children involves the citizenship of the country." This is rather a rhetorical expression than a reason. Of course, every human being involves the citizenship of the country, but that is no ground for Federal constitutional amendments.

Her fifth reason is that no State alone can protect itself wholly, because the children who grow up in other States migrate frequently to States in which ample provision has been made for protection of children and bring with them bad health and illiteracy to the State to which they go. Was there ever a more puerile or unjustifiable reason thought of as a basis for this stupendous act of amending the Constitution of the United States? How possibly could legislation by Congress prevent children from migrating from one State to another?

This amendment can not remedy this evil, if it be an evil, and her last reason is the mercenary one of checking or preventing competition which is produced through low standards in some of the States. This has been sufficiently discussed to need no further answer.

Taken all together, is it not a monstrous thing to claim that these in their totality make an overwhelming necessity for changing the fundamental law?

Amendments to the Constitution of the United States are regulated by Article V, which provides, among other things: "The Congress whenever two-thirds of both Houses shall deem it necessary shall propose amendments to this Constitution," etc. In other words, before Congress shall propose any amendment a necessity therefor must be established. It is not proposed to make any contention against the regulation of child labor. This is a subject which, although only recognized and legislated upon within recent years, is one upon which there is a well-founded and universally recognized sentiment which has its base in the natural feeling of humanity in almost every heart toward children. It is therefore not to be presumed that what is said is intended in any manner to be antagonistic to the subject of child-labor regulation in a reasonable and proper way.

While it is true, as heretofore observed, that if the proposed resolution is sent down by Congress and the States ratify it in the requisite numbers then it can be said the States voluntarily surrender the control of child-labor legislation; but before the resolution can be submitted to the State it must appear to the Congress that it is a necessity. Congress has a duty to perform under the Constitution. It must find the existence of an overwhelming necessity. The framers of the Constitution intended this to be a duty and safeguarded it by requiring a two-thirds vote. Does a necessity exist?

The conditions in the States are steadily improving. Legislation is advancing by leaps and bounds. Local control will be wiser. Local self-government is always preferable. The wholesome growth of favorable opinion in the States promises safe control by the States.

The perils of establishing another precedent for gradually destroying the States and their sovereign powers is very great. Already a dozen other amendments are on the political horizon.

The peril of increased concentration menaces our national existence and the integrity of the States.

The growth of a tyrannous bureaucratic system of government faces us as a people.

We must protect the system of dual government as absolutely necessary to its preservation and our growth and prosperity as a nation.

As Professor Fiske has so truthfully said:

If the day should ever arrive when the people from the different parts of our country should allow their local affairs to be administered by prefects sent from Washington and when the self-government of the States shall have been so far lost as that of the departments of France, or even so far as that of the counties of England, on that day the progressive political career of the American people will have come to an end and the hopes that have been built upon it for the future happiness and prosperity of mankind will be wrecked forever.

Let us as trustees of the welfare of the Union and also of the welfare of the States, and regardful of the greater necessity for preserving an "indestructible Union of indestructible States," declare no overwhelming necessity exists requiring us to send forth this amendment on the subject of child labor.

I would say much more on this grave and vitally important subject, but my time will not permit.

Mr. FOSTER. Mr. Chairman and gentlemen, I have no systematic plan to close this discussion in these few minutes. When I sought to have the chairman of the Judiciary Committee yield to answer a question about those children from Philadelphia who went South, the hearings will show that the objection made, as the reports of the Children's Bureau indicate, was that thousands migrated from point to point, and as a result their average school attendance was between three and four months per year. There is nothing to the contention that any person is trying to adopt a constitutional amendment which would prevent boys and girls from working under 18 years of age.

Mr. GRAHAM of Pennsylvania rose.

Mr. FOSTER. I am going to adopt the practice of my chairman and decline to yield.

Mr. GRAHAM of Pennsylvania. The gentleman spoke for an hour the other day. I thought he might yield to me.

Mr. FOSTER. I do not yield. I would be glad to yield if the chairman had seen fit to yield to me. The proposition is this: Shall the Federal Government be granted the authority to enact laws up to 18 years of age if deemed fit? I suggested in the remarks which I extended yesterday that I had made a rather careful study of the laws in the various States throughout the Union relating to child labor laws. I want to make this observation:

Twenty-eight of the States have enacted child labor laws protecting some kind of employment up to 21 years of age. Thirty-four States have passed from one to seven laws each which seek to protect children against certain employment up to the age of 18. I submit that this recognizes the reason for such laws up to 18 years and better. If it should be submitted for ratification, should we not go at least to 18 years, that being a minimum beyond which the States might go? That is the principle of this proposed constitutional amendment. For instance, there are to-day 28 States that have child labor laws above the age of 18. There is no reason to contend under this constitutional amendment that Congress will enact certain laws beyond which the States can not go. Twenty-eight States have already gone beyond the age of 18. Thirty-four States have gone up to 18. Thirty-eight States make it unlawful to permit girls under the ages of 18 and some under 21 to work at night messenger work. They are also forbidden to work around dangerous machinery or in institutions where poisons are manufactured.

Now I will leave that branch of the case, because my time is short, and refer to the question of necessity. The minority report considers and a great deal was said in the discussion in committee as to the constitutional requirement that the necessity must exist before Congress can pass the resolution. In the remarks which I inserted in the RECORD yesterday I referred to this.

John Marshall in the Virginia convention asked:

What shall restrain you from amending it, if, in trying it, amendments shall be found necessary. * * * When experience shall show us any inconvenience, we can then correct it. * * * (The Life of John Marshall, Vol. I, by Albert J. Beveridge, p. 418.)

And Mr. Iredell, speaking in the North Carolina convention, which was called to consider ratification, said with reference to the amending clause:

This is a very important clause. * * * The misfortune attending most constitutions which have been deliberately formed has been that those who formed them thought their wisdom equal to all possible contingencies, and that there could be no error in what they did. The gentlemen who framed this Constitution thought with much more diffidence of their capacities; and undoubtedly without a provision for amendment it would have been more justly liable to objection, and the characters of its framers would have appeared much less meritorious. This, indeed, is one of the greatest beauties of the system, and should strongly recommend it to every candid mind. The constitution of any government which can not be regularly amended when its defects are experienced reduces the people to this dilemma—they must either submit to its oppressions or bring about amendments, more or less, by a civil war.

Happy this, the country we live in! The Constitution before us, if it be adopted, can be altered with as much regularity and as little confusion as any act of assembly, not, indeed, quite so easily, which would be extremely impolitic; but it is a most happy circumstance that there is a remedy in the system itself for its own fallibility, so that alterations can without difficulty be made agreeable to the general sense of the people. (The Constitution of the United States, its history, application, and construction, vol. 2, by David K. Watson, LL.B., LL.D. Pp. 1308, 1309.)

Mr. TUCKER. Will the gentleman yield?

Mr. FOSTER. In spite of the fact that I only have a few minutes remaining, I will yield to the gentleman from Virginia.

Mr. TUCKER. The gentleman has quoted Judge Marshall. In one of his great decisions, passing upon the question——

Mr. FOSTER. Oh, I can not yield for a speech. I have only a few minutes, and I yield to the gentleman for a question. I would be glad to yield, but I do not want to give up this time.

Mr. TUCKER. I will yield the gentleman a part of my time.

Mr. FOSTER. The gentleman has not any. [Laughter.] I will have to beg pardon of my friend, but I can not yield.

Mr. TUCKER. The gentleman was speaking of Judge Marshall.

Mr. FOSTER. I am on the last end of my 10 minutes, and I decline to yield. If I mistake not, the gentleman from Virginia was an instructor in the law school of the University of Pennsylvania. I want to read what the dean of the law school did say, and I think it is as good reasoning as we have had on the floor.

Here is Dean Pound's paragraph on this constitutional amendment:

As to the merits of the subject perhaps nothing need be said; but I do feel impelled to express my conviction that now that it seems to be established by decisions of the Supreme Court that Congress can not deal with this matter under the Constitution as it stands, a constitutional amendment is imperative. To-day, so far as industry and business are concerned, State lines are but lines upon the map. A situation in which one standard as to child labor applies on one side of such a line and another upon the other side, or in which an easy-going administration upon one side of such a line, as it were, competes with a strict administration upon the other, can result in nothing but evil. I should cordially agree that constitutional amendments ought to be reserved for a few great occasions and that nothing could be more mistaken than to resort to constitutional amendment for every sort of desired legislative improvement. But the need of regulating child labor is emphatically one of those great occasions which calls for the legislative interposition of the people of the United States through the Constitution.

I submit that for what it may be worth. Some of us have a profound respect for the legal ability and good judgment of Dean Pound, of the Harvard law school. If the chairman of our committee has not, that is his business.

In what little time I have remaining I want to leave this thought with the committee: An effort has been made here by some of the speakers to leave the impression that some propaganda has been operating and some system has been built up here to try to put this amendment over. The minority report suggests that. When 8,000,000 women that you and I have enfranchised in this country——

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

Mr. FOSTER. Yes.

Mr. MONTAGUE. Did not the gentleman read the system here yesterday for nearly half an hour?

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

Mr. FOSTER. Mr. Chairman, I am very sorry that I did not get the gentleman's question and I can not answer it.

The CHAIRMAN. All time has expired, and the Clerk will read.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution.

Mr. GARRETT of Tennessee. Mr. Chairman, a parliamentary inquiry. Is it now in order to offer an amendment to the resolving clause?

The CHAIRMAN. The Chair holds that the Clerk has not yet read the first section.

Mr. GARRETT of Tennessee. I do not want to lose any right in respect to offering an amendment to the resolving clause.

The CHAIRMAN. The gentleman will not lose any right. The Clerk will read.

The Clerk read as follows:

ARTICLE —

SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

Mr. MONTAGUE. Mr. Chairman, I desire to offer an amendment at the appropriate time, and with the indulgence of the committee I will say that it is a separate section, which I shall ask the Clerk now to read for the benefit of the membership.

The CHAIRMAN. To what part of the resolution does the gentleman expect to offer this?

Mr. MONTAGUE. It is an independent section that comes as a third section.

Mr. LONGWORTH. And the gentleman sends it to the desk now just to be read for information?

Mr. MONTAGUE. Yes.

The CHAIRMAN. Without objection, the amendment of the gentleman from Virginia will be read for information only.

The Clerk read as follows:

Mr. MONTAGUE offers the following as a new section:

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the conventions of the several States, as provided in the Constitution, within seven years from the date of the submission hereof by Congress."

Mr. MONTAGUE. Mr. Chairman, I move to strike out the last word. In the pending amendment I have followed exactly the third section of the eighteenth amendment. It is an exact copy of that section except the substitution of the word "conventions" for the word "legislatures."

Mr. HILL of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. HILL of Maryland. The gentleman's amendment would carry with it also the substitution of the word "conventions" for the word "legislatures" in line 6, would it not?

Mr. MONTAGUE. Yes. The purport of the amendment is simply to substitute the word "conventions" for the word "legislatures."

Mr. RAMSEYER. Should he not offer an amendment to line 6?

Mr. MONTAGUE. I followed that precedent, but it is immaterial to me where it is, if it is in the text before the resolution is voted upon.

Mr. Chairman, we have had insufficient time to debate this subject, and I beg the indulgence of the committee.

It is known to every student of American affairs that the consideration of constitutional amendments by the several legislatures has been in some if not in many States almost perfunctory. There has been little or no discussion of the amendments by the several legislatures. There has been no argument against argument, no judgment against judgment, no real contest, and no real debate exciting interest or contributing information.

Mr. MADDEN. Why substitute "conventions" for "legislatures"?

Mr. MONTAGUE. I am arguing that now, and I would like to have the cooperation of the distinguished gentleman. Legislatures get no chance, and they have no time to debate the question. They are crowded to their utmost capacities to deal with the business that swells their calendars. Their minds are too distracted by a multitude of details, and in some of the States the sessions are too short.

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

Mr. MONTAGUE. Yes.

Mr. DOWELL. Does not the gentleman believe upon a question of this importance that the legislature of every State would give it the most careful consideration?

Mr. MONTAGUE. I do not, I am candid to say. I am of opinion that the legislatures do not give these great subjects adequate consideration or debate. The recent adoptions show—I will not say their actions were just or unjust—that as a matter of procedure no adequate consideration of the amendments submitted was had by some of the legislatures. The legislatures of some of the States were elected prior to the submission of the amendments by Congress. There was no canvass or opportunity to canvass the subject among the people. Gentlemen, we can not afford to deny to the people of the States an opportunity to be educated upon the amendments or the principles of government involved in them. [Applause.] I repeat what I have often said, that the great object of our democratic institutions is not the most efficient government but the most efficient citizen.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONTAGUE. I ask for five minutes longer.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONTAGUE. If we have conventions, the candidates therefor will bring the question to public discussion. One candidate will be against the amendment and another candidate will favor it.

Again, the States will get a better class of men in these conventions, which occur at infrequent intervals, and by reason of their dignity will appeal more to the ambition and patriotism of the abler men of the electoral divisions. Such men will be eager to go before the people and discuss the questions submitted. They are not discussed here. Six hours for a constitutional amendment! Will not the States do better if given the opportunity and the duty? One trouble with government here is that we have so much business at Washington that the departments and the Congress can not attend to it. A Member of Congress can not read all the bills that are offered, much less consider them. A like situation confronts State legislatures. I hope the committee will approve the amendment. [Applause.]

Mr. FOSTER. Mr. Chairman and gentlemen, it occurs to me that the last part of the address of the distinguished gentleman from Virginia [Mr. MONTAGUE] discloses the motive for his amendment. The last two-thirds of his remarks were addressed to the proposition that we do not want this constitutional amendment, that we do not want any Federal child labor law, rather than addressed to the amendment itself.

I think every gentleman in this House, whether he is for or against this amendment, understands that the motive so evidently back of the amendment—at least the result to be accomplished by the adoption of the proposed amendment—would be to defeat any child labor law. The fact that the gentleman from Virginia sees fit to abandon the form of amendment that was used in the prohibition amendment, and to pass from the legislature to a convention, discloses the motive back of the proposed amendment. Then he proposes that we limit the ratification to seven years. But he would not allow us to trust this child labor amendment to the legislatures for ratification.

Thirteen of the States, by failure to ratify, through conventions, within seven years, would automatically defeat the amendment, and we shall then have no constitutional amendment.

That must be the purpose and desire of any person, in my judgment, advocating the adoption of this amendment. Otherwise, why should we abandon the ratification by State legislatures and place it in the conventions? Yesterday a gentleman opposed to the child labor amendment told us we were justified in placing complete confidence in the legislatures of the 48 States. Have they not told us here, hour after hour, that the legislatures of Virginia and other States are amply able to take care of the child-labor proposition? If their legislative intelligence is sufficient to take care of these problems locally, is not that same legislature, with the same degree of intelligence, on the same subject of child labor intelligent enough to so declare if it wishes to ratify this constitutional amendment? [Applause.]

There is no one whom I have met in the five or six years I have been here for whom I have acquired quite the respect for and the confidence in as the distinguished gentleman from Virginia [Mr. MONTAGUE], and that is, indeed, more than a passing compliment. But when he tries to tell the House that this bureau, if created, is going to cost millions of dollars, he flies in the face of the record of our hearings, and he flies in the face of what you also will conclude when you fully understand the proposition. The facetious speech made yesterday by our distinguishd friend from Texas, as to what will happen when the Federal agent comes into the farmer's home was interesting, amusing, and was a great work of art. But the fact remains that we have tried this very proposition twice by Federal laws. We had two Federal laws under which the Federal Government sought to cooperate with the State authorities.

And here is the testimony of a lady put on the stand by the opposition to this amendment. She is Miss Kate B. Johnson,

chairman of the Child Welfare Commission of North Carolina. After she testified, she came back on the stand and seemed to want to leave this additional thought with the committee. Here is what she said:

I want to say that we have gotten a great deal of help from the Children's Bureau, and we have approved a great deal of the work they have done. They assist us, and we work with them in various ways in a very fine spirit of cooperation.

That was a hostile witness, so far as this amendment was concerned. She was put on the stand by the gentleman from North Carolina, who was the editor of the Textile Bulletin, the gentleman who admitted that he framed the plans and prosecuted the cases and raised the money and employed representatives to prevent the child labor amendment from going through Congress. It was he who brought the suits resulting in the Federal child labor law being declared unconstitutional. That man called that witness to the stand to show how child labor laws worked in North Carolina, to wit, that when the two Federal laws were in operation there was coordination and harmony between the Federal authorities and the various State organizations.

Here is the point I wish to make: Instead of being a proposition costing millions of dollars, it is to be enforced inexpensively by virtue of a work permit system, using all State machinery in such enforcement as was done before.

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

Mr. FOSTER. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

Mr. MACLAFFERTY. Mr. Chairman, reserving the right to object——

Mr. FOSTER. Then, Mr. Chairman, I withdraw the request and will see that all are limited to five minutes each.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer an amendment to the resolving clause.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee: Page 1, line 6, strike out "legislatures" and insert "convention selected by the qualified electors of."

Mr. GARRETT of Tennessee. Mr. Chairman, I am in entire sympathy with the amendment that is to be proposed later by the gentleman from Virginia, and which he has just discussed, but in order to harmonize the language of the resolution throughout it is essential that the resolving clause be amended in some such manner as I have suggested.

Now, gentlemen of the House, as conditions of law stand today, less than 3,000 individuals in the United States can amend the organic law of the United States without there being in any way the slightest opportunity for the masses of the people themselves to pass upon the question of whether there shall be such an amendment. Two-thirds of the Congress and then a majority of the legislatures of 48 States—less than 3,000 individuals changing the organic law of a nation of 110,000,000 people and affecting the organic laws of the 48 heretofore sovereign States. What objection is there to giving to the people the opportunity of passing upon this amendment, which more than any amendment that has ever yet been proposed affects most directly the most intimate things of domestic life? Are we better qualified, are the legislatures of the States better qualified, to pass upon whether this amendment should be adopted than are the fathers and the mothers of the children who are to be affected?

We have reached the point, it seems to me, Mr. Chairman, in the consideration of amendments to the Constitution—which are coming now and are being proposed and falling as thick as "the autumn leaves which strew the vales in Vallombrosa"—where we had better adopt the principle of permitting the people to pass directly upon these questions. They have no chance to pass upon them now.

This amendment, if submitted, will not be an issue in a half dozen elections of members to the legislatures of the States; it will not be discussed by the people; it will not be considered by the people; it will be adopted, if adopted at all, at the behest of small groups engaged in pressing it upon the legislatures just as they are engaged in pressing it upon our consideration now.

I am appealing for a very fundamental thing here in the matter of the practice in regard to the adoption of constitutional amendments. It is not a demagogic proposition either, but it is a proposition which goes directly to the question of whether in the organic law the people themselves shall rule. [Applause.]

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

Mr. HERSEY. Mr. Chairman——

The CHAIRMAN. Is the gentleman a member of the committee?

Mr. HERSEY. I am.

The CHAIRMAN. The Chair will recognize the gentleman from Maine.

Mr. RAMSEYER. Mr. Chairman, a point of order. Should not certain gentlemen who have amendments to offer be recognized before gentlemen who simply desire to debate?

The CHAIRMAN. The gentleman from Tennessee offered an amendment.

Mr. HERSEY. And I am going to speak against it.

Mr. LINTHICUM. Mr. Chairman, I desire to offer a substitute.

Mr. RAMSEYER. Has the gentleman from Maine offered an amendment?

The CHAIRMAN. The Chair has recognized the gentleman from Maine, a member of the committee.

Mr. RAMSEYER. I make the point of order that the Chair should recognize some Member who desires to offer an amendment.

Mr. HERSEY. I am going to speak against the amendment offered by the gentleman from Tennessee.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Maryland will state it.

Mr. LINTHICUM. When may I offer a substitute for the amendment offered by the gentleman from Tennessee?

The CHAIRMAN. The gentleman may offer it when he gets recognition for that purpose.

Mr. LINTHICUM. It does not seem as though it is possible to get recognition.

Mr. MOORE of Virginia rose.

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. MOORE of Virginia. Merely for the purpose of making a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Virginia. I wish to inquire of the Chair whether it is not proper and necessary to pass upon the amendment offered by the gentleman from Tennessee [Mr. GARRETT], any amendment thereto, or any substitute offered thereto before other amendments are offered?

The CHAIRMAN. The Chair will state that it is not necessarily proper. It may be done or it may be done otherwise.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. The Chair has just stated that the time to offer a substitute for the amendment offered by the gentleman from Tennessee is when I can procure recognition; then, if the Chair refuses recognition, it is impossible to offer any substitute.

The CHAIRMAN. Well, that is not a parliamentary inquiry. The gentleman from Maine is recognized.

Mr. HERSEY. Two amendments have already been offered, one simply for information and the other one, the last one, offered by the gentleman from Tennessee [Mr. GARRETT], was directly offered, as I understand it. I wish to answer for a moment the gentleman from Tennessee, who claims, as I understand him, that instead of following the custom which has been followed as to all amendments made since the adoption of the Constitution we should depart from that custom and have a convention.

I have been to conventions and you all have; I have been a member of a legislature and doubtless most of you have been members of legislatures. We have had amendments in our legislature and you know the proceeding. An amendment is passed by Congress before it reaches a legislature, and even before a legislature is chosen. The members of the legislature are chosen with the idea in view that the amendment submitted by Congress will be brought before the legislature, and that is one referendum to start with.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. HERSEY. Yes.

Mr. GARRETT of Tennessee. Does not the gentleman know that the Supreme Court has held that a ratification by a legislature elected even before the question was submitted by Congress is valid?

Mr. HERSEY. Oh, yes; but I am speaking now of the fact in this case.

Mr. FOSTER. Will the gentleman yield?

Mr. HERSEY. Yes.

Mr. FOSTER. If this Congress while now in session should submit this constitutional amendment in this presidential year, is not the proposition academic, in view of the fact that

the fall elections will produce legislatures after this Congress has submitted this amendment?

Mr. HERSEY. I thought it was so understood. Now, I say this is one referendum.

Mr. MONTAGUE. Does the gentleman state that all the amendments since the adoption of the original Constitution were adopted by the procedure of legislatures?

Mr. HERSEY. I so understand it.

Mr. MONTAGUE. Does the gentleman think the first 10 amendments to the Constitution were adopted in that way?

Mr. HERSEY. They were a part of the original Constitution, in my opinion. I am speaking of the amendments that have been adopted since then.

Mr. MONTAGUE. I am talking about the first 10 amendments to the Constitution.

Mr. HERSEY. The first 10 amendments, to my mind, were part of the original Constitution.

Mr. MONTAGUE. They were adopted subsequent to the adoption of the original Constitution and were adopted by conventions of the several States.

Mr. FOSTER. If the gentleman will permit, the gentleman from Maine is quite right in saying that every one since then has been adopted in this way.

Mr. HERSEY. Yes. I am not going to quibble about that, I am speaking of the amendments adopted since then.

What is the procedure when the representatives who come from the people meet in the legislature. The constitutional amendment we pass here is referred to a committee of that legislature, usually the judiciary committee. They report it back to the House. Then there is all over your State and mine knowledge that a certain day has been set in that legislature to hear the people who wish to come before the legislature to which has been referred the question of whether they shall ratify the proposed amendment. It will certainly be debated in the legislature and the people will know all about it. All over the State the people who wish the amendment ratified or rejected will come to the legislature. This will be another referendum of the people, and I apprehend everybody that knows anything about the matter will have an opportunity to be heard before the legislature votes to ratify or disapprove it.

Now, what is a convention? A convention is simply a meeting of delegates, just as they meet in political conventions. How many? I do not know the ratio of the convention, but some kind of convention will be called, and how many will constitute the convention I do not know.

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

Mr. MACLAFFERTY. Mr. Chairman, I offer a substitute amendment.

The CHAIRMAN. The gentleman from California offers a substitute amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MACLAFFERTY: Page 1——

The CHAIRMAN. I will say to the gentleman from California that his amendment is not a substitute. Does he offer the amendment now for information?

Mr. MACLAFFERTY. I would be out of order then. I want to be heard on it.

The CHAIRMAN. The Chair will state that the gentleman from California can have his amendment offered for information only at this time.

Mr. BLACK of Texas. Mr. Chairman, I object. Let us have the amendments offered in order. I object to that procedure.

Mr. LINTHICUM. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Tennessee.

Mr. LONGWORTH. Mr. Chairman, we have not, of course, heard what the amendment of the gentleman from California is. Of course, if it is not a substitute, the gentleman may offer any amendment——

The CHAIRMAN. The Clerk will report the amendment of the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. MACLAFFERTY: Page 1, line 10, after the word "under," strike out "18" and insert "16."

Mr. LONGWORTH. Of course, that is not a substitute for the pending amendment.

Mr. DOWELL. Mr. Chairman, I make the point of order that the amendment is not in order.

Mr. CARTER. I make the point of order, Mr. Chairman, that that amendment is not a substitute for the pending amendment and therefore the amendment is not now in order.

The CHAIRMAN. The point of order is sustained. The gentleman from Maryland offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute amendment offered by Mr. LINTHICUM for the amendment offered by Mr. GARRETT of Tennessee: Page 1, lines 5 and 6, after the word "ratified" in line 5, strike out the words "by the legislatures of three-fourths of the several States" and insert "by a convention duly called by authority of law in three-fourths of the several States, and this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions so called in the several States, as provided in the Constitution, within five years from the submission hereof to the States by Congress."

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, this is the exact amendment which was offered by the gentleman from Indiana [Mr. MOORES] to the proposed tax-exempt securities amendment, except I make it five years instead of seven years, being an amendment to his proposed amendment which I offered at that time.

The object of my amendment is as the gentleman from Tennessee [Mr. GARRETT] stated. I want this question passed upon by the people.

In my State, when the prohibition amendment came up, it was submitted to the legislature which was in session and which had never considered the question at the time of its election. If we adopt this constitutional amendment by the legislatures, it will perhaps be by legislatures which have already been elected when other matters were being considered, or perhaps it will be by some legislatures called in extra session for this special purpose, or perhaps it will be by some legislatures elected upon some State or other issue, matters entirely foreign to the child-labor question.

I want the people themselves to have the right to elect men to the conventions upon the direct issue of whether they want the United States Government to take charge of the child-labor question, and then those men, elected to the convention upon that direct issue, can pass upon the matter in the interest of the people and according to their instructions as expressed at the election.

It is well enough to say, as the gentleman from Maine has said, that the legislatures refer these matters to some committee—perhaps the Judiciary Committee—and the people have a chance to be heard, but suppose men are elected to that legislature who are personally in favor of this question though the question had never been considered or discussed during the election when they were running for such office. They would be free to vote their personal views, not having had any mandate from the people. The questions this amendment raises are whether you want it adopted by the people directly through a convention or whether you want it adopted by uninstructed legislatures, and the further question as to whether you want action within five years or wait indefinitely. If it is essential, it is needed now. I am anxious to submit this question to the voters, the real source of all government in a democracy. [Applause.]

Mr. LONGWORTH. Mr. Chairman, I desire to test the temper of the committee. I desire to move that all debate on this amendment and all amendments thereto now close.

The CHAIRMAN. The gentleman from Ohio moves that all debate on this amendment and all amendments thereto be now closed.

The question was taken; and on a division (demanded by Mr. MCKEOWN) there were 165 ayes and 23 noes.

So the motion was agreed to.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Maryland for the amendment of the gentleman from Tennessee.

Mr. DOWELL. Mr. Chairman, is not the perfecting amendment of the gentleman from Tennessee to be first voted upon?

The CHAIRMAN. No; the first question is on the substitute.

Mr. HARRISON. Mr. Chairman, I desire to offer an amendment to the substitute of the gentleman from Maryland. My amendment is to insert "or by the legislatures, the most popular branch of which has been elected after the passage of this resolution."

The CHAIRMAN. The gentleman will have to put that in writing.

Mr. MONTAGUE. Mr. Chairman, I rise to make a correction.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to make a correction. Is there objection?

There was no objection.

Mr. MONTAGUE. I stated, in response to a question, in a colloquy with the gentleman from Maine [Mr. HERSEY], that the first 10 amendments to the Constitution were ratified by convention. I find that I am mistaken—that they were ratified by the legislatures. [Applause.]

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia [Mr. HARRISON] to the substitute offered by the gentleman from Maryland [Mr. LINTHICUM].

The Clerk read as follows:

At the end of the Linthicum amendment add "or by legislatures the most popular branch of which has been elected since the passage of this resolution."

Mr. McKEOWN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. McKEOWN. Under the rules of the House one can be heard for five minutes in favor of an amendment and a Member five minutes in opposition to that amendment. I ask if it is in order to close debate before gentlemen have had an opportunity to be heard?

The CHAIRMAN. If the gentleman is familiar with the rules, he will find that five minutes are allowed for those in favor of the amendment and five for those opposed. The question is on the amendment to the substitute.

The question was taken, and the amendment to the substitute was rejected.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Maryland to the amendment of the gentleman from Tennessee.

The question was taken, and the amendment to the substitute was rejected.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent to modify the amendment I offered by striking out of the insertion all after the word "conventions."

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment offered by Mr. GARRETT of Tennessee: Page 1, line 6, strike out the word "legislatures" and insert "conventions."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and, the Chair being in doubt, the committee divided, and there were 84 ayes and 175 noes.

So the amendment as a substitute was rejected.

Mr. MACLAFFERTY. Now, Mr. Chairman, I offer my amendment.

The Clerk read as follows:

Page 1, line 10, after the word "under," strike out "18" and insert "16."

Mr. CARTER. Mr. Chairman, I make a point of order that that paragraph has not been read, and the gentleman from Maryland has an amendment to the preceding paragraph.

The CHAIRMAN. The point of order is overruled. The gentleman from California is recognized for five minutes.

Mr. MACLAFFERTY. Mr. Chairman and gentlemen, the object of my amendment is a plea for the boy between 16 and 18 years of age. There is obviously not a man in this House who was not of that age at one time, and there is not a man in this House probably who during that time did not feel the joy of earning a few dollars in money. [Applause.] I am perfectly willing the States should have, as they now have, the right to legislate for the age of 18 or for the age of 19 or 20 or 21, but I, as a man who lives remote from the seat of the National Government, do not want the American Congress, situated in Washington, the Capital of the Nation, 3,000 miles from my home, to have the right to say to a big husky fellow 17 years old in the State of California, "You shall not work for a living." [Applause.]

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

Mr. MACLAFFERTY. I will not. It has been stated here by those who are in favor of this amendment, as I am, that because the States have a right to legislate in respect to the ages 18, 19, or 20, therefore Congress should have that right; but I say to you that the time may come in the future when some group of men, controlled by fear and groveling on their bellies before some noisy minority, or God knows what not, will say that the boy in California who is under 18 years of age can not work to earn a dollar in this or that occupation. I am not here talking as one who does not know manual labor, for my hands have a cunning and I have a trade at which I worked for seven straight years. When those who are against child labor, as I am, have come to me and talked about it, or when they have sent me literature, they have talked about the child. They have not talked about the great big husky fellow that won the World War. They have not talked about the boy that is 17 years old who may be the only support of a widowed mother. Mr. Chairman, the most sacred thing given to a man by God Almighty is the right to labor. Why should you take a boy 17 or 18 years old and say to him that he shall not labor? That is all I have to say for this amendment. [Applause.]

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

Mr. MACLAFFERTY. Yes.

Mr. DOWELL. Did not the Legislature of the State of California petition to have this identical amendment passed at 18 years of age?

Mr. MACLAFFERTY. I do not know.

Mr. FOSTER. I will say that it did.

Mr. MACLAFFERTY. I am here as a Member of this House presenting my own opinion. That is what I was sent here for.

Mr. FOSTER. Mr. Chairman, not only did the Legislature of California petition Congress for this constitutional amendment, but of the eight States that sent in petitions from their legislatures, asking for this constitutional amendment, three of them came from the Pacific coast. The first, I believe, was the State of California. Not only that, but our colleague, Mr. LINEBERGER, of the State of California, introduced in this House Joint Resolution No. 87, fixing the age at 18 years, and he appeared before the Committee on the Judiciary in behalf of his amendment and then transferred his allegiance to Joint Resolution 184; and the gentleman from California [Mr. MACLAFFERTY] who just addressed the committee was conspicuous by his absence.

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

Mr. FOSTER. Yes.

Mr. MACLAFFERTY. Merely to state that I am a member of five committees of this House, and can give account of my time for every minute of the day.

Mr. FOSTER. And nevertheless the gentleman was conspicuous by his absence before the Committee on the Judiciary when the resolution was under consideration concerning which the gentleman's legislature petitioned Congress asking for its passage. Mr. Chairman, I have before me nine State laws of the State of California, each running up to 18 years. In other words, California says that she will protect her youth up to 18 years.

A summary of the State laws is as follows:

Thirty-four States have laws up to 18 years as follows: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi.

