Mr. SMOOT. There are three hours.

Mr. SIMMONS. Yes. There is an amendment that I must offer fixing the exemptions, and there is a proposition that the Senator from Minnesota [Mr. SHIPSTEAD] desires to present, to reconsider a very important vote; and that is going to take some time. If we are going to recess now the Senator must change that hour to a later time than 2 o'clock, because otherwise we shall not have time to consider those amendments, and they must be considered.

Mr. MOSES. Why recess now? Why not go on with these things?

Mr. NEELY. Mr. President, I make the point of order that it is not in order to debate a unanimous-consent request, and I demand the regular order.

The PRESIDENT pro tempore. The point of order is well taken, and it is the duty of the Chair to order the roll to be called.

Mr. SIMMONS. If the Senator will fix it at 3 or 4 o'clock I shall be satisfied. That will give us time.

Mr. ROBINSON. Mr. President, I suggest to the Chair that there is no occasion for calling the roll if it is apparent that an objection is going to be made.

Mr. SMOOT. If the hour is fixed at 3 o'clock, will that be satisfactory to everyone?

Mr. HARRISON. I am going to object if it is 3 o'clock.

Mr. SMOOT. The Senator is satisfied with 2 o'clock?

Mr. HARRISON. Yes.

Mr. SIMMONS. Mr. President, if I can be assured that I shall have an opportunity in the morning to present the amendment with reference to the exemptions and that the Senator from Minnesota [Mr. SHIPSTEAD] will have an opportunity to present his motion to reconsider the vote that was taken this evening upon the tax-exempt securities, then I am perfectly willing to enter into this agreement, but I want that assurance.

Mr. SMOOT. It has been suggested that we meet at 10 o'clock in the morning.

Mr. SIMMONS. Make it 10 o'clock then.

Mr. SMOOT. Is there any objection to making the hour of meeting 10 o'clock in the morning?

Mr. ROBINSON. Not a bit.

Mr. NORRIS. Yes, Mr. President; there is objection to 10 o'clock.

Mr. JONES of New Mexico. Mr. President, I see no reason why we should take a recess now if we can go on for an hour or two or three hours.

Mr. ROBINSON. I will state to the Senator from New Mexico that it will be impossible to keep a full attendance here. The Senate can, of course, continue in session by a majority vote, but I have investigated the matter, and a number of Senators are going to leave, and it will be a practical impossibility to maintain a full attendance.

Mr. MOSES. They can be reached by the Sergeant at Arms.

Mr. ROBINSON. If the Senate wants to proceed, we can proceed indefinitely with that understanding; but I will not be responsible for the vote.

Mr. SMOOT. I think we would like to get rid of the bill to-morrow, and we can finish it to-morrow between 11 and 2. I ask that the roll be called, Mr. President.

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

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

| | | | |
|---|---|---|---|
| Adams | Fletcher | McKinley | Shields |
| Ashurst | Frazier | McLean | Shipstead |
| Bayard | George | McNary | Simmons |
| Brandegee | Glass | Mayfield | Smith |
| Brookhart | Hale | Moses | Smoot |
| Broussard | Harreld | Neely | Spencer |
| Bursum | Harris | Norbeck | Stanfield |
| Cameron | Harrison | Norris | Stephens |
| Capper | Heflin | Oddie | Sterling |
| Caraway | Johnson, Minn. | Overman | Swanson |
| Copeland | Jones, N. Mex. | Pepper | Trammell |
| Cummins | Jones, Wash. | Pittman | Wadsworth |
| Curtis | Kendrick | Ralston | Walsh, Mass. |
| Dale | Keyes | Ransdell | Walsh, Mont. |
| Dial | King | Reed, Mo. | Warren |
| Edge | Ladd | Reed, Pa. | Watson |
| Ferris | Lodge | Robinson | Weller |
| Fess | McKellar | Sheppard | Willis |

The PRESIDENT pro tempore. Seventy-two Senators having answered to their names, a quorum is present. The Secretary will state the proposed unanimous-consent agreement.

The reading clerk read as follows:

It is agreed by unanimous consent that the Senate take a recess until 11 o'clock a. m. to-morrow, and not later than 2 o'clock to-morrow shall proceed without further debate to vote upon the bill (H. R. 6715) to reduce and equalize taxation, to provide revenue, and for other purposes, and all pending amendments thereto.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and the unanimous-consent agreement is entered into.

In pursuance of the unanimous-consent agreement, the Senate (at 6 o'clock and 45 minutes p. m.) took a recess until to-morrow, Saturday, May 10, 1924, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES

### FRIDAY, *May 9, 1924*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We look up unto Thee, O God, our Father in heaven, out of our failures and wants, with a desire to know Thee better and to learn more of the infinite heights and depths of Thy wisdom. O gratify those desires which mark us most divine. Life has many hard lessons to learn, but impress us that they are good lessons to him who has wisdom enough to learn. Be our shield when temptation is nigh; be our support when affliction is heavy; be our guide when the way is difficult and uncertain, and give us the spirit that accepts Thee when in kindness or rebuke, when in sternness and in blessing. Stoop to our needs, O God, and be the guest of each and the Saviour of all. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### NO QUORUM—CALL OF THE HOUSE

Mr. WINGO. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point of order that there is no quorum present. Apparently there is no quorum present.

Mr. JOHNSON of Washington. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Anderson | Geran | Madden | Sears, Fla. |
| Andrew | Gilbert | Martin | Stalker |
| Bacharach | Graham, Pa. | Michaelson | Stengle |
| Byrnes, S. C. | Greene, Mass. | Miller, Ill. | Strong, Pa. |
| Byrns, Tenn. | Howard, Okla. | Montague | Sullivan |
| Canfield | Huddleston | Morin | Sweet |
| Clark, Fla. | Hull, Tenn. | Morris | Swoope |
| Connolly, Pa. | Hull, William E. | Mudd | Taylor, Colo. |
| Cooper, Ohio | Jacobstein | O'Brien | Tinkham |
| Corning | Jeffers | Park, Ga. | Tydings |
| Crowther | Johnson, Ky. | Peavey | Vare |
| Curry | Kahn | Phillips | Ward, N. Y. |
| Deal | Kurtz | Ransley | Ward, N. C. |
| Dempsey | Langley | Reed, W. Va. | Wason |
| Dominick | Larson, Minn. | Reid, Ill. | Welsh |
| Dowell | Lehlbach | Rogers, N. H. | Williams, Tex. |
| Drane | Lilly | Rosenbloom | Williams, Ill. |
| Edmonds | McDuffie | Rouse | Winslow |
| Evans, Mont. | McFadden | Sanders, N. Y. | Winter |
| Fish | McLeod | Scott | Wurzbach |
| Funk | McNulty | Sears, Nebr. | Zihlman |

The SPEAKER. Three hundred and forty-eight Members have answered to their names—a quorum.

Mr. LONGWORTH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its chief clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 8233) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1925, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. WARREN, Mr. JONES of Washington, and Mr. OVERMAN as the conferees on the part of the Senate.

#### APPOINTMENT OF A CONFEREE

Mr. WOOD. Mr. Speaker, I ask unanimous consent that the name of Mr. SUMMERS of Washington be substituted for that of Mr. WASON as a conferee on the independent offices

appropriation bill, Mr. WASON being unable to serve on account of illness.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the name of the gentleman from Washington [Mr. SUMMERS] be substituted in place of Mr. WASON as a conferee on the independent offices appropriation bill, on account of the illness of Mr. WASON. Is there objection?

There was no objection.

IMMIGRATION

Mr. JOHNSON of Washington. Mr. Speaker, I call up the conference report on the bill H. R. 7995, the immigration bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 7995) to limit the immigration of aliens into the United States, and for other purposes.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the statement accompanying the conference report be read in lieu of the report.

The SPEAKER. The gentleman from Washington asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. RAKER and Mr. WATKINS rose.

Mr. SABATH. Mr. Speaker, I reserve the right to object. I desire to know from the gentleman from Washington if he does not believe that the entire report should be read, in view of there being so many provisions in the report?

Mr. JOHNSON of Washington. I do not think anything could be gained from that. The report is here, and the text is printed also in the RECORD, where it can be read by the Members. It would be very hard to follow the reading of it from the desk.

Mr. SABATH. If unanimous consent is given that the statement be read in lieu of the report, would it be necessary, Mr. Speaker, for me to reserve a point of order on the conference report now, or later?

The SPEAKER. The Chair thinks the gentleman should make the point of order now.

Mr. SABATH. Then, Mr. Speaker, I make a point of order against the report.

The SPEAKER. The gentleman from Illinois makes a point of order against the report. Is there objection to the request that the statement be read instead of the report? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, should the gentleman from Illinois state his point of order at this time?

The SPEAKER. The gentleman has made his point of order, and the Chair will consider the point of order in detail after the statement is read.

Mr. JOHNSON of Washington. Did the gentleman from Illinois state his point of order?

Mr. GARRETT of Tennessee. The gentleman from Illinois will state it after the statement is read.

The SPEAKER. The Chair suggests it would be better to have the statement read first.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7995) to limit the immigration of aliens into the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That this act may be cited as the 'immigration act of 1924.'

"IMMIGRATION VISAS

"SEC. 2. (a) A consular officer upon the application of any immigrant (as defined in section 3) may (under the conditions hereinafter prescribed and subject to the limitations prescribed in this act or regulations made thereunder as to the number of immigration visas which may be issued by such officer) issue to such immigrant an immigration visa which shall consist of one copy of the application provided for in section 7, visaed by such consular officer. Such visa shall specify (1) the nationality of the immigrant; (2) whether he is a quota immigrant (as defined in section 5) or a nonquota immigrant (as defined in section 4); (3) the date on which the validity of the immigration visa shall expire; and (4) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulations prescribed.

"(b) The immigrant shall furnish two copies of his photograph to the consular officer. One copy shall be permanently attached by the consular officer to the immigration visa and the other copy shall be disposed of as may be by regulations prescribed.

"(c) The validity of an immigration visa shall expire at the end of such period, specified in the immigration visa, not exceeding four months, as shall be by regulations prescribed. In the case of an immigrant arriving in the United States by water, or arriving by water in foreign contiguous territory on a continuous voyage to the United States, if the vessel, before the expiration of the validity of his immigration visa, departed from the last port outside the United States and outside foreign continguous territory at which the immigrant embarked, and if the immigrant proceeds on a continuous voyage to the United States, then, regardless of the time of his arrival in the United States, the validity of his immigration visa shall not be considered to have expired.

"(d) If an immigrant is required by any law, or regulations or orders made pursuant to law, to secure the visa of his passport by a consular officer before being permitted to enter the United States, such immigrant shall not be required to secure any other visa of his passport than the immigration visa issued under this act, but a record of the number and date of his immigration visa shall be noted on his passport without charge therefor. This subdivision shall not apply to an immigrant who is relieved, under subdivision (b) of section 13, from obtaining an immigration visa.

"(e) The manifest or list of passengers required by the immigration laws shall contain a place for entering thereon the date, place of issuance, and number of the immigration visa of each immigrant. The immigrant shall surrender his immigration visa to the immigration officer at the port of inspection, who shall at the time of inspection indorse on the immigration visa the date, the port of entry, and the name of the vessel, if any, on which the immigrant arrived. The immigration visa shall be transmitted forthwith by the immigration officer in charge at the port of inspection to the Department of Labor under regulations prescribed by the Secretary of Labor.

"(f) No immigration visa shall be issued to an immigrant if it appears to the consular officer, from statements in the application or in the papers submitted therewith, that the immigrant is inadmissible to the United States under the immigration laws, nor shall such immigration visa be issued if the application fails to comply with the provisions of this act, nor shall such immigration visa be issued if the consular officer knows or has reason to believe that the immigrant is inadmissible to the United States under the immigration laws.

"(g) Nothing in this act shall be construed to entitle an immigrant to whom an immigration visa has been issued to enter the United States if upon arrival in the United States he is found to be inadmissible to the United States under the immigration laws. The substance of this subdivision shall be printed conspicuously upon every immigration visa.

"(h) A fee of $9 shall be charged for the issuance of each immigration visa, which shall be covered into the Treasury as miscellaneous receipts.

"DEFINITION OF 'IMMIGRANT'

"SEC. 3. When used in this act the term 'immigrant' means any alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees, (2) an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure, (3) an alien in continuous transit through the United States, (4) an alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory, (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman, and (6) an alien entitled to enter the United States solely to carry on trade under and in pursuance of the provisions of a present existing treaty of commerce and navigation.

"NONQUOTA IMMIGRANTS

"SEC. 4. When used in this act the term 'nonquota immigrant' means—

"(a) An immigrant who is the unmarried child under 18 years of age, or the wife, of a citizen of the United States who resides therein at the time of the filing of a petition under section 9;

"(b) An immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad;

"(c) An immigrant who was born in the Dominion of Canada, Newfoundland, the Republic of Mexico, the Republic of Cuba, the Republic of Haiti, the Dominican Republic, the Canal Zone, or an independent country of Central or South America, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him;

"(d) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university; and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him; or

"(e) An immigrant who is a bona fide student at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university, particularly designated by him and approved by the Secretary of Labor, which shall have agreed to report to the Secretary of Labor the termination of attendance of each immigrant student, and if any such institution of learning fails to make such reports promptly the approval shall be withdrawn.

"QUOTA IMMIGRANTS

"SEC. 5. When used in this act the term 'quota immigrant' means any immigrant who is not a nonquota immigrant. An alien who is not particularly specified in this act as a nonquota immigrant or a nonimmigrant shall not be admitted as a nonquota immigrant or a nonimmigrant by reason of relationship to any individual who is so specified or by reason of being excepted from the operation of any other law regulating or forbidding immigration.