I shall not enumerate them all. Of those 34, 28 go to the age of 21. It occurs to me that if we want a Federal constitutional amendment under which, within the next 100 years, we might want to exercise the same right on some backward part of the country, under a minimum Federal statute in an effort to bring some of the slower States up to such Federal standard, California ought not to oppose its own resolution and oppose the resolutions introduced by a Member of the delegation from California.

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

Mr. FOSTER. Yes.

Mr. BLACK of Texas. In the child labor law of 1916 and in the law of 1919 was not the maximum age placed at 16 years?

Mr. FOSTER. That is correct.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto do now close.

The CHAIRMAN. Is there objection?

Mr. DOWELL and several others. Reserving the right to object——

Mr. LONGWORTH. Then, Mr. Chairman, I move that all debate upon this amendment and all amendments thereto do now close.

The motion was agreed to.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry. That does not prevent the offering of other amendments to the section.

The CHAIRMAN. No.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I move an amendment to the section by striking out the last word.

The CHAIRMAN. The gentleman can not do that because debate has been closed.

Mr. GRAHAM of Pennsylvania. I am offering an amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MACLAFFERTY].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, can not I offer an amendment?

Mr. DOWELL. The gentleman can offer an amendment, but he can not debate it, as debate has closed.

Mr. GRAHAM of Pennsylvania. Then, Mr. Chairman, I shall offer an amendment——

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM of Pennsylvania. My purpose was to get the floor in order to deny emphatically as untrue the statement of the gentleman from Ohio.

Mr. TUCKER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. TUCKER. Mr. Chairman, I rise to ask unanimous consent that the chairman of the Committee on the Judiciary of this House shall have five minutes to debate——

Mr. MORGAN. Mr. Chairman, I object.

The CHAIRMAN. The Chair has not put the request. The gentleman from Virginia asks unanimous consent that the gentleman from Pennsylvania, the chairman of the Committee on the Judiciary, may proceed for five minutes. Is there objection?

Mr. MORGAN and several Members. I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chair announced he was in doubt.

The committee divided; and there were—ayes 153, noes 115.

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

Tellers were ordered.

The committee again divided; and the tellers (Mr. MACLAFFERTY and Mr. FOSTER) reported that there were—ayes 148, noes 136.

So the amendment was agreed to.

Mr. LINTHICUM. Mr. Chairman, I have an amendment to offer.

Mr. RAMSEYER. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, strike out all of lines 9, 10, and 11, and insert in lieu thereof the following: "The Congress shall have power to limit, regulate, and prohibit the labor in mines, quarries, mills, workshops, factories, or manufacturing establishments of persons under 16 years of age."

Mr. RAMSEYER. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 1, strike out all of lines 9, 10, and 11 and insert in lieu thereof the following: "The Congress shall have power to limit, regulate, and prohibit the labor in mines, quarries, mills, workshops, factories, or manufacturing establishments of persons under 16 years of age."

Mr. RAMSEYER. Mr. Chairman and gentlemen of the committee, first let me say that I voted for both the child labor acts that passed Congress a few years ago and were afterwards declared unconstitutional by the Supreme Court. I stand ready to vote for a similar bill as soon as we obtain the constitutional authority to legislate on child labor. I realize that at this time the necessity for such legislation by the Federal Government is not so great as it was at the time those laws were passed by Congress. And if State legislatures continue to enact legislation for the benefit of children who work in factories and mines in the next 10 years as they did during the past 10 years there will be little, if any, real necessity for Federal legislation on this subject.

I want particularly to call your attention to what this amendment proposes. Much has been said about the demand made on this Congress for the proposed amendment which the majority of the Judiciary Committee recommend. The demand made on Congress for a child-labor amendment goes only to the extent of conferring power on Congress to enact such child-labor legislation as we passed a few years ago and which was afterwards declared by the Supreme Court to be unconstitutional. The demand goes no further than this. It is to authorize Congress to regulate the labor of children in mills, factories, and mines. All the demands and propaganda that have come to the committee and to Members of Congress go to the extent of regulating child labor in mills, factories, and mines, and no further.

I challenge any member of the Judiciary Committee, having this resolution in charge, to produce evidence that any farm organization or any farmer ever went on record before the committee or anywhere else in favor of conferring power on Congress to regulate the labor of children in the homes and on the farms.

Mr. McKEOWN. Will the gentleman yield?

Mr. RAMSEYER. No; I have only five minutes. The resolution before us includes the labor of persons under 18 years of age in the homes and on the farms. I am here to tell you that, in my opinion, the people do not expect us to confer any such power on Congress. The only demand before us is to confer on Congress by a constitutional amendment the power to enact legislation regulating the labor of children in mines and factories and no more. With this demand I am in entire accord.

What does the proposed amendment before us provide? Let me read: "The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age." Mark right here too it does not say "the 'employment' of persons under 18 years of age," but "the 'labor' of persons under 18 years of age."

Mr. MACLAFFERTY. Sixteen years of age now.

Mr. RAMSEYER. Yes, now; but your amendment will have to make another hurdle.

A boy who is sent out by his father to milk the cows, labors. If this same boy is hired by a neighbor to milk cows, he is employed. Under the proposed amendment Congress will have the power to regulate the labor of a boy under the direction of his father as well as the employment of the same boy when he works for a neighbor or a stranger. Under the proposed amendment Congress will have the power to "limit," "regulate," and "prohibit" the labor of girls under 18 years of age in the homes and of boys under 18 years of age on the farms.

Gentlemen admit that the effect of the proposed amendment is just as I state it, but they say, "Oh, Congress will never exercise that power." Why, then, I ask you, confer power on Congress that you do not expect and do not want Congress to exercise? Furthermore, I call your attention to the fact that no express power was ever conferred on Congress by constitutional amendment that Congress did not proceed to exercise. If you confer power on Congress to limit, regulate, and prohibit the labor of persons under 18 years of age in the homes and on the farms, as well as in the factories and mines, the time will come when a demand will be made on Congress to exercise that very power. And who now can guarantee that Congress, if the proposed amendment is ratified, will confine its legislation in the future to limiting, regulating, and prohibiting child labor in factories and mines, unless you adopt my amendment?

Now, if you want to pass something here that will receive the ratification of three-fourths of the State legislatures, which will necessarily have to include many legislatures in predominantly agricultural States, I admonish you to be reasonable and to restrict the proposed amendment to child labor in factories and mines. Of course if you want to put out a proposal that you know will not be ratified and at the same time satisfy a certain class of propagandists, stick by the resolution as the committee reported it and vote down my amendment. If you want to yield to enlightened public opinion for a constitutional amendment to confer power on Congress to limit, regulate, and prohibit child labor in factories and mines, and if it is your honest desire to vote for a proposal which will be ratified by the requisite number of State legislatures, then I urge you to support my amendment. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania rose.

Mr. FOSTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair will first recognize the gentleman from Pennsylvania.

Mr. FOSTER. Will the Chair recognize some one in opposition?

The CHAIRMAN. The Chair told the gentleman from Pennsylvania a moment ago that he would recognize him.

Mr. GRAHAM of Pennsylvania. Mr. Chairman and gentlemen of the committee, the gentleman from Ohio [Mr. FOSTER] made a statement upon the floor that I had in every way hindered and obstructed the consideration of this amendment in the Committee on the Judiciary of this House. I can not out of respect to my own sense of honor let that statement

pass unchallenged, but I denounce it here and now as utterly untrue and without basis in fact. [Applause.]

Mr. RAKER. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. The point of order is, as ruled by the Speaker the other day, that we should not discuss what occurred in the committee. Nobody raised the objection a moment ago. I did not have time.

The CHAIRMAN. The gentleman from Pennsylvania will proceed in order. The gentleman knows the rules.

Mr. RAKER. The gentleman ought to know the rules. Does the Chair overrule the point of order?

The CHAIRMAN. Yes. The Chair overrules the point of order.

Mr. HOWARD of Nebraska. Mr. Chairman, a point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. GRAHAM of Pennsylvania. No.

Mr. HOWARD of Nebraska. Mr. Chairman, I make the point of order that the gentleman has been using language contrary to the rules of the House. He called another Member on the floor a liar. [Laughter.] Is that parliamentary?

The CHAIRMAN. The gentleman from Nebraska has his regular course of procedure if what he states is true, and the gentleman from Pennsylvania will proceed in order. [Laughter.]

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I am only going to add that so far as this amendment is concerned it has been treated with the utmost fairness and without the intervention of any obstructive act on my part, and I know that the committee of which I have the privilege of being chairman will bear me out in that assertion.

Mr. LONGWORTH. Mr. Chairman will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LONGWORTH. As one who has been in entire sympathy with this constitutional amendment since the beginning I want to say that the gentleman from Pennsylvania is entirely correct in his statement and that to my knowledge the gentleman has not only offered no obstruction, but he went as far as he could to bring this measure before the House. [Applause.]

Mr. GRAHAM of Pennsylvania. Now, Mr. Chairman, I do not wish to hinder or obstruct the committee or keep them back one second more in voting on this measure.

Mr. FOSTER. Mr. Chairman, I rise in opposition to the motion.

Mr. McKEOWN. Mr. Chairman, I make the point of order that the debate is exhausted.

The CHAIRMAN. The gentleman from Ohio will be recognized for five minutes as having moved to strike out the last word. [Cries of "Regular order!"] The committee is proceeding in regular order; and if gentlemen will preserve regular order themselves, the committee will get somewhee.

Mr. FOSTER. Mr. Chairman, I want to say this——

Mr. McKEOWN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McKEOWN. Is not the debate exhausted? I make the point of order that the debate has been exhausted.

The CHAIRMAN. The Chair overrules the point of order.

Mr. FOSTER. Mr. Chairman, I only want to take up one or two minutes. What I said was deliberately said, and what I said was truthfully said; and I say to the members of the committee that I leave it to them to say whether we were obstructed from beginning to end, and that the testimony was subjected to two weeks' delay.

Mr. BRITTEN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BRITTEN. The gentleman from Ohio is not talking to the amendment.

Mr. FOSTER. I am talking to a very material thing that was injected into the debate.

The CHAIRMAN. The gentleman from Ohio knows the rules and will proceed in order. [Cries of "Vote!" "Vote!"] The question is on agreeing to the amendment.

Mr. MacLAFFERTY. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. The gentleman from California asks unanimous consent that the amendment may again be reported. Is there objection?

Mr. McKEOWN. I object.

The CHAIRMAN. Objection is made.

Mr. LONGWORTH rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LONGWORTH. I desire to move that all debate on this section and all amendments thereto be now closed.

Mr. FOSTER. I ask that the amendment be read in my time.

Mr. LONGWORTH. I beg the gentleman's pardon.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amendment offered by Mr. RAMSEYER: On page 1, strike out all of lines 9, 10, and 11 and insert in lieu thereof the following: "Congress shall have power to limit, regulate, and prohibit the labor in mines, quarries, mills, workshops, factories, or manufacturing establishments of persons under 16 years of age."

Mr. FOSTER. I want on that to submit just one paragraph from the testimony of Miss Abbott.

Mr. McKEOWN. Mr. Chairman, I make the point of order that the gentleman is not talking to the amendment.

The CHAIRMAN. The point of order is overruled.

Mr. FOSTER. Of the 48 State legislatures, none of them at any time has seen fit to restrict work on the farm; neither have either of the two Federal laws that have been put through Congress sought to so restrict.

Mr. McKEOWN. Mr. Chairman, the gentleman is not discussing the amendment.

Mr. FOSTER. I am discussing the amendment. That paragraph I wish to read is this, which I think reflects the testimony of every one appearing before the committee, so far as relating to child labor and its effect on agriculture in the United States. I read:

No one is advocating, that I know of, at the present time a statute regulating agricultural child labor for the United States, if the amendment does not prohibit it. We do not know what will develop with reference to agricultural labor in the future at all. We may have in the next 10 years, or the next 100 years, a totally changed situation from what we have now. We may have a vast growth of large-scale agriculture, and children will not be employed on the home farm but under conditions approximating industrial employment.

Mr. McKEOWN. Mr. Chairman, the gentleman is not discussing the last word. He moved to strike out the last word.

Mr. FOSTER. I shall read further:

Who can know? I can not say what will happen 100 years from now, and certainly I would not like to attempt to say now, because it would be sure to be wrong. Consequently, it seems to me a full grant of power to Congress is in line with the other grant of powers in the Constitution. Then the question of a particular statute could be taken care of. If it were a question of a statute being passed at this time to regulate child labor on the farms, I would be among those who would not favor the enactment of such a statute.

In other words, they have sought to build up a straw man that did not exist in any one of the 48 States and that was never contemplated in either of the two Federal laws.

The CHAIRMAN. The time of the gentleman from Ohio has expired. [Cries of "Vote!" "Vote!"]

Mr. TILSON rose.

The CHAIRMAN. For what purpose does the gentleman from Connecticut rise?

Mr. TILSON. Mr. Chairman, I ask the poor privilege of extending my remarks in the RECORD on this amendment.

The CHAIRMAN. The Chair will state that the gentleman has that privilege.

Mr. TILSON. Mr. Chairman, never before during my long service in this House have I approached a vote with such doubt and misgiving. If I understand myself aright, it is my most sincere desire that every vote I cast here shall be in its ultimate effect for the best interest of my country. I wish that I might know in this instance what is that best interest.

Two matters as to which I have deep and sincere convictions are here arrayed diametrically opposite to each other, so that I must choose between them and in choosing sacrifice the one or the other. I have long believed that the tendency in our political life that is fraught with the greatest danger to our Nation and its continued well-being is the tendency to transfer governmental functions from the States to the Nation. If this great experiment of ours in constitutional government over a large area fails and this Republic falls it is my belief that the rapid centralization at Washington now taking place will prove to be one of the important causes of the failure. The proposed amendment is a step in that direction, and I hate to vote for it.

On the other hand, what this country shall be in the years to come depends upon the children of to-day. How are they to be best fitted for their responsibilities? I have always favored proper legislation for their welfare. I would not by any vote of mine lend aid or comfort, directly or indirectly, to any who

would exploit children or their labor. I have three children of my own, all of tender years, and dearer to me than life itself. With them in my mind, as they are constantly, I should not wish to run the risk of helping to rob some other child of its childhood, with all the resultant evil effects of such action.

It is said, with considerable force, that such an amendment as this is the only adequate means of dealing with the subject. Hence the difficulty of my situation. It is something like what happens when an irresistible force meets an immovable object. I must run counter to firmly fixed convictions whichever way I turn, so that it is necessary to decide in accordance with my best judgment which course will produce the greater good or the lesser evil. If I err against the children and the amendment is lost, there is no chance for the error to be corrected. If the error is on the other side and the amendment is submitted to the States there will be an opportunity for them to correct the error by refusing to ratify. Therefore, although with reluctant doubt and misgiving, I shall cast my vote for the submission of the amendment.

Mr. LONGWORTH. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in five minutes.

Mr. McKEOWN. Mr. Chairman, I offer an amendment to that motion.

The question was taken, and the motion was agreed to.

Mr. McKEOWN. I have some rights and I am not going to be run over.

The CHAIRMAN. The gentleman from Arkansas is recognized. For what purpose did the gentleman from Oklahoma rise?

Mr. McKEOWN. I rose to offer an amendment to the motion of the gentleman from Ohio.

The CHAIRMAN. The Chair believes he owes an apology to the gentleman from Oklahoma. He thought the gentleman was seeking recognition on another amendment about which he spoke to the Chair some time ago. I think in all fairness the gentleman should have an opportunity to offer his amendment to the motion made by the gentleman from Ohio. [Applause.]

Mr. McKEOWN. Mr. Chairman, I offer an amendment that debate close in 10 minutes instead of 5 minutes.

The question was taken; and on a division (demanded by Mr. McKEOWN) there were—ayes 153, noes 9.

The CHAIRMAN. Without objection, the motion as amended will be agreed to.

There was no objection.

Mr. WINGO. Mr. Chairman, the basis for the action of the House to-day is the provision of the Constitution which provides that when the requisite number of Members of Congress deem it necessary they may submit an amendment to the Constitution to the States for ratification.

Now, what is necessary, gentlemen, and what has provoked or, rather, given rise to this proposed legislation? It is because the action of Congress in seeking to regulate or limit labor of a certain harmful character by minors has been declared unconstitutional by the Supreme Court of the United States. Now, was the action of Congress that was thwarted by that decision action that went beyond the amendment which the gentleman from Iowa has offered? Certainly not.

The necessity to which Congress should respond in the submission of an amendment to the Constitution is claimed to be the necessity to regulate not the labor of all children under 16 years of age but the labor of children in mines, factories, and mills; or, in other words, deleterious special employments about which there is an agreement that it is injurious to child life under 16 years of age. Is not that the proposal? Is not that the thing which has been thwarted by the decision of the Supreme Court and which Congress now seeks to remedy by constitutional amendment? If that be true, I say to the proponents of this measure: Why should you jeopardize the adoption of your amendment by the States by voting down the amendment offered by the gentleman from Iowa, and throwing it open to the objection that many good men have who believe in the restriction of child labor, but who do not believe in placing it within the power of Congress to restrict labor that is not injurious and that is not contended now by any large proportion of the people is injurious?

I submit this for the consideration of the proponents of this measure, that the proposal offered by the gentleman from Iowa, the pending amendment, will meet the necessity which the constitutional provision says Congress shall respond to by submitting an amendment to the Constitution to the respective States. The gentleman from Iowa by his amendment is covering that which is admitted by the proponents is the only deleterious employment of children. Why should you go beyond that? And I am speaking now to you who are the proponents of this measure, who want to put this proposal through the States. Why do you go out and say to the legislatures of the States, "We ask you to surrender your sovereign power; we ask you to go further than any amendment to the Constitution has ever gone before and do it to an extent that nobody has contended is necessary"?

Nobody knows what is in the womb of time; nobody knows, with the changed conditions 50 years from now and with the gradual decreasing influence of the agricultural vote, what that power in the hands of Congress will mean, a power which you may rest assured will be used, or, at least, the States, when they come to pass on this amendment, will be afraid will be used.

If you really want to get your amendment through, you should adopt the pending amendment, the amendment offered by the gentleman from Ohio.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. OLIVER of Alabama. The gentleman from Ohio admits that that is the thing, after all, that is now needed?

Mr. WINGO. Certainly; that is the admission of the gentleman from Ohio. He says the States have not sought to regulate anything beyond the amendment of the gentleman from Iowa. Well, if the States have not done it, it is because there is not any demand, and if there is no demand to go beyond that, what is the necessity for Congress seeking a power beyond that?

Mr. HASTINGS. Mr. Chairman——

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry. I understood when I yielded to the gentleman from Oklahoma [Mr. McKEOWN] to propose his amendment he desired to make some remarks himself. I should not have done it under any other circumstances.

Mr. McKEOWN. I yielded my time to my colleague, Mr. Hastings, who just wants half a minute.

Mr. DOWELL. Mr. Chairman, I make the point of order that the gentleman from Oklahoma has no right to yield his time.

The CHAIRMAN. The point of order is overruled and the Chair recognizes the gentleman from Oklahoma [Mr. HASTINGS] for five minutes.

Mr. HASTINGS. Mr. Chairman and gentlemen of the committee, I rise for the purpose of stating that two of my colleagues from Oklahoma [Mr. HOWARD and Mr. McCLINTIC] are unavoidably absent. They instructed me to say that if they were present they would vote for this resolution. [Applause.]

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. HUDSON) there were—ayes 120, noes 158.

So the amendment was rejected.

Mr. OLIVER of Alabama. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OLIVER of Alabama: Page 1, line 11, after the word "age," strike out the period, insert a colon, and add the following: "*Provided*, That the power herein conferred on Congress shall be comprehensive with but not greater than that exercised by the legislature of any State prior to April, 1924, in reference to the labor of persons under 18 years of age."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was rejected.

Mr. McSWAIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: Page 1, line 11, after the word "age," strike out the period, insert a colon, and add the following: "*Provided*, That no law shall control the labor of any child in the house, or business, or on the premises connected therewith, of the parent or parents."

The question was taken, and the amendment was rejected.

Mr. McSWAIN. Mr. Chairman, I have another amendment at the desk.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McSwain: Page 1, line 11, after the word "age," strike out the period, insert a comma, and add: "But no law enacted under this article shall affect in any way the labor of any child or children on the farm of the parent or parents."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. McSwain) there were—ayes 76, noes 192.

So the amendment was rejected.

Mr. MOORE of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Moore of Virginia: Page 1, line 11, after the word "age," strike out the period and add the following, after a comma: "but not the labor of such persons in the homes and on the farms where they reside," so that the article will read:

"Section 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 16 years of age, but not the labor of such persons in the homes and on the farms where they reside."

The question was taken; and on a division (demanded by Mr. Moore of Virginia) there were—ayes 89, noes 185.

So the amendment was rejected.

Mr. LINTHICUM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. Linthicum: Page 1, line 6, after the word "States," insert "and this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures in the several States as provided in the Constitution within seven years from the submission hereof to the States by the Congress."

Mr. McKEOWN. Mr. Chairman, I make the point of order against that that it has been voted on twice, and it is not germane.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that this same amendment has been twice voted upon.

Mr. LINTHICUM. The amendment that was voted upon contained the provision for conventions, and this is the ratification by legislatures. It is a different proposition.

Mr. McKEOWN. I make the point that it is not germane to the section.

The CHAIRMAN. In the opinion of the Chair, there is no question but that this amendment has not been voted on before, and that it is germane. The Chair overrules the point of order. The question is on the amendment of the gentleman from Maryland.

The question was taken, and the amendment was rejected.

Mr. JONES. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 10, after the word "the," insert the word "commercial."

Mr. JONES. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. JONES. Has debate been exhausted?

The CHAIRMAN. Debate has been closed, and the question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The Clerk, continuing the reading of the reasolution, read as follows:

Sec. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

Mr. McKEOWN. Mr. Chairman, I move to strike out section 2. Mr. Chairman, I do not know what came before the committee that authorized the insertion of this paragraph. I want you to give a little attention to this, because I think it is a question of seriousness. I am in favor of this legislation and do not want to impede its passage, but you are putting in here a provision that will bring laws enacted under this amendment into the courts to be tested in individual cases from time to time. Why is it not sufficient as a constitutional amendment to use the language provided for in section 1? That is sufficient. You do not want legislative language in your Constitution. I am appealing to you because in section 2 you have a provision that will bring about a great lot of litigation in the future. Why say the power of the several States is unimpaired by this article? Why say "except that the operation of State laws shall be suspended to the extent necessary to give assent to legislation enacted by the Congress"? Why the surplusage? Why put this language in an amendment to the Constitution? It certainly would be sufficient to give the power to Congress, which it ought to have, to pass such laws as shall be necessary with an amendment in the Constitution and the law of Congress will be supreme without this recitation here.

Is this a sugar coat to make the legislatures willing to swallow it more easily? That ought not to be its purpose. In legislating to submit an amendment to the Constitution we ought to use constitutional language. The language of the Constitution is not legislative language. Section 1 of this amendment to the Constitution gives full and complete power.

Mr. BURTNESS. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. BURTNESS. The gentleman's contention is sustained by the decision of the Supreme Court in the pure-food cases, where provisions in the State law were in conflict with the Federal laws and were held unavailing and set aside.

Mr. McKEOWN. You are putting the power for Congress in section 1, and now you are tying a string to it in section 2 to hold it back. You do not want to hold back anything.

Mr. BURTNESS. I think the gentleman is right in his contention. I think section 2 does not add anything but puts a stump speech into the constitutional amendment.

Mr. FOSTER. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. FOSTER. There being 28 States with laws prohibiting child labor above 18 years of age, is it likely that this provision might make clear to the respective States that they can go above the minimum?

Mr. McKEOWN. The power is limited to 16 years at present as amended, and if the constitutional amendment is adopted the laws of Congress will be supreme irrespective of State legislation.

Mr. CARTER. Section 1 does not deal with anything except children under 16 years of age, so the States would have a right to regulate without this section 2.

Mr. McKEOWN. Section 2 does not add anything to the Constitution and let us amend it like those who understand the Constitution.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma to strike out the section.

The question was taken; and on a division (demanded by Mr. McKeown) there were 110 ayes and 125 noes.

Mr. McKEOWN. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. Foster and Mr. McKeown.

The committee again divided; and the tellers reported—ayes 93, noes 144.

So the amendment was rejected.

Mr. LONGWORTH. Mr. Chairman, I move that all debate upon the resolution and all amendments thereto do now close.

The motion was agreed to.

Mr. FOSTER. Mr. Speaker, I move that the committee do now rise and report the joint resolution to the House, with the amendment, with the recommendation that the amendment be agreed to and that the joint resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Begg, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House Joint Resolution 184 and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the joint resolution as amended do pass.

Mr. FOSTER. Mr. Speaker, I move the previous question on the joint resolution and amendment to final passage.

The previous question was ordered.

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

Mr. FOSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 169, nays 199, not voting 64, as follows:

YEAS—169

Abernethy	Box	Byrns, Tenn.	Dickinson, Iowa
Allen	Boyce	Campbell	Dickinson, Mo.
Allgood	Brand, Ga.	Canfield	Dominick
Almon	Brand, Ohio	Carter	Doughton
Andrew	Britten	Chindblom	Drewry
Arnold	Browne, N. J.	Cole, Iowa	Driver
Aswell	Browning	Collier	Evans, Iowa
Bankhead	Buchanan	Connally, Tex.	Faust
Beers	Buckley	Connolly, Pa.	Fisher
Bixler	Bulwinkle	Crisp	Fleetwood
Black, Tex.	Burtness	Croll	Fredericks
Blanton	Busby	Darrow	Free
Bowling	Butler	Davis, Tenn.	Freeman

French	Jost	Moore, Ga.	Stedman
Fulmer	Kearns	Moore, Va.	Swank
Funk	Kerr	Morehead	Thomas, Ky.
Garber	Kiess	Morris	Thomas, Okla.
Garrett, Tenn.	King	Morrow	Thompson
Garrett, Tex.	Kunz	Newton, Minn.	Tilson
Gasque	Lanham	Oliver, Ala.	Tinkham
Gifford	Lankford	Paige	Treadway
Gilbert	Larsen, Ga.	Park, Ga.	Underhill
Glatfelter	Lazaro	Parks, Ark.	Vaile
Graham, Ill.	Lea, Calif.	Peery	Vinson, Ga.
Graham, Pa.	Lilly	Pou	Vinson, Ky.
Green, Iowa	Lowrey	Quin	Wainwright
Griest	Luce	Rainey	Ward, N. Y.
Griffin	Lyon	Raker	Watson
Hammer	McKenzie	Ramseyer	Weaver
Harrison	McKeown	Rankin	Wertz
Hastings	McLaughlin, Mich.	Rayburn	White, Kans.
Haugen	McReynolds	Reed, Ark.	Williams, Mich.
Hawes	McSwain	Robinson, Iowa	Williams, Tex.
Hill, Ala.	MacLafferty	Romjue	Wilson, La.
Hooker	Madden	Rubey	Wingo
Howard, Nebr.	Magee, N. Y.	Sabath	Winslow
Hudson	Major, Mo.	Salmon	Woodrum
Hudspeth	Mansfield	Sanders, Tex.	Wright
Hull, Tenn.	Martin	Sandlin	Wyant
Hull, William E.	Merritt	Sherwood	Yates
Jeffers	Milligan	Smithwick	
Johnson, Tex.	Minahan	Sproul, Ill.	
Jones	Montague	Steagall	

NAYS—199

Aldrich	Favrot	Lineberger	Sanders, N. Y.
Anthony	Fenn	Linthicum	Schafer
Ayres	Fish	Little	Schneider
Bacharach	Fitzgerald	Longworth	Seger
Bacon	Foster	Lozier	Shallenberger
Barbour	Frear	McDuffie	Shreve
Barkley	Frothingham	McSweeney	Simmons
Beck	Fulbright	Major, Ill.	Sinclair
Beedy	Gardner, Ind.	Manlove	Sinnott
Begg	Garner, Tex.	Mapes	Sites
Berger	Geran	Mead	Smith
Black, N. Y.	Gibson	Michener	Snell
Bland	Goldsborough	Miller, Ill.	Speaks
Boies	Greene, Mass.	Miller, Wash.	Sproul, Kans.
Boylan	Greenwood	Mills	Stalker
Briggs	Hadley	Mooney	Stengle
Browne, Wis.	Hardy	Moore, Ohio	Stephens
Burdick	Hawley	Moores, Ind.	Strong, Kans.
Cable	Hayden	Morgan	Summers, Wash.
Cannon	Hersey	Mudd	Sumners, Tex.
Carew	Hickey	Murphy	Swing
Casey	Hill, Md.	Nelson, Me.	Swoope
Celler	Hill, Wash.	Nelson, Wis.	Taber
Christopherson	Holaday	Nolan	Tague
Clague	Huddleston	O'Brien	Taylor, Colo.
Clancy	Hull, Iowa	O'Connell, N.Y.	Taylor, Tenn.
Collins	Humphreys	O'Connell, R. I.	Taylor, W.Va.
Colton	Jacobstein	O'Connor, La.	Temple
Connery	James	O'Connor, N.Y.	Thatcher
Cook	Johnson, Ky.	O'Sullivan	Tillman
Cooper, Ohio	Johnson, S. Dak.	Oldfield	Timberlake
Cooper, Wis.	Johnson, Wash.	Oliver, N. Y.	Tincher
Corning	Johnson, W. Va.	Parker	Tucker
Cramton	Keller	Patterson	Tydings
Crosser	Kelly	Peavey	Underwood
Crowther	Kendall	Perkins	Vincent, Mich.
Cullen	Kent	Perlman	Voigt
Cummings	Ketcham	Phillips	Watkins
Dallinger	Kincheloe	Prall	Watres
Davey	Kindred	Purnell	Weller
Deal	Kopp	Quayle	White, Me.
Denison	Kurtz	Ragon	Williams, Ill.
Dickstein	Kvale	Rathbone	Williamson
Dowell	LaGuardia	Reece	Wilson, Ind.
Doyle	Lampert	Reed, N. Y.	Winter
Dyer	Larson, Minn.	Reid, Ill.	Wolff
Eagan	Leatherwood	Richards	Wood
Elliott	Leavitt	Roach	Woodruff
Evans, Mont.	Lehlbach	Robsion	Young
Fairfield	Lindsay	Rouse	

NOT VOTING—64

Ackerman	Fairchild	MacGregor	Sears, Nebr.
Anderson	Fuller	Magee, Pa.	Snyder
Bell	Gallivan	Michaelson	Stevenson
Bloom	Hoch	Moore, Ill.	Strong, Pa.
Brumm	Howard, Okla.	Morin	Sullivan
Burton	Hull, Morton D.	Newton, Mo.	Sweet
Byrnes, S. C.	Kahn	Porter	Upshaw
Clark, Fla.	Knutson	Ransley	Vare
Clarke, N. Y.	Langley	Reed, W. Va.	Vestal
Cleary	Lee, Ga.	Rogers, Mass.	Ward, N. C.
Cole, Ohio	Logan	Rogers, N. H.	Wason
Curry	McClintic	Rosenbloom	Wefald
Davis, Minn	McFadden	Sanders, Ind.	Welsh
Dempsey	McLaughlin, Nebr.	Schall	Wilson, Miss.
Drane	McLeod	Scott	Wurzbach
Edmonds	McNulty	Sears, Fla.	Zihlman

So the amendment was rejected.

The Clerk announced the following pairs:

Mr. Snyder with Mr. Wilson of Mississippi.
Mr. Ackerman with Mr. Lee of Georgia.
Mr. Davis of Minnesota with Mr. Drane.
Mr. Fairchild with Mr. McNulty.
Mr. Hull, Morton D., with Mr. Logan.
Mr. Langley with Mr. Clark of Florida.
Mr. Fuller with Mr. Byrnes of South Carolina.
Mr. Burton with Mr. Gallivan.
Mr. Curry with Mr. Sullivan.
Mr. McFadden with Mr. Ward of North Carolina.
Mr. Newton of Missouri with Mr. Upshaw.
Mr. Scott with Mr. Howard of Oklahoma.
Mr. McLaughlin of Nebraska with Mr. Wefald.
Mr. Ransley with Mr. Cleary.
Mr. Morin with Mr. Bloom.
Mr. McLeod with Mr. Bell.
Mr. Vare with Mr. McClintic.
Mr. Magee of Pennsylvania with Mr. Sears of Florida.
Mr. Welsh with Mr. Rogers of New Hampshire.
Mr. Hoch with Mr. Stevenson.

The result of the vote was announced as above recorded.

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

The joint resolution was ordered to be engrossed and read the third time; was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. MONTAGUE. Mr. Speaker, I send to the Clerk's desk a motion to recommit the joint resolution, and on that I move the previous question.

The SPEAKER. Is the gentleman opposed to the joint resolution?

Mr. MONTAGUE. Yes.

The SPEAKER. The gentleman from Virginia offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. MONTAGUE moves to recommit the resolution to the Committee on the Judiciary with instructions to report the same back forthwith with the following amendments:

Page 1, line 6, strike out the words "legislatures of" and insert the words "conventions in."

Page 1, line 11, after the word "age," add the following: "but not the labor of such persons in the homes and on the farms where they reside."

And at the end of the resolution, on page 2, add the following:

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by convention in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

Mr. RAMSEYER. Mr. Speaker, I demand a division of the question.

The SPEAKER. The Chair does not think it is subject to a division.

Mr. GARRETT of Tennessee. Mr. Speaker, I move the previous question on the motion to recommit.

Mr. BLANTON. Mr. Speaker, a point of order. A division is certainly——

The SPEAKER. The Chair does not recognize the gentleman from Texas.

Mr. BLANTON. But I am making the point of order.

The SPEAKER. The gentleman from Iowa [Mr. RAMSEYER] is recognized.

Mr. RAMSEYER. I am demanding a division of the motion. There are three substantive propositions, each independent of the other, and certainly, according to the practice heretofore followed, the House is entitled to have a vote on each separate proposition.

The SPEAKER. That might be plausible if that were a new question, but it has been decided. Section 6134, Hinds' Precedents, volume 5, says:

A division of the question is not in order on a motion to commit with instructions or on the different branches of the instructions.

The gentleman from Tennessee moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

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

Mr. MONTAGUE. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. Fifty-five gentlemen have arisen, not a sufficient number, it requiring 73.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the joint resolution.

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

Mr. GARRETT of Tennessee. Mr. Speaker, I understand a roll call is mandatory.

The SPEAKER. No; it is not mandatory.

Mr. FOSTER. Mr. Speaker, I ask for the yeas and nays.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 297, nays 69, answered "present" 2, not voting 64, as follows:

YEAS—297

Aldrich	Fish	Lehlbach	Rubey
Allen	Fisher	Lindsay	Sabath
Almon	Fitzgerald	Lineberger	Salmon
Anthony	Fleetwood	Little	Sanders, Ind.
Arnold	Foster	Longworth	Sanders, N. Y.
Ayres	Frear	Lozier	Sanders, Tex.
Bacharach	Fredericks	Luce	Schafer
Bacon	Freeman	Lyon	Schneider
Barbour	French	McKenzie	Seger
Barkley	Frothingham	McKeown	Shallenberger
Beck	Fulbright	McLaughlin, Mich.	Sherwood
Beedy	Funk	McReynolds	Shreve
Beers	Garber	McSweeney	Simmons
Begg	Gardner, Ind.	MacLafferty	Sinclair
Berger	Garrett, Tex.	Madden	Sinnott
Black, N. Y.	Gasque	Magee, N. Y.	Sites
Black, Tex.	Gerau	Major, Ill.	Smith
Boles	Gibson	Major, Mo.	Snell
Box	Gifford	Manlove	Speaks
Boyce	Glatfelter	Mapes	Sproul, Ill.
Boylan	Graham, Ill.	Mead	Sproul, Kans.
Briggs	Green, Iowa	Michener	Stalker
Britten	Greene, Mass.	Miller, Ill.	Stedman
Browne, N. J.	Greenwood	Miller, Wash.	Stengle
Browne, Wis.	Griest	Milligan	Stephens
Buckley	Griffin	Mills	Strong, Kans.
Burdick	Hadley	Minahan	Summers, Wash.
Burtness	Hammer	Mooney	Swank
Butler	Hardy	Moore, Ohio	Swing
Byrns, Tenn.	Harrison	Morehead	Swoope
Cable	Hastings	Morgan	Taber
Campbell	Haugen	Morris	Tague
Canfield	Hawley	Morrow	Taylor, Colo.
Cannon	Hayden	Mudd	Taylor, Tenn.
Carew	Hersey	Murphy	Taylor, W. Va.
Carter	Hickey	Nelson, Me.	Temple
Casey	Hill, Wash.	Nelson, Wis.	Thatcher
Celler	Holaday	Newton, Minn.	Thomas, Ky.
Chindblom	Howard, Nebr.	Nolan	Thomas, Okla.
Christopherson	Huddleston	O'rien	Thompson
Clague	Hudson	O'Connell, N. Y.	Tillman
Clancy	Hull, Iowa	O'Connell, R. I.	Tilson
Cole, Iowa	Hull, Tenn.	O'Connor, La.	Timberlake
Collier	Hull, William E.	O'Connor, N. Y.	Tincher
Collins	Jacobstein	O'Sullivan	Treadway
Colton	James	Oldfield	Underwood
Connery	Johnson, Ky.	Oliver, N. Y.	Vaile
Cook	Johnson, S. Dak.	Paige	Vincent, Mich.
Cooper, Ohio	Johnson, Tex.	Parker	Vinson, Ky.
Cooper, Wis.	Johnson, Wash.	Parks, Ark.	Voigt
Corning	Johnson, W. Va.	Patterson	Wainwright
Cramton	Jones	Peavey	Ward, N. Y.
Croll	Jost	Perkins	Watkins
Crosser	Kearns	Perlman	Watres
Crowther	Keller	Phillips	Weaver
Cullen	Kelly	Prall	Weller
Cummings	Kendall	Purnell	Wertz
Dallinger	Kent	Quayle	White, Kans.
Davey	Ketcham	Quin	White, Me.
Davis, Tenn.	Kiess	Ragon	Williams, Ill.
Denison	Kincheloe	Rainey	Williams, Mich.
Dickinson, Iowa	Kindred	Raker	Williamson
Dickinson, Mo.	King	Ramseyer	Wilson, Ind.
Dickstein	Kopp	Rankin	Winslow
Dowell	Kunz	Rathbone	Winter
Doyle	Kurtz	Reece	Wolff
Dyer	Kvale	Reed, Ark.	Wood
Eagan	LaGuardia	Reed, N. Y.	Woodruff
Elliott	Lampert	Reid, Ill.	Woodrum
Evans, Iowa	Lankford	Richards	Wyant
Evans, Mont.	Larson, Minn.	Roach	Yates
Fairfield	Lazaro	Robinson, Iowa	Young
Faust	Lea, Calif.	Robsion, Ky.	
Favrot	Leatherwood	Romjue	
Fenn	Leavitt	Rouse	

NAYS—69

Abernethy	Deal	Kerr	Rayburn
Allgood	Dominick	Lanham	Sandlin
Andrew	Doughton	Larsen, Ga.	Smithwick
Aswell	Drewry	Linthicum	Steagall
Bankhead	Driver	Lowrey	Sumners, Tex.
Bixler	Free	McDuffie	Tinkham
Bland	Fulmer	McSwain	Tucker
Blanton	Garner, Tex.	Mansfield	Tydings
Bowling	Garrett, Tenn.	Martin	Underhill
Brand, Ga.	Gilbert	Merritt	Vinson, Ga.
Brand, Ohio	Goldsborough	Montague	Watson
Browning	Graham, Pa.	Moore, Ga.	Williams, Tex.
Bulwinkle	Hawes	Moore, Va.	Wilson, La.
Busby	Hill, Ala.	Moores, Ind.	Wingo
Connally, Tex.	Hill, Md.	Oliver, Ala.	Wright
Connolly, Pa.	Hooker	Park, Ga.	
Crisp	Hudspeth	Peery	
Darrow	Jeffers	Pou	

ANSWERED "PRESENT"—2

Buchanan Humphreys

NOT VOTING—64

Ackerman	Davis, Minn.	Langley	Moore, Ill.
Anderson	Dempsey	Lee, Ga.	Morin
Bell	Drane	Lilly	Newton, Mo.
Bloom	Edmonds	Logan	Porter
Brumm	Fairchild	McClintic	Ransley
Burton	Fuller	McFadden	Reed, W. Va.
Byrnes, S. C.	Gallivan	McLaughlin, Nebr.	Rogers, Mass.
Clark, Fla.	Hoch	McLeod	Rogers, N. H.
Clarke, N. Y.	Howard, Okla.	McNulty	Rosenbloom
Cleary	Hull, Morton D.	MacGregor	Schall
Cole, Ohio	Kahn	Magee, Pa.	Scott
Curry	Knutson	Michaelson	Sears, Fla.
Sears, Nebr.	Sullivan	Vestal	Welsh
Snyder	Sweet	Ward, N. C.	Wilson, Miss.
Stevenson	Upshaw	Wason	Wurzbach
Strong, Pa.	Vare	Wefald	Zihlman

So, two-thirds having voted in the affirmative, the House joint resolution was passed.

The Clerk announced the following additional pairs:

On this vote—

Mr. Vestal and Mr. Rosenbloom (for) with Mr. Buchanan (against).
Mr. Ackerman and Mr. Morton D. Hull (for) with Mr. Snyder (against).
Mr. Davis of Minnesota and Mr. Bloom (for) with Mr. Fairchild (against).
Mr. Porter and Mr. Burton (for) with Mr. Vare (against).
Mr. Gallivan and Mr. Wurzbach (for) with Mr. Lee of Georgia (against).
Mr. McLeod and Mr. Curry (for) with Mr. Ransley (against).
Mr. Magee of Pennsylvania and Mr. Wilson of Mississippi (for) with Mr. Humphreys (against).
Mr. Sweet and Mr. Scott (for) with Mr. Welsh (against).
Mr. Hoch and Mr. Newton of Missouri (for) with Mr. Stevenson (against).
Mr. Rogers of Massachusetts and Mr. Rogers of New Hampshire (for) with Mr. Ward of North Carolina (against).
Mr. Morin and Mr. McNulty (for) with Mr. Bell (against).

Until further notice—

Mr. Michaelson with Mr. Lilly.
Mr. McFadden with Mr. Sears of Florida.
Mr. Clarke of New York with Mr. McClintic.
Mr. Wason with Mr. Cleary.
Mr. Fuller with Mr. Howard of Oklahoma.
Mr. Schall with Mr. Upshaw.
Mr. Sears of Nebraska with Mr. Sullivan.
Mr. Anderson with Mr. Logan.
Mr. Brumm with Mr. Drane.
Mr. McLaughlin of Nebraska with Mr. Wefald.

Mr. CAMPBELL. Mr. Speaker, I wish to say on behalf of my colleagues from Pittsburgh, Mr. MORIN and Mr. MAGEE, that Mr. MORIN is detained at home on account of the critical illness of his wife, and Mr. MAGEE is detained on account of the illness of himself. If they were present, they would both vote "yea."

Mr. KVALE. Mr. Speaker, I wish to state that my colleague from Minnesota, Mr. WEFALD, is unavoidably absent. If he were present, he would vote "yea."

Mr. CONNERY. Mr. Speaker, my colleague, Mr. GALLIVAN, is prevented from being present by reason of illness. If he were present, he authorizes me to say, he would gladly vote "yea."

Mr. FOSTER. Mr. Speaker, my colleague from Ohio, Mr. BURTON, is absent on account of illness. He asked me to state that if he were present he would vote "yea."

Mr. TAGUE. Mr. Speaker, my colleague, Mr. ROGERS of New Hampshire, is unavoidably absent. If he were present, he would vote "yea."

Mr. HOWARD of Nebraska. Mr. Speaker, my colleague from Nebraska, Mr. SEARS, is not here, and I think, unfortunately, he is not paired. I do not know for sure; but I do know that if he were here he would have voted "yea."

The result of the vote was announced as above recorded.

On motion of Mr. FOSTER, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

EXTENSION OF REMARKS

Mr. MOORE of Virginia. Mr. Speaker, I ask that I may be permitted to extend my remarks by printing a brief address which I made some time ago on some aspects of the constitutional situation.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks by inserting an address on some aspects of the constitutional situation. Is there objection?

There was no objection.

CHILD LABOR CONSTITUTIONAL AMENDMENT.

Mr. DENISON. Mr. Speaker, there are two questions involved in the consideration of the resolution now under discussion. The first is, Shall we, as representatives of the people, submit to the several States for their consideration the proposed amendment to the Constitution?

The second is, Should the Constitution be amended as proposed?

Responsibility for the answer to the first question rests upon us alone. It is for Congress to say, by a two-thirds vote of both Houses, whether we will permit the States to consider and determine for themselves whether or not the Constitution shall be so amended as to authorize Congress to enact legislation that will, to a limited extent, nationalize the regulation of the employment of children under 18 years of age. The responsibility for the wise determination of the latter question

rests not with us but with the legislatures of three-fourths of the States.

These two questions have been confused in the discussions here. You and I may, as individuals, be conscientiously opposed to amending the Constitution in the manner proposed, but if we are convinced that there is a widespread and affirmative sentiment in favor of more effective legislative regulation and control of child labor, and if we are sure, as we now must be, that Congress is powerless to provide the remedy, then it is our duty, I think, to submit the subject to the States for them to decide whether they want the Constitution so amended.

If three-fourths of the sovereign States desire to amend the Constitution so as to confer upon Congress this power to regulate, in a limited way, the employment of children under 18 years of age, why should we, who were perhaps not elected on that issue, deny them the right to do so? Should we allow our personal persuasions or prejudices to so far control our public actions here as to lead us to a denial of the right of the people of the States to amend the Constitution as they may choose, if there is apparent a general sentiment and feeling that such an amendment is needed, if not necessary?

No one who has followed or read with an open mind the evidence presented to the Judiciary Committee that considered and reported this resolution, no one who has to any extent come into general contact with the people of the country, can reasonably doubt, in my humble judgment, that there is a nation-wide public belief that Federal child-labor legislation is needed and that there is a very general sentiment in favor of a constitutional amendment for that purpose.

If we should prove to be in error, if it should turn out that three-fourths of the States do not want Congress to have power to legislate on this subject, they would refuse to ratify the amendment, and no harm would be done by its submission.

For while our approval of this resolution might have a persuasive effect, it would not have a compelling influence on the legislatures of the different States. And it were better, it seems to me, to err in submitting to the people a constitutional amendment which three-fourths of the States might not afterwards in their wisdom approve, rather than, by refusing to submit it, deny to the people the privilege of approving an amendment which three-fourths of the States might want to adopt.

The gentleman from Tennessee [Mr. GARRETT] and others have during this discussion presented very forceful and persuasive arguments against the amendment. But their arguments were directed wholly to the merits of the ultimate question, the question that is to be determined by the legislatures of the States.

I do not think that the question we are to decide in the consideration of this resolution is at all identical with the question to be decided by the States if the amendment is submitted.

If we are convinced that the public sentiment and demand for this proposed amendment is so general that three-fourths of the States would approve it, then the necessity for it, required by section 5 of the Constitution, has arisen, and we should not hesitate to pass the resolution.

If the resolution is approved and the proposed amendment submitted to the States and ratified by three-fourths of them, then we should willingly submit to the wishes of the people, thus expressed in the manner approved by the fathers, and give it our loyal support as a part of the fundamental law of the land, whatever our personal views may have been with respect to it. And this applies not only to this proposed amendment but also to the prohibition amendment and to all others that have become a part of the Constitution.

As to this proposed amendment, I shall not only support the resolution submitting it but I will urge the legislature of my State to approve it. I wish it were not necessary to amend the Constitution in order to accomplish the purpose sought to be accomplished. I agree with those who do not believe that the Constitution ought to be amended except for purposes which appear to be urgently necessary for the public welfare. I think it is difficult to improve upon the original Constitution that the fathers gave us. Several amendments that have been adopted were, I think, a mistake.

An amendment to the Constitution has been proposed, I believe, by the Senator from New York [Mr. WADSWORTH], which would require that no proposed amendment to the Constitution can be ratified by the legislature of a State until after at least one branch of the legislature has been elected subsequent to the date of submission. If that amendment reaches the House, I will support it, because I think that the Constitution should only be amended after ample time for mature deliberation by the legislatures of the States and after the people of the States have had an opportunity to elect at least one branch of their legislature with full knowledge of the proposed amendment.

But Article V of the Constitution says that the Congress shall propose amendments to the Constitution whenever two-thirds of both Houses deem it necessary. I construe that language to mean whenever two-thirds of both Houses are convinced that there is such a demand for the change in the fundamental law that three-fourths of the States desire it and would ratify the amendment.

I believe that it will be in the interest of the public welfare for Congress to be given the power to enact laws for the protection of the children of the country under the age of 18 years; and I am convinced that the proposed amendment will be promptly ratified by at least three-fourths of the States. Therefore I think it is my duty to support this resolution.

Mr. Speaker, I was a member of the Labor Committee of the House that reported the first child labor bill in February, 1916. After full hearings I voted to report the bill to the House. I addressed the House in favor of it on February 2, 1916, and voted to pass it. I also voted for the second child labor law that was enacted after the first was held unconstitutional.

I always had some doubt as to the constitutionality of those laws. But my doubt did not amount to a positive conviction, and I felt that the doubt ought to be resolved in favor of the law in view of the various decisions of the Supreme Court liberally construing acts of Congress based upon the commerce clause of the Constitution. In addressing the House on that subject on February 2, 1916, I stated:

> Now, Mr. Chairman, the constitutionality of this bill presents a more difficult question. I confess I was at first of the opinion that the bill, if it should become a law, would be held unconstitutional. I feared that it might be held that this legislation was but an attempt to do indirectly what Congress could not do directly—that is, legislate upon questions of purely local employment and production. But the more I have considered the question, in view of the later decisions of the Supreme Court, the further I have gotten from my first opinion. It is still a doubtful question in my mind whether the bill, if it passes, will be held valid should its validity be tested. * * *
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> Unlike the gentleman from Kentucky [Mr. Sherley], I think if we have only a doubt of the constitutionality of a bill which does not amount to a positive conviction, it is our duty to vote for it.

The Supreme Court has settled the question as to the power of Congress to enact such legislation under our present constitutional limitations. And I think we should willingly accept their conclusions upon that question. I do not agree with those who rebel against decisions of the Supreme Court, whether they be by 5 to 4 or by any other number of the court, that interpret the limitations of Congress in the enactment of legislation. We should guard carefully the prerogatives of that court and preserve respect for its decisions and acquiesce in its constructions of our constitutional limitations.

And I think it were far better to proceed in the regular way and amend the Constitution in order to give Congress powers we do not now possess than to condemn the court for holding an act of Congress unconstitutional and give countenance to the various proposed un-American schemes for depriving the court of the power it has exercised since the beginning of the Government to judicially review and pass upon the validity of the acts of Congress.

In my remarks made in this Chamber on February 2, 1916, I made this statement:

> Mr. Chairman, I do not believe that any child, boy or girl, under 16 years of age ever voluntarily sought and continued employment that confined him or her to a continuing task for from 8 to 11 hours a day. It is contrary to human nature to expect such a thing. Children of that age need fresh air and sunshine; they need play and recreation; and common sense tells us that they will not work at a continuing task where they are confined indoors unless under compulsion. And, Mr. Chairman, when the parents of children under 16 years of age, through ignorance or selfishness, or even for a more commendable motive, if you please, insist on driving them into the mills or canneries or factories, and keeping them there for 8 or 10 hours a day, I say that it is time for the Government to step in and say to the parents, "You shall not do it."
>
> This duty rests, of course, upon the State government in the first instance. But when the State fails to do its duty, I believe the National Government should extend its strong arm and, as far as it can do so within its constitutional limitations, protect little children from the selfishness of employers and the ignorance or indifference of their parents by prohibiting the products of their enforced labors from the privileges of interstate commerce.

Those are still my views; but since the Supreme Court has held that we could not do that under the commerce clause of the Constitution, I think we should give the States the privilege of saying whether they will amend the Constitution so as to give Congress the necessary power to do so.

Mr. Speaker, the childhood years of those who are to be our future citizens, who are to defend our liberties, conduct the affairs of government, and preserve and perpetuate the Republic in the years to come, are those in which the Government is most vitally interested. It is during childhood years, before the age of 18, that the moral character, the mental development, and the physical manhood or womanhood are generally determined. Employment of children in certain kinds of industry often dwarfs them mentally and morally and wrecks them physically. I believe the Federal Government ought to have the power to enact such legislation as may appear necessary to protect the children of the country from the evils of child labor. I think that power should be invoked only when it is absolutely necessary. But when the States refuse to act, or when their legislation is wholly inadequate, then I believe the Federal Government should step in, exercise its right and duty, and protect by proper legislation the health and safety and the welfare of those upon whom it will in the future depend for its own protection and perpetuity.

So I am in favor of amending the Constitution so as to give Congress that right. At least, I feel it is my duty as a Representative to support this resolution and submit the amendment to the several States so that they may decide and determine whether or not they wish to confer this additional and most important power upon Congress.

Mr. COOK. Mr. Speaker, I am in favor of this resolution proposing the question of child labor to the judgment of the States. It will give them an opportunity to determine whether or not they desire to confer the power to regulate this question on the Federal Government. This Congress can not dictate to them; all it can do is to propose the question and ask them to decide it. It is wholly within their will as to whether they will surrender the right or retain it. They can ratify or reject. The wisdom or propriety of it rests with them. Under the circumstances in this case, much of the able argument made against proposing it would be more properly addressed to the legislatures of the several States after it is proposed.

Of course, I concede that Congress should not propose amendments in a trifling manner, and unless there is some national evil which can not or is not properly dealt with by the States, and that there is a considerable demand by the people for legislation to cure the evil. Is there such an evil? That seems to be conceded. It has not been denied that certain interests have been and are employing child labor in mines and factories in order to obtain cheaper labor; that in this way the child has been and is deprived of its education, and of its chance to fully develop, and that part of its child life has been and is taken away. It also seems to be conceded that some of the States do not properly protect the child against this evil. It is also apparent that there is a considerable demand for legislation to cure this evil. It has been agitated and discussed for many years. This discussion has not come from a few reformers but from every class.

The demand became so great and the need so urgent that in 1916 Congress took notice of it and enacted a child labor law. That act recognizes the evil; that some of the States had failed to enact proper legislation; that it was more than a State question, and was a proper question for Federal legislation. This act was held void on the ground that the people of the States had not surrendered the power to regulate that question to the General Government. Then Congress for the second time, in 1919, passed another act, which was also held void.

Congress is now confronted with the alternative of either abandoning the question entirely or of proposing this amendment. It seems to me we should not retreat, but go forward until this question is settled in such a way as that it will remain settled.

In answer to those who contend it is a power which should be retained by the States and not surrendered to the General Government it seems to me that we have gone a long way in these acts in recognizing that it is a proper subject for Federal regulation. However, that question will be ultimately settled by the representatives of the people in the several States if this amendment is proposed.

In proposing it we are not enacting a child labor law. It is only a referendum to the people asking them whether they desire to amend their Constitution.

One of our great Presidents said in substance that in a case of doubt or difficulty there was no safer tribunal to which to appeal than to the judgment of the people. This Government rests upon that judgment. "For other foundation can no man lay."

Our Constitution wisely provides a means for its amendment.

The first 10 amendments are generally considered as a part of the original document for the reason that a number of the States ratified it with the understanding that they should become a part of the Constitution, and they were added soon after it went into effect. In that view of the question the people have been very conservative in the matter of amending their organic law, as in the 135 years since the first 10 were proposed only 9 amendments have been added. This record, it seems to me, justifies the conclusion that they can be trusted on this question and that there is no present danger of any rash surrender of the powers of the States or of centralizing all power in the General Government.

Of course, everyone will concede that there are certain questions which are and should remain local and under the control of the States; that on such questions the people of the States can deal with them better than any other body, and that it would be unwise to transfer the regulation of such questions to the General Government.

While this is true it is also true that there are certain questions which from their very nature are also national questions, which can not be effectively dealt with by the States. While the line of demarkation is often hard to determine and is often the subject of honest difference of opinion, yet the people can be relied upon to settle it right. They will find the proper line.

While I do not desire to detract from the other wonderful provisions of our Constitution, it seems to me that the article providing for an orderly method of amendment or addition makes it a living instrument and guarantees the perpetuity of the whole Constitution. Our fathers recognized that there must be some tribunal to which the people could look to settle great national questions and provided for it in this article.

I am not alarmed that the people will rashly surrender the regulation of local questions to the General Government, but it seems to me it would tend to weaken the Constitution if great national evils should hide behind it and Congress should neglect to give the people an opportunity to correct that evil.

The founders expected amendments would become necessary, else why this provision.

They realized that the men of one generation could not lay down all of the rules that should govern all future generations or anticipate all of the requirements of the future.

I believe they expected us to make some advancement and some improvement over the day in which they lived. They certainly did not expect that we should stand still, but must have expected that we should go forward. They improved on the age in which they lived, and it is to their credit to believe that they expected future generations would do likewise.

We would not reflect the glory of the generation in which they lived, or be worthy of the one in which we live, if we do not add to that which they gave us.

There is also another thing which has happened recently which, in my opinion, has greatly increased the importance of the child-labor question. That is, the passage of the new immigration law.

The effect of that will be to restrict the cheaper labor of other countries from coming here, and this will increase the effort to obtain child labor.

Hence, legislation to protect children which will apply to every State in the Union is more necessary now than ever. The time for action has come.

We have so many young American boys and girls who must soon become the heads of homes and families and take our places in the great battle of life and the task of perpetuating this, the best Government on earth, and our institutions that I am in favor of throwing every safeguard around their early lives which is possible, to the end that they be not robbed of the child life which is necessary for their full development, education, and preparation so that they may step forth the greatest American citizens this Nation has ever seen.

They are not voters now or members of the law-making bodies of the States or the General Government. They are at present helpless and must depend on those having the power to protect them. That duty rests upon us. Protecting them means to strengthen the Nation.

Mr. LAGUARDIA. Mr. Speaker, we have listened to interesting arguments in favor of this resolution and to skillful and clever arguments against it. The debate on this resolution differs from the debate on most bills and questions which come before this House in that in this case there seems to be no difference of opinion, no argument presented against the merits of the purpose sought by means of this resolution. In other words, not one of the gentlemen who have addressed us in opposition to the passage of this resolution would say that

he favors the exploitation of child labor; that he sanctions the employment of children of tender age in mills, factories, and mines.

Some have sought to put the agricultural scare into the hearts of some of their colleagues by an effort to construe the resolution as prohibiting a child doing the usual wholesome family chores around the house on a farm. But it is gratifying at least to know that as a general proposition we are in accord that it is the function of Government to protect childhood and to prevent the employment of children, to forbid the exploitation of child labor, and to foster the care and education of the childhood of the country. The difference then narrows itself to the question of which government shall do it. Shall the State government do it or shall it be left to the National Government? Gentlemen, let us be perfectly frank about this. If every State in the Union had an ideal child labor law with provision for its enforcement, I admit that there would be no necessity of this resolution to-day. Such, however, is not the case. Some States have ideal laws and machinery for their enforcement, other States have good laws. Still other States have laws with but little or no provision for their enforcement and the condition in one State can not help but affect the condition in another State.

Able arguments on the purpose and spirit of the Constitution were presented to us in the course of this debate. The gentleman from Virginia [Mr. MONTAGUE], always delightful, always well informed, and always scholarly, presented as able an argument as was possible under the circumstances. Yet the able gentleman from Virginia did not go into the merits of the case, but limited himself entirely to the question of State rights and the tendency of encroachment upon these rights by way of constitutional amendment. We can not but agree with a great deal that was said by the gentleman from Virginia.

I grant that the tendency to encroach upon State rights seems to have taken hold and that we have infringed by way of constitutional amendments; but in this case, gentlemen, I personally do not believe that we are encroaching upon the State rights at this time on this subject in the slightest, because of the important vital subject which this constitutional amendment covers. I fail to find any provision or word in the Constitution of finality. To the contrary, the far-sighted men of vision who framed that remarkable document realized that they could not speak for a century ahead of them and therefore provided the very means by which the Constitution could be amended, altered, or enlarged. The purposes, the keen insight of human affairs, the accurate knowledge of the then existing conditions, the courage of convictions of these men warrant the belief that they did not and could not have contemplated conditions in an industrial system that would take children of tender age, put them in the mines, mills, and factories and sap their child's blood from them. No, gentlemen, they did not then foresee the toll of human life that modern industry exacts. They did not then believe that human nature could become so callous as to sacrifice the lives of children for dividends and profits. They stated definitely that it was the function of government to protect life and liberty. They stated in clear terms that the pursuit of happiness was the inherent right of every free-born citizen, and surely, gentlemen, had they lived in an industrial and commercial age such as we are living in you would have found in our great charter of liberty a strong section protecting the childhood of the country and forbidding its exploitation.

Have we not yet learned that after all constitutional limitations are to be construed in the light of changed times and changed conditions? Is it not for each age to say what the organic and administrative laws of that age shall be? Can you possibly apply the limitations of government accepted at a time when every citizen owned his house or could move a short distance west, make a clearing, and establish his home; when steam was unknown, commercial competition hardly developed, textiles spun by hand, and the production system not yet dreamed of; to our day and age, with our cruel competitive system and unbalanced economic system, with our roaring factories and mills that never stop? No, gentlemen; the times have changed, conditions have changed, and with the changes comes our duty as legislators to provide the laws to meet these changed times and changed conditions.

The question of child labor becomes so interwoven and closely related with our whole commercial industrial system that I always believed that the commerce clause of the Constitution gave Congress the right to pass regulatory legislation on this question. Congress attempted to do so. The Supreme Court has spoken. It therefore remains for us in real American fashion to take the next necessary step and to refer to the several States forming this great Union the resolution of Congress passed by two-thirds of its membership asking the States whether or not they accept the resolution and agree to put in our Constitution the authority to the Federal Government to put its mighty and protecting hand over all of the children in all of the States. How manifestly unfair and contrary to our very system of government does it become when one State, in keeping with the progress of the times, builds schools for its children and laws preventing these children from being taken out of the schools and put into the factory, while another State engaged in like industries fails to do so and makes of its children factory fodder to the detriment not only of their own citizenship but to the destruction of advanced and progressive States who are seeking to protect their childhood.

As there is no argument against the merits of the proposition there is no use dwelling upon that point of the question, but gentlemen permit me to point out that the necessity of uniform child labor laws in this country is an economic necessity. Sections of the country that insist upon the fundamental duty of child protection can be destroyed by another section that refuses so to do and use child labor to reduce the cost of production and take advantage of its shameful exploitation in the markets of the country and the world. Yes, gentlemen, our very unity, our industrial and commercial justice, not to mention the profound duty of uniformly protecting the childhood of this country, compels the submission of this resolution at this time. Why, it is not only a national question, it has become a world question, and I direct the attention of my colleagues to Part XIII, section 1, of the Versailles treaty of peace, which provides that the nations shall get together and agree upon universal labor laws for the protection of children, young persons, and women.

It must necessarily become a world question if we are to have permanent peace. In the meantime it is our duty to make it a national law. We are not, as has been suggested, forcing this resolution upon any State, we are simply passing this resolution and submitting it to the States in accordance with the provisions of our Constitution for their approval. Gentlemen, this is the greatest day's work of this session and the greatest piece of legislation that any Congress has ever passed.

Mr. EVANS of Montana. Mr. Speaker, this amendment proposes to limit and to control the labor of children under the age of 18 years. No more important question could possibly come before the Congress than the protection of the children of the Nation. A nation is not great because it has huge industrial institutions; it is not great because it has great bank reserves or great railroad systems; it is great because it has citizens with their full measure of development, physically, mentally, morally, and spiritually; and if the children of to-day, which become the citizens of to-morrow, are deprived of the God-given right to full development they can not, of course, reach the best standard of development as citizens.

The question of the regulation of child labor, although legislated upon only within recent years, is a subject upon which there is a well-founded and almost universally recognized sentiment based upon the natural feeling of humanity toward children. The God of the Universe planted in the hearts of His children that love of their kind that will protect the young as a general proposition, but unhappily society and civilization find it necessary to protect those who have been deprived of parents or who for other reasons can not protect themselves. Forty-six States out of the 48 States of the Union have attempted by State laws to regulate the conditions of employment for children; of course, these State laws differ very much, and in many instances have been found ineffective or fail to reach the standard that the best judges on this question think should be maintained for the good of the Nation, and for these and other reasons this matter now gets before the Congress of the United States.

HISTORY OF FEDERAL CHILD-LABOR LEGISLATION

In December, 1906, the first proposals of a Federal law to prevent the industrial exploitation of children were made in Congress when Senator Beveridge, of Indiana, and Congressman Herbert Parsons introduced bills to "prevent the employment of children in factories and mines," and Senator LODGE sponsored a measure to "prohibit the employment of children in the manufacture or production of articles intended for interstate commerce." Almost 10 years later, September 1, 1916, the first Federal child labor law was adopted, with the provision that it should become operative one year later—September 1, 1917. Under its power to regulate interstate and foreign commerce Congress sought in this measure to close the channels of interstate and foreign commerce to the products of child labor. On June 3, 1918, after the law had been in operation nine months and three days, the United States Supreme Court rendered a five to four decision on the ground that the law was not a legitimate

exercise of Congress's power to regulate interstate commerce, and was therefore unconstitutional.

Following this decision, Congress enacted on February 24, 1919, as a part of the revenue act of 1918, a provision for a tax of 10 per cent on the annual net profits of certain enumerated establishments which employed children in violation of the age and hour standards laid down in the act.