"PREFERENCES WITHIN QUOTAS

"SEC. 6. (a) In the issuance of immigration visas to quota immigrants preference shall be given—

"(1) To a quota immigrant who is the unmarried child under 21 years of age, the father, the mother, the husband, or the wife of a citizen of the United States who is 21 years of age or over; and

"(2) To a quota immigrant who is skilled in agriculture, and his wife, and his dependent children under the age of 16 years, if accompanying or following to join him. The preference provided in this paragraph shall not apply to immigrants of any nationality the annual quota for which is less than 300.

"(b) The preference provided in subdivision (a) shall not in the case of quota immigrants of any nationality exceed 50 per cent of the annual quota for such nationality. Nothing in this section shall be construed to grant to the class of immigrants specified in paragraph (1) of subdivision (a) a priority in preference over the class specified in paragraph (2).

"(c) The preference provided in this section shall, in the case of quota immigrants of any nationality, be given in the calendar month in which the right to preference is established, if the number of immigration visas which may be issued in such month to quota immigrants of such nationality has not already been issued; otherwise in the next calendar month.

"APPLICATION FOR IMMIGRATION VISA

"SEC. 7. (a) Every immigrant applying for an immigration visa shall make application therefor in duplicate in such form as shall be by regulations prescribed.

"(b) In the application the immigrant shall state (1) the immigrant's full and true name; age, sex, and race; the date and place of birth; places of residence for the five years immediately preceding his application; whether married or single, and the names and places of residence of wife or husband and minor children, if any; calling or occupation; personal description (including height, complexion, color of hair and eyes, and marks of identification); ability to speak, read, and write; names and addresses of parents, and if neither parent living, then the name and address of his nearest relative in the country from which he comes; port of entry into the United States; final destination, if any, beyond the port of entry; whether he has a ticket through to such final destination; whether going to join a relative or friend, and, if so, what relative or friend and his name and complete address; the purpose for which he is going to the United States; the length of time he intends to remain in the United States; whether or not he intends to abide in the United States permanently; whether ever in prison or almshouse; whether he or either of his parents has ever been in an institution or hospital for the care and treatment of the insane; (2) if he claims to be a nonquota immigrant, the facts on which he bases such claim; and (3) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulations prescribed.

"(c) The immigrant shall furnish, if available, to the consular officer, with his application, two copies of his 'dossier' and prison record and military record, two certified copies of his birth certificate, and two copies of all other available public records concerning him kept by the Government to which he owes allegiance. One copy of the documents so furnished shall be permanently attached to each copy of the application and become a part thereof. An immigrant having an unexpired permit issued under the provisions of section 10 shall not be subject to this subdivision. In the case of an application made before July 1, 1924, if it appears to the satisfaction of the consular officer that the immigrant has obtained a visa of his passport before the enactment of this act, and is unable to obtain the documents referred to in this subdivision without undue expense and delay, owing to absence from the country from which such documents should be obtained, the consular officer may relieve such immigrant from the requirements of this subdivision.

"(d) In the application the immigrant shall also state (to such extent as shall be by regulations prescribed) whether or not he is a member of each class of individuals excluded from admission to the United States under the immigration laws, and such classes shall be stated on the blank in such form as shall be by regulations prescribed, and the immigrant shall answer separately as to each class.

"(e) If the immigrant is unable to state that he does not come within any of the excluded classes, but claims to be for any legal reason exempt from exclusion, he shall state fully in the application the grounds for such alleged exemption.

"(f) Each copy of the application shall be signed by the immigrant in the presence of the consular officer and verified by the oath of the immigrant administered by the consular officer. One copy of the application, when visaed by the consular officer, shall become the immigration visa, and the other copy shall be disposed of as may be by regulations prescribed.

"(g) In the case of an immigrant under 18 years of age the application may be made and verified by such individual as shall be by regulations prescribed.

"(h) A fee of $1 shall be charged for the furnishing and verification of each application, which shall include the furnishing and verification of the duplicate, and shall be covered into the Treasury as miscellaneous receipts.

"NONQUOTA IMMIGRATION VISAS

"SEC. 8. A consular officer may, subject to the limitations provided in sections 2 and 9, issue an immigration visa to a nonquota immigrant as such upon satisfactory proof, under regulations prescribed under this act, that the applicant is entitled to be regarded as a nonquota immigrant.

"ISSUANCE OF IMMIGRATION VISAS TO RELATIVES

"SEC. 9. (a) In case of any immigrant claiming in his application for an immigration visa to be a nonquota immigrant by reason of relationship under the provisions of subdivision (a) of section 4, or to be entitled to preference by reason of relationship to a citizen of the United States under the provisions of section 6, the consular officer shall not issue such immigration visa or grant such preference until he has been authorized to do so as hereinafter in this section provided.

"(b) Any citizen of the United States claiming that any immigrant is his relative, and that such immigrant is properly admissible to the United States as a nonquota immigrant under the provisions of subdivision (a) of section 4 or is entitled to preference as a relative under section 6, may file with the Commissioner General a petition in such form as may be by regulations prescribed, stating (1) the petitioner's name and address; (2) if a citizen by birth, the date and place of his birth; (3) if a naturalized citizen, the date and place of his admission to citizenship and the number of his certificate, if any; (4) the name and address of his employer or the address of his place of business or occupation if he is not an employee; (5) the degree of the relationship of the immigrant for whom such petition is made, and the names of all the places where such immigrant has resided prior to and at the time when the petition is filed; (6) that the petitioner is able to and will support the immigrant if necessary to prevent such immigrant from becoming a public charge; and (7) such additional information necessary to the proper enforcement of the immigration laws and the naturalization laws as may be by regulations prescribed.

"(c) The petition shall be made under oath administered by any individual having power to administer oaths, if executed in the United States, but, if executed outside the United

States, administered by a consular officer. The petition shall be supported by any documentary evidence required by regulations prescribed under this act. Application may be made in the same petition for admission of more than one individual.

"(d) The petition shall be accompanied by the statements of two or more responsible citizens of the United States, to whom the petitioner has been personally known for at least one year, that to the best of their knowledge and belief the statements made in the petition are true and that the petitioner is a responsible individual able to support the immigrant or immigrants for whose admission application is made. These statements shall be attested in the same way as the petition.

"(e) If the Commissioner General finds the facts stated in the petition to be true, and that the immigrant in respect of whom the petition is made is entitled to be admitted to the United States as a nonquota immigrant under subdivision (a) of section 4 or is entitled to preference as a relative under section 6, he shall, with the approval of the Secretary of Labor, inform the Secretary of State of his decision, and the Secretary of State shall then authorize the consular officer with whom the application for the immigration visa has been filed to issue the immigration visa or grant the preference.

"(f) Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is granted, to enter the United States as a nonquota immigrant, if, upon arrival in the United States, he is found not to be a nonquota immigrant.

"PERMIT TO REENTER UNITED STATES AFTER TEMPORARY ABSENCE

"SEC. 10. (a) Any alien about to depart temporarily from the United States may make application to the Commissioner General for a permit to reenter the United States, stating the length of his intended absence, and the reasons therefor. Such application shall be made under oath, and shall be in such form and contain such information as may be by regulations prescribed, and shall be accompanied by two copies of the applicant's photograph.