The child labor law tax became operative on April 25, 1919, and was in effect until May 15, 1922, when the United States Supreme Court held that it was not a valid exercise of Congress's right to lay and collect taxes.

It will thus be observed that the Federal laws which have been held unconstitutional did not specifically prohibit or regulate the employment of children but attempted by levying a tax upon, or, close the avenues of commerce to products of industry produced by child labor, thus penalizing industry that utilized the labor of children.

This proposed amendment to the Constitution is intended to give authority to the Congress to pass legislation to directly regulate or prohibit the labor of children.

NUMBER OF CHILDREN WORKING

The census of 1920 shows more than a million (1,060,858) children 10 to 15 years of age, inclusive, as engaged in gainful occupations. Of these children about 600,000, or 60 per cent, were engaged in agricultural pursuits and about 400,000, or 40 per cent, in nonagricultural pursuits, largely in factories, and, I anticipate, many of them under circumstances and conditions not conducive to health, strength, or growth. It is to this latter class that the proponents of this measure are giving special attention.

WHO ARE ADVOCATES

This measure is advocated by nearly if not quite all the national civic organizations of the country:

American Association of University Women.
American Federation of Labor.
American Federation of Teachers.
American Home Economics Association.
Commission on the church and social service, Federal Council of the Churches of Christ in America.
Democratic National Committee.
General Federation of Women's Clubs.
Girls' Friendly Society of America.
National Child Labor Committee.
National Council of Catholic Women.
National Council of Jewish Women.
National Educational Association.
National Federation of Business and Professional Women's Clubs.
National League of Women Voters.
National Woman's Christian Temperance Union.
National Women's Trade Union League.
Republican National Committee.
Service Star Legion.
Young Women's Christian Association.

The State legislatures of six States—California, Massachusetts, Nevada, North Dakota, Washington, and Wisconsin—have petitioned Congress to submit an amendment.

It will be remembered that President Harding and President Coolidge have both recommended to Congress the submission of a child-labor amendment to the States, the former in his message of December 9, 1922, the latter on December 6, 1923. The late President Wilson was an enthusiastic supporter of the principle of Federal regulation and personally urged its importance on both Congress and the country as a whole.

The platforms of both the Republican and the Democratic Parties in 1920 carried a platform on this subject.

WHY FEDERAL ACTION IS NECESSARY

Many people and not a few Members of this House believe this matter should be controlled by State laws and that Federal regulation is unnecessary and is an encroachment upon the rights and sovereignty of the several States. There is much merit in this argument and yet it seems to some of us that there is still an urgent necessity for Federal action in the matter.

In States like Montana, which I have the honor in part to represent, there is at the present time, at least, little or no necessity for legislation of this kind. That happens, however, because it has but little in the way of great industrial works. In States along the Atlantic seaboard the reports indicate the necessity for such legislation. Permit me to recite just one case. A recent investigation of home work by children in Jersey City disclosed the fact that more than 1,000 children, the great majority of whom were under the age of 14, were doing sweatshop work in their homes under dangerously insanitary conditions. Wages were very small, families of three and four working long hours, earning as little as $3 and $5 a week.

It was brought out in the testimony given in connection with these inquiries that a considerable amount of the tenement home work done by the New Jersey children was distributed from factories in neighboring States. Thus, New York manufacturers, who were sending their work to Jersey City to escape the New York regulations against tenement home work, were not subject to the penalties imposed by the New Jersey laws. In this way they succeeded in successfully dodging State laws.

LAWS OF OTHER COUNTRIES

According to the most recent information available Belgium, Denmark, Germany, Great Britain, Netherlands, New Zealand, Norway, Kingdom of the Serbs, Croats, and Slovenes, Sweden (14, girls; 13, boys), and Switzerland have adopted a 14-year minimum; and Russia has a 16-year minimum for employment in industrial undertakings, in some countries with certain exemptions.

Argentina, Germany, Japan—law effective 1926—and New Zealand prohibit night work for children under 16—in most countries with certain exceptions allowed—for example, work in continuous industries and in trades dealing with perishable materials. Only a few American States prohibit night work for both boys and girls under 18 years, while China prohibits it for boys under 17 and girls under 18, and Austria, Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Norway, Peru, Russia, Kingdom of the Serbs, Croats, and Slovenes, Sweden, and Switzerland prohibit it under the age of 18 years, and Portugal prohibits night work for all workers. Additional protection is afforded girls in many foreign countries, but in only about a fourth of our States, through laws providing for night rest for women.

THE AGE LIMIT

As I read the sentiment of this House, the greatest objection is the age limit fixed in this resolution, the same being fixed at 18 years. While the laws of most of the States and foreign countries fix the age at below 18, it must be remembered that this is a constitutional amendment and Congress is not obligated in its legislation to fix the age at 18, and I dare say will not fix the age at 18 in any legislation passed in the next few years; but this amendment, if adopted, becomes a part of the fundamental law of the land and forms a basis under which legislation may be enacted for hundreds of years, and the proponents of the measure are attempting to make the scope wide enough to meet any developments in the future; and if the present conditions do not warrant fixing the age at 18, then Congress may fix it at 16, 17, or any age under 18.

I favor the resolution as it is drawn; but if, in order to secure its passage, it becomes necessary to accept an amendment lowering the age below 18, I shall reserve the right to vote for such an amendment.

I do not feel, as some Members of this House seem to think, that it is a profanation to amend the Constitution. The Constitution, to be sure, is a wonderful instrument and the framers were wonderful men, but they themselves recognized that they were human and not infallible. They realized that the man did not live and never would live who could span the bridge between the present and the future and provide for political and economic changes in 500, or even 100, years. Being aware of their inability to cope with conditions that might arise in the remote future they made provision for the amendment of the Constitution. They realized, as Thomas Jefferson had said in the Declaration of Independence, that it was a self-evident truth that a people had the right to change their laws and their government. They ordained therefor that—

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution—

And so forth. The framers provided how the amendment may be ratified. One method is—

> by the legislatures of three-fourths of the several States.

Here, for the first time in history, a government provided for its own change without turbulence, force, or bloodshed.

If two-thirds of both Houses of Congress shall vote for this resolution and then three-fourths of the States of the Union shall confirm that action, I shall be satisfied that the change is needed and demanded by the American people.

Mr. FULMER. Mr. Speaker and gentlemen of the House, under leave granted me to extend my remarks on House Joint Resolution 184, I do so that I may be able to defend my vote against the resolution.

This resolution proposes to amend the Constitution of the United States as follows:

SECTION 1. The Congress shall have power to limit and prohibit the labor of persons under 18 years of age.

SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

Gentlemen, I do not believe that there is a pressing need at this time for this legislation on the part of the States or the people. We propose under this resolution to give to the Congress the power to override the power of the States, many of which to-day have very satisfactory laws regulating child labor.

I do not hear any complaint from South Carolina, my State, and, as far as I can learn, we have a very satisfactory law that is being enforced and that works well, indeed. Here you propose to regulate and prohibit the labor of all persons under 18 years of age, which will apply not only in the factory and in the mines, but also on the farm. I know that the time has been when men would move to a factory town, hang around, drink liquor, and live off the labor of their children, but as far as South Carolina is concerned, we have outlived that period. I would dislike very much to acknowledge by voting for this resolution that I represent a State that is so far removed from civilization and consideration for child life that I would feel the necessity of asking for Federal interference in regulating child labor. I think it high time that we should hark back to the principles of the fathers, the framers of the Constitution and those who wrote the Declaration of Independence of America. I am going to insert into the RECORD an extract from the first inaugural address of Thomas Jefferson, President of the United States, made on March 4, 1801, in order that we might refresh our memories as to the doctrines and principles of that great Democrat and statesman:

Friends and fellow citizens, it is proper you should understand what I deem the essential principles of our Government and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle but not all the limitations: Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations, entangling alliances with none; the support of the State governments, in all their rights, as the most competent administration for our domestic concerns and the surest bulwarks against antirepublican tendencies; the preservation of the General Government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people—a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decision of the majority, the vital principle of republics, from which there is no appeal but to force, the immediate parent of despotism; a well-disciplined militia, our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts and the sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and the arraignment of all abuses at the bar of public reason; freedom of religion; freedom of press and freedom of person under the protection of the habeas corpus and trial by juries impartially selected. These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages and blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which leads to peace, liberty, and safety.

In this hour when wild and radical legislation is being offered I do not think it timely to tamper with the Constitution of the United States. In this time of unrest, while scandal and wild expenditures of the people's money are running rampant in the Government, when Congressmen seem to hesitate to adhere to the principles of Jefferson but are rather inclined to play politics by listening to the clamor of organizations and groups who are sending out propaganda for legislation to correct every evil on the face of the earth, even to the extent of amending the Constitution, it is high time to stop and take stock.

It gives me great pleasure even at this age, to say nothing of future years, should I be spared three-score years and ten—to look back on my boyhood days on the farm. I can see mysif now following the plow handles at 12 years of age, wearing that old checked homespun shirt and jean pants made at home, barefooted and happy. On Saturday afternoons with a group of boy friends I recall going to the old swimming hole, and on Sundays to old Pleasant Hill Church to Sunday school with my father. Leaving the farm at 18 years of age I can look back to the time when I accepted my first position behind a grocery counter at a salary of $10 per month and board. Though rugged I was determined to succeed.

I am grateful to-day that under the Constitution back in those days legislation by the Congress was not possible, for had it been I may have been hampered in my work on the farm. If I have made any success in life, I believe it has been worked out because of those years spent on the farm, where I was permitted to follow the leading of an honest and hard-working father unmolested under the law.

My colleague [Mr. STEVENSON] stated yesterday in his speech on this subject that the Census Bureau at Washington would show 63,520 children at work in South Carolina. Of this number, 56,887 work on the farms and 6,663 work in a kind of occupation from which it is generally desirable that they be excluded. None of these children are under 14 years of age.

South Carolina is about the second State in the Union in cotton manufacturing. Thousands of our people are employed in this work, and I challenge anyone from anywhere to go into those cotton-mill sections and find a more satisfied people. In almost every instance they are living in good homes and are receiving splendid pay. They have good schools and churches, and their boys and girls compete physically, morally, and otherwise with the boys and girls from every other walk of life.

Mr. LANKFORD. Mr. Speaker, ever since my earliest recollection I have been extremely anxious to help in the passage of good legislation for the children of the Nation, realizing they are our all. All we are and ever hope to be should be dedicated to the service of our children. One of the greatest possible services to our children to-day is the preservation of State rights and the retention to the people of the States the right to control their own affairs.

So to-day I come face to face with the proposition of depriving the States of some of their sovereignty in order to make valid laws for children, which this Congress has heretofore twice passed and which this Congress will pass again when duly authorized. What should I do? This question has caused me the deepest concern and I shall vote only after the very closest study of the question. My best judgment is that the question of child labor is so interwoven into our labor conditions, economic life of our Nation, and the final preservation of our Union as to make it probably a matter for control and legislation by Congress.

So I have come to the conclusion to vote for this resolution, and if two-thirds of this House and the Senate vote for it, and if three-fourths of the States of the Union say so by ratification, then let it become part of our Federal Constitution. Thus Congress would be authorized to make laws for the freeing of children from the slavery of the factories and sweatshops and from the awful death of strangulation in the greedy clutches of conscienceless big wealth.

Mr. MOORE of Virginia. Mr. Speaker, by permission of the House I wish to incorporate in the RECORD an address which I delivered after the adjournment of the last Congress at the invitation of the Woman's Club, of Norfolk, Va., which deals in a general way with the existing constitutional situation. Since it was delivered the House, during this Congress, has defeated a resolution relative to tax-exempt securities, but is now about to indorse the pending resolution relative to child labor. To this proposition I am opposed. Since final action upon it rests with the States, it can not be said that any question of "State rights," in the original meaning of that term, is involved, except in so far as concerns the States which may vote against its ratification. Leaving out of view those States, the proposed amendment, if ratified, will furnish an instance of a voluntary surrender by at least three-fourths of the States of a portion of the police power which now belongs to them exclusively. It is objectionable on many grounds. Its adoption will be a step in the direction of destroying our dual system by giving the Federal Government jurisdiction in local matters which should be left to State control, and many similar steps based upon a bad precedent undoubtedly will be taken in the same direction.

It will further enlarge the responsibilities and duties of the Federal Government, which is now in most of its branches, departments, and agencies so overcrowded with work that the consequent confusion and inefficiency have led to the almost universal opinion that it fails to function satisfactorily, and that nothing is more necessary to avoid the serious danger of a breakdown than a reduction and simplification of its activities, with greater economy as one of the results. It will

substitute for State regulation and at the same time for regulation by parents governmental regulation, enforced by a Washington bureau, vested with all the authority and equipped with all of the inspectors and other agents which any Congress may see fit to determine. It will mean governmental parentalism. The length to which Congress may go is indicated by the fact that the advocates of the measure have defeated an amendment making the age limit 16 instead of 18 years. How far it may go in the invasion of the home and interference with the affairs of the farm is evidenced by the fact that they have also defeated an amendment which I offered, as follows. I quote from the RECORD:

Amendment offered by Mr. MOORE of Virginia: Page 1, line 11, after the word "age," strike out the period and add the following, after a comma, "but not the labor of such persons in the homes and on the farms where they reside," so that the article will read:

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 16 years of age, but not the labor of such persons in the homes and on the farms where they reside."

I entertain the hope that, whatever may happen elsewhere, the proposed amendment will meet the emphatic disapproval of the General Assembly of Virginia, which has already enacted laws which guard and protect the child life of the State. Such action by Virginia will not sacrifice the interests of the children of this or coming generations. It will support the integrity of our political institutions. It will be in accord with the fundamental principles for which the great Virginians stood who were so largely instrumental in founding our system of government and guiding the progress and development of the country in the earlier days. The address follows:

THE CONSTITUTIONAL DRIFT

The Federal Constitution provides two methods by which it may be amended. One method, of which thus far no use has been made, is for Congress, on the application of two-thirds of the States, to call a convention for proposing amendments, to become effective when ratified by three-fourths of the States, acting through their legislatures or through conventions, as Congress may prescribe. The other method, which has been used 19 times, is for Congress, by a vote of two-thirds of each House, to propose amendments, to become effective when similarly ratified. The sole express exception to the power to amend which now obtains is that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

One of the questions debated in the Philadelphia convention of 1787, and, along with many others, disposed of by compromise of conflicting opinions, was whether the Constitution should contain any provision for its amendment, and if so, in what form. Political philosophers had argued against putting such a provision in a written constitution, and some of the State constitutions then in force contained no such provision. That view had some slight support in the convention. But it became clear that most of the members held the opposite view and differed only as to the method of amendment to be provided. And then were found on one side members who believed that Congress should be given some control of the procedure, and on the other side members who believed that the procedure should be under the exclusive control of the States, among the latter being the Virginians, Randolph and Mason. The final decision was to authorize Congress to propose amendments on its own initiative and to require it to propose amendments on the initiative of the States. Another Virginian, Madison, expressing in the Federalist his approval of the conclusion of the plan agreed on, said it "guards against that extreme facility which would render the Constitution too mutable, and that extreme which might perpetuate its discovered faults. * * * The exception in favor of the equality of suffrage in the Senate was probably meant as a palladium to the residuary sovereignty of the States * * *."

During the heated contest in several States as to whether the instrument framed in Philadelphia should be accepted or rejected, the inclination was strong to withhold ratification pending the adoption of amendments that were desired. But influential leaders, headed by Washington, protested against that course, urging that the States might confidently rely upon proper amendments being adopted after the Constitution should go into effect. They were far from claiming even approximate perfection for the system devised at Philadelphia. They anticipated that by amendment some changes would be very quickly made, and they did not attempt to forecast what other changes would be made in the oncoming future, during the development of a continent only the eastern fringe of which was then sparsely settled. In his Farewell Address, however, referring to the matter of amendment, Washington enjoined the people to remember that "time and habit are at least as necessary to fix the true character of government as of other human institutions; that experience is the surest standard by which to test the real tendency of the constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change from the endless variety of hypotheses and opinions." He and his friends counseled deliberation then as they would undoubtedly counsel deliberation if they were now on the scene. They were progressives in the true sense of the term—"like the stars unresting, yet unhastening."

As I have said, a State's representation in the Senate was explicitly placed outside the range of amendment. Lately, however, it has been contended that by implication this is also true of other features of the Constitution. This theory, which is not definitely supported by anything that occurred in the convention debates, was not long ago pressed upon the Supreme Court in the prohibition and woman suffrage cases. Counsel who attacked the eighteenth amendment argued that the provision to which I referred at the start, given its natural meaning, impliedly limits the amending power to the function of constitution making, as distinguished from ordinary lawmaking; that the eighteenth amendment is an example of ordinary lawmaking, and that to hold it valid would ignore the essential spirit of the Constitution. The court, rejecting this argument, tersely stated that the eighteenth amendment "by lawful proposal and ratification, has become a part of the Constitution and must be respected and given effect the same as other provisions of that instrument." In the other case, it appeared that the State of Maryland had refused to ratify the nineteenth amendment, and counsel for citizens of that State argued it was never intended that the power to amend should be employed to destroy a State; that an amendment which changes the electorate of a State virtually destroys the original State and creates another State, and that therefore an amendment which denies any State the power to abridge suffrage for any reason is invalid, although approved of by three-fourths of the States. Declining to accept this view, the court pointed to the fifteenth amendment, which forbids the denial of suffrage on account of race, color, or previous condition of servitude, as a precedent, incidentally mentioning that it had received the acquiescence of the State of Maryland. The court thus answered the argument by setting up what may be called a historical estoppel. In the light of these decisions, it is now hard to imagine any amendment added to the Constitution which the court would pronounce invalid, barring the single express exception. What I am now saying, and what I shall further say, is comment, not criticism. But there will hardly be any dissent from the conviction that, as the power to amend is so far-reaching, wisdom and safety will be sacrificed unless the processes of change are marked by the cautious deliberation which the fathers advised.

During the period from the time the original instrument left the hands of its framers and was ratified by the necessary number of States until the year 1804, 12 amendments were adopted so speedily and with so little controversy that it may be assumed they would not have been disapproved by the Philadelphia Convention had they been earnestly insisted on there. The very First Congress, responding to demands made by several of the States, proposed 10 of these amendments which we speak of as the Bill of Rights. They were meant to insure the liberty of the individual at the hands of the Federal Government in respect to his person, his opinions, and his property, and to insure the States against usurpation of power by the Federal Government. The tenth amendment aimed to limit the expansion of the specified powers of the Federal Government and allay the apprehensions of the strong minority which in New York and other States, and particularly in Virginia, had made ratification of the Constitution very doubtful. It succinctly declares that powers not delegated to the United States by the Constitution and not prohibited to the States are reserved to the States or the people. Before the end of the eighteenth century another amendment, the eleventh, was adopted in consequence of a decision of the Supreme Court which had excited alarm for the purpose of relieving a State from suit by citizens of another State or of a foreign State, and this was in line with the general policy of the tenth amendment. In 1804 the twelfth amendment was adopted modifying the machinery for the election of President and Vice President. Although remembering that the door for amendment has always stood open, and knowing how political and social and economic currents have multiplied and run in varying and irregular channels, nevertheless you may be surprised by the statement I am about to make, and which I believe is now made for the first time in public, as to the number of efforts to amend during the history of the Government as evidenced by the resolutions offered in Congress. It is by joint resolutions introduced in either House that amendments are sought to be proposed to the States for action.

The First Congress met on March 4, 1789, and the Sixty-seventh Congress adjourned on March 4, 1923. In that interval of 134 years there were 2,869 such resolutions, which is an average of something over 42 for each Congress. The increasing tendency to change the organic law is in a way indicated by the fact that, while in the 56 years from 1804 to 1860 there were some 400 such resolutions, in the remaining period of 63 years the number was nearly 2,200. As against the average per Congress of 42, there were 103 such resolutions offered in the last Congress. It should be kept in mind, however, that whether a long stretch of time be taken into account, or only two years of a single Congress, there have been almost endless duplications, due to the same or similar resolutions being offered in more than one Congress or in the same Congress. Because of this repeti-

tion a grouping of propositions is much more informing as to the evolution of popular sentiment and the working of the congressional mind than aggregate figures.

In advance of attempting a review of the situation in the last Congress, I should like to glance for a moment at the system created by the Constitution and the first 12 amendments, and at the modifications brought about by subsequent amendments.

The structure originally created was, and in many of its outstanding aspects still is, in the most positive contrast with any other governmental arrangement of ancient or modern times. One great achievement was the careful enumeration and separation of the functions assigned to the three great departments of the Federal Government. The failure in other countries to insist on this principle had led to the intolerable abuses which occur whenever the legislative, executive, and judicial functions are confused. Nothing is more conducive to tyrannical administration than this commingling of jurisdiction, and the founders were resolved to exclude the possibility of such a condition here. Another capital achievement was in guarding against controversies between the States being disposed of through the uncertain processes of diplomatic negotiations or resort to war by leaving them to be finally determined by the Supreme Court. But what I wish now to stress is that the task more novel and important than all others was to apply the dual theory in distributing the powers of government so as to insure the integrity of the Federal Government on the one hand and that of the State governments on the other hand, without any unfair or dangerous advantage to either.

A small minority of the convention was content with the existing confederation, notwithstanding its weakness had almost caused the loss of the Revolution and been responsible for the universal demoralization that followed. Another small minority was rather indifferent to what might be the ultimate fate of the States. But a clear majority favored a central government, clothed with sufficient authority, but with no such excess of authority as might prove a menace to the States and lead to their subordination and perhaps eventual destruction. They were acting for the 13 communities that had broken away from England because unwilling to endure the supremacy of a government assuming to possess unlimited power to the point of denying those communities a reasonable measure of control of their local affairs, and they were still under such fear of the evil from which they had escaped that, while they were anxious to form a more perfect union, it is not too much to say that they were more concerned about the States being made indestructible than a Union that should be kept indissoluble. They were firmly opposed to any imperialistic development which might enable the General Government to extend its activities into the thirteen States, whose representatives were then creating that Government and into the States thereafter to be organized, so as to take charge of and direct the course of local legislation and administration, which in their judgment, from every point of view, it was desirable should always remain under State control. Referring to what was at once the pioneer and fundamental performance of the Philadelphia convention, Bryce, whose works on the American Commonwealth and on Modern Democracies are of such weighty importance, finds the basis upon which the new fabric was built to be the conception of "local government for local affairs; general government for general affairs." A recent American writer, elaborating this says: "Wherein, then, did the novelty and greatness of the Constitution lie? Its novelty lay in the duality of the form of government which it created—a nation dealing directly with its citizens and yet composed of sovereign States—and in its system of checks and balances. The world had seen confederations of States. It had known experiments in pure democracy. The constitutional scheme was none of these. It was something new, and its novel features were relied upon as a protection from the faults which had developed under other plans. The greatness of the Constitution lay in its adjustment of the powers of governmnt, notably the division of powers which it effected between the National Government and the States. The powers conferred on the National Government were clearly set forth. All were of a strictly national character. They covered the field of foreign relations, interstate and foreign commerce, fiscal and monetary systems, post offices and post roads, patents and copyrights, and jurisdiction over certain specified crimes. All other powers were reserved to the States or the people."

It was doubted by the advocates of a still stronger central government, as well as by those at the other extreme, whether the balance that was sought to be permanently adjusted, by the distribution and location of power, would remain unshaken. There were some who believed that as time went on the Federal Government would be rendered predominant by the shifting and consolidation of authority, while some believed that the authority of the Federal Government would diminish and that of the States correspondingly increase. One of the ablest and most far-seeing of the members said during the convention debates, "Mr. President, if the rod of Aaron does not swallow up the rods of the magicians, the rods of the magicians will swallow up the rod of Aaron."

No observer can have any misgiving that the tendency has been and is toward the disappearance of "the rods of the magicians." The Constitution remained unamended from 1804 until after the Civil War, and since then seven amendments have been adopted, each one of which, except the seventeenth changing the manner of electing Senators, either operates to transfer power from the States to the Federal Government or divests the States of power which they once enjoyed. Three of these amendments, the thirteenth, dealing with slavery; the fourteenth, which was intended to guarantee the political rights of the negro, but which operates over an enormous field, and the fifteenth, forbidding the denial of the right to vote on account of race, color, or previous condition of servitude, registered, or were supposed to register, the results of the Civil War. It is, of course, clear that these amendments restrict State authority, and, as I shall later on point out in some allusion to the fourteenth amendment, enable the Federal Government to exercise an astonishing degree of supervision of the States and their domestic affairs. I need now only mention the sixteenth amendment—the income tax amendment—and the eighteenth amendment, as widening out the power of the Federal Government, and the nineteenth amendment as another restriction upon State control of suffrage.

Whatever may be any personal opinion as to the expediency or inexpediency of all or any of this, we face the certain fact that the fundamental basis of the original plan has been materially affected by the powers of government being readjusted. We can easily imagine that, had the possibility of what has occurred been foreseen in the Philadelphia convention, there would have been no such action as was taken. At the same time, leaving out of view the war amendments, we can not forget that what has occurred was brought about in a tranquil era upon the initiative of the agents of the States and the people of the States serving in Congress, and with the indorsement in every instance of at least three-fourths of the States. When the States have lost power it is because, whether wisely or unwisely, they have been willing to make the surrender, and sometimes without much deliberation.

I will now look at the 103 resolutions offered in the last Congress proposing additional amendments. They were, of course, presented by individual Senators and Representatives, and few of them attracted any attention. Only three of them were reported out of the committees, to which all were referred, and only two passed either House of Congress. None of them passed both Houses. Several of them revived suggestions that had time and again been submitted in former years. Notwithstanding all this, I suppose they may be regarded as somewhat indicative of the general trend.

Some of the resolutions related to the question discussed at the Philadelphia convention, of the method of amending. One of these evidenced a desire to make the proceeding somewhat more difficult by requiring that the members of at least one house of a State legislature dealing with an amendment shall have been elected after it is proposed; that any State may make ratification subject to confirmation by a popular vote, and that until three-fourths of the States have ratified or more than one-fourth have refused any State may change its vote. In favorably reporting this resolution to the Senate a committee modified it so as to eliminate legislative action, and have ratification depend altogether upon the vote of the qualified electors of three-fourths of the States. Another of the resolutions evidenced a desire by a Senator to make the proceeding much less difficult. The importance of going slow, in accordance with the advice of Washington, seems to have little charm for him. He favors an amendment being proposed, or a convention called, by a majority vote of the Members of each House of Congress, with the right of either House to propose it should the other House twice reject it, or for three months fail to act favorably, and further, that Congress shall propose an amendment or call a convention upon the request of the legislatures of a majority of the States, and that Congress or either House may submit competing measures, which is understood to mean measures in competition with those emanating from the States. He also favors amendments becoming effective if the preponderance of the popular vote in a majority of the congressional districts is favorable, and likewise a majority of the total vote cast. In order that the voter may be informed he also contemplates that each voter shall be furnished by mail, at the expense of the Government, with a copy of any amendment that is proposed and a copy of the arguments for and against it prepared by two committees made up, respectively, of advocates and opponents. The same Senator is the author of another resolution proposing that the Senate may perform its very important duty of ratifying treaties by a majority instead of a two-thirds vote.

A number of the more than 100 resolutions suggested amendments which, if adopted, would make changes without essentially affecting the Federal Government and the States in their relation to each other. For instance, there were measures looking to a single six-year term for President and Vice President, repeating a suggestion broached as far back as 1828. Also repeating another ancient suggestion were resolutions providing that the term of a Representative in Congress be fixed at four, instead of two years, and a maximum limit placed upon the Membership of the House. Incidental to this subject, it was proposed to assure each State two Representatives in Congress, the author of the particular resolution to this effect being

a Member from a State which, under the next apportionment, may be cut down to one Member, and also incidental to this subject, there were resolutions to confer the right of suffrage upon the people of the District of Columbia, and give the District and our overseas dominions representation in Congress. Another timeworn proposition was to give the President the same right to veto individual items in appropriation bills as is now exercised by the governors of many States, including, I believe, Virginia.

In the class of propositions that do not materially affect the adjustment of powers between the Federal and State Governments, as it now is, were some not aired in former years and some induced by our recent war experience. These were proposals to establish a tariff court to fix the duties on imports, in observance of some general principle to be laid down by Congress; to attach a new definition to the crime of treason; to provide, except in case of invasion or imminent danger not admitting of delay, against Congress declaring war without a vote of the qualified electors of the several States; and to provide in the event of war for the conscription of citizens, money, industry, and property; and to provide under what conditions Congress may ascertain and declare the President unable to execute the duties of his office. Falling in this general class is a rather curious proposition submitted by a Representative who is a very earnest peace advocate. It is a proposition to amend the Constitution so as to authorize the President to inform any nation that the United States will allow the qualified electors to decide the question as to whether it will engage in a war with that nation, if that nation will correlatively agree to leave the decision to its electors, who are to have "the same qualifications as those provided by the law of any State of the United States."

There were measures looking to the outright repeal of the eighteenth amendment, and others looking to its modification by legalizing beer and wine, or by raising the alcoholic content of beverages from one-half of 1 per cent to 2¾ per cent by one resolution and by another to 5 per cent.

The measure which came the nearest being enacted was one proposing that the President and Vice President elect shall take office in the January following their election in November, and that a Congress chosen in a November election shall assemble in the next January. It passed the Senate, but when it reached the House committee was found to be in unworkable form and was reported to the House with modifications, but did not reach a vote in that body. A minority report pointed out that the amendment seemed unnecessary for the reason that, under the Constitution as now written, a law can be enacted fixing the 4th of March following the November election as the time for the new Congress to assemble, instead of assembling in the next December, and that to make the contemplated change would fix the meeting date only a few weeks earlier than can be done by a statute.

But the adjustment of power as it now is did not escape assault. A large percentage of the resolutions aimed to transfer from the States to the Federal Government an extensive deposit of power, proceeding mainly on the premise, it would seem, that the States are unable or reluctant to take care of their domestic concerns. They provide that Congress shall have authority to enact uniform laws as to marriage and divorce, and the legitimation of children, and the care and custody of children of divorced people; to limit or prohibit the labor of children under 16 years of age, as one resolution says, and under 18 years of age, as another says; to regulate or prohibit the transportation of the products of child labor; to regulate the hours of labor of women and children in various industries; to prohibit polygamy; to prohibit sectarian legislation; to regulate the products of, and commerce in, coal, oil, and gas. Perhaps an impetus will be given to the effort to secure some amendments of this character by the recent decision of the Supreme Court in the minimum wage case.

There was a sweeping proposition embodied in several resolutions the adoption of which might most seriously affect the integrity of the States. A State must have money with which to carry on, and the difficulty of raising revenue is increased when the Federal Government is empowered to tax the same subjects to which the State must look. It is now enabled to call upon nearly all such subjects and thus raises annually a large amount, running into billions, only a comparatively small percentage of which is collected at the customhouses, and to that end it taxes pretty heavily incomes, inheritances, and business. Many are convinced that nothing will more surely bring about the downfall of the dual system than for the States to be put under more stringent disabilities in the matter of taking care of their own necessarily heavy expenses. The proposition to which I am now alluding, which passed the House but was not voted on in the Senate, is that the Federal Government shall have the right to lay a tax upon the income from securities issued by the States and their subdivisions—cities, towns, and counties—which are now wholly exempt from Federal taxation. The adoption of such an amendment would mean that a State would not only be in competition with the Federal Government in taxing the income from such securities but would be put to the necessity of using its taxing power to cover the difference between the rate of interest which its exempt securities bear and the rate which they would bear if subjected to Federal taxation.

The old agitation against the Federal courts was renewed by resolutions to authorize Congress to limit the terms of judges of the inferior courts, and, more important, to authorize it to determine how many members of the Supreme Court shall join in a decision declaring a Federal or State statute unconstitutional. Under such an amendment Congress would be autocratic in the province of Federal legislation, since the jurisdiction of the Supreme Court might, and probably would, be reduced to the vanishing point. Its jurisdiction over State legislation being similarly restrained, Congress, as an alternative to a fatal conflict between Federal and State statutes, would certainly extend its legislative authority over the States. The author of a resolution relative to the Supreme Court would take another step and allow Congress, by a statute, to effect the recall, without impeachment proceedings, of any of its judges, or by not less than a two-thirds vote, review and annul any of its decisions.

A dozen or more of the resolutions propose to establish the authority of the Federal Government over the choice of President and Vice President and Senators and Representatives and correspondingly destroy the power which has been, and is now, exercised by the States. Some of them, in general terms, would authorize Congress to regulate and control such elections. Some of them are more comprehensive in their details. A summary of what is proposed will indicate how little, if any, power would be left to the States. Under the new scheme—treating the resolutions as a unit for the sake of brevity—the Federal Government and not the States would supervise the registration of voters. No one could be disqualified to vote except a criminal or a mental incompetent, for a State could fix no standard of qualification; it could not even require the prepayment of a capitation tax. The method of making nominations, even to the extent of providing a country-wide primary for the nomination of the highest officials, and the determination of the expenditures in a nominating contest or election contest would be provided by Federal legislation, the States not functioning at all. The Federal Government and not the States could make out the congressional districts, and representation in Congress would be based upon the number of votes cast in a State and not upon the number of its inhabitants.