"(b) If the Commissioner General finds that the alien has been legally admitted to the United States, and that the application is made in good faith, he shall, with the approval of the Secretary of Labor, issue the permit, specifying therein the length of time, not exceeding one year, during which it shall be valid. The permit shall be in such form as shall be by regulations prescribed and shall have permanently attached thereto the photograph of the alien to whom issued, together with such other matter as may be deemed necessary for the complete identification of the alien.

"(c) On good cause shown, the validity of the permit may be extended for such period or periods, not exceeding six months each, and under such conditions as shall be by regulations prescribed.

"(d) For the issuance of the permit and for each extension thereof there shall be paid a fee of $3, which shall be covered into the Treasury as miscellaneous receipts.

"(e) Upon the return of the alien to the United States the permit shall be surrendered to the immigration officer at the port of inspection.

"(f) A permit issued under this section shall have no effect under the immigration laws, except to show that the alien to whom it is issued is returning from a temporary visit abroad; but nothing in this section shall be construed as making such permit the exclusive means of establishing that the alien is so returning.

"NUMERICAL LIMITATIONS

"SEC. 11. (a) The annual quota of any nationality shall be 2 per cent of the number of foreign-born individuals of such nationality resident in continental United States as determined by the United States census of 1890, but the minimum quota of any nationality shall be 100.

"(b) The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

"(c) For the purpose of subdivision (b) national origin shall be ascertained by determining as nearly as may be, in respect of each geographical area which under section 12 is to be treated as a separate country (except the geographical areas specified in subdivision (c) of section 4), the number of inhabitants in continental United States in 1920 whose origin by birth or ancestry is attributable to such geographical area. Such determination shall not be made by tracing the ancestors or descendants of particular individuals, but shall be based upon statistics of immigration and emigration, together with rates of increase of population as shown by successive decennial United States censuses, and such other data as may be found to be reliable.

"(d) For the purpose of subdivisions (b) and (c) the term 'inhabitants in continental United States in 1920' does not include (1) immigrants from the geographical areas specified in subdivision (c) of section 4 or their descendants, (2) aliens ineligible to citizenship or their descendants, (3) the descendants of slave immigrants, or (4) the descendants of American aborigines.

"(e) The determination provided for in subdivision (c) of this section shall be made by the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly. In making such determination such officials may call for information and expert assistance from the Bureau of the Census. Such officials shall jointly report to the President the quota of each nationality, determined as provided in subdivision (b), and the President shall proclaim and make known the quotas so reported. Thereafter such quotas shall continue with the same effect as if specifically stated herein and shall be final and conclusive for every purpose except (1) in so far as it is made to appear to the satisfaction of such officials and proclaimed by the President that an error of fact has occurred in such determination or in such proclamation, or (2) in the case provided for in subdivision (c) of section 12. Such proclamation shall be made on or before April 1, 1927. If the proclamation is not made on or before such date, quotas proclaimed therein shall not be in effect for any fiscal year beginning before the expiration of 90 days after the date of the proclamation. If for any reason quotas proclaimed under this subdivision are not in effect for any fiscal year, quotas for such year shall be determined under subdivision (a) of this section.

"(f) There shall be issued to quota immigrants of any nationality (1) no more immigration visas in any fiscal year than the quota for such nationality, and (2) in any calendar month of any fiscal year no more immigration visas than 10 per cent of the quota for such nationality, except that if such quota is less than 300 the number to be issued in any calendar month shall be prescribed by the Commissioner General, with the approval of the Secretary of Labor, but the total number to be issued during the fiscal year shall not be in excess of the quota for such nationality.

"(g) Nothing in this act shall prevent the issuance (without increasing the total number if immigration visas which may be issued) of an immigration visa to an immigrant as a quota immigrant even though he is a nonquota immigrant.

"NATIONALITY

"SEC. 12. (a) For the purposes of this act nationality shall be determined by country of birth, treating as separate countries the colonies, dependencies, or self-governing dominions, for which separate enumeration was made in the United States census of 1890; except that (1) the nationality of a child under 21 years of age not born in the United States, accompanied by its alien parent not born in the United States, shall be determined by the country of birth of such parent if such parent is entitled to an immigration visa, and the nationality of a child under 21 years of age not born in the United States, accompanied by both alien parents not born in the United States, shall be determined by the country of birth of the father if the father is entitled to an immigration visa; and (2) if a wife is of a different nationality from her alien husband and the entire number of immigration visas which may be issued to quota immigrants of her nationality for the calendar month has already been issued, her nationality may be determined by the country of birth of her husband if she is accompanying him and he is entitled to an immigration visa, unless the total number of immigration visas which may be issued to quota immigrants of the nationality of the husband for the calendar month has already been issued. An immigrant born in the United States who has lost his United States citizenship shall be considered as having been born in the country of which he is a citizen or subject, or if he is not a citizen or subject of any country, then in the country from which he comes.

"(b) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this act, prepare a statement showing the number of individuals of the various nationalities resident in continental United States as determined by the United States census of 1890, which statement shall be the population basis for the purposes of subdivision (a) of section 11. In the case of a country recognized by the United States, but for

which a separate enumeration was not made in the census of 1890, the number of individuals born in such country and resident in continental United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of subdivision (a) of section 11 as having been determined by the United States census of 1890. In the case of a colony or dependency existing before 1890, but for which a separate enumeration was not made in the census of 1890 and which was not included in the enumeration for the country to which such colony or dependency belonged, or in the case of territory administered under a protectorate, the number of individuals born in such colony, dependency, or territory, and resident in continental United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of subdivision (a) of section 11 as having been determined by the United States census of 1890 to have been born in the country to which such colony or dependency belonged or which administers such protectorate.

"(c) In case of changes in political boundaries in foreign countries occurring subsequent to 1890 and resulting in the creation of new countries, the Governments of which are recognized by the United States, or in the establishment of self-governing dominions, or in the transfer of territory from one country to another, such transfer being recognized by the United States, or in the surrender by one country of territory, the transfer of which to another country has not been recognized by the United States, or in the administration of territories under mandates, (1) such officials, jointly, shall estimate the number of individuals resident in continental United States in 1890 who were born within the area included in such new countries or self-governing dominions or in such territory so transferred or surrendered or administered under a mandate, and revise (for the purposes of subdivision (a) of section 11) the population basis as to each country involved in such change of political boundary, and (2) if such changes in political boundaries occur after the determination provided for in subdivision (c) of section 11 has been proclaimed, such officials, jointly, shall revise such determination, but only so far as necessary to allot the quotas among the countries involved in such change of political boundary. For the purpose of such revision and for the purpose of determining the nationality of an immigrant, (A) aliens born in the area included in any such new country or self-governing dominion shall be considered as having been born in such country or dominion, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred, and (B) territory so surrendered or administered under a mandate shall be treated as a separate country. Such treatment of territory administered under a mandate shall not constitute consent by the United States to the proposed mandate where the United States has not consented in a treaty to the administration of the territory by a mandatory power.