One other thing: A President and Vice President are now chosen by an Electoral College made up of electors voting the strength of the population of the States. Under the new scheme the Electoral College would be done away with and the election would be by popular vote, which, without anything more, would either reduce the strength and importance of many of the States in filling the great offices in question or force them to dispense with their suffrage laws which prescribe the qualification of voters.

Having noticed, I think, all of the propositions contained in the various resolutions, and having dwelt a little upon those which directly relate to the dual system, I might quote the expressions of a long line of thinkers and statesmen upon the importance of preserving to the States the right of local self-government. One of them is the historian, Fiske, who in one of his books says: "Stated broadly, so as to acquire somewhat the force of a universal proposition, the principle of federalism is just this: That the people of a State shall have full and entire control of their own domestic affairs which directly concern them only and which they will naturally manage with more intelligence and zeal than any distant governing body can possibly exercise." In another of his works he writes: "If the day should ever arrive (which God forbid) when the people of the different parts of our country shall allow their local affairs to be administered by prefects sent from Washington, and when the self-government of the States shall have been so far lost as that of the departments of France, or even so far as the counties of England, on that day the progressive political career of the American people will have come to an end and the hopes that have been built upon it for the future happiness and prosperity of mankind be wrecked forever."

If the value of the dual system is being minimized, and if it be true, as some observers rather gloomily think, that the States are fading from the picture, this is due not more to the amendments that have been adopted than to the construction which Congress, with the sanction of the Supreme Court, has placed upon the Constitution as it stood in 1804, and upon the fourteenth amendment. The member of the Philadelphia convention who made the prediction about the rod of Aaron and the rods of the magicians, as chairman of a small committee, wrote the final draft of the Constitution, and, after its completion and approval, being asked what he thought of the Constitution, replied that everything depended upon how it was construed.

For a long time no political party has objected to a very liberal construction making for a more extended and vigorous exercise of power by the Federal Government, and public opinion under the influence of forces whose operation is to a large extent inevitable has exerted pressure in the same direction. The quickening and growth of what we may call the national mind have been rapidly fostered by the necessity for united action in time of war and the difficulty in time of peace of securing united action by the States in matters of equal urgency to every section of the country and every locality. It is fostered, too, by modern inventions which facilitate intercourse, and by multiplying commercial activities which bring people, however

widely separated, into substantial contact with each other. Another circumstance which in its bearing upon the evolution and effect of public opinion can not be overlooked is that the people of many of the States, while under a territorial form of government, as the original States never were, became accustomed to regard the Federal Government as the source of all power. To paraphrase the line from Shakespeare, use doth breed a habit in a state as well as in a man. Another circumstance is that even in the older communities a large percentage of the population is made up of those who were born in the nations of continental Europe, having governments entirely dissimilar to ours, and who, as a rule, are not so keenly sensitive to the danger that may be involved in changes as otherwise they might be. Furthermore, it is apparent that consolidation is a self-stimulating process, for as the Federal Government becomes more powerful the States, increasily weakened, are compelled to rely upon it for the aid, financial and otherwise, which they did not formerly require. It would not be possible to catalogue all of the forces operating to centralize power. Nor is it possible to notice, except in the most casual way, the legislation enacted by Congress and approved by the Supreme Court construing the organic law, which has already made our system greatly different so far as the dual element is concerned from that originally planned. On this point I may venture to cite two or three commonplace illustrations. The framers of the Constitution, could they return, would be surprised to find the extensively wide meaning that has been given the provision expressed in a few words in its original instrument that Congress shall have power to regulate commerce with foreign nations and among the several States. They probably thought the term "commerce" capable of definition, but they would realize that it has not been, and never will be, defined and that it has been interpreted to include a multitude of the most diverse transactions, many of which to the average man seem to fall outside of any reasonable meaning of the word. They would also find that there has been the same freedom of interpretation in determining what is commerce among the States, or interstate commerce, in contrast with commerce confined to the limits of a single State, or intrastate commerce. They would certainly find the Federal Government at this time exerting a large portion of the power which was supposed to be reserved to the States. Among other things they would find is that, in the use of the great authority it has come to possess, the Federal Government has deemed it necessary to take pretty complete control of matters once regarded as local, through the Department of Justice, and through administrative tribunals, such as the Interstate Commerce Commission and the Federal Trade Commission and other agencies. Only as far back as 1906 the late Mr. Justice Brewer, of the Supreme Court, in an address before the Virginia State Bar Association, discussing legislation under the commerce clause and warning against its being carried too far, said that should we listen to the contentions of some we would be led to believe that when a farmer sows his wheat, which he intends to sell to a mill in another State, the power of Congress attaches upon a beginning of interstate commerce and continues until the wheat is manufactured into bread and eaten by the consumer. Could Justice Brewer return he would find that within a few months the Supreme Court has approved legislation declaring that grain that may move to market through grain exchanges becomes a part of interstate commerce, and that, therefore, the Federal Government can supervise the exchanges, including their membership, even though it is known that but a trifling percentage of the grain covered by the dealers actually enter into commerce.

Another clause of the Constitution which Congress has applied as authorizing the expenditure of public revenue for almost any conceivable purpose, within the United States or outside, as, for example, to relieve conditions of distress in other nations, vests it with power to lay and collect taxes, to pay the debts, and provide for the common defense and general welfare of the United States. In the early days it was thought by many of the commentators that notwithstanding the term "general welfare," revenue covered into the Federal Treasury could only be expended for the purpose of executing some of the specified powers otherwise conferred upon the Federal Government, but for more than half a century that view has been abandoned by Congress, and though the Supreme Court has yet to say the final word, the probability is that the legislative construction will stand. A little while ago one of the most eminent lawyers in the country, now a member of the Cabinet, argued the constitutional question before the Supreme Court, urging that, among other things, if Congress should be compelled to yield its interpretation, a great body of the useful activities of the Federal Government would be destroyed, vouching for what I have untechnically termed a sort of doctrine of historical estoppel. The court disposed of the case without deciding the question, and has declined to take jurisdiction of another similar case. It is needless to say that when there is no limit to the power to tax, then, if there is none to the power to appropriate, no check remains upon the power to destroy property and no restraint upon the extent to which the States may be crippled in their ability to raise revenue to meet their own requirements.

Such prominence has been given to the two clauses to which I have referred that there is now a large collection of books expounding and discussing each of them. The same thing is true of the fourteenth amendment. The other day while in the Library of Congress I noticed at least four works devoted to that particular amendment. I think that even lawyers sometimes fail to reflect how far the amendment goes under the construction given it to diminish the final authority of the States over their local concerns. Before its adoption, any State legislation was permissible which did not violate the relatively few express prohibitions of State action and the law of the State itself as applied by its own courts, but since its adoption any State legislation can be put in issue in the Federal courts which is claimed to have been enacted without due process of law or in denial of the equal protection of the laws, a phrase of very vague contour, with the result that, in exercising their legislative power, the States have become in the end amenable to Federal authority, and the class of cases, involving the conduct by the States of their local affairs, is to-day the largest in number that reaches the Supreme Court. Something else made possible by the fourteenth amendment, aside from any of the propositions offered in the last Congress, is for Congress to take a step which it has not yet done, although such action has been proposed, namely, reduce the representation of any State in Congress to the extent it may find that there are suffrage standards in that State which have the effect of abridging the right to vote, except for participation in crime. Another thing still more drastic in the way of control of State action is apparently made possible by the amendment. It provides that no State shall "deny equal protection of the laws," and that Congress may enforce this provision by appropriate legislation.

The Supreme Court now seems to hold, in contradiction of a case previously decided, that should an official or agency of a State by neglecting to discharge a duty expressly enjoined by a State fail to accord equal protection to a person, the State itself is responsible for the default and Congress can by legislation supersede the State's authority. On this foundation was based the so-called antilynching bill, which passed the House in the last Congress but did not go through the Senate. If that construction is tenable, it is quite obvious that there is no length to which Congress may not go in taking charge of State affairs whenever it finds, or thinks it finds, that the administration of State law, however perfect and however bona fide in its purpose, is inadequate to prevent injustice to an individual. It may go so far that the States will be less autonomous than the Roman provinces or the American Colonies and in a position of incomparably less power and dignity than the least of the self-governing Dominions of the British Empire.

I might dwell upon a fact often lost sight of, namely, that the shifting of authority has so enormously increased the scope and complexity of its activities that the Federal Government no longer functions as satisfactorily as was once the case, as witness the general criticism of all of the departments and agencies which it includes, but I shall not proceed further with a very discursive and, I fear, a very unhelpful comment upon some of the aspects of a very grave subject. On national anniversaries and at other times we express our admiration and respect for the Constitution and resolve to cherish the fabric of government projected by the fathers. The American Bar Association in arranging for the observation of what is called Constitution week to celebrate the anniversary of the work of the Philadelphia convention proclaims that "the time has come when a general movement should be made to revitalize the Constitution in the popular mind, to secure its adoption once more by the heart and soul of the people." Unless, however, we thoughtfully consider what has occurred and consult the warning signs, so that we may be in a position to know the truth and exert our influence to safeguard the future, there will be no saving grace in our occasional outgivings. The strong faith and hope which we still cherish may count for little and our words may prove to be as sounding brass and a tinkling cymbal.

Mr. TYDINGS. Mr. Speaker, I do not wish in any way to have what I shall say on this question construed as reflecting on the splendid motives of most of those who are favoring this amendment to our Constitution; and again, at the very start, I wish to state I am heartily in accord with child-labor legislation which has for its purpose the protection of the child life of our country. It is the greatest asset we have, and every reasonable, honorable, and sound remedy to protect childhood should be utilized. Now, to approach the question before us: Is it best that we add this amendment as it stands to our National Constitution? Let us see. The amendment reads as follows:

The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

Let us suppose the amendment is adopted and that enforcement legislation is enacted to carry out its purposes in the several States. What will it do? I shall mention just a few of the things that will take place:

First. A widowed mother whose sole support is a boy of 17 years of age can not permit her son to help maintain her home. She may be an invalid; she may be of advanced years; she may need his help very acutely to lessen the burden of her declining years; but although she is unable to work, and though her son has graduated from high school or grammar school and is big and robust and anxious to help his mother, he can not do so. The person who employs this 17-year-old son will be fined and sentenced to jail. So in all the many cases in this Nation like the widow's just mentioned, although unable to work, she must do the best she can for herself and her son, while he remains of no help and in enforced idleness.

Second. Look at the number of young men between 16 and 18 years of age, sons of poor parents, who are working their way through college in an effort to better their condition in life. The only possible way for these worthy and ambitious young men to obtain such an education is by working on the side at odd times to obtain enough money to help them through school. A large proportion of the men attending our average colleges start in between the ages of 16 and 18. To these young men we say, if we adopt this amendment, just this: If you have not the money to attend college, then you must stay in idleness in your home town until you reach the age of 18 years. If a young man graduates from high school at 16 years and then has to wait two years more before he can attend college, he will have forgotten much of his education obtained in high school when he is able to enter college two years later. Do we want to put a burden on the noble and commendable efforts of these young men by denying them a chance to better themselves in life? That is exactly what we will do if we adopt this amendment.

Third. How about the colored people, male and female? The colored schools in Maryland of the better sort run up to the ninth grade. So after these colored people finish these grades they must then remain idle until they are 18 years old. Is this conducive to good citizenship for either the white man or the black man? Yet that is what we do here by adopting this amendment.

Fourth. Over 60 per cent of those who are under 18 years of age are employed on the farms of America. If this amendment is adopted, it is admitted that the farmers' sons who may be 16 and 17 years of age are forbidden to do any work whatsoever on the farms. You will in a moment deprive the hard-pressed farmer of that bit of assistance from his grown boys without which you increase his struggle to make ends meet. Are we ready to take this step?

Fifth. But, Mr. Speaker, great as are these examples, and they are but a few of those which will come to pass if this amendment is adopted, there is a greater and higher reason than any other as to why this amendment should not be adopted. I want to dwell on it briefly a moment. Mr. Speaker, God gave us mothers; the greatest blessings, the noblest influence, the untiring encouragement, the unfaltering friend of children. Going into the very garden of Gethsemane, unto the brink of death itself they bring us into the world. In our helpless babyhood they suckle us and bend to our well-being every fiber of tenderness, love, and care in their beings. Our smallest discomfort brings them hurrying anxiously to our sides. Since the dawn of civilization, or before it, nothing has been discovered to take the place of or even approach the flood tide of devotion of the mothers of America.

May I suggest that motherhood is America itself; and, the purity of it, the truth of it, the sacrifice of it, is writ in every color of our flag. No matter how dark the hour, how great the ordeal, how impossible the effort, there is no obstruction, even death itself, which can dim the glory of a mother's great and abiding love of her child.

Now, Mr. Speaker, in this proposed amendment we are going to enter the home, in the guise of a Federal inspector, and substitute for the child's birthright of motherhood the parentage of a two-by-four Federal inspector, who will take over the rearing of the child. Can we have come to this? Have we lost faith in the mothers of America—the mothers of the men who crossed the Alleghanies, settled the western prairies, and bore the boys who fought the Revolution, Civil, and World Wars? Shame on us. No greater insult could be hurled at womanhood, sitting in the sacredness of her home, be it palace or thatched hovel, than to place over her these Federal agents. There is no man beneath the sky above who can ever take the place of a mother, or begin to carry within his heart the overflowing love and devotion of the mother for her child. And for my part I shall go down to political oblivion forever rather than substitute any other agency for it. The mother is the creature of God—the Federal inspector the creature of man. One is inspired from above; the other by a monthly check. To one the love is inborn, to the other faked.

Gentlemen, the hour is approaching when we must vote on this question. The age limit of 18 years is too high. But, be that as it may, I ask you to contemplate the scope of this amendment and to call up before you the millions of splendid women who have given us the men of this country. In this hour carry your fancy to your own firesides, to your own early boyhood, and ask yourselves who is the better able to raise her offspring, the woman who suffered to bring you into the world or a Federal inspector. If you do that, you can reach but one conclusion.

Speaking for myself, Mr. Speaker, as between the Federal inspector and motherhood I cast my vote for motherhood.

Mr. BRAND of Ohio. Mr. Speaker, the proposition before us is to amend the Constitution of the United States so that Congress is empowered to prohibit people under 18 years of age from engaging in any kind of labor, either in the factory or in the home or on the farm or in the mine.

On general principles I am not inclined to change the Constitution. Neither am I inclined to have the Bible and the Constitution take issue with one another. The original man was told "In the sweat of thy brow shalt thou eat bread," and that has been an abiding rule of life since.

Shall Constitution or legislative act change that decree? And did that decree of long ago apply to youth of less than 18 years?

"As the twig is bent the tree is inclined." To prohibit the labor of youth up to 18 years of age interferes with the development of the habits of industry, and such a habit is not easily acquired after the age of 18 if idleness has been the habit up to that time.

The groove in the human brain over which the shuttle of life works back and forth with little resistance begins its formation early in life, and we have learned to express this condition of mind by the word habit. Fortunate are those who have the habit of industry, for labor is the best insurance against failure, morally, physically, mentally, and financially. Personally I have never known a youth hurt by labor, but I have known many harmed by idleness.

The original framers of the Constitution refrained from interfering with the right of youth to develop itself by industry, and likewise failed to supplant the government of home and parents by a Federal bureau deciding the destinies of the children.

I have had some illustrations brought to my attention of the application of a child labor law in the District of Columbia. A man here high in official position had a boy 17 years old. Vacation time came and the father thought the young man should have something to do. He was told of an available position, but it required an examination by the Civil Service Commission. Upon application to the commissioner he was told that a certificate must be secured from the public schools. He took his boy to the principal and was instructed to have the boy examined by three doctors—an eye, ear, nose, and throat specialist, a dentist, and a physician. The result was finally a defective tooth was found and it was filled. Otherwise the boy was sound. But time had passed and when he again applied for the place the position had been filled as well as his tooth.

That same father had a woman stenographer in his office who had a boy a little younger, and vacation time came and she thought her boy should be occupied, and after she had gone through the usual red tape she was informed that her boy could work only provided she would make oath that he was her only means of support. This she would not do, so both these boys spent their summer in idleness. These may be exceptional cases. I am not prepared to say.

These are illustrations of the application of a State law, and each State has full power to act to protect child labor, and 45 States out of 48 have already acted and passed child labor laws. The three remaining States—Mississippi, Utah, and Wyoming—have less need, because they are not industrial States.

Do you want the Nation likewise enforcing such a law? Do you want to force the parents of the Nation to ask some Federal official before their children can be occupied up to 18 years of age, even in the home or on the farm?

I think you are planning Federal interference that will bring resentment and ill feeling toward your Federal Government.

Finally, I am opposed to the National Government increasing its functions by creating new bureaus and millions of new expense, especially where the work of the States is being duplicated.

I know there are about 20 national organizations present here to-day pressing for the enactment of this measure, but if we are going to reduce national expenditures we should be brave enough to-day to refuse to create a new expenditure duplicating the efforts of the States.

Mr. WINTER. Mr. Speaker, in December, 1906, a deep-seated humanitarian and patriotic purpose in the minds and hearts of the American people produced in Congress a bill to put an end to the exploitation of child labor. The progressive and constructive instinct of America spoke in that bill. Ten years later the best thought of the land crystallized in the passage of a Federal child labor law prohibiting the shipment of products of child labor in interstate or foreign commerce. The United States Supreme Court in June, 1918, decided that the power of Congress under the Constitution to regulate interstate commerce was not broad enough to include the provisions of the act. In February, 1919, the convictions of our people again found expression in an act which sought by a plan of a tax to prevent violations of certain age and hour standards provided therein. Again, in May, 1922, the Supreme Court found that the constitutional limitations on the taxing power had been exceeded and the act was unconstitutional.

It has become necessary, therefore, to attain this great and vital end of limiting, regulating, and prohibiting child labor to give to the people of the Union, speaking through their legislatures, the opportunity to ratify a constitutional amendment. This joint resolution should pass this House by an overwhelming vote. It should be adopted by ratification of the legislatures of the various States and not by special conventions, for the same reasons that thus have been ratified all the nineteen amendments. No sufficient reasons appear why there should be any change in this procedure. The test of a century and a quarter has put the indelible stamp of approval on this method.

It should suffice to say that the Republican and Democratic platforms in 1920 advocated a Federal child labor law, but the fact that there has been a nation-wide and persistent demand for this amendment is of itself the strongest argument that it is needed. This is no ephemeral, ill-considered, sudden proposition. It has, it is true, had behind it the irresistible power of feeling, emotion, and sympathy, the heart force of a great enlightened people; but it has at the same time always had and now has supporting it sound, clear-visioned reason and statesmanship. Neither the sentiment nor the reason can be denied.

I am a believer in the evenly balanced theory of government, promulgated by the founders, whereby the reserved rights of the States shall be jealously guarded against encroachment. The Supreme Court respected such rights of the States. Though there had been difference of opinion on the constitutionality of the two measures heretofore enacted the decisions of that great body were and are accepted as the true interpretation of the organic law. The question now is not one of constitutionality, but whether there is reason for conferring on the central Government also the right which has hitherto been reserved to the separate States. It is now proposed to confer that power by the constitutional method. Subsequent to the first 10 amendments, which were for the purpose of clearly fixing certain safeguards for the individual, based upon the natural, inherent rights of man, 9 amendments have been adopted.

Some of them have protected further and extended rights and intrusted government more and more to the people, such as the suffrage amendments, and the popular election of Senators. Some of them have given the Federal Government more power, such as the income tax and prohibition amendments. The equilibrium of the governmental structure has been maintained. Our Government is so formed that there is the centralizing, centripetal power, corresponding to the sun in the solar system, and there is the expanding, centrifugal force, corresponding to the earth's tangent-seeking momentum in the planetary system. Thus like the earth the Government is kept in its proper orbit, equally balanced between centralization on the one hand and individualism and State rights on the other. The result is orderely liberty.

This proposed amendment recognizes and protects this theory:

SEC. 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

SEC. 2. The power of the several States is unimpaired by this article, except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by Congress.

The States have had the sole right to deal with this question of child labor. They did not meet the needs of the situation. Without detailing them, there is no doubt that numerous influences have prevented many of the States from exercising a proper degree of regulation and prohibition, and where States have passed such laws the same influences have evaded, hindered, and prevented enforcement.

The situation is that in 1920 more than a million children between the ages of 10 and 15 were at work. State laws, where a standard comparable to that set up in the two Federal laws which were in force for a time, have had regulations as to age, education, physical standard, hours of labor, and character of employment. In many States these have been enforced in variable degrees. Uniformity was not practical and was not attempted. Many States had inadequate laws, indifferently administered. The result is that in spite of the efforts of some forward-looking and efficient States, child labor exists to-day in various sections of the country, and to an extent much greater than the last available census figures of 1920 indicate.

The steadying, encouraging, cooperating, and supporting arm of the Federal Government is necessary to wipe out this evil of child-labor exploitation. About one-half of the probable 1,500,000 children employed to-day are in factories, shops, manufactories, and mines. The hand of Uncle Sam is required to lift these pitiful little ones from the employments that sicken and dwarf and age and keep in ignorance. The future welfare of the Nation, aside from humanitarianism, demands that a power strong and watchful enough to accomplish the purpose shall take and keep a million children of tender years out of such surroundings and give them pure air, invigorating sunshine, a chance to play, to grow to the full stature of manhood and womanhood. Healthy, strong, educated citizenship is the security as well as the glory of a nation.

Conflicts between the Federal law and the State laws and in their administration need not be feared. Not only have we other examples of the Federal and State forces working harmoniously together—as indeed our whole theory of government presupposes—such as the pure food law and the mining law, but in this very matter we have had the actual experience of operating two Federal laws during the time they were on the statute books. The evidence is that such cooperation was complete, agreeable, and highly beneficial. State officers and boards have so testified.

Nothing stands in the way of this great reform so vitally important to the children, to the people, and to the Nation, except a theory, which has always unavailingly resisted a strong, central government. But a condition confronts us which demands a remedy. The mothers, the teachers, the practical men and women of this Nation, the uplifting influences everywhere throughout the land, those who wisely consider the security and well-being of our future national life, as well as statesmen of matured experience, equally solicitous of the rights of the States and of the power and majesty of the Republic, all support and will carry on this amendment until it shall be a part of the Constitution. It will then be exercised by the passage of a law which will be a second Emancipation Proclamation. That law will be reasonable, just, and effective, and adapted to conditions. The American people will have taken another forward movement in their gradual progress toward that high destiny which dwells for us in the coming years.

Mr. GALLIVAN. Mr. Speaker, eight years ago, as a Member of this House, I took particular pride in standing shoulder to shoulder with a majority of the Labor Committee when it reported favorably what was known as the first child labor bill ever considered in the Congress of the United States. We had a long and a hard struggle, but eventually, in September of that year, the bill became law, and it was operative, as I now recall it, from the 1st day of September, 1917. It was not a bill just like the one which the House has been considering. Unless I am mistaken, it prohibited the transportation of the products of child labor throughout the States of the Union. In other words, it provided that such products should not have the privileges of interstate commerce.

In less than a year the Supreme Court of the United States on an appeal decided by the close margin of a five-to-four decision that the law which we had passed in 1916 was in violation of the Constitution of this Republic.

Now, then, having tried to regulate this question of child labor by legislation, and having been prevented from so doing by our Supreme Court, I am one of those who firmly believe that Congress should with all expedition enact a Federal child labor law.

Oh, I have heard the arguments of those who protest against this legislation, because they are fearful of the invasion of the rights of the States. These men did not always worry about such invasion. Most of them were willing to give three long, loud cheers when the eighteenth amendment to the Constitution was passed. And even to this hour, when anyone suggests a repeal of the eighteenth amendment, most of these men almost turn black in the face in strenuous opposition to even the thought of such a thing. Nevertheless and notwithstanding, I agree with them that what is known as legislating through the Constitution is bad business. I believe that the fathers of this Republic, who made for us our Constitution, knew it to be bad business. But, Mr. Speaker, there are occa-

sions and there are causes, such as the cause which brings this legislation before Congress, when there is no help for it. The Supreme Court made itself very clear as to the power of Congress to legislate against child labor, and in the opinion of those who know best it will never uphold any Federal statute which may define limits to the legality of the employment of the children of this Republic.

Those who know best have told us that the legislation under consideration is absolutely essential. They have told us—and no one during this entire debate has as yet denied it—that a million children are to-day toiling at all sorts of employment, hard jobs, nasty jobs, dangerous jobs, and unwholesome jobs. With such a situation in this great land of ours there is but one thing for Congress to do and that is to amend the Constitution.

It is a privilege and a delight to support such legislation happily and heartily, and I am one of those Members of this House who earnestly look forward to the day—and may it be soon—when the coordinate branch will adopt this measure, and I fervently pray that it may soon be written into the law of the land.

Mr. McSWAIN. Mr. Speaker, I am taking advantage of the permission to extend my remarks for the purpose of a brief review of the debate upon the proposed child-labor amendment to the Constitution. It is very unfortunate that a measure of this vast, far-reaching consequence to our whole constitutional fabric should have been forced by a special rule into the narrow limits of a six-hour debate. Sometimes we spend a whole week considering a single appropriation bill, providing for the work of a single department of the Government for only one year. Yet we are spending only one day upon the consideration of this proposed amendment that is bound to affect the entire future of this Nation for hundreds of years. Members of Congress and members of the various State legislatures and private citizens who are interested in this far-reaching and fundamental question of constitutional policy should go back to the history of this Government, certainly to the very beginnings of cooperation between the various colonies when they were protesting against British legislation and seeking peaceful relief, without any thought whatever of independence.

They should study how this movement gradually developed into a fairly well-organized public opinion throughout all the Colonies to resist with force, if need be, the unjust and unfair and unconstitutional acts of the British Parliament and orders of the British Crown. They should then trace this movement until it eventuated in the resolution for independence, and when independence was finally acknowledged for 13 separate and sovereign States by the treaty of peace of 1782 the weaknesses and the strength of the Government by the Congress under the Articles of Confederation should be studied. It should be then considered how patriotic farseeing statesmen perceived the impossibility of peace and prosperity under the confederation and began to agitate for a more perfect Union. Especially should they study the debates in the Constitutional Convention at Philadelphia in 1787, and the discussions in the Federalist papers written by Jay, Madison, and Hamilton, and the debates in the conventions of all the States called to ratify the Constitution as compiled by Jonathan Elliott.

REASON FOR AND PURPOSE OF FIRST 10 AMENDMENTS

The full significance of the first 10 amendments to the Constitution should be understood. While these were ratified by the State legislatures after the Constitution had been itself put in operation, yet in a certain substantial sense these amendments formed reservations proposed and adopted by the States in connection with ratification. These first 10 amendments, ordinarily called the Bill of Rights, are especially designed to restrict and to limit and to confine the powers and prerogatives of the Federal Government to the strict and express letter of the Constitution. While in all probability the courts would have held that the Federal Government could have no power except that expressly conferred by the Constitution, yet the first 10 amendments, and especially the tenth amendment itself, makes unmistakably plain the thought of the fathers and founders, that the Federal Government was to have limited powers, and that the vast reservoir of popular sovereignty should remain, and remain forever, with the people of the several States.

BOTH PROPONENTS AND OPPONENTS OF CHILD LABOR AMENDMENT EQUALLY SINCERE FRIENDS OF CHILDREN AND FUTURE OF OUR COUNTRY

Throughout the debate on the subject of the child labor amendment the sincerity and the friendship of those of us who have opposed the adoption of the amendment to the interests of unfortunate children and their equally unfortunate parents has not been questioned. We of the opposition love childhood and children and recognize their value to the future and recognize that their strength, both physical and moral, are essential to the well-being of the future. We are opposed, just as intensely and sincerely as those who favor this amendment, to exploiting child labor, to continuously confining children under improper sanitary and moral surroundings. Our opposition to these things is admittedly sincere. The whole issue is as to which is the best way to arrive at the praiseworthy result desired equally by both sides. We, of the opposition, contend that it is unwise and ultimately may prove highly dangerous, and will certainly establish a dangerous precedent, to seek to regulate this matter under Federal power conferred by a constitutional amendment. We insist that "the evil is wrought for want of thought, as well as want of feeling." We insist that the American people are composed first of families and next of large numbers of families composing States, and then the States collectively have created a Federal Government for the purpose of exercising certain limited powers over matters that are interstate and international.

OPPOSITION PROMPTED BY PRINCIPLE—THE WAYS AND MEANS OF ACCOMPLISHING THE RESULT DESIRED IS THE ONLY QUESTION

We of the opposition wish to have the country understand and we now solemnly record it to be read for all time to come, that our view is that all of these problems and questions relating to matters peculiarly domestic and international should be controlled by the States and by the States only and our reasons are numerous and are sound both severally and collectively. First, we feel that the States are better qualified both from interest and information to handle these matters. As a general average there are more than ten times as many members of the State legislative bodies as there are Members of Congress from those several States. We Members of Congress certainly can not afford to arrogate to ourselves a more genuine and burning interest in the welfare of the children than the State legislators feel. Further, can we afford to claim that we know and understand better what is for the interest of the children and of the future of the country with respect to child labor than the members of the State legislatures? I do not see how those favoring the amendment can go before the people of their several districts when presenting candidates for the several State legislatures and say in effect that these 10 men seeking to represent the people in the State legislatures do not understand and do not have the same interest in the protection of child life and the future of our country as well as the single Member of Congress. In the next place we hold that it is sound democracy taught by both Jefferson and Hamilton, by both Washington and Patrick Henry, by both Gouverneur Morris and George Mason, by both Edward Rutledge, of South Carolina, and John Jay, of New York; by both Governor Clinton, of New York, and Judge James Wilson, of Pennsylvania, that government and its processes, that the motive for laws and for their enforcement, should spring up from the fountainhead of popular demand and approval, rather than descend from the imperial heights of Federal authority.

To be perfectly plain, we believe with these great fathers of American democracy that the individual citizens have responsibility and these citizens collectively in their States have responsibility, and that these citizens, both individually and collectively, can not develop and strengthen their capacity for self-government in any other way than by exercising the right of self-government. Therefore we believe that self-government is not only a right and privilege but it is equally a duty and an obligation.

SELF-DEVELOPMENT IS THE BASIS OF DEMOCRACY

Holding this view of life, which is the justification for democratic institutions, we can not separate the child from the parent, and we can not delimit child life from home life, and we believe that the parent influence and the home influence are more powerful factors in the formation of character, an essential consideration for life's duties, than even the teacher and the school. Therefore we hold that the school is but to enlarge and amplify and carry on the foundation work that the home and the parents have laid. Therefore we hold that if the parents, who are also citizens, and who can not separate their duties as citizens from their feelings as parents, are not permitted and expected to exercise their political influence and power to bring about better conditions within their several States for their children by agitating and working and sacrificing for better schools and better teachers and shorter hours for labor and better conditions for labor, then these parents will have lost that independence and initiative and self-assertiveness which are indispensably necessary to constitute character, to constitute manly manhood and womanly womanhood; then these parents can not and will not exert that formative influence in the hope that made the generations great and

powerful which developed during the colonial and during the Revolutionary periods and during the successive periods in our national history until the paternalistic and patronizing processes of government begin to supplant the activities and independence of the individual citizen.

WHY THE POWER TO REGULATE CHILD LABOR SHOULD NOT BE VESTED IN THE FEDERAL GOVERNMENT

Again we submit that it is a physical impossibility for the Federal agencies, either legislative or administrative, to do nearly so well with these matters such as child labor as the States themselves can do and now are doing in the aggregate. It must be remembered that time and time again during the debate facts and figures were cited to show that the majority of the States have legislation now establishing standards for child labor up to 18 years. That nearly all the States regulate child labor up to 14 years. That most of the children classed as occupied and laboring in gainful pursuits are working on the farms, and everybody admitted during the debate, and everybody with common sense will admit, that farm labor does not hurt children—physically, morally, or intellectually. It is out in the open and in the sunshine where health and strength are gained. It is in contact with the elemental forces of nature and is thus the very foundation for intellectual attainment and character building. The child who learns to till the soil, to sow the seed, to cultivate the plant, and to reap the fruits and seeds at harvest is thus in his personal experience running the gamut of the entire developmental experience of the human race, and that child with that foundation is prepared to assimilate and to profit by the multifarious inventions of a highly civilized society. It was argued that very few States are behind the standards, and it is notable that these delinquent States were not named. The whole proposition can be well summed up in the unrecorded utterance of a proponent of the measure:

> We know the States are making progress, and we realize that ultimately all the States will come up to the standard, but some of them are too slow, and we propose to put the Federal fire on their backs.