"(d) The statements, estimates, and revisions provided in this section shall be made annually, but for any fiscal year for which quotas are in effect as proclaimed under subdivision (e) of section 11, shall be made only (1) for the purpose of determining the nationality of immigrants seeking admission to the United States during such year, or (2) for the purposes of clause (2) of subdivision (c) of this section.

"(e) Such officials shall, jointly, report annually to the President the quota of each nationality under subdivision (a) of section 11, together with the statements, estimates, and revisions provided for in this section. The President shall proclaim and make known the quotas so reported and thereafter such quotas shall continue, with the same effect as if specifically stated herein, for all fiscal years except those years for which quotas are in effect as proclaimed under subdivision (e) of section 11, and shall be final and conclusive for every purpose.

"EXCLUSION FROM UNITED STATES

"SEC. 13. (a) No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration visa or was born subsequent to the issuance of the immigration visa of the accompanying parent, (2) is of the nationality specified in the visa in the immigration visa, (3) is a nonquota immigrant if specified in the visa in the immigration visa as such, and (4) is otherwise admissible under the immigration laws.

"(b) In such classes of cases and under such conditions as may be by regulations prescribed, immigrants who have been legally admitted to the United States and who depart therefrom temporarily may be admitted to the United States without being required to obtain an immigration visa.

"(c) No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a nonquota immigrant under the provisions of subdivision (b), (d), or (e) of section 4, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3: *Provided*, That this subdivision shall not take effect as to exclusion until March 1, 1925, before which time the President is requested to negotiate with the Japanese Government in relation to the abrogation of the present arrangement on this subject.

"(d) The Secretary of Labor may admit to the United States any otherwise admissible immigrant not admissible under clause (2) or (3) of subdivision (a) of this section, if satisfied that such inadmissibility was not known to, and could not have been ascertained by the exercise of reasonable diligence by, such immigrant prior to the departure of the vessel from the last port outside the United States and outside foreign contiguous territory, or, in the case of an immigrant coming from foreign contiguous territory, prior to the application of the immigrant for admission.

"(e) No quota immigrant shall be admitted under subdivision (d) if the entire number of immigration visas which may be issued to quota immigrants of the same nationality for the fiscal year has already been issued. If such entire number of immigration visas has not been issued, then the Secretary of State, upon the admission of a quota immigrant under subdivision (d), shall reduce by one the number of immigration visas which may be issued to quota immigrants of the same nationality during the fiscal year in which such immigrant is admitted; but if the Secretary of State finds that it will not be practicable to make such reduction before the end of such fiscal year, then such immigrant shall not be admitted.

"(f) Nothing in this section shall authorize the remission or refunding of a fine, liability to which has accrued under section 16.

"DEPORTATION

"SEC. 14. Any alien who at any time after entering the United States is found to have been at the time of entry not entitled under this act to enter the United States, or to have remained therein for a longer time than permitted under this act or regulations made thereunder, shall be taken into custody and deported in the same manner as provided for in sections 19 and 20 of the immigration act of 1917: *Provided*, That the Secretary of Labor may, under such conditions and restrictions as to support and care as he may deem necessary, permit permanently to remain in the United States, any alien child who, when under 16 years of age was heretofore temporarily admitted to the United States and who is now within the United States and either of whose parents is a citizen of the United States.

"MAINTENANCE OF EXEMPT STATUS

"SEC. 15. The admission to the United States of an alien excepted from the class of immigrants by clause (2), (3), (4), (5), or (6) of section 3, or declared to be a nonquota immigrant by subdivision (e) of section 4, shall be for such time as may be by regulations prescribed, and under such conditions as may be by regulations prescribed (including, when deemed necessary for the classes mentioned in clauses (2), (3), (4), or (6) of section 3, the giving of bond with sufficient surety, in such sum and containing such conditions as may be by regulations prescribed) to insure that, at the expiration of such time or upon failure to maintain the status under which admitted, he will depart from the United States.

"PENALTY FOR ILLEGAL TRANSPORTATION

"SEC. 16. (a) It shall be unlawful for any person, including any transportation company, or the owner, master, agent, charterer, or consignee of any vessel, to bring to the United States by water from any place outside thereof (other than foreign contiguous territory) (1) any immigrant who does not have an unexpired immigration visa, or (2) any quota immigrant having an immigration visa the visa in which specifies him as a nonquota immigrant.

"(b) If it appears to the satisfaction of the Secretary of Labor that any immigrant has been so brought, such person, or transportation company, or the master, agent, owner, charterer, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each immigrant so brought, and in addition a sum equal to that paid by such immigrant for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, such latter sum to be delivered by the collector of customs to the immigrant on whose account assessed. No vessel shall be granted clearance pending the determination of the liability to the payment of such sums, or while such sums remain unpaid, except that clearance may

be granted prior to the determination of such question upon the deposit of an amount sufficient to cover such sums, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

"(c) Such sums shall not be remitted or refunded, unless it appears to the satisfaction of the Secretary of Labor that such person, and the owner, master, agent, charterer, and consignee of the vessel, prior to the departure of the vessel from the last port outside the United States, did not know, and could not have ascertained by the exercise of reasonable diligence, (1) that the individual transported was an immigrant, if the fine was imposed for bringing an immigrant without an unexpired immigration visa, or (2) that the individual transported was a quota immigrant, if the fine was imposed for bringing a quota immigrant the visa in whose immigration visa specified him as being a nonquota immigrant.

"ENTRY FROM FOREIGN CONTIGUOUS TERRITORY

"SEC. 17. The commissioner general, with the approval of the Secretary of Labor, shall have power to enter into contracts with transportation lines for the entry and inspection of aliens coming to the United States from or through foreign contiguous territory. In prescribing rules and regulations and making contracts for the entry and inspection of aliens applying for admission from or through foreign contiguous territory due care shall be exercised to avoid any discriminatory action in favor of transportation companies transporting to such territory aliens destined to the United States, and all such transportation companies shall be required, as a condition precedent to the inspection or examination under such rules and contracts at the ports of such contiguous territory of aliens brought thereto by them, to submit to and comply with all the requirements of this act which would apply were they bringing such aliens directly to ports of the United States. After this section takes effect no alien applying for admission from or through foreign contiguous territory (except an alien previously lawfully admitted to the United States who is returning from a temporary visit to such territory) shall be permitted to enter the United States unless upon proving that he was brought to such territory by a transportation company which had submitted to and complied with all the requirements of this act, or that he entered, or has resided in, such territory more than two years prior to the time of his application for admission to the United States.

"UNUSED IMMIGRATION VISAS

"SEC. 18. If a quota immigrant of any nationality having an immigration visa is excluded from admission to the United States under the immigration laws and deported, or does not apply for admission to the United States before the expiration of the validity of the immigration visa, or if an alien of any nationality having an immigration visa issued to him as a quota immigrant is found not to be a quota immigrant, no additional immigration visa shall be issued in lieu thereof to any other immigrant.