This is Prussianism, pure and simple. Such sentiments are not American democracy. Such ideas are repugnant to republican institutions. We all understand that democratic governments do not make the swiftest progress in civilization; we understand that republican governments are not the most efficient and wisest; but we also understand, and feel with a deep-rooted conviction, with even religious fervor, that democracy and republicanism constitute a great school, a system of self-discipline, a nation-wide university, in which the individual citizen is being constantly trained and developed and his child, in turn, trained by the same educational processes of doing civic duty where the father and mother leave it off at death. Democratic institutions exist for the individual citizens in their separate capacities and not for the governmental machinery in a collective capacity. The strength of America does not consist in the strength of the Federal Government, in the power of our Army and our Navy, in the dignity and wisdom and knowledge of the Supreme Court; but it does consist in the moral fitness, in the brain power, in the patriotic purpose, and in the capacity for intelligent cooperation on the part of the men and the women who are the mothers and the fathers of the children of to-day; and these children, in turn, will be the citizens and mothers and fathers of to-morrow.

DANGERS OF CENTRALIZATION AND BUREAUCRACY UNIVERSALLY ADMITTED. THEN WHY NOT STOP HERE AND NOW?

We can not make it too plain nor emphasize it too strongly that every speaker who discussed this child-labor-amendment question, both those in favor of it and those against it, called attention to the dangers of centralizing governmental power at Washington. They all without a single exception admitted that this centralization has already gone so far that the Federal Government can hardly function. The demands upon it are so multifarious and vast and numerous as to make it practically and physically impossible for the various governmental agencies to meet these demands.

First of all we were told that Congress itself can not give proper consideration to the legislation pressing for action under the existing Federal constitutional powers. Already about 15,000 bills have been introduced into the present Congress, and hundreds of bills are before single committees, and these same committees hardly have time to give hearings or consideration to more than two or three general bills at a session of Congress. It is admitted that the executive branch of the Government is unwieldy. The President can not find time to consider the volume of international and national problems pressed upon him. The result is that each of the heads of the various executive departments is a petty president. The result is that the heads of the several bureaus in the executive departments become despots. Those above them are too busy to supervise them. The result is the evil of bureaucratic government. Everybody inside of Congress and many outside of Congress knows that the Federal Government is no longer a government of laws but a government of men, and the men are the heads of the bureaus, and government by these men is called bureaucratic. Those citizens who have had experience with the Federal Income Tax Bureau begin to know something of what bureaucracy is. It is bureaucracy that ultimately leads to the spoils system; that leads ultimately to official corruption, and official corruption ultimately leads to popular discontent; popular discontent in turn will result in either upheaval or overthrow, or in suppression by organized power; that is, by the use of the stern steel hand of militarism. These are not mere imaginary evils. Those who read the debates in the Constitutional Convention and the discussions in the Federalist will see that the wise men of that day established checks and balances in government to offset the weaknesses and corruption of human nature.

DUPLICATION BY FEDERAL GOVERNMENT OF STATE ACTIVITIES PILES THE TAX PYRAMID HIGHER

In addition to the physical impossibility of wise and intelligent legislation by Congress and the dangers of corruption and ultimate militarism resulting from a bureaucratic government there is the enormous burden of taxation entailed by centralizing governmental activities. The citizens who pay taxes into the Federal Treasury also pay taxes into the State treasury, and if the Federal Government is to duplicate the activities of the States, then the taxpayer will be supporting two machines which perform the same service. That explains why the tax bill of the Nation has grown so enormously in the last 10 years. It is due to the increase of bureaus and the multiplication of activities by both the State governments and the Federal Government. The question is, Is there a need for both pursuing the same line and trying to perform the same service? For illustration, these last 10 years the cost of the Federal activities, entirely leaving out the interest on the public debt created by the World War, has been multiplied by three. At the same time the cost of the State governments has been multiplied by two. I think it can be stated without successful contradiction that the State governments can administer laws relating to domestic matters far more economically than can the Federal Government, and at the same time obtain as great, if not a greater, degree of efficiency.

Shall the unifying, centralizing, consolidating process go on until the States are purely geographical subdivisions, with no power, purpose, or privilege? Shall the Federal Government send a preconsul or proctor with an army of Federal functionaries to administer Federal laws on every detail of life and business within the States?

THE SOLUTION OF THE WHOLE QUESTION

The way to bring up the few backward States is to get in touch with and encourage the progressive forces in those States to bring upon public sentiment pressure demanding State legislation to correct the trouble. In this way the adult citizens who vote do the work, and thus are strengthened and become better parents and home makers and patrons of schools and better church members and better citizens by reason of strength developed by the struggle in contending for a worthy civic measure. Having procured its enactment, they cooperate in its enforcement and the expense of administering such a law so procured is relatively small. There are State policemen and constables and sheriffs always close at hand, and the State courts near by to punish violations. But how different is the case of Federal administration.

At least an average of one inspector to each of 3,000 counties will be required. The vast expense of such force with the overhead office personnel here in Washington will be another huge tax burden. Those charged with violations with prosecuting witness will be carried in many instances 100 miles and more for trial at a Federal court, all at the expense of the Federal Treasury. The expense is only equaled by the hardship.

THE POWER PROPOSED BY THE AMENDMENT IS TOO BROAD

Earnest efforts were made to reduce the age from 18 to 16 years and to exclude labor of children on the farm where they reside, or in the place of business or on the farm of the parent. Also amendment was sought to require that the proposed amendment be submitted to conventions called in the several States to consider the question. But all these were voted down, as will appear by reference to CONGRESSIONAL RECORD on pages 7289, 7292, 7293, and 7294.

It was conceded by the advocates of the measure that there is no necessity for congressional legislation affecting farm labor or in the home of the parents. Yet the power will exist by this amendment ratified to regulate or prohibit the washing of dishes or sweeping floors or building fires in the home. It can be

employed to regulate labor of persons under 18 years of age in such a way as to cripple, if not ruin, farming by small farmers, working a few acres of their own or rented land by the labor of themselves, assisted by their wives and children. And this would apply especially to the small cotton farmer. The father can do the heavy plowing, but the hoeing and picking are relatively light work and children when not in school can properly be employed to chop cotton in the summer and to pick its fleecy locks in the autumn. I began chopping and picking cotton when quite small, perhaps 7 or 8 years old. It was healthful exercise; I was contributing to my own support. I was learning many useful, indeed, necessary things, and I was thus kept out of mischief. There is a lot of maudlin sentiment manifested about the million child workers in America, when, in fact, more than half of them are on farms, thus having the chance of a start to be somebody physically, mentally, morally, and financially. Of course, there are evils in congested industrial centers.

WHY PLACE ALL OUR EGGS IN THE FEDERAL BASKET

It seems that every motive and consideration—such as honesty, economy, safety, and efficiency—should prompt the people of the States to keep governmental powers and not transfer same to the Federal Government. But one other consideration should also be controlling. That applies to the right and power to decide and manage all internal, domestic, local matters according to peculiar local tradition, sentiment, interest, or situation. Would the people of California be pleased to have Congress pass a law requiring all public schools to admit all Japanese children, or permitting all Japanese, though not citizens, to acquire title to land? States like California can control their own affairs if they will stop centralizing power in Washington by Federal amendment or otherwise. Why should a farmer, owning his own land and thus able to control all his farm operations, deed his land to an agricultural corporation, pool his capital with all his neighbors, and thereafter try to run his farm by the orders of the corporate board of directors?

HOW SHALL WE CONSERVE THE FUTURE?

The motive back of the agitation to amend the Constitution so as to give Congress the power to regulate or prohibit child labor is to conserve the strength of the children in order that the men and women of the future may be strong. But if the process of consolidating power at Washington be so encouraged by this additional increase of Federal power as to result in the final overthrow of the efficacy and efficiency of the State governments, and thus destroy their power to protect, or their stimulus to be concerned with, the child life, the home life, the economic independence, the personal liberty, the individual freedom of all the people—men, women, and children—within their respective borders; and if the very hugeness of the consolidated Federal branches of government—legislative, executive, and judicial, and especially the administrative bureaus—vested with large discretion, thus permitting personal government and ending the operation of general laws, then what will be condition of the country? Then who will be shown to have been the true conservators of the future? Then who will be proven to be the genuine friends of childhood and of womanhood and of manhood? Would it not be better to let all the 48 States continue to manage all such matters, according to their slightly varying standards, but all according to the great American principle of independence? Would it not be better to rely upon the love of parents for their offspring, thus prompting them to elect State legislatures with intimate knowledge to deal with domestic questions? Would it not be better to permit a sort of rivalry between the States in the race of progress? Do not counties and towns and communities advance fastest when they vie with other counties and towns and communities? Will it be wise to reduce all progress to a dead level? In fact, will the individual ambition be stimulated by a nation-wide order to pay taxes and obey bureaus, as men and women are now stimulated by town meetings, and county conventions, and State legislatures, discussing, resolving, and legislating according to the local needs, the popular sentiment, and the common desire for progress and advancement?

Mr. BUSBY. Mr. Speaker, we have now reached the point where we are to vote on House Joint Resolution 184, proposing an amendment to the Constitution of the United States. We are now called upon to decide whether or not we "deem it necessary" to propose this proposition to the several States for their ratification.

This resolution provides:

SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

Much valuable discussion has been had on this resolution, and strong arguments have been made for and against it. I have always felt so strongly favorable to the young life in America that it has been hard for me to keep an open mind for the fair consideration of this resolution. I believe that children should be protected from employers who would, at the expense of child development and health, convert their energies into commercial gain. I believe every child should be afforded an opportunity to attend school and prepare for life's battle.

Much sentiment in a general way has been created throughout the country for legislation along these lines. Women's clubs have taken an active and commendable part in order that these ends may be reached. In response to communications from them I have uniformly expressed myself as being favorable to such a policy. Twenty-three separate resolutions, all differing in words, have been introduced in the House in the Sixty-eighth Congress proposing child-labor amendments to the Constitution. The one now before us was selected out of that number by the Judiciary Committee to be considered by the House. Article V of the Constitution provides:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution.

This implies more than a mere submission by Congress of a proposition to the States for their ratification. When a constitutional amendment is proposed and submitted by Congress to the States this proposal carries with it the solemn declaration of Congress that two-thirds of "both Houses shall deem it necessary." Never in the history of our Government have the legislatures of the several States failed to ratify any amendment proposed to the Constitution by Congress, and it is only reasonable to believe that this one will be ratified if proposed.

Let us look to the terms of this resolution and see what powers of government the Congress would have the States transfer from the control of the people, where these powers are now lodged, to the already strongly centralized Federal Government at Washington, and this for all time to come. Congress shall have power to (first) "limit," (second) "regulate," and (third), "prohibit" the labor of all persons under 18 years of age. This means that the national lawmaking body here in Washington could and would pass a Federal statute and therein prescribe the number of hours, how, where, when, and under what conditions the fathers and mothers from Maine to California and from Canada to the Gulf of Mexico might engage their children and young men and young women up to 18 years of age in labor. It also means that these persons—sons and daughters under 18 years of age of these fathers and mothers—might by Congress be prohibited from doing any labor whatever. Such are the powers by this resolution proposed to be taken from the parents and from the States and handed over forever to the guardianship of the National Government. To my mind this is an appalling situation you recommend by this resolution for the States to assent to.

The several States have the power, and have always had the power, to limit, regulate, and prohibit the labor of persons under 18 years of age and people over 18 years of age, as necessities might require. This can be done by a simple act of the legislature. In this humane age, in this age of charity, fraternalism, and brotherhood, during recent years the several States have provided laws to protect children as the varied conditions demanded. These laws may be changed, modified, strengthened, or repealed by the legislature as conditions change.

One State needs laws to protect its children in one line of employment, and another State in another kind of employment. Maine and Massachusetts do not know what kind of labor from which children in Mississippi should be protected, nor does Mississippi know the kind of laws California should have for child protection. The great manufacturing centers of the East, the great cities like New York, Chicago, and Philadelphia, cities containing millions of peoples, can not know what child labor laws are best suited to Mississippi and other sparsely settled States; and yet you propose by this resolution to intrust the making of laws controlling the labor of all persons under 18 years of age for all the States to Congress, but few Members of which could possibly be personally acquainted with the conditions and needs of the various States.

Mr. Speaker, I could view the proposition we are now considering with less concern if the people could speak directly on whether or not they would approve by convention the granting of this power to Congress, instead of leaving this duty to the legislatures which are not elected on the issue; I could feel more favorable to the resolution if the age to which Congress should control, regulate, and prohibit the labor of persons under 18 years of age were lowered, or if the power of Congress were limited to controlling, regulating, and prohibiting labor of persons under 18 years of age in factories, mines, mills, other like employment, and hazardous occupations.

An amendment to this resolution was offered by the gentleman from Tennessee [Mr. GARRETT] proposing to leave the

ratification of this constitutional amendment to "conventions selected by the qualified electors of the several States" instead of leaving its ratification to the legislature, as provided in the resolution. The reason and justice of this course is plain. It would give the people a chance to speak directly on whether or not they wish to surrender the absolute control of the labor of persons under 18 years of age and intrust it to the guardianship of Congress. If the convention method were adopted for the ratification of the amendment, candidates to the conventions would go before the people, one candidate for the ratification and another against it, and by the ballot the peoples of the several States could speak directly for their preference, those favoring the ratification of the amendment voting for the candidate to the convention who favored it and those opposed to the ratification voting for the candidate who opposed its ratification. In this way when the members of the convention were elected they could know that they voiced the sentiment and wishes of the people who sent them there.

If the amendment is to be passed on by the legislatures, there is no assurance whatever that these legislatures would speak the wishes of the peoples in the several States, because many of the legislatures in the various States which would be called on to pass upon the ratification of this amendment will have been elected before this issue has become a fact; in truth, many legislatures that may be called upon to ratify or reject this proposed amendment have already been elected. Therefore this particular proposition would not have been in the minds of the people when they were choosing their legislators.

The amendment by Mr. GARRETT was rejected, and the masses of the people were denied the right to have any direct voice in saying whether or not they desired the incorporation into the fundamental law of their land the principles set forth in this proposed amendment. This, to my mind, was a grave mistake on the part of Congress, and expresses a lack of confidence in the people to directly do their own choosing.

Another amendment was proposed by the gentleman from California [Mr. MACLAFFERTY] to reduce the age limit contained in the resolution from 18 to 16 years. This change was adopted in the Committee of the Whole House on the state of the Union, but was rejected by the House on a roll-call vote. It seems to me that this was a grave error in the House holding the age of persons at 18 years, instead of reducing it to 16 years, when it is considered that the Congress will have the absolute power to control, regulate, and prohibit the labor of all such persons.

It is a well-known fact that many boys who grow up on the farms are strong and capable of rendering valuable and efficient service long before they have reached the age of 18 years. I lived on a farm myself until after I reached my majority. By the time I was 18 years of age I had actively participated in making at least 10 crops. I was as large in size and as strong physically before I was 18 years old as I have ever been at any other period in my life, and I attribute this largely to the fact that I had had the wholesome and benefical exercise of performing the duties that came to my lot. There are many other lines of employment which a boy under 18 years of age is as capable of performing as he ever is at any age in his life, and this without injuring him one particle in health, development, or mind.

Another amendment to this resolution was proposed by the gentleman from South Carolina [Mr. MCSWAIN]—

> the labor of any child in the house or business, or on the premises connected therewith, of the parent or parents.

This amendment was rejected by the Committee of the Whole House.

The gentleman from Virginia, Governor MONTAGUE, on a motion to recommit the bill, proposed—

> but not the labor of such persons (all persons under 18 years of age) in the homes and on the farms where they reside.

It certainly seems to me that this last provision should be adopted and the control of persons on the farms and in the homes not be intrusted to the Federal Government at Washington.

The advocates of this proposed constitutional amendment will tell you that it is not the purpose at present to interfere with labor on the farm. Yet I say to you that I do not believe it is far distant in the future until we will have clamoring at the doors of Congress organized efforts to coerce Congress into enacting laws, if this amendment becomes a part of the Constitution, to say to the fathers and mothers on the farms what service their children shall do and shall not do. We have heard complaints during the debate on the resolution that the southern farmers were overworking their children on the farm. I voted for each of these propositions to liberalize and make more sane this proposed amendment. I could do no more.

The 1920 census shows that there were 1,060,858 children from 10 to 15 years of age, inclusive, who were gainfully employed in 1920; that 647,309 of these, or 61 per cent, were engaged in agricultural pursuits; and that 413,549 were engaged in nonagricultural pursuits. It would be idle to suppose that Congress, given the power, would not shortly begin to limit, regulate, and prohibit children from working on the farms under the direction of their parents.

I have never known any power to be given to Congress which was not speedily exercised by it. I know of many instances in my section of the country where it is a hard problem for families with the aid of the members of these families under 18 years of age to make a living. If we are to authorize Congress to exercise the control of these persons, as this amendment would empower it, who is going to feed, clothe, and care for these children until they have passed out of the reach and control of Congress? I venture the assertion that within a few years after Congress begins to exercise its powers of this amendment that the natural and necessary counterpart to the laws which it may enact in regard to children would be a law providing millions of dollars in pension to care for families which can not make a living for themselves because they are prohibited from engaging in labor by the Federal Government.

If this resolution becomes a part of the Constitution, certainly Congress will enact laws to put it into effect. What provisions will these laws contain? No one doubts that they will provide that before a person who comes within the range of these statutes can engage in labor he must first obtain a certificate from a Federal agent certifying that he is of lawful age, physically fit, and has reached the proper degree of educational advancement to entitle him to engage in the occupation specified. Without this certificate he will be unable, without violating the law, to engage his service, and those who employ him will be unable, without violating the law, to give him employment. The Federal agent will have charge of these qualifications and not the parents. Through this method the Federal Government will force entrance into educational fields of the State, and thereby indirectly usurp the control of our entire educational systems. Because of these limitations many families for lack of labor on the part of members of those families under 18 years of age will find themselves unable to provide the necessaries of life. If this condition existed it would force Congress to enact pension laws to care for families upon which they have brought destitution. Millions of dollars will be necessary to meet the demands thus made.

This is fine idealism, but we are getting away from the honored and accepted truth that through honest work will the necessaries of life be provided. Too, somebody must pay the bills, and, of course, this will fall to the lot of the already overburdened taxpayers, who must suffer because of the folly of government we have committed.

I make these predictions in the light of the declared policy of some of the advocates who are fostering propaganda for this measure, and I might add as a prediction that in the very near future much pressure will be brought to bear on Congress to enact old age and other similar pension laws for our country.

If this proposed amendment becomes part of the Constitution it will be necessary for Congress to create another bureau with its horde of agents and employees to put into effect the laws which it will enact. It will be necessary to send Federal agents into every part of the United States to supervise the parents and see that they do not violate the statutes enacted to control their children. Every time that a father or mother violated such statutes it would be possible to haul him or her into the Federal court to answer a charge of disobedience of the Federal law.

The time has come when Congress is bombarded by well-organized effort for any measure that the particular orgnization wants put over. I have noticed that these bombardments usually get results. I feel that Members are sometimes swept off their feet and away from their better judgments in casting their votes because of these conditions, and the consequences that will await them at the next election should they, in their best judgment for the good of the country, cast their votes contrary to the demands of this pressure.

Various reasons have been assigned by various Members as to why they propose to vote for this resolution. Some say that we had a Federal statute until it was declared unconstitutional by the Supreme Court which was similar to the power proposed to be taken over by this amendment. That is not true.

The child labor law applied only to labor in mills, canneries, factories, workshops, manufacturing establishments, mines, and quarries, and this only to the age of 16 years. This proposed amendment simply takes over a child from the standpoint of labor up to 18 years, and for every purpose.

Another thing. Congress could repeal a statute, but a constitutional amendment once adopted is for all time to come. Different Members have assigned different reasons as to why they intend voting for this resolution. Some have said they are only passing it on to the States for their action. They are passing it on to the States with the solemn declaration that they have "found it necessary." One Member, the gentleman from Wisconsin, Mr. VICTOR BERGER, said:

> It is a socialist amendment, and that is why I am for it.

Certainly we are going far adrift in incorporating such a proposition in our Constitution. It has been said:

> That government is best which lies closest to the people.

Thomas Jefferson has said:

> Governments should not be founded on confidence in men, but on jealousy of power.

That is, that the people will do well not to trust the powers of government into hands that do not know, but keep them within their own control.

I have not lost faith in the fathers and mothers of the land or in the love they have to care for, protect, and educate their own children. I believe they will do a better part for their children under the guidance of the impelling forces of the inherent paternal love than can ever be done for their children under the guidance of Congress through its Federal agents, who will have authority to go into and interfere with the conduct of everyone in the land. I am not willing as a representative of my people to cast my vote for any such proposition as the resolution which we are now to vote on. I shall, therefore, even if I stand with a small minority, cast my vote against this resolution with the confident belief that the future will see the wisdom of the course I have taken.

If we have confidence in the people to act intelligently for themselves on any governmental function, there is no necessity for the National Government to demand from the people in the States that the authority to control the labor of all persons up to 18 years of age be taken out of the hands of the fathers and mothers and of the States and be intrusted to Congress. Forty-six out of the 48 States have already enacted regulatory laws, 18 States have already risen to the high degree of regulation which the advocates of this measure claim to be essential to the welfare of children. Legislation by the States along this line has been rapidly advancing, and during the last five years many States have enacted much legislation for the welfare of children. My own State of Mississippi during the session of the legislature which has just adjourned placed upon the statute books a law to protect the children in that State from labor calculated to be injurious to them.

I do no believe, in this enlightened age, when the spirit of altruism and concern for the welfare of others is so general, that a condition injurious to the child life of America can go long without remedy at the hands of the several States. If one-tenth of the pressure that has been exerted on Congress to bring about this revolutionary constitutional amendment had been directed to the legislatures in the States where the child-labor evil exists no instance would to-day be without remedy by State legislation.

I believe that the several States should deal with the child-labor problems existing in the several States. I have as much confidence in the men who compose the various legislatures, and who understand the problems of child labor at their doors, as I do in the Members of Congress who do not understand the conditions with which they are not acquainted. I believe that the child-labor questions in the States should be left to the States themselves. In recent years we have seen our National Government taking a hand in controlling and regulating almost every activity in life. We have seen it establish bureau after bureau, each with its hundreds of agents who go among the people prescribing, directing, and interfering with the commonest affairs of everyday life. These same agents have been given the power by laws and regulations to place fines upon our people for supposed violations of Federal laws and regulations, and this without trial or a hearing before any court in the land. The whim, judgment, or conclusion of these agents are the only considerations on which are based fines and penalties against the people. The citizen never has a voice or an opportunity to refute the charges of violating the certain Federal laws and regulations. We have seen too much of this already. We are an overgoverned people.

I came to Congress pledged against bureaucracy. I am determined to keep that pledge. Almost every experiment of the Federal Government in assuming to administer governmental functions which properly belong to States has proven a very poor success. At the rate we are going in assuming to prescribe what people shall think, how they shall act, and the kind and nature of labor they shall perform, we will soon have reached the proficiency along these lines that was attained by Germany just before her downfall. Leave some field for individual initiative and activity to the people. This is necessary if we as a Nation are to live and protect those glorious principles on which our Government was founded and under which our people have grown to be the greatest, wisest, wealthiest, and most independent people the world has ever known.

Mr. TUCKER. Mr. Speaker, availing myself of the privilege of extending my remarks, let me say that the gentleman from Ohio [Mr. FOSTER], who brings this amendment into the House and is the author of the report from the committee, has the following to say on page 6 of the report:

THE OCCUPATIONS OF THE WORKING CHILDREN

Of the 1,060,858 children 10 to 15 years of age, inclusive, who were reported by the census to be "gainfully employed" in 1920, 647,309, or 61 per cent, were in agricultural pursuits and 413,549 were in nonagricultural pursuits. Since the employment of children in agriculture is usually on the home farm, is seasonal instead of continuous, and is out of doors, it is with reference to the more than 400,000 children in nonagricultural pursuits that the advocates of the Federal child labor amendment have been principally concerned. The occupations of these working children were as follows in 1920:

Number and per cent distribution, by occupation, of children 10 to 15 years of age, inclusive, engaged in selected nonagricultural pursuits, for the United States, 1920

Occupation	Number	Per cent distribution
All nonagricultural pursuits	413,549	100.0
Messenger, bundle, and office boys and girl	48,028	11.6
Servants and waiters	41,586	10.1
Salesmen and saleswomen (stores)	30,370	7.3
Clerks (except clerks in stores)	22,521	5.4
Cotton-mill operatives	21,875	5.3
Newsboys	20,706	5.0
Iron and steel industry operatives	12,904	3.1
Clothing-industry operatives	11,757	2.8
Lumber and furniture industry operatives	10,585	2.6
Silk-mill operatives	10,023	2.4
Shoe-factory operatives	7,545	1.8
Woolen and worsted mill operatives	7,077	1.7
Coal-mine operatives	5,850	1.4
All other occupations	162,722	39.3

THE NUMBERS, BY DECADES, SINCE 1880

The number of children in nonagricultural pursuits was smaller in 1920 than in 1910 and 1900, but larger than the number so employed in 1880, as the following table shows:

Number and per cent of children engaged in nonagricultural pursuits, 1880 to 1920

Census year	Children 10 to 15 years of age, inclusive		
	Total number	Engaged in nonagricultural pursuits	
		Number	Per cent
1920	12,502,582	413,549	3.3
1910	10,828,365	557,797	5.2
1900	9,613,252	686,213	7.1
1880	6,649,483	396,504	6.0

On the basis of these statements, which show that 3.3 per cent of the children of the United States were engaged in dangerous or unhealthy employments, I ask again how such a showing could make this a great national evil? We could be proud, indeed, if all the laws of the United States were enforced 96.7 per cent; not perfect, but any business man would be satisfied with such a showing in his own business. Suppose we could boast of such a per cent of enforcement in the prohibition law or in any other law of the United States, the people would have reason to be satisfied. But, as a matter of fact, 3.3 per cent is far too high as showing the true per cent of

children engaged in dangerous or unhealthy occupations. Look at the above table showing the occupations which Mr. Foster regards as dangerous or unhealthy for children. It shows a total number of 413,549 children. But examine the occupations and see whether they are dangerous or unhealthy. In this table are 48,028 engaged as messenger, bundle, and office boys and girls; 41,586 as servants and waiters; 20,706 as newsboys; lumber and furniture industry, 10,585. These occupations are not dangerous or deleterious to health. And when to this is added that every State in the Union has a compulsory educational law, with penalties upon the officers if they do not carry it out, thereby excluding such work from children during the school term—varying from six to nine months during the year—and in most of the States, in addition, laws limiting the hours of employment, a large part of these employments must be eliminated, for a child can not work as a messenger or as a waiter or as a newsboy when he is in school with a penalty on the officers to see that he is there. So that if it were admitted that 413,549 children were engaged in dangerous or unhealthy occupations the fact remains that during the school term they could only be engaged in such after school hours and not during the whole day as intimated.

But, on the other hand, take the number of children in those industries which this table shows are clearly dangerous or deleterious to health—cotton-mill operatives, 21,875; iron and steel industry operatives, 12,904; clothing-industry operatives, 11,757; silk-mill operatives, 10,023; shoe-factory operatives, 7,545; woolen and worsted mill operatives, 7,077; coal-mine operatives, 5,850; making in all 77,031 of the 413,549 who are engaged in really dangerous or unhealthy operations—and as to these the same principle must apply, that, being compelled to be in school by the laws of the States the greater part of the year, that term must be excluded from the time that they are supposed to be at work; and only after school hours could these children, under the law, be engaged in such work. Seventy-seven thousand and thirty-one is about six-tenths of 1 per cent of the total number of children referred to—12,502,582—so that the proposition is reduced simply to this: That we are asked to amend the Constitution of the United States in order to benefit six-tenths of 1 per cent of the children of the United States whose health may be imperiled by engaging in these dangerous occupations. A great national evil! What a contention! What a result, shown from the very report of the gentleman from Ohio [Mr. FOSTER] as the ground for his amendment. This being the case, we must look for another reason for this proposed amendment. It is not found, as we have seen, in the great national evil of the improper employment of children, for we find that number is reduced to less than 1 per cent of the number of children in the United States.

Perhaps it may be found in the tens of thousands of inspectors of children in the United States that would be brought into being by the passage of this amendment. This may be one of the causes which has induced it. Another bureau, or the same Children's Bureau, enlarged until it is as large as the Capitol Building itself as necessary to carry out this imperial project. Administrators, secretaries, heads of departments, and executive officers, and inspectors by the thousands would swell the number of Federal employees and serve to drain the pockets of the already overtaxed and overburdened people of this country.

If it were right and proper and necessary to place the care of children under the Federal Government instead of under the States because the States had failed to do them justice, what answer can we make to that? The answer is found in the fact that while 1,060,858 children in 1920 were engaged in gainful occupations, in 1910 there were 2,000,000 so engaged; that is, in 10 years so strong and sweeping has been the sentiment of the people to blot out improper child labor that the number in 10 years was reduced 100 per cent. Why this radical measure to prevent a great national evil, so called, which in 10 years was diminished 100 per cent? When victory has crowned the efforts of the States and child labor has been practically eliminated, why the change? If the States have eliminated all but six-tenths of 1 per cent, can not they be trusted to do the rest?

Twenty years ago some of the Southern States made no limitation on work of children in mines, factories, or quarries—no limitation of hours, no compulsory educational laws—and the cheap labor of those States was competing with that of other States and had the effect of bringing much capital from other quarters into the South. Twenty years ago this question was not a practical one in those States. It had not been brought home to them as a practical subject of legislation, because they had few, if any, manufactures. They were held up as awful examples of those who neglected the laws of humanity, but they were new at the business. New England, from necessity, from its very foundation was obliged to go to manufacturing. Great success has attended her efforts; and the question of labor, therefore, and of child labor, has been a practical one with them from the foundation of their States. And until recent years these Southern States knew nothing of such industries, and they were criticized for not having child labor laws. Law does not precede civilization and development. It follows in its wake. We had no laws governing the airplane 10 years ago, because we had no airplanes. But laws have been enacted after they became living things and recognized as vehicles of commerce and war. There were no such laws 10 years ago. Two years ago we had no laws regulating radio. Now the calendars are filled with proposed laws to control that.

The Southern States have made wonderful progress in child labor laws, in compulsory educational laws, in the limitations of hours; and the State of North Carolina passed in the years from 1916 to 1923 more child-labor laws than any State in the Union.

The proposed amendment is without merit. What is proposed by it for the Federal Government has already been done by the States, and better done than the Federal Government could ever do it. The rights of childhood are best protected at home or near home, and the protection to the rights of children will be measured in efficiency and justice by the distance from the home.

But if everything which I have said above is without merit and not correct, this amendment is an outrageous attempt to despoil the people of their political birthright. Under it Congress would have the power to declare that no boy or girl under 18 years of age could do any work in the home of the family, in the garden, at the stable, in the harvest field, or in the cornfield; taking away from the parents the right to control the domestic work of their children up to 18 years of age. When I think of such a provision proposed in the Congress of the United States to a people who have been taught the principles of freedom and liberty from the words of Madison, Jefferson, Marshall, Randolph, and Patrick Henry, I feel like exclaiming in the language of the great Virginian orator, who fired the hearts of our people to resistance to tyranny, "Give me liberty or give me death."

Mr. WEAVER. Mr. Speaker, I regret that I am not in accord with my distinguished colleague from North Carolina [Mr. POU] who has spoken in opposition to this amendment. I have great respect for his opinion and his judgment and know that his opposition to this amendment does not voice a feeling in favor of the exploitation of children in industry, but is based upon other grounds sincerely and honestly entertained by him. I wish to say the same in regard to other Members opposing this amendment who entertain similar views.

A compelling interest, however, in adequate laws for the purpose of controlling the employment of immature children in hazardous and burdensome occupations prompts me to vote to submit to the several States an amendment to the Constitution that would confer upon the Congress this power. It has twice undertaken to exercise this power with a feeling that such power was already vested in Congress. On two separate occasions has Congress acted upon this nation-wide subject. In 1916, using the interstate commerce clause as the basis for legislation, an act was passed prohibiting the interstate shipment of goods manufactured in mills and factories employing children under 14 years of age, or children between 14 and 16 years of age at more than eight hours a day, or children between the latter ages at night.

I may point to my Democratic colleagues that this was passed by a Democratic Congress. President Wilson strongly urged and advocated such a measure. It was to him a Magna Charta for the childhood of the Republic. At the time of signing this act President Wilson said:

> I want to say that with real emotion I sign this bill because I know how long the struggle has been to secure legislation of this sort and what it is going to mean to the health and to the vigor of this country, and also to the happiness of those whom it affects. It is with genuine pride that I play my part in completing this legislation. I congratulate the country and felicitate myself.

This act was however, declared unconstitutional by the Supreme Court in the case of Hammer against Dagenhart, which was decided on June 3, 1918, by a 5 to 4 decision. The court held that manufactured articles did not become the subject of interstate commerce until shipment began and therefore the employment of children under the prohibited ages could not be subject to the jurisdiction of Congress, for the reason that their work upon such manufactured articles preceded and was not a part of interstate commerce.

Again the Congress, responsive to an apparent nation-wide demand for child-labor legislation, in the revenue act of 1919 enacted that any manufacturing establishment employing children under 14 years of age or employing children between 14 and 16 years of age for more than eight hours a day or working them at night should pay a tax of 10 per cent upon gross production of their mines and factories. This act was also declared unconstitutional by the United States Supreme Court in the case of Bailey, Collector of Internal Revenue *v.* Drexel Furniture Co., upon the ground that under the Constitution the taxing power conferred upon Congress could not be resorted to as a means for preventing child labor in the mills and factories of the several States.

Both of these cases originated in my own State of North Carolina, and in one of them, my present distinguished colleague, Mr. Hammer, who was then district attorney of the United States, was made a party and prepared and argued the case in support of the statute.

I cite these former acts of Congress and these decisions of our Supreme Court for the purpose of showing a national desire for action by the Congress of the United States upon this subject. Both acts of Congress, that of 1916 and that of 1919, apparently met with a wide approval from the people.

This amendment proposes merely to confer upon the Congress definitely and certainly, but with the approval of three-fourths of the States of the Union, the power to legislate on a subject in regard to which it was already thought Congress had sufficient power. This amendment proposes nothing more than to settle definitely the question as to whether the Nation itself has the power through Congress to regulate the question of the employment of young children in gainful occupations and to regulate the hours of employment of minors under 18.

It is urged against this amendment in the minority report filed by the gentleman from Pennsylvania [Mr. GRAHAM] and in numerous speeches by other Members of the House that it would destroy the dual form of our Government; that it would take from the States reserved powers that the States themselves should employ; and that the control by the States over this question is vital to the very fundamental principles of our Government. Of course, no constitutional question is involved, for this itself is merely a proposed amendment to the Constitution.

Again, it is urged that this amendment would give to Congress the right to regulate and prohibit the labor of minors under 18 years of age, and that this power, if conferred upon the Congress, might be exercised to prohibit the working of children in agriculture in the several States, and under it legislation might be enacted that would prevent even the ordinary work of the child about its home and upon the farms.

It is therefore important that we should most seriously consider whether or not this question involves a matter which should be the subject of national legislation. There is merit in the contention that our Constitution should not be amended too often and for too slight a reason. I believe I love the Constitution as much as any of my colleagues and I believe in the dual form of our Government. This great conception of government has, indeed, made us a great Nation, and I would not willingly do anything or vote for anything that would destroy the powers of the States in matters that would affect the fundamental idea upon which this Nation was founded.

I must be mindful, however, of the fact that the Constitution provides within itself for amendment. It was wonderfully conceived by our forefathers, but it is evident from the Constitution itself that they expected that as time passed and new problems confronted the people affecting their lives, their pursuits, and their happiness, that it would be necessary to amend it.

At the time the Constitution was adopted the 13 original States were sparsely settled. There were no manufacturing plants worth mentioning. Industry had not spread itelf over the Nation as it has to-day. There were no great congested centers of population. We were a pioneer people. There were no telegraphs. There were no telephones. There were no railroads. The steamboats had not been invented, and the methods of communication were slow and uncertain. It is but natural that under those conditions the States should have been jealous of their reserved powers. To go from Washington to New York was a journey of many days. News traveled slowly. It traveled no faster than a man on horseback could carry it. A thing happening in Washington could not have been known in New York City for a number of days. A central Government in Washington remote from the States themselves was a matter of concern to all of the 13 original Commonwealths.

I appreciate the great structure erected by our forefathers as a framework for our Government, but at the same time I can not yield to the view that in their wisdom they intended or conceived that it might not be necessary from time to time to transfer to the General Government powers that were then reserved to the States. To do so is to believe that no method was devised by which our Government could keep pace with the magic march of events. That they did not so believe is evidenced by the fact that ample provision was made for the amendment of that great instrument.

Article IV of the Constitution provides specifically for amendments. Amendments under this article may be proposed by the Congress whenever two-thirds of both Houses shall deem it necessary. They may be initiated by two-thirds of the legislatures of the several States. The only limitation upon the power of amendments contained in this article or elsewhere in the Constitution is—

> That no State without its consent shall be deprived of its equal suffrage in the Senate.

In fact, the Constitution has been amended many times. Ten amendments were submitted immediately after the ratification of the Constitution and others have followed from time to time when the necessity was deemed sufficient for them.

The arguments against this amendment were used against the income-tax amendment, against the amendment of election of Senators by the people, against the amendment conferring the right of suffrage upon women, and against the prohibition amendment.

In fact it is a portion of the strength of this instrument that it does provide for amendments upon proper occasions and for proper purposes.

We should inquire, therefore, if the present amendment involves a matter of national concern, over which the National Congress should exercise the right to legislate. Opponents of this measure for the most part have recognized that child-labor legislation has become a necessity. In fact in the two cases in which the constitutionality of the acts of Congress relating to child labor were determined, we find judicial determination as to the necessity for such laws. In the case of Hammer *v.* Dagenhart, Justice Day, who delivered the opinion of the court, said:

> That there should be limitations upon the right to employ children in mines and factories in the interest of their own and the public welfare all will admit. That such employment is generaly deemed to require regulation is shown by the fact that the brief of counsel states that every State in the Union has a law upon the subject limiting the right to thus employ children. In North Carolina, the State wherein is located the factory in which the employment was had in the present case, no child under 12 years of age is permitted to work.

And in the same case, Justice Holmes, delivering a dissenting opinion, stated:

> But if there is any matter upon which civilized countries have agreed—far more unanimously than they have with regard to intoxicants and some other matters over which this country is now emotionally aroused—it is the evil of premature and excessive child labor. I should have thought that if we were to introduce our own moral conceptions where, in my opinion they do not belong, this was pre-eminently a case for upholding the exercise of all its powers by the United States.

North Carolina has had many remarkable governors. Among these in the later years was Gov. Locke Craig. He now resides in my home city of Asheville, N. C. He was a great governor. In addition to a keen and discriminating intellect, he is a man of as noble a heart as I have ever known. He was Governor of North Carolina when its legislature convened in 1915. He had seen something of the struggle of children. He had seen the effect of laying upon immature boys and girls the destroying hand of grinding toil. I do not mean by this that children should not work; that they should not do ordinary duties that come to them around the household or upon the farm; that they should not be trained to work, but I refer to the "hired man of 14 years of age"—the boys and girls whose youth is denied them. Governor Craig had observed the blighting hand of toil upon children. And in January 1915, he delivered a message to the General Assembly of that State. In this message he called the attention of the legislature to the child-labor problem, and he used this language:

> The factory is no place for the child. The drudgery of toil is not his rightful inheritance before his bones are hard and his muscles

are firm. If we grind the seed corn there will be a failure in the crop of men.

Some have asked, If they do not work, how shall they live? But Governor Craig answered that in this same message:

If, in our most progressive centers of industry and thrift, the family can not live without the work of children and the drudgery of women, then our civilization has broken down and is a failure.

It is true that in this message Governor Craig was directing himself to a State legislature, and it is no part of my purpose to commit him to a statement in favor of a constitutional amendment. He was eager that his own State should meet this problem, but I do know that the heart of this great man goes out for childhood everywhere, whether in North Carolina or in New York or in California or the remotest confines of the Nation.

The protection of childhood is in my judgment a national problem. It may be that the States can and will abundantly take care of it. It is true that the States have made much progress. My own State of North Carolina has done much. In 1915 the provisions for child labor were meager and insufficient, but due to the efforts of Governor Craig and other forward-looking men and women of the State these laws have been vastly improved. I do not advocate this amendment because I believe that my own State is a great offender. That more or less adequate legislation has been adopted has been due in no small part to the manufacturers themselves. They realize that child labor is not only harmful to the child but is of doubtful value to the factories themselves. Most of the great enterprising factory owners in North Carolina are to-day, in my judgment, opposed to the employment of children in mills under 14 years of age, and are thoroughly in favor of regulating the hours of children so that the work shall not destroy their bodies and their intellects. These factory owners have contributed to the solution of this great problem. I have been through many of the factories of North Carolina and I have not seen children employed among the dangerous looms and in the dust-laden air of these factories. They have been adults who have been able to stand such work. North Carolina is to-day, in my opinion, in more respects than one, the first State in the American Union. I would be glad, if I had the time, to relate to you something of her great progress. This would include most startling figures relating to the advancement of her manufacturing enterprises. To-day North Carolina has more active spindles in cotton manufacturing than any State in the Union. It was so reported a few days ago. In every branch of manufacturing she has outstripped her sister States.

I have heard it said that this amendment is for the purpose of depriving North Carolina and other States of an advantage which they have made in the matter of employment. I deny most vigorously, if such be the idea, that the growth of North Carolina has been built upon the labor of immature and undeveloped children. It is not true. These great industries have been built and are to-day thriving because of the brain and brawn of strong men and women and are in no slight degree even dependent upon the employment of children.

This amendment is national in its scope upon the broad ground that the childhood itself is national. We speak of the Nation and think of a great area stretching from the Atlantic to the Pacific; but after all the Nation is in fact and in truth the 110,000,000 souls who inhabit it. Without them this vast stretch of space would be, as it once was, a vast unproductive wilderness. It has been said that "The most valuable resources of any country is its fund of human energy—that is the working power, both mental and physical, of its people."

It would seem natural therefore to conclude that the General Government might well be invested with legislative powers that would protect, if necessary, the children who are so soon to take our places in the great duties of life.

As Governor Craig so well said:

If you grind the seed corn there will be a failure in the crop of men.

In fact it was thought for a long period that Congress had already the power to regulate the employment of children. As I have before stated, two acts of Congress were passed for this purpose. These two acts were in force each of them for considerable periods of time before the Supreme Court rendered its decisions. It has been said many times in this debate that such an amendment as this which simply makes clear the power that Congress was thought to have under the general welfare clause and other provisions of the Constitution would seriously affect our form of government, but I do not recall that while these acts of Congress were in force that our institutions received any great and destructive shocks. In fact this is a day of conservation.

We are most carefully conserving our forests by national legislation. We are conserving all of our natural resources through Federal action. In agriculture every crop through Federal activities is protected as far as possible against destruction by pests, insects, blight, and disease. The Federal Government goes into the cotton fields of North Carolina, Georgia, South Carolina, and all the cotton-growing States to protect cotton from the ravages of disastrous pests.

Why does it do this? Because of the fact that it is a national problem, in which all the people are vitally concerned. It has thrown out its activities to protect the great corn-growing States against the ravages of the corn borer, and in the New England States against the gypsy moth, and against the diseases of hogs and cattle and sheep and poultry. Why, because these are national problems. It might be said that the State of Georgia should look to the protection of its cotton herself against the boll weevil, but we do not say it. We might say that Iowa should protect her own corn fields from destructive pests, but we do not.

The National Government interests itself in these matters because they are of national concern and involve the welfare of all the people. By this I do not wish to be understood as intimating that the membership of this House who may be opposed to this amendment would place children upon the same basis as these, but I cite these as illustrations of Federal activities for the purpose of showing the national import of these problems.

Surely, a child is of more concern than all of these. Surely, the Nation itself is interested and rightfully so in the conservation of the race itself. We may talk of the Constitution and our dual form of government, with all the learning that may be gathered from the books. "The letter killeth but the spirit maketh alive." What matters it to us how great is the Constitution, how much venerated our dual form of government, if the children who shall give life and vigor and power to the Constitution, upon whom the burden of supporting and maintaining this Government shall soon fall, if they are not to be the objects of concern—national concern, if you will—and protected by just, reasonable, and nation-wide legislation.

This amendment would, if adopted by three-fourths of the several States, confer upon Congress the right to prohibit and regulate the employment of children up to 18 years of age. Its opponents have undertaken to draw some very violent conclusions in regard to what might be done under it and contend that it would prevent children from working at all until they were 18 years of age. In fact one of my colleagues stated in his argument that "it will give to Congress the authority to pass a law imposing a jail sentence upon every father and mother in America who permits a boy or girl under 18 years of age to do any labor," and others have stated that it would prevent the average boy from working on the farm.

These statements may deceive the unthinking and will undoubtedly be snatched up with eagerness by those who are opposed to the regulation of child labor at all, but they ought not to deceive any person who will inform himself as to the purpose of this amendment. No Member of Congress would vote for any such absurd or ridiculous legislation as that above hinted at. In the first place, I may point out that the power to prohibit the employment of minors under 21 years of age is now vested in all of the 48 States of the Union, for they have complete power over the subject. In none of them has it even been contemplated to pass legislation that would interfere with the boy on the farm and the child in the home or such employment as is not harmful and injurious to the child. The sole purpose is to regulate where regulation is needed in the sweat shops and factories of the large cities. The age of 18 is used as the outside age for the reason that there may be extrahazardous employment in which a boy under 18 years of age ought not to work, such as in the dark tunnels of the mines beneath the earth where only strong men should. I think we have a right to conclude that such legislation would be passed by Congress of a like nature with that contained in the two acts heretofore passed by Congress. These prohibit the employment of children under 14 years of age in certain work, such as mills, factories, and quarries, and regulated the hours of employment between 14 and 16 years to 8 hours a day. Certainly 8 hours for a child between 14 and 16 ought to be sufficient to satisfy the most enthusiastic advocate of the employment of children in industry. The 8-hour limit is fixed for strong men and has even been fixed by congressional act. The carpenter, the brick mason, ordinary day laborer, and numerous other lines of employment in which men only are engaged has the 8-hour day. Should a child be compelled to

give more than this? Yet these were the provisions of laws which Congress did pass. No one would wish to interfere with the boy on the farm and there can be no well-grounded fear that such would be the case. The freckled-face boy of the country farm is one of our national assets. He lives a wholesome life.

The work is not continuous or grinding. He is under the care and control of his parents. If the task becomes too hard, or if he should become ill from its effects, he has the deft and loving care of a mother and the strong hand and attention of a father who loves him. It is when he becomes the "hired man," with unsympathetic taskmasters, that he crumbles under the drudgery of toil. His education is impossible if he is at work. It grinds and unfits him for the duties of manhood.

Regardless of the merits of child-labor legislation, this amendment is not a statute within itself and confers no power upon Congress. The States themselves must do that, and unless three-fourths of the 48 States shall ratify this amendment it will have no operation at all. If it should be adopted by the States, are we to conclude that Congress will do the foolish things that have been asserted? Why should it? Practically all of the 48 States are agricultural States. All of them are made up of individual homes. Will Congress do more foolish things than the legislature would do? The membership of Congress comes from the same people. They have been reared in the same homes and are citizens of the same cities and the same States.

They would be exercising only powers that are conferred by their States upon Congress, and we have every right to conclude they would be equally interested in the homes and the farms of the country.

It has been said by other Members that Congress has always exercised to the limit other powers heretofore granted, but surely this is an unthinkable argument. Congress has many powers to-day that it has not used unjustly. It could readily make felonies of many Federal misdemeanors, but it does not. It could place many unjust burdens upon the people which it does not place upon them, and, after all, the advocates of this amendment vote merely to submit to the States themselves this question for their own solution.

Mr. ROGERS of Massachusetts. Mr. Speaker, I am very much in favor of the child labor resolution which is before the House to-day. Ever since I first came to Congress, in 1913, I have proposed and advocated just such action as we are about to take.

My most recent statement on the great question of principle involved was in the form of an argument before the Judiciary Committee on February 7 last. Under leave granted to extend my remarks in the RECORD I print herewith extracts from the statement which I made on that occasion.

STATEMENT OF HON. JOHN JACOB ROGERS, A REPRESENTATIVE IN CONGRESS FROM MASSACHUSETTS

Mr. ROGERS. I think I approach this question, so far as the problem which confronts the committee at this time is concerned, somewhat differently than the previous speakers. I think that it must be admitted or assumed that the sentiment of the country is overwhelmingly in favor of the suppression of child labor, irrespective of the route by which individuals may believe we should proceed. I think there is no serious dissent to the proposition that the child-labor menace must be controlled. Then comes the question of how that result shall be achieved.

Congress has spoken twice upon the subject, both times by overwhelming majorities, and I think in each case the decision of Congress was approved generally by the people of the United States. In other words, there is a disposition both in Congress and throughout the country to recognize that we have here a Federal problem. Some gentlemen will dissent from the wisdom of that decision, but it seems to me perfectly clear that both in Congress and out of Congress there is in the child-labor problem a really and truly Federal problem. Each time that we have legislated we have sought to invoke the powers of Congress under the two different clauses of the Constitution with which you are familiar. Each time cases have gone to the Supreme Court of the United States, and after a very considerable delay the Supreme Court has declared that the action of Congress was outside its powers. In all it has taken some six or seven years for Congress to make these two experiments only to learn that each experiment was beyond its powers to make. So that we are exactly where we started from 10 or 15 years ago when the question of congressional legislation on the subject was first broached.

Now, assuming that the country thinks that this presents a Federal problem and assuming that Congress has done all it possibly could, but in vain, to work out the problem through congressional legislation, the only thing left is a constitutional amendment. Now, gentlemen, I am as much opposed as any member of this committee can be to tinkering with the Constitution; nevertheless, sometimes we all agree that a constitutional amendment is proper. It is a matter of judgment as to whether it shall be deemed proper in this case or not. My own view is that it is proper because of the far-reaching consequences to the generations to come.

That this situation as to child labor shall be as effectively controlled as possible, I have a resolution upon this subject which I should like to have printed with my remarks. I will not burden the committee by reading it. It is House Resolution 32. It provides for a constitutional amendment simply because we have gone as far as we can to find a remedy through a statute. I should personally welcome the prediction that there were still some statutory way of working out this problem.

So far as I am concerned, I do not expect that Congress will legislate up to the full authority contained in that language. I doubt if it would be at all wise in the immediate future for Congress to go as far as that language would permit; but, as I said a moment ago and as a majority of the members of the committee also feel, I do not believe in constantly nibbling at the Constitution. I think we want to go as far this time as advancing public sentiment may ever insist that we shall go. Therefore I propose a very liberal maximum, both as regards the general legislation for women and as regards the age at which a person shall cease to be a minor.

Mr. JOST. Mr. Speaker, under general leave heretofore granted I shall place of record an explanation of my vote in favor of H. J. Res. 184, proposing an amendment to the Constitution which if passed by the Senate and adopted by the States will clothe Congress with power to regulate and prohibit the labor of all persons under the age of 18.

I had thought myself wholeheartedly and unreservedly in favor of such a proposal—though not in the sweeping language of the instant resolution—until I heard the several arguments on the floor against it. Particularly was I impressed by the logical and eloquent plea of the gentleman from Texas [Mr. SUMNERS]. But the people of my district are undoubtedly overwhelmingly for this proposition, and I had passed my word in this the only instance that I have committed myself in advance of my vote. In fairness I should say I voted for every amendment offered—that is, I joined with those who sought to limit the proposal to persons under 16 employed in factories, mines, and hazardous occupations. I salved my conscience with the thought that after all the vote merely submitted the matter to the States, and that if it be wrong the States may be depended upon to reject it—not a very creditable excuse, since the responsibility of initiating amendments to the Federal Constitution is, or ought to be, something more than a mere formality.

In passing it may with propriety be asked if a Representative has the moral right to deliberately vote against what he knows to be the overwhelming desire of the people of his district? My judgment is that on general legislative matters he should apply his judgment and vote his independent convictions in the light of all the information he can acquire on the subject up to the time of his vote. In respect to the instant resolution involving preliminary instead of final action, and concerning which the people of my district desire an opportunity to express themselves, I felt it to be my duty to respect their wishes and therefore cast my vote accordingly. Nevertheless, this vote of mine troubles me much. I am not sure it is altogether wrong; neither am I at all sure it is altogether right. I quite agree with the gentleman from Tennessee [Mr. GARRETT], that if the amendment is adopted it will be the most terrific blow dealt to State sovereignty in a half century, but I do not agree with my leader that the welfare of the children of this Nation is a matter of purely local concern. That I conceive to be the fallacy of his wonderful speech. That it is a subject which may be safely left to the States, may be true; but it must be conceded that the Nation at large has a real substantial interest and concern in the matter.

The children of the Nation are its future citizens. From them must come the officers of the Republic, the defenders of the flag, the makers and exponents of its laws. The Nation is and must be concerned that those children grow up strong physically, mentally, and morally. Their development should be uniform. A clean, wholesome, vigorous citizenship lies at the very base of our national existence. Without it the integrity and prosperity of the Republic is imperiled. The power to order the quality of citizenship is no less essential to the perpetuity of the Federal Government than the power to lay taxes. The character of the electors in Oregon and Maine is of common importance, so far as the safety and progress of the Nation is concerned. So the welfare and development of the children of the whole country is not solely a local matter, but a subject of nation-wide interest.

If a single State is delinquent in its obligations in regard to protecting and developing its children, the entire Nation is hurt; but when you arrive at this place it is but a step to

the national assumption of the education and moral improvement of those children. And if that be done, what is there left of State sovereignty? In the language of the distinguished gentleman from Tennessee [Mr. GARRETT], the control of the most delicate and intimate relationships in life will have been passed by the States to the National Government. Still who can prove that it is wrong? If it happens, it will be because the people of the several States wish it so.

Logically, the instant proposal to amend the Federal Constitution is sound. It runs counter only to State pride. Truth is that so far as thrusting governmental inspection into and supervision over private affairs is concerned, it matters little whether it be State or Federal. We are getting plenty of it from both sources. If one government does not get us, the other does. Truth is also that there is and has always been an antagonism between Federal and State sovereignty. Experience has demonstrated that it is as natural for a government to seize and exercise power as it is for humans to breathe. The Federal Government began early. Marshall's doctrine of implied powers enlarged the scope of Federal authority and activity 100 per cent beyond the letter of the national charter. Steadily ever since the States have grown weaker and the Federal Government stronger. Late years the Nation's Constitution has been amended and altered with the ease and frequency of a mere statute, and always to the advantage of the Federal Government and at the expense of the States. Fifty years hence the States will have nothing left to grant; the Central Government will have it all. We are demonstrating that a dual government is not a success. The prestige and importance of the States are being gradually but surely extinguished. The modern agencies of communication and transportation are hastening the result. Pennsylvania talks to and mingles with California; Michigan with Texas. This intimacy melts State lines into nothing. There is no local isolation any more. The Nation is the big entity.

Such ceremonies as occurred in the House last Saturday in relation to the instant resolution is but a chapter in a serial obsequy. The writer by inclination will not again be one of those to carry a torch to light the way, but will hereafter in sadness and humility take his place as a mourner, as becomes a good Democrat.

Mr. THATCHER. Mr. Speaker, I most earnestly favor the submission to the States of the Union, for their action, the proposed child labor amendment to the Federal Constitution. I am in the heartiest accord with the proposition that powers which are already wisely and adequately exercised by the States should not be taken away from the States and lodged in the Federal Government, but where the States fail or refuse thus to exercise the powers which are inherently theirs, and where such failure and refusal persist year after year, in consequence of which tragic injustice results, I believe that there should be utilized the constitutional remedy for such a situation. Touching this great question of child welfare it is true that, as the matter now stands, the States have the sole power—as held by the United States Supreme Court—to deal therewith.

This very power carries with it a paramount duty; and that duty is to enact and to enforce humane and adequate laws regulating the employment of child labor. To the extent that any of the States have failed to discharge this duty, they have been grossly derelict. Power carries with it obligation, and if obligation is not met in a sufficient way, there inevitably results, in any land of freedom, the attempt to find a remedy. If any of our States, for any cause, whether that of indifference or that of compliance with the demands of selfish interests, fail to keep step in the march of progress by the enactment and enforcement of wise and humane legislation for the benefit of the common weal, then all of our States should have the opportunity to determine, in the way provided by the Federal Constitution, whether this unfortunate condition shall continue. It is a physical law that the long-continued nonuse of any member of the animal body will result in the decay and atrophy of that member. In analogy, where our individual States fail to exercise their inherent powers to correct grave abuses which persist within their jurisdictions, such powers are likely to undergo what might be termed the processes of legislative atrophy. The great body of our people wish wrongs righted and abuses remedied, and if those who now have the power to act in the interests of the public welfare fail or refuse to do so, the people will turn in another direction for relief. They will not be deterred or turned aside by pleasing and interesting discussions of academic questions. They desire results, and nothing less will satisfy them.

While it is true that many of our States have wise and humane laws governing the employment of children, there are others which have no such laws; or else laws which are grossly inadequate. There have been years of agitation on this subject, and these backward-looking States have had ample notice of what would likely result if they refused to respond to the demand for the enactment of adequate child-labor legislation. If they refuse to employ the talents confided to their care, it is inevitable that they stand in danger of losing those talents.

There is no merit in the argument that favorable action by the Congress on the pending measure will mean the overthrow of the rights of the States. There was written into the original body of the Federal Constitution the provisions of Article V, providing that whenever the Congress shall deem it necessary so to do it may, by two-thirds vote of both Houses, propose amendments to the Constitution, which, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, shall become effective parts of the Constitution. Thus, in Article V, the States, at the very foundation of the Federal Government, provided for amendment to the Constitution, and provided the formula by which such amendment could be made. From time to time, under the provisions of this article, constitutional amendments have been proposed and adopted; and under the same provisions we are now undertaking to proceed as regards the proposed child labor amendment. At the time of the adoption of the Constitution the States could have closed the door concerning amendments to that instrument, but the States, looking to the growth and expansion of the Nation, wisely provided the means whereby amendments might be made.

Is was recognized then, as it should be recognized now, that in matters of national import and gravity, times would come and conditions would arise when it would be wise and necessary for the States to confer upon the Federal Government the power to enact and execute laws which would affect the Nation as a whole. Hence, in the pending measure no attempt is being made to destroy the sovereignty of the States, but, on the other hand, the exact method of procedure prescribed by the States themselves in the adoption of Article V, is being followed.

It is manifestly unjust to those States which have humane and adequate child labor laws for other States to refuse to enact such laws and to permit the employment of child labor, and therefore cheap labor, in competition with the industries of those States which have appropriate child labor laws. This is one of the phases of the economic situation involved; but infinitely greater than this phase is that of the welfare of the children themselves in the States where child labor is not properly regulated. Against the abstract arguments advanced by the opponents of this measure are presented the concrete arguments in favor of child welfare by the measure's proponents. Above the noise of academic discussions concerning the "inviolable rights" of the States, in opposition to the proposed amendment, there ring, in its behalf, the distressed cries of the children of the land for protection. The wrong exists, and has existed, in greater or lesser degree, through all the years of our national history. At last the time has come when the people of America will be no longer misled by specious arguments.

They demand a remedy, and they will find it in the way provided by the Constitution itself, and in this work the constitutional majority of the States, as prescribed by the Constitution, will assist. If and when enacted, the proposed amendment will only give to Congress the right to legislate upon the subject of child welfare. The precise terms of such legislation must be determined when Congress is clothed with the suggested power, and the best thought and judgment of the Nation shall indicate what is needed.

The arguments in favor of the proposed amendment might be elaborated and extended, but this is unnecessary.

The House by the requisite two-thirds majority favors the submission of the proposed amendment, and the overwhelming sentiment of the people of the Nation at large favors the amendment itself. The great humanitarian and public-welfare agencies of the country are practically a unit in urging its adoption, and the press of the country, in its substantial majority and influence, also favors it.

Referring to the press, I take the liberty of including here as a part of what I have to say upon the subject, the following apt and able editorial utterances appearing in the Louisville Herald on the respective dates, April 2 and April 10, 1924:

THEY CAN NOT PROTECT THEMSELVES

The House Judiciary Committee has formally reported the constitutional amendment providing for congressional regulation of labor by children under 18 years of age. It seems that both majority and minority reports were submitted.

We confess that we could be just as happy if some more expeditious method could be devised to bring about a reform so evidently needed. The opponents of such a measure are people with whom our sympathies are very slight. There is first of all the class of old-fashioned folk who will tell you that children are much better off in factories than running around the streets. They would like to have you believe that these are the alternatives which have to be considered. Now, we are much of a mind that there are not very many children running loose on the streets except those of a very tender age and those on the extreme verge of the proposed limitation. Moreover, for all that factory conditions are vastly better than they were years ago there can not be many who are honestly satisfied that the best place to bring up a child is the factory, the shop. Child labor, in the past or in the present, is wanted only by those who know that child labor is at once docile and cheap, that the child will stand for a gradual but an inescapable adding to the burdens put upon it; these are fortified by the consideration that the cry of the children is always unorganized and too frequently not loud enough to be heard. We have known really charitable folk who deluded themselves with the idea that child labor was kindly, and refused to be shown that it stunted and crippled and made a slave of the child.

It is all very well to be indignant with legal impediments. But they are not to be gotten rid of that way, and it is deplorable that American legal machinery can be invoked and is invoked to keep the child a prisoner and to make of his labor a marketable chattel.

We suppose that the constitutional amendment is the one way out, and we dare say those who signed the minority report are the nicest kind of people—with children of their own they would on no account send out to work at a tender age. But, Lord! what a tedious process it is and what a depressing commentary on our vaunted Christian civilization.

Does it not seem as though we could be by no means persuaded to do justice by the child unless under compulsion?

SAVING THE CHILD

Ahead goes the movement for a constitutional amendment that would permit Uncle Sam to abolish child labor all over the country.

Its opponents are harping away as hard as ever and have not changed their arguments—chief of which is that the regulation of child labor is a right of the individual States.

States, however, also have duties as well as rights. And when they fail to meet their duties the National Government should be able to step in and compel them.

Mr. WEFALD. Mr. Speaker, I wish to avail myself of the privilege that undoubtedly will be granted all Members to extend their remarks in the RECORD upon the child labor amendment. I do this for the reason that I will be unavoidably absent when the discussion will be going on and when the vote is taken. I have arranged with my colleague from Minnesota [Mr. KVALE] to announce that if I had been present I should have voted "aye." I am for this resolution and regret exceedingly that I can not be present to vote, although I am sure that the resolution will pass with a big majority.

Surely many fine things will be said in this debate. Childhood spent in surroundings of love and happiness is the nearest counterpart to heaven we have on earth, and childhood blasted in poverty, want, and misery is life's greatest tragedy. Neither in luxury nor in poverty lies the happiness of childhood, but in the proper balance of instruction, work, and play. But, above all, childhood's happiness is to be found in the full and undivided possession of mother's love, in that never failing sympathy and understanding that it only can find at mother's heart.

For that reason neither the mother nor the child should be a slave; childhood should be rounded into youth only on the basis of health, intelligence, happiness, and high ideals that only can grow out of social conditions that make life livable for both mother and child. Such a social condition is the aim of this resolution; the mother and child shall not compete with each other in the fields of industry and take the bread out of each other's mouth.

Childhood spent in happiness is the wellspring out of which in later life flows peace of mind, faith, hope, charity—all these have their roots in the child heart—and that communion with God without which life has no real meaning.

It matters not how long and hard life's road is to travel and how deep the evening shadows, childhood is that glow of morning that lingers forever upon the distant hills that can cheer the heart, even though the winds of adversity would seem to chill the very soul.

Childhood, Mr. Speaker, is that part of our life and its deeds that were our labors, our attainments, our victories, our passions, our love, our charity, our sacrifices, thrown into the crucible in which God tests our life to assay its worth, what childhood was to us and what it gave us, in most of us, would be the only pure gold that He would find.

Blessed is the morning of life called childhood. It was God's kiss to man through all the ages; it is intimately related with sunrise, with rainbow, with budding flowers, with bird song, with babbling brooks, with summer showers, with swimming hole, with everything, the memory of which in after years grips your heart so it brings a lump in your throat and a tear of joy to your eye when you think of it.

A thousand leagues of rest, never to be forgotten, that sweet but swift-fleeting period of life called childhood—crimson glow of sunset on distant hills, fairy tales and adventure beyond them, slumber and peace and communion with God under the twinkling stars while the chariot of the day is racing along over other lands and climes till break of day next morning.

I believe that every child in the land is entitled to the joys of childhood, to the fullest development of body, mind, and soul in youth that it may step out into the world a fit man or woman with pleasant memories, with high ideals, with joy of life, with courage, with strength to take up its work as a useful citizen when it steps over the threshold of youth out into the workday of life.

For that reason I am for this resolution.

I want to bring some of the joys of life's springtime to the more than 1,000,000 children—boys and girls between 10 and 15 years of age—that labor and toil in the grim prisons of industry and from the sweltering sun of the fields, where they labor and toil unceasingly and beyond their years; I want to take the 6,000 children working in coal mines and bring them out into the light of day. I want to bring them to school; I want to show them the world and the wonderful things in it as it all rises from the pages of the books. I want them to know that God made this earth so big and so fruitful that He endowed man with brains and inventive genius, so that there is more than enough of food and clothes and all the good things of life to supply every child by the labor of the hands of mature men and women.

I want to take all these children out of competition with their fathers and mothers; I want to give work to every idle person of adult age, if any there be idle.

I maintain that our standard of living will be raised to a much higher level with child labor abolished.