"ALIEN SEAMEN

"SEC. 19. No alien seaman excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Secretary of Labor may prescribe for the ultimate departure, removal, or deportation of such alien from the United States.

"SEC. 20. (a) Upon the arrival (after the expiration of four months after the enactment of this act) of any vessel in the United States, it shall be the duty of the owner, agent, charterer, consignee, or master thereof to deliver to the immigration officer in charge at the port of arrival, in respect of each alien seaman employed on such vessel, a landing card in triplicate, stating the position such alien holds in the ship's company, when and where he was shipped or engaged, and whether he is to be paid off and discharged at the port of arrival, and such other information as may be by regulations prescribed, and having permanently attached thereto a photograph of such alien.

"(b) If the alien seaman after examination (which examination in all cases shall include a personal physical examination by the medical examiners) is found to be temporarily admissible to the United States, he shall be permitted to land during the stay of the vessel in port, or temporarily for the purpose of reshipping on board any other vessel bound to a place outside the United States, and the immigration officer shall cause the fingerprints of the alien to be placed upon each copy of the landing card, and indorse upon each copy the date and place of arrival, the name of the vessel, and the time during which the landing card shall be valid. Thereupon one copy of the landing card shall be delivered to him by the immigration officer, one copy shall be transmitted forthwith to the Department of Labor under regulations prescribed under this act, and the third copy shall be retained in the immigration office at the port of arrival for such length of time as may be by regulations prescribed. It shall be unlawful for any alien seaman to remain in the United States after the expiration of the validity of his landing card.

"(e) Any alien who has received a landing card under this section and who departs from the United States shall, prior to his departure, surrender such card to the master of the vessel, who shall, before the departure of the vessel, deliver such card to such individual as may be by regulations prescribed.

"(d) An alien seaman who departs from the United States temporarily at frequent intervals in the pursuit of his calling, or who is employed on a vessel touching at more than one port of the United States in the course of a continuous voyage, may be admitted to the United States, under such regulations as may be prescribed, without the requirement of a landing card in respect of each entry into the United States.

"(e) Landing cards shall be printed on distinctive safety paper prepared and issued, under regulations prescribed under this act, at the expense of the owner, agent, consignee, charterer, or master of the vessel. The Secretary of Labor, with the cooperation of the Secretary of State, shall provide a means of obtaining blank landing cards outside the United States.

"(f) The owner, agent, consignee, charterer, or master of any vessel who violates any of the provisions of this section shall pay to the collector of customs for the customs district in which the port of arrival is located the sum of $1,000 for each alien in respect of whom the violation occurs; and no vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

"SEC. 21. (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman, and delivered to him a landing card (in cases where a landing card is required), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Secretary of Labor to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

"(b) Proof that an alien seaman did not appear upon the outgoing manifest of the vessel on which he arrived in the United States from any place outside thereof, or that he was reported by the master of such vessel as a deserter, shall be prima facie evidence of a failure to detain or deport after requirement by the immigration officer or the Secretary of Labor.

"(c) If the Secretary of Labor finds that deportation of the alien seaman on the vessel on which he arrived would cause undue hardship to such seaman he may cause him to be deported on another vessel at the expense of the vessel on which he arrived, and such vessel shall not be granted clearance until such expense has been paid or its payment guaranteed to the satisfaction of the Secretary of Labor.

"(d) Section 32 of the immigration act of 1917 is repealed, but shall remain in force as to all vessels, their owners, agents, consignees, and masters, and as to all seamen arriving in the United States prior to the enactment of this act. Sections 33 and 34 of such act are repealed, to take effect after the expiration of four months after the enactment of this act, but the provisions of such section 34 shall thereafter remain in force in the case of any alien seaman who has landed in a port of the United States before such repeal becomes effective.

"PREPARATION OF DOCUMENTS

"SEC. 22. (a) Permits issued under section 10 shall be printed on distinctive safety paper and shall be prepared and issued under regulations prescribed under this act.

"(b) The Public Printer is authorized to print for sale to the public by the Superintendent of Public Documents, upon prepayment, additional copies of blank forms of manifests and crew lists to be prescribed by the Secretary of Labor pursuant to the provisions of sections 12, 13, 14, and 36 of the immigration act of 1917.

"OFFENSES IN CONNECTION WITH DOCUMENTS

"SEC. 23. (a) Any person who knowingly (1) forges, counterfeits, alters, or falsely makes any immigration visa, landing card, or permit, or (2) utters, uses, attempts to use, possesses, obtains, accepts, or receives any immigration visa, landing card, or permit, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or who, except under direction of the Secretary of Labor or other proper officer, knowingly (3) possesses any blank permit, (4) engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of landing cards or permits, (5) makes any print, photograph, or impression in the likeness of any immigration visa, landing card, or permit, or (6) has in his possession a distinctive paper which has been adopted by the Secretary of Labor for the printing of immigration visas, landing cards, or permits, shall upon conviction thereof be fined not more than $10,000 or imprisoned for not more than five years, or both.

"(b) Any individual who (1) when applying for an immigration visa or permit, or for admission to the United States, personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name, or (2) sells or otherwise disposes of, or offers to sell or otherwise dispose of, or utters, an immigration visa, landing card, or permit, to any person not authorized by law to receive such document, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both.

"(c) Whoever knowingly makes under oath any false statement in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both.

"BURDEN OF PROOF

"SEC. 24. Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws; and in any deportation proceeding against any alien the burden of proof shall be upon such alien to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigration visa, if any, or of other documents concerning such entry, in the custody of the Department of Labor.

"RULES AND REGULATIONS

"SEC. 25. The Commissioner General, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this act; but all such rules and regulations, in so far as they relate to the administration of this act by consular officers, shall be prescribed by the Secretary of State on the recommendation of the Secretary of Labor.

"ACT TO BE IN ADDITION TO IMMIGRATION LAWS

"SEC. 26. The provisions of this act are in addition to and not in substitution for the provisions of the immigration laws, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws not inapplicable shall apply to and be enforced in connection with the provisions of this act. An alien, although admissible under the provisions of this act, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this act, and an alien, although admissible under the provisions of the immigration laws other than this act, shall not be admitted to the United States if he is excluded by any provision of this act.

"STEAMSHIP FINES UNDER 1917 ACT

"SEC. 27. Section 9 of the immigration act of 1917 is amended to read as follows:

"'SEC. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States either from a foreign country or any insular possession of the United States any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation, and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival for each and every violation of the provisions of this section, such latter sum to be delivered by the collector of customs to the alien on whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien afflicted with any mental defect other than those above specifically named, or physical defect of a nature which may affect his ability to earn a living, as contemplated in section 3 of this act, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $250, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien for whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read, or who is excluded by the terms of section 3 of this act as a native of that portion of the Continent of Asia and the islands adjacent thereto described in said section, and if it shall appear to the satisfaction of the Secretary of Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed.

"'If a fine is imposed under this section for the bringing of an alien to the United States, and if such alien is accompanied by another alien who is excluded from admission by the last proviso of section 18 of this act, the person liable for such fine shall pay to the collector of customs, in addition to such fine but as a part thereof, a sum equal to that paid by such accompanying alien for his transportation from his initial point of departure indicated in his ticket, to the point of arrival, such sum to be delivered by the collector of customs to the accompanying alien when deported. And no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fines, or while the fines remain unpaid, nor shall such fines be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fines or of a bond with sufficient surety to secure the payment thereof, approved by the collector of customs: *Provided further*, That nothing contained in this section shall be construed to subject transportation companies to a fine for bringing to ports of the United States aliens who are by any of the provisos or exceptions to section 3 of this act exempted from the excluding provisions of said section.'

"SEC. 28. Section 10 of the immigration act of 1917 is amended to read as follows:

"'SEC. 10. (a) That it shall be the duty of every person, including owners, masters, officers, and agents of vessels of transportation lines, or international bridges or toll roads, other than railway lines which may enter into a contract, as provided in section 23, bringing an alien to, or providing a means for an alien to come to, the United States, to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers. Any such person, owner, master, officer, or agent who fails to comply with the foregoing requirements shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine in each case

of not less than $200 nor more than $1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Labor, it is impracticable or inconvenient to prosecute the person, owner, master, officer, or agent of any such vessel, such person, owner, master, officer, or agent shall be liable to a penalty of $1,000, which shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

"'(b) Proof that the alien failed to present himself at the time and place designated by the immigration officers shall be prima facie evidence that such alien has landed in the United States at a time or place other than as designated by the immigration officers.'

"GENERAL DEFINITIONS

"SEC. 29. As used in this act—

"(a) The term 'United States,' when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, the District of Columbia, Porto Rico, and the Virgin Islands; and the term 'continental United States' means the States and the District of Columbia;

"(b) The term 'alien' includes any individual not a native-born or naturalized citizen of the United States, but this definition shall not be held to include Indians of the United States not taxed, nor citizens of the islands under the jurisdiction of the United States;

"(c) The term 'ineligible to citizenship,' when used in reference to any individual, includes an individual who is debarred from becoming a citizen of the United States under section 2169 of the Revised Satutes, or under section 14 of the act entitled 'An act to execute certain treaty stipulations relating to Chinese,' approved May 6, 1882, or under section 1996, 1997, or 1998 of the Revised Statutes, as amended, or under section 2 of the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, as amended, or under law amendatory of, supplementary to, or in substitution for, any of such sections;

"(d) The term 'immigration visa' means an immigration visa issued by a consular officer under the provisions of this act;

"(e) The term 'consular officer' means any consular or diplomatic officer of the United States designated, under regulations prescribed under this act, for the purpose of issuing immigration visas under this act. In case of the Canal Zone and the insular possessions of the United States the term 'consular officer' (except as used in section 25) means an officer designated by the President, or by his authority, for the purpose of issuing immigration visas under this act;

"(f) The term 'immigration act of 1917' means the act of February 5, 1917, entitled, 'An act to regulate the immigration of aliens to, and the residence of aliens in, the United States';

"(g) The term 'immigration laws' includes such act, this act, and all laws, conventions, and treaties of the United States relating to the immigration, exclusion, or expulsion of aliens;

"(h) The term 'person' includes individuals, partnerships, corporations, and associations;

"(i) The term 'Commissioner General' means the Commissioner General of Immigration;

"(j) The term 'application for admission' has reference to the application for admission to the United States and not to the application for the issuance of the immigration visa;

"(k) The term 'permit' means a permit issued under section 10;

"(l) The term 'landing card' means a landing card issued under section 20;

"(m) The term 'unmarried,' when used in reference to any individual as of any time, means an individual who at such time is not married, whether or not previously married;

"(n) The terms 'child,' 'father,' and 'mother' do not include a child or parent by adoption unless the adoption took place before January 1, 1924;

"(o) The terms 'wife' and 'husband' do not include a wife or husband by reason of a proxy or picture marriage.

"AUTHORIZATION OF APPROPRIATION

"SEC. 30. The appropriation of such sums as may be necessary for the enforcement of this act is hereby authorized.

"ACT OF MAY 19, 1921

"SEC. 31. The act entitled 'An act to limit the immigration of aliens into the United States,' approved May 19, 1921, as amended and extended, shall, notwithstanding its expiration on June 30, 1924, remain in force thereafter for the imposition, collection, and enforcement of all penalties that may have accrued thereunder, and any alien who prior to July 1, 1924, may have entered the United States in violation of such act or regulations made thereunder may be deported in the same manner as if such act had not expired.

"TIME OF TAKING EFFECT

"SEC. 32. (a) Sections 2, 8, 13, 14, 15, and 16, and subdivision (f) of section 11, shall take effect on July 1, 1924, except that immigration visas and permits may be issued prior to that date, which shall not be valid for admission to the United States before July 1, 1924. In the case of quota immigrants of any nationality, the number of immigration visas to be issued prior to July 1, 1924, shall not be in excess of 10 per cent of the quota for such nationality, and the number of immigration visas so issued shall be deducted from the number which may be issued during the month of July, 1924. In the case of immigration visas issued before July 1, 1924, the four-month period referred to in subdivision (c) of section 2 shall begin to run on July 1, 1924, instead of at the time of the issuance of the immigration visa.

"(b) The remainder of this act shall take effect upon its enactment.

"(c) If any alien arrives in the United States before July 1, 1924, his right to admission shall be determined without regard to the provisions of this act, except section 24.

"SAVING CLAUSE IN EVENT OF UNCONSTITUTIONALITY

"SEC. 33. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

And the Senate agree to the same.

ALBERT JOHNSON,
WILLIAM N. VAILE,
BIRD J. VINCENT,
*Managers on the part of the House.*

DAVID A. REED,
THOMAS STERLING,
HENRY W. KEYES,
WILLIAM H. KING,
WM. J. HARRIS,
*Managers on the part of the Senate.*

I do not agree to the insertion of the proviso at the end of subdivision (c) of section 13.

WM. J. HARRIS.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes on the Senate amendment to H. R. 7995, a bill to limit the immigration of aliens into the United States, submit the following written statement explaining matters agreed upon by the conference committee and recommended in the text of the conference report.

The Senate disagreed to the entire text of the House bill, offered its bill as an amendment thereto, and voted for a conference. The House disagreed to the Senate amendment and agreed to a conference. The conferees therefore found the entire subject of immigration open, and the bill is now offered with an amendment which strikes out the Senate amendment and offers in lieu thereof the text printed in the conference report.

The greater part of the amendment is in effect the original House bill, considerably tightened as to its restrictive features.

The managers on the part of the Senate accepted the nonquota feature of the House bill, but reduced these by striking out the skilled-labor nonquota classification, by changing the contiguous territory clause so that it applies only to those born in such territory, and by limiting the "relative" clause to wives and children of American citizens.

Fathers and mothers are given a preferential right within quotas, together with bona fide farmers, their wives and small children, up to 50 per cent of all quotas which are more than 300.

The minimum age for students is made 15 years, and safeguards are provided for the maintenance of the status as students at accredited and designated schools.

The definition of an "immigrant" is reduced from the Senate proposal to the original House provision.

The House conferees accepted words by which "immigration certificates" are designated as "immigration visas."

The plan in the Senate amendment for determination of quotas by national origins was accepted by the House managers after it had been rewritten and perfected.

The quota plan of the House—2 per cent based on the 1890 census (with a minimum quota of 100)—stands for three years, after which the following quota plan goes into effect:

"The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each fiscal year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100."

Provisions for working out this plan are carried in paragraphs (c), (d), and (e) of section 11, including a provision for putting this plan into operation by proclamation of the President, under certain conditions.

The effect of section 11, broadly speaking, is that for three years the quota shall be based on a percentage of the foreign born in the United States in 1890, and thereafter the quota percentage shall be based upon the whole white population of the United States, with due regard for the national origin of that population.

Another important change in this bill as it went from the House is the addition of a proviso (shown here in italics) to paragraph (c) of section 13, page 23, the exclusion section, as follows:

"(c) No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a non-quota immigrant under the provisions of subdivision (b), (d), or (e) of section 4, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3: *Provided, That this subdivision shall not take effect as to exclusion until March 1, 1925, before which time the President is requested to negotiate with the Japanese Government in relation to the abrogation of the present arrangement on this subject.*"

It appeared that in order properly to conduct our foreign relations it was necessary to extend somewhat the date upon which exclusion should become effective. This provision gives eight months beyond the time provided in the original House draft in order to adjust our diplomatic relations on this subject in a friendly way and to provide for notice through proper diplomatic channels that Congress has enacted legislation which brings to an end at a date certain the present understanding with Japan. This provision does not invite the making of a treaty, the exclusion being effective on March 1, 1925, or, in other words, bringing exclusion into full force and effect before the expiration of this Congress.

For the period between July 1, 1924, and March 1, 1925, Japanese immigration will be limited to 80 persons by the quota provision of the immigration bill, in addition to those who may come under the exemptions provided for students, ministers, and teachers of all countries.

H. R. 7995 is so written that the postponement to March 1, 1925, of the effective date of the clause relating to exclusion of persons ineligible to citizenship does not automatically continue in force after July 1 the terms of the "gentlemen's agreement."

The extension of time does not affect the countries of the Far East, for exclusion from them is effected by other laws which are not repealed by this bill.

The charge for viséing and registering the certificate and passport of an immigrant has been reduced from $11 to $10 to make it conform to other passport fees.

The fee for a permit for an outgoing alien who expects to return is reduced from $6 to $3.

A new paragraph is added to section 22, page 34, as follows:

"The Public Printer is authorized to print for sale to the public by the Superintendent of Public Documents, upon prepayment, additional copies of blank forms of manifests and crew lists to be prescribed by the Secretary of Labor pursuant to the provisions of sections 12, 13, 14, and 36 of the immigration act of 1917."

The alien seamen's provisions of the House bill remain, although perfected in some details.

The Senate provision permitting about 30 to 40 defective children, admitted under bond, to remain in the United States if one parent is an American citizen is retained, the main reason being that there is no place to which to deport the majority of these unfortunates.

ALBERT JOHNSON,
WILLIAM N. VAILE,
BIRD J. VINCENT,
*Managers on the part of the House.*

Mr. SABATH. Mr. Speaker, though I am familiar with the ruling of the former Speaker on the question, nevertheless I feel it is my duty to raise this point of order and submit it to the Chair.

Mr. Speaker, the conferees have exceeded their authority in several instances, but in the main I desire to call the Speaker's attention to the violation in section 10 of the House bill and section 13 of the new bill. This refers to an alien ineligible to citizenship, or the Japanese provision.

Under the House bill the act would have gone into effect July 1, 1924, while under the Senate bill it would have gone into effect immediately. The conferees have exceeded their authority in extending the time when the law should go into effect by agreeing to the following proviso:

*Provided,* That this subdivision shall not take effect as to exclusion until March 1, 1925, before which time the President is requested to negotiate with the Japanese Government in relation to the abrogation of the present arrangement on this subject.

Now, as I have stated, I fully appreciate the fact that the former Speaker, in the Sixty-fifth Congress, ruled that where either House strikes out all after the enacting clause and the bill then goes to conference, that the conferees have wide latitude. But later on I note this:

In the House of Representatives, in the later practice, the Speaker may rule——

The SPEAKER. From what page is the gentleman quoting?

Mr. SABATH. Page 231, the second paragraph, paragraph 540.

The SPEAKER. The Chair has it before him.

Mr. SABATH. Reading from that section:

In the House of Representatives, in the later practice, the Speaker may rule out a conference report if it be shown that the managers have exceeded their authority.

I think that was the ruling of Speaker Clark in the Sixty-fifth Congress. I have had no chance or opportunity to examine the ruling, relying on that provision. I believe, without further investigation on my part, the Speaker has authority to rule a conference report out of order where the conferees have exceeded their authority, as they have in this instance. I think it is clear they have gone way beyond what the Senate or the House voted upon and what either of the bills provided for.

Mr. CRAMTON. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. CRAMTON. Leaving out of consideration the question as to all after the enacting clause having been stricken out, and referring to the time when this provision would become effective under the Senate bill, the gentleman says it would would become effective immediately?

Mr. SABATH. Yes.

Mr. CRAMTON. I understand it does not mention any date. It does not say the 1st of May or the 1st of June, 1924, but leaves it to become effective when the law becomes effective. If the law did not become effective until the expiration of this Congress the latest date would be the 4th of March, 1925. This provision would not become effective until the 4th of March, 1925, if the law itself did not become effective until that time. That is correct, is it not?

Mr. SABATH. Well, if the gentleman is of the opinion that there is any danger of the law not going into effect until such time, all right, but I doubt very much whether that was the intention of the Senate.

Mr. CRAMTON. What I suggest is that the date fixed by the Senate was an indefinite date that might happen any time between now and the 4th of March, 1925.

Mr. SABATH. I am of the opinion that when there is no date set the act goes into effect immediately when the bill is finally signed and becomes a law.

Mr. RAKER. Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman from California.

Mr. RAKER. Mr. Speaker, I desire to make the point of order that the conferees have exceeded their authority in adding the following part of a proviso, subdivision (c) of section 13, and I want to make it clear to the Speaker that I only refer to that part where the President is requested—

to negotiate with the Japanese Government in relation to the abrogation of the present arrangement on this subject.

For the reason, first, that it is not germane to either bill as passed by the two Houses; second, it is not within the jurisdiction of the conference; third, it is legislation outside of both bills; and, fourth, it is a waiver of the jurisdiction of the House to legislate on immigration.

I want to discuss, if the Speaker will permit, the point of order made by the gentleman from Illinois [Mr. SABATH]. I have read the decisions—including the latest one referred to as made by Speaker Clark—on the question of dates.

Provision (d) of section 12 of the House bill and subdivision (c) of section 10 of the Senate bill were identical. The Senate provision placed