I claim that every child born into this world is entitled to a home, to a mother's care, to play, to rest, to education and a foundation of good morals. I claim that rearing our children in such a manner will in the long run be the best investment for the State. The more homes we build, the more children we educate and treat like human beings, the less jails we need, the less insane asylums, the smaller poorhouses and poor budgets, and in the end the less taxes to be levied; for the better equipped to make a living and the greater knowledge the youth has of the duties of citizenship when he or she steps out into life, the less complex will be the problems of government.

Only one class of people are opposed to the passage of this amendment to the Constitution; that is the class that coins the tears and blood of children into the coin of the realm. These people have no heart, no soul; few are they who will speak for them in this House.

A few will speak against the resolution and claim that it will violate the Constitution, but on this score even the lawyers will disagree.

That great immortal, Mr. Speaker, that made the Constitution a living thing, Abraham Lincoln, said that the heart of the Constitution is that phrase in the Declaration of Independence that says that there shall be guaranteed to everybody "life, liberty, and the pursuit of happiness." Of these, the "pursuit of happiness" is the greatest privilege, for life would be useless without it, and liberty without it would be a hollow phrase.

We here intend to bestow all these three blessings upon the children of our land. Who can enjoy them more?

When we pass this resolution we bring the dreams of the forefathers much nearer to realization than many will imagine. We abolished chattel slavery after a bloody conflict that shook the world; to-day we take a step toward the abolishment of the industrial slavery of childhood, but we trail along behind second-rate nations in the performance of this noble deed.

Those who fear that children, if this resolution becomes a law, will grow up without tasting the sweet and stimulating kiss of labor are badly mistaken. There ought to be the right relation between labor, play, and instruction. All that we say in this constitutional amendment is that the child shall no longer be a slave of labor.

It will not at once abolish child slavery, but it will no longer legalize it; it will outlaw it in time. There will yet for a while be children that will taste little of the sweets of childhood,

but eventually there will be more of sunshine and less of tears.

There will yet be boys and girls that from a bleak and barren childhood will rise to power and fame by sheer force of will through hard labor learned in childhood, through sacrifices and hardships, but they are the few exceptions. If the door of opportunity is bolted and barred for them they kick it in. But the majority must needs be given the key to unlock it—that key is knowledge.

To that end the protecting arm of the State must be thrown around them, around the mother and the home; there must be an open road to the school from the home.

While the passage of this constitutional amendment will not affect my child, I feel that I am my brother's keeper.

Mr. BOYLAN. Mr. Speaker and gentlemen of the House, the question before the House as to whether or not we should submit to the States the amendment conferring power on the Federal Government to regulate the employment of children in industry should, in my opinion, pass this House unanimously.

The children of the Nation are our greatest asset, and nothing should be left undone by us to enable them to carry on after we lay down the reins and pass on.

The Congress has already passed statutes endeavoring to bring about the control of the labor of children in industry. Unfortunately, however, these statutes did not bear the test of the interpretation of the law by the Supreme Court of the United States. For this reason the proposed amendment to the Constitution is now before us.

In reading the various data giving information as to the labor of children in industry in the various States we are constrained to admit that, in order to preserve the children of the Nation and yet, on the other hand, not to work any injustice against the employers, a uniform law covering all the States should be passed.

In the State of New York many years ago we had our own problem relative to children engaged in industry, but happily we settled it several years ago in a most satisfactory manner.

I believe that it will be in the public interest for the States to give Congress power to enact laws for the protection of the minor children of the country.

There is no doubt that the States will ratify the proposed amendment, and we, therefore, should speed it along with all possible alacrity.

We are told that in giving this additional grant of power to Congress we are taking away some of the rights of the States. Personally, I do not believe that we are doing this. Assuming, however, that the amendment did in a measure encroach upon State rights. I ask the question, What is the value of State rights in comparison with the preservation of the lives of our children? I believe that an industry that is dependent for its success upon the labor of children should deserve to fail, because the price is too great to sacrifice the lifeblood of the children of our country for the sake of successful industrial enterprise.

The tendency of the times is to enact legislation beneficial to children. Most of the European nations have adopted legislation of this kind and they are constantly increasing the minimum age for employment in industrial undertakings. Even Russia has a minimum age of 16 years for the employment of children.

Let us pass this amendment and give life and hope to the thousands and thousands of little children working in the mines, mills, factories, and mercantile establishments of this country. The greatness of our country has sprung from a united, a contented, and a happy people. We, to-day, are but the custodians of the rights and liberties of our country which we must pass on untarnished and unsullied to our children. When the time comes for them to assume the responsibilities of government and the guardianship of our priceless heritage of liberty we want them to be strong, virile, intelligent, and competent to carry the great burden of responsibility.

If we of this day and generation condemn these children to the servitude of the mine, mill, factory, or mercantile establishment they will not be either physically or mentally able to carry on. Let us then emancipate the children of our country in order that those great gifts which the fathers have handed to us and are being preserved by us may be perpetuated by the happy childhood of America.

Mr. LOZIER. Mr. Speaker, I have listened attentively to the very able and interesting arguments in support of and in opposition to the pending resolution for the submission of an amendment vesting in Congress the authority to prohibit or regulate child labor.

I have been particularly impressed by the logical and persuasive argument of my two friends from Virginia [Mr. TUCKER and Mr. MONTAGUE]. For their great versatility, learning, and lofty patriotism I have a profound respect. I appreciate their point of view and believe their opposition to this resolution is inspired by a commendable devotion to our Constitution, which is and I hope always will be the bulwark of our free institutions. But I can not bring myself to their way of thinking. I can not follow them and others who oppose this resolution. I can not understand in what way any ill effects will result from the adoption of the proposed constitutional amendment. On the other hand, I believe that much good will inevitably result from incorporating the pending provision in our Federal Constitution.

I may say in the beginning that I am as much opposed as anyone to the creation of new and unnecessary bureaus and commissions, and I favor an economic administration of our Federal, State, and municipal governments. In principle, I am opposed to the Federal Government assuming jurisdiction over matters local in their character. I concede that the proposed amendment seeks to invest the Federal Government with the power to regulate a matter that the States could, if they would, regulate. But a number of the States have persistently failed and deliberately refused to legislate efficiently on this very vital question of child labor. Some of the States have in good faith enacted comprehensive and wholesome laws dealing with the abuses incident to child labor, while many of the other States have enacted no effective remedial legislation for the protection of child workers from the greedy exploitations of selfish industrialism.

Then again there is no uniformity in the legislation by the several States on the subject of child labor. The enactment of child labor laws in some States and the absence of such legislation in other States unsettles industrial, economic, and wage conditions, influences cost of production, and in a sense affects competition. In many of the States practically no provision has been made to protect children from excessive hours of labor and unwholesome working conditions. Because the States have signally failed to exercise their constitutional functions in the enactment and enforcement of adequate child labor laws, it has, in my opinion, become imperative for Congress to act. The States can not logically claim the exclusive right to regulate child labor, unless they exercise that right and do something to remedy existing conditions.

I believe, Mr. Speaker, that each generation owes a duty to the children it brings into existence. The boy or girl who is born has certain claims on the mature men and women then living, which claims should not be ignored. Children have the natural right to be properly nourished, educated, and developed physically, mentally, morally, and I may add spiritually. We have no right to exploit helpless childhood. We have no right to overwork young boys and girls in their growing period to such an extent as to permanently impair their future health and strength. When boys and girls reach the adult period they should not be prematurely old. The Creator intended that helpless childhood should have the care, protection, and guidance of those who are older. Under our highly developed system of industrialism childhood in many localities is being exploited. The health of many boys and girls working in factories, shops, and mines is being permanently impaired. This is a crime against helpless and unprotected childhood. It is a crime against society.

The pending resolution is not a statute, but only an enabling act. It does not pretend to fix the hours of labor or determine the age at which children may lawfully be employed in this or that occupation. It does not define the classes or occupations in which the labor of boys or girls may be regulated. The amendment merely confers on Congress the right to enact such regulations and remedial legislation as may be found expedient and necessary to correct the existing abuses and to protect helpless childhood from ruthless exploitation.

Congress has heretofore enacted laws designed to regulate child labor in mills, shops, and factories, but our Supreme Court has held those laws unconstitutional, and as a result, in some instances, child workers have practically no protection and are being exploited to satisfy the greed of conscienceless manufacturers.

I am, therefore, constrained to vote for the pending resolution. Its purpose is to remedy conditions which the several States could have cured, but have failed to remedy. Unless this amendment is ratified and unless Congress enacts laws to correct these abuses and to protect helpless childhood in factories, shops, and mills, the physical and mental vigor of the children of this generation will be materially and permanently impaired. This condition would obviously be transmitted to succeeding generations.

I have no fear that any Congress will ever enact any legislation prohibiting or controlling child labor on the farms or

in the homes. Most of the labor performed by children on the farms or in the homes is under the immediate supervision of parents, who naturally have at heart the welfare and best interest of the children. Child labor laws were and are intended primarily to correct abuses and improve working conditions in factories, shops, and mills in the industrial districts, and in the great centers of population and commerce. No one has every contended that the power to regulate child labor should be extended to the farm or home.

As I have stated, the primary object of labor legislation is to correct and prevent abuses and ameliorate the conditions of persons engaged in labor in occupations involving unusual moral and physical hazards. Modern capitalism and the growth of the modern factory system furnish the motive for exploiting child labor, even at the expense of public health, safety, and welfare. The greedy operator, by overworking children, is able to reduce the cost of production, which, of course, means additional profits.

It may not be amiss to refer briefly to the history of child labor legislation. Great Britain was the pioneer in modern labor legislation. In 1802 the British Parliament passed what was known as the "health and morals" act, which prohibited the employment of children under 9 years of age, restricted the working hours of children to 12 hours a day, required improvement in sanitary conditions, and made provision for the education of children in the course of their employment. But the country was not ready for this legislation, and it was not enforced.

Parliament passed a similar act in 1819, which, like the preceding act, was not enforced. In 1833 the British Parliament enacted a comprehensive factory law applicable to all textile establishments. It provided for inspections by a trained group of competent men. The employment of children under 9 years of age was prohibited. Children between 9 and 13 years of age might work 9 hours a day or not to exceed 48 hours a week. Persons between 13 and 18 years of age might be employed 12 hours a day or not to exceed 60 hours a week. By this act night work was entirely prohibited and provision was made for the schooling of the children employed in factories. An amendatory act was passed by Parliament in 1844 which extended protection to women. The act of 1847 established a 10-hour day for women and children. In 1878 the factory consolidation act was passed, which materially strengthened all provisions for the protection of working men and children. In 1901 the law was amended so as to prohibit employment of children under 11 years of age. Night work and Sunday labor for women and children were prohibited.

In Germany the first important labor legislation was enacted in 1839 in Prussia. It imposed restriction on the hours of women and children. Labor by children under 9 years of age was prohibited. The working day of children under 16 years was limited to 10 hours. This law was a failure and was never enforced. In 1853 a new law was enacted raising the age to 12 years and restricting the hours of labor for children under 14 to 6 hours. This act also required that the children be accorded certain educational opportunities. Like the previous labor laws, this act was not enforced. In 1869 the "industrial code" was enacted, but was not vigorously enforced. The rapid growth of industrialism accentuated the demand for rigid factory legislation, and in 1878 factory inspection was made compulsory. In 1891 a uniform code was made applicable throughout the German Empire. Under this act children under 13 years of age could not be employed in factories and those above 13 could work only if they had received a primary education. This code also regulated the employment of women and children under 16 years and prohibited night work.

There was no labor legislation in France prior to 1841, when a law was enacted prohibiting the employment of children in factories under 8 years of age. Children between 8 and 12 years might work 8 hours a day. From 12 to 16 years, not to exceed 12 hours per day. This law was not enforced and remained a dead letter until 1874, when new legislation was enacted limiting the age of child workers to 12 years. This act permitted children from 12 to 16 years of age to work 12 hours per day. Night work for children was prohibited, as was also night work for women under 21 years. In 1900 the law was amended so as to limit the day's labor to 10 hours in factories where women and children were employed.

The first factory legislation in Austria was in 1853, but the provisions relating to child labor were not enforced. In 1907 the industrial code was enacted prohibiting the employment of children under 12 years of age. Children from 12 to 14 years might work not to exceed 8 hours per day.

Some of the cantons of Switzerland attempted to regulate child labor near the middle of the nineteenth century, but without any substantial results. In 1877 Switzerland enacted laws regulating the employment and labor of children, but these laws were not enforced. In 1914 Switzerland enacted an industrial code by which children under 14 were not to be employed in factories. Children from 14 to 16 might be employed for not more than 10 hours a day.

The first factory legislation in Belgium was in 1813, but the law was a dead letter until 1859, when industrial courts were established to supervise the employment of children in factories and to correct abuses incident to child labor. The first factory legislation in Holland was in 1874; in Norway, 1872; and the basic labor laws in Sweden and Denmark were enacted in 1901.

As I have stated, many of these laws were not enforced, but their enactment evidenced a recognition on the part of the law-making bodies that legislation was necessary to protect child laborers, and also shows a disposition to correct abuses and protect children from the selfish exploitation of factory owners.

In the United States our labor laws have passed through several periods of evolution. The growth of industrialism in the United States has been so rapid that in many communities children have been wrongfully exploited by greedy factory owners. These abuses have created a nation-wide sentiment in favor of legislation for the protection of child workers. This Congress is now taking notice of this sentiment and has proposed this amendment to the Constitution, which, in my opinion, will meet the situation and correct existing abuses.

In the United States the first child labor law was enacted in Massachusetts in 1842. It limited to 10 hours the labor of children under 12 years of age in manufacturing establishments. In the same year Connecticut enacted a 10-hour law for children under 14 in cotton and woolen mills. Similar laws were enacted in New Hampshire in 1846; Pennsylvania, 1848; Maine, 1848; New Jersey, 1851; Ohio, 1852; and Rhode Island, 1853. There was no uniformity in the provisions of these statutes and none of them were vigorously enforced. Some of them permitted the employment of children under the statutory age if the parent or guardian gave written consent of such employment. Discussing this provision, Horace Greeley, in an editorial in the New York Tribune, on August 11, 1847, said:

> Why should the consent of the parent or guardian of such minor be allowed to overrule the demands of justice, humanity, and the public weal? We believe nothing else than a peremptory prohibition of the employment of minors for more than 10 hours per day, without regard to the consent of parents or guardians, will affect much if anything. Still we are willing to see a trial made even of this milk-and-water enactment.

Since the Civil War many other States have adopted child-labor legislation, but, as I have heretofore stated, there is no uniformity in these statutes and their enforcement has been nominal.

The interest of society demands the safeguarding of childhood and the regulation of child labor, especially in factories, mills, and shops. There can be no question as to the power of States to regulate or prohibit child labor, and this proposed amendment, if adopted, will vest Congress with ample power to correct existing abuses. This is in furtherance of a wholesome public policy. In a sense all minors are wards of the State. It is the duty of the Government to protect these wards while they are helpless by limiting their working hours and by prohibiting their employment under certain ages or under conditions involving unusual moral or physical hazards.

There is a widespread demand throughout our Nation for the submission of this child-labor amendment to the Constitution. The question has been uppermost in the public mind for many years. It has been freely discussed, and the American people have been educated on the question to such an extent that they now know whether or not they want this provision to become a part of our organic law. The people have a right to vote upon this amendment, and I, for one, shall vote to submit it to the States for ratification.

Mr. MORROW. Mr. Speaker, under leave heretofore granted I shall attempt to give my views briefly upon this important subject.

This legislation has for its purpose the control and restriction of labor of persons under the age of 18 years. Although quite sweeping in its attempt to control the regulations as to what labor shall be performed by persons under this age, in my opinion it has gone a trifle too far in fixing the age limit in the proposed amendment. Nearly all States have enacted legislation upon this subject, and some States have seen fit to reach the age limit of 18 years.

In enacting legislation of this character those who are really enthusiastic in its behalf should not be carried away with an age limit too high. The States have in the greater number agreed that the limit should not exceed 16 years.

It should be the purpose of legislation of this kind to restrict the exploiting of children in all classes of labor that tend to prevent natural growth, both mentally and physically, to the end that the standard of our future men and women may be developed as far as is possible to assist mental and physical perfection.

The tendency to employ both boys and girls in work that retards development should be checked by national legislation.

It is also true that most of the States of the Union have solved this problem by appropriate and proper legislation. When this solution is satisfactory and the results appear to be in accord with the best principles of established government the Federal regulation ought not to disturb the State regulation and, in my opinion, ought to be enacted more in accord with the standard in States, except when that is too low, and to lower it in States that are too high; in other words, there should be a uniform law in each State as to the age limit, and the same age should be enacted by the Federal Government, and, in my humble opinion, the age limit of 16 years is plenty high at this period of our history.

The proper class of work, according to the physical or mental condition of the American child, can do no harm if the child's moral and educational opportunities are not permitted to be neglected.

That class of work that deprives the boy or girl of good, pure air and sunlight, and where the hours of labor are too long, the work too arduous in character, should be regulated by proper national legislation.

Many are inclined to go too far and advocate that only the merest possible effort in behalf of labor should be performed by children until they reach physical development. This view is too extreme and can not be supported by our thoughtful people.

The rule that most of our physical instructors outline to follow in child development is regular hours of labor and regular hours of recreation in order to build and preserve both body and mind.

The whole principle upon which this legislation should be enacted is with the theory that we educate our citizenship to that idea of permitting childhood to follow in their hours of labor those pursuits that tend to assist mind and body to grow and develop, to the end that our future men and women shall be improved mentally and physically. It is not so much that the American child is overworked as it is that certain localities of the Nation deprive the child of equal opportunity by means of exploiting and employing the labor under wrong conditions and under very adverse circumstances for both moral and physical development.

The American citizen must never advocate taking people, whether those under the tender years or those above the age, away from labor; but instead it behooves every citizen whether he be a lawmaker or one interested in the welfare of his or her country to advocate proper labor for all.

The class of labor that tends to check opportunity for proper development of children under 16 years of age should be prohibited by proper law enactment, by both State and Nation, where this labor carries the boy or girl into undesirable employment, such as factories or mines. This class of labor and the environment is not as a rule such that will build the youth or equip them for the best possible results in behalf of their Government and their own well-being.

With this national legislation in behalf of restriction against certain classes of labor should also come the question of national educational requirements, that boys and girls be compelled to attend the public schools or other schools until they reach the age of 16 years. The compulsory school age limit of 14 years in most States is entirely too low. If national legislation is needed to regulate the age of working, it is indeed equally necessary that the educational age limit of school attendance be also firmly established.

The entire theory concerning child welfare is the stirring of the people of the Nation not against child labor, but proper labor under proper age and proper conditions; also, do not overlook educational development and a higher age limit of compulsory school attendance. The mental and physical well-being of our future citizenship should be our aim, keeping in mind at all times that reasonable labor for all our citizens is right and proper. Let us not get the theory that we need the idle, indolent citizen in this Republic. What is needed is energy, ambition, and effort; the opportunity is open to-day, as great in many lines as it was in the early history of Government. The people need less law but stricter enforcement, respect, and observance of the same.

Mr. SABATH. Mr. Speaker, it was indeed amazing to me to listen to some of the leaders of this House arguing so vehemently for the preservation of State rights and denouncing the tendency of this legislation and against the continuous encroachment upon the rights of States and against the dangers of centralized form of government. They indeed ought to be congratulated upon the strong pleas they have made in defense of the State rights and against the continuous encroachment upon the rights and powers of States. I, in a measure, sympathize with many of them and agree that there is grave danger in the policy which is being pursued. I, myself, several times, and especially when the prohibition resolution was before the House, not as eloquently, but as strongly as my ability permitted, pointed out these dangers. At that time I called attention not only to the dangerous precedent that we were establishing, but also that by the resolution we were violating the Constitution of the United States. I remember that at the time at least a dozen of the gentlemen who are now attacking this resolution were not concerned so much in the rights of the respective States as they appear to be to-day. Not only did they vote for the resolution, but they talked in favor of it.

These gentlemen then based their arguments on the theory that the Government has the right, yes, that it is the duty of our Government to protect those who can not protect themselves. Consequently, if there is anyone who needs the protection of the Federal Government, according to my view, it is the minor child, upon whom the future of our Republic rests, and though I still believe that the States should not be deprived of their rights I feel, in view of the Supreme Court decision, that I am justified, yes, that the Congress is justified, in voting favorably for this resolution, because I know it is not intended to prohibit but to regulate.

If the resolution is adopted and submitted to the respective States and two-thirds of the States will vote favorably, it will add another amendment to our Constitution, and not until then will Congress have the power to legislate on the child-labor question. I take it that Congress may reenact the child labor law which has been declared unconstitutional by the Supreme Court. Surely no one can rightfully contend that it will deprive any State of the power to legislate and adopt its own laws relative to the employment of children under the age of 16—the age which I believe should have been inserted in lieu of 18 in the resolution.

The contention that it will deprive the parents of the control of their children is not entitled to any weight, as that argument would apply to every State child labor law now in force or that might be enacted by any State.

A large number of Members maintain that it is unnecessary for Congress to act because their States have adopted or are about to adopt splendid child labor laws. To those Members I wish to say: If any State has already on its statute books a child labor law that will safeguard the children of their States from hazardous occupations or from unreasonable long hours of employment, or any other State which will adopt such laws, I am confident they will not be affected by any legislation enacted by Congress, because I feel that Congress will, if the amendment is adopted, enact a sane and sound law that may not be as far-reaching as the laws of some States. However, it may affect some States which are indifferent to the welfare of their children and whose legislatures may be controlled by interests who have been exploiting children of tender years, whose Representatives in Congress and in their legislatures were too preoccupied with prohibition legislation, applicable to the adults of their States and the United States. They were too busy in enacting legislation depriving the citizens of their States and the United States of privileges and personal rights guaranteed them by the Constitution, and consequently had not sufficient time for child-labor legislation and failed to enact laws for the protection of the young and feeble children of their respective States. It is because of their misdirected efforts that no suitable legislation, conceded even by them, has received that consideration to which it is entitled.

This neglect on the part of many States to do their duty justifies Congress to act favorably on this proposed amendment. I concede that there is a great deal of justification on the part of some States in refusing to enact legislation, and their reasoning can not be ignored when they argue that if child labor be prohibited in their State and not in the adjoining State that they would be at a disadvantage and could not compete with States where child labor is permitted. Consequently a uniform child labor law is bound to eliminate these advantages and disadvantages as well as all the excuses that have been heretofore given.

So far I have not heard anyone on the floor of the House pointing out the disadvantages or the harm that occurred during the operation of the Federal child labor law; but, on the other hand, I have read the reports of various child-labor commissioners who all are in accord that before the Supreme Court declared the law unconstitutional it was helpful and beneficial; that it aided in the enforcement of their respective State laws, and at the same time it reduced the employment of a large number of children of tender years from hazardous and health-affecting employments. If there ever was a justification for Federal legislation, I think it is in this case.

Since the Supreme Court declared the child labor law unconstitutional the number of children at work in factories and on farms has increased amazingly.

In 11 cities the number of working children has increased 57 per cent; in 14 other cities, 24 per cent; in 5, 100 per cent; and in some it has increased 800 per cent. In Waterbury, Conn., in 1923 the number of working papers issued to children was eight times greater than in 1922. In Manchester, N. H., there are at present more than five times as many children working as last year.

Working on the farms tends to deform very young children, since they must maintain a stooping position all day. Nevertheless in two counties in the State of Colorado alone almost 1,400 children between the ages of 6 and 16 are working on farms.

In the coal mines of Pennsylvania boys aged 13 and 14 years labor every workday in the week. In Louisiana in the oyster and crab canning factories the conditions are still worse. There children between the ages of 8 and 12 work from 6 o'clock in the morning until 10 at night, or about 16 hours daily.

In North Carolina the cotton mills employ 12-year-old boys, while girls and boys 14 years of age are employed for 11 hours a day. I have read from a dependable report that in the factories of Georgia 12-year-old children work 60 hours a week, and that the law of that State allows children above 14 years to work on all-night shifts. It is indeed strange that a State that is so vitally interested in protecting its adults from partaking of anything stronger than Coca-Cola should be so indifferent to protecting its children.

Child labor is an open sore in the United States. This is probably the only democratic country where that question is so ignored. Although nearly every individual State provides compulsory education for children up to 14 or 16 years of age, these laws are seldom enforced.

Mr. Speaker, it is for these reasons that I am to-day forced to change my position.

SPEAKERS PRO TEMPORE TO PRESIDE TO-MORROW

The SPEAKER. The Chair designates to preside over the memorial exercises to-morrow to commemorate the life, character, and public services of Hon. J. M. C. SMITH, late a Representative from the State of Michigan, Mr. MCLAUGHLIN of Michigan; and to preside over the exercises to commemorate the life, character, and public services of Hon. L. E. SAWYER, late a Representative from the State of Arkansas, Mr. OLDFIELD, of Arkansas.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented bill and resolutions to the President for his approval:

H. R. 3761. An act for the relief of George A. Nickles;

H. J. Res. 247. Joint resolution making an additional appropriation for the Department of Agriculture for the fiscal years 1924 and 1925; and

H. J. Res. 222. Joint resolution granting permission to Hugh S. Cumming, Surgeon General of the United States Public Health Service, to accept certain decorations bestowed upon him by the Republics of France and Poland.

LEAVE OF ABSENCE

Mr. GIBSON, by unanimous consent, was granted leave of absence, for two days, beginning Monday, April 28, on account of business.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.), the House adjourned, pursuant to the order previously made, until to-morrow, Sunday, April 27, 1924, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

446. Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting a draft of proposed legislation "to authorize reimbursement of the Government of the Philippine Islands for maintaining alien crews prior to April 6, 1917," was taken from the Speaker's table and referred to the Committee on War Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SNELL: Committee on Rules. H. Res. 270. A resolution for the consideration of H. R. 7962, a bill to establish and create a Rent Commission in the District of Columbia; without amendment (Rept. No. 575). Referred to the House Calendar.

Mr. WINTER: Committee on the Public Lands. H. R. 7494. A bill to amend an act creating the Custer State Park game sanctuary in the State of South Dakota; without amendment (Rept. No. 580). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rivers and Harbors. H. R. 8914. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; without amendment (Rept. No. 581). Referred to the Committee of the Whole House on the state of the Union.

Mr. MOORE of Ohio: Committee on the Post Office and Post Roads. H. R. 6581. A bill authorizing the Postmaster General to provide emergency mail service in Alaska; with an amendment (Rept. No. 582). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCFADDEN: Committee on Banking and Currency. H. R. 8887. A bill to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes; without amendment (Rept. No. 583). 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. WINTER: Committee on War Claims. S. 1213. An act for the relief of Harold Kernan; without amendment (Rept. No. 576). Referred to the Committee of the Whole House.

Mr. ROACH: Committee on War Claims. S. 1330. An act for the relief of the estate of Ely N. Sonnenstrahl, deceased; without amendment (Rept. No. 577). Referred to the Committee of the Whole House.

Mr. ROACH: Committee on War Claims. H. R. 6241. A bill for the relief of Lieut. E. J. McAllister; without amendment (Rept. No. 578). Referred to the Committee of the Whole House.

Mr. WINTER: Committee on War Claims. H. R. 8258. A bill for the relief of Capt. Frank Geere; without amendment (Rept. No. 579). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BURTON: A bill (H. R. 8905) to authorize the settlement of the indebtedness of the Kingdom of Hungary to the United States of America; to the Committee on Ways and Means.

By Mr. HICKEY: A bill (H. R. 8906) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on the Judiciary.

By Mr. CARTER: A bill (H. R. 8907) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; to the Committee on Roads.

By Mr. KING: A bill (H. R. 8908) for the erection of a public building at Galva, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8909) providing for the extension of the post-office building at Galesburg, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8910) to increase the limit of cost of a new post-office building at Geneseo, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8911) for the erection of a public building at Lewistown, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8912) for the erection of a public building at Rushville, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8913) for the erection of a public building at Abingdon, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. DEMPSEY: A bill (H. R. 8914) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. EDMONDS: A bill (H. R. 8915) to provide for the establishment in the Department of Commerce, Bureau of Navigation, of a division of admeasurements of shipping; to the Committee on the Merchant Marine and Fisheries.

By Mr. GILLETT: A bill (H. R. 8916) to provide for the construction of a memorial bridge across the Potomac River from a point near the Lincoln Memorial, in the city of Washington, to an appropriate point in the State of Virginia, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. GRIEST: A bill (H. R. 8917) to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of Washington: A joint resolution (H. J. Res. 251) to appoint a joint special committee to investigate and recommend changes in the geographical nomenclature of the United States; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GARBER: A bill (H. R. 8918) granting a pension to Lidda J. Clark; to the Committee on Invalid Pensions.

By Mr. JOST: A bill (H. R. 8919) granting an increase of pension to Sarah Waldren; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 8920) for the relief of John M. Wallace; to the Committee on Military Affairs.

By Mr. MANLOVE: A bill (H. R. 8921) granting an increase of pension to Isabella Rickman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8922) granting a pension to Martha Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8923) granting a pension to Annie M. Watson; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 8924) granting a pension to Eliza M. Myers; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 8925) for a survey by the United States Public Health Service of the Desplaines, Illinois, and Mississippi Rivers; to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG of Pennsylvania: A bill (H. R. 8926) granting an increase of pension to Susan Smitten; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 8927) granting an increase of pension to Louisa Kontner; to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 8928) authorizing the Secretary of War to donate to the city of McClusky, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 8929) authorizing the Secretary of War to donate to the city of Bismarck, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 8930) authorizing the Secretary of War to donate to the city of Carrington, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 8931) authorizing the Secretary of War to donate to the city of Harvey, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 8932) authorizing the Secretary of War to donate to the city of Kintyre, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 8933) authorizing the Secretary of War to donate to the town of Fessenden, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 8934) authorizing the Secretary of War to donate to the city of Valley City, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 8935) authorizing the Secretary of War to donate to Jamestown College, of Jamestown, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 8936) authorizing the Secretary of War to donate to the Mount Pleasant School District, No. 4, Rolette County, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 8937) authorizing the Secretary of War to donate to the village of Heaton, State of North Dakota, one German cannon or fieldpiece; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2542. By Mr. DARROW: Petition of the Station Forces' Association of the Philadelphia & Reading Railway system, protesting against the Howell-Barkley labor bill; to the Committee on Interstate and Foreign Commerce.

2543. Also, petition of the Clerks' Cooperative Association of the Philadelphia & Reading Railway system, protesting against the Howell-Barkley labor bill; to the Committee on Interstate and Foreign Commerce.

2544. By Mr. FENN: Petition of Thomas Griswold and others, farmers of Wethersfield, Conn., protesting against the passage of bill now pending in the Senate for the revision of freight rates on farm products; to the Committee on Interstate and Foreign Commerce.

2545. By Mr. GALLIVAN: Petition of Greater Boston and Massachusetts Federations of Churches, urging passage of child labor amendment; to the Committee on the Judiciary.

2546. By Mr. HILL of Maryland: Petition of the Maryland State and District of Columbia Federation of Labor urging Congress to change the 1890 quota to the 1910 quota in the immigration bill; to the Committee on Immigration and Naturalization.

2547. By Mr. KINDRED: Petition of the New York Commandery, the Naval and Military Order of the Spanish-American War, favoring equitable adjustment of the pay of retired officers; to the Committee on Military Affairs.

2548. By Mr. MILLER of Washington: Petition of the Washington Society of Sons of the Revolution, asking Congress to appoint a joint committee of the two Houses to decide as to the feasibility of changing the names of mountains in the country to those of American invention; to the Committee on the Public Lands.

2549. By the SPEAKER (by request): Petition of National Society, Daughters of the American Revolution, thirty-third annual convention, in the city of Washington, D. C., April 19, 1924, urging the passage making Lincoln's Day a national holiday; to the Committee on the Judiciary.

2550. By Mr. STRONG of Pennsylvania: Petition of Woman's Christian Temperance Union of Freeport, Pa., against any modification that would weaken the prohibition enforcement act; to the Committee on the Judiciary.

2551. By Mr. SWING: Petition of Christian Temperance Union of San Diego County, Calif., protesting against weakening the Volstead Act; to the Committee on the Judiciary.

2552. By Mr. YOUNG: Petitions of 25 citizens of Anamoose (N. Dak.) Community Club, of Bottineau, N. Dak., urging the passage of the McNary-Haugen bill; to the Committee on Agriculture.

2553. By Mr. TINKHAM: Petition of Massachusetts Division, Sons of Veterans' Auxiliary, indorsing the Bursum bill; to the Committee on Invalid Pensions.

2554. Also, petition of council of the Bar Association of the City of Boston, opposing Senate bill 624 and House bill 3260; to the Committee on the Judiciary.

2555. Also, petition of Corporal Russel F. Hoyt Post, No. 299, Veterans of Foreign Wars, expressing disapproval of the action taken by the House of Representatives in passing the German relief resolution; to the Committee on Foreign Affairs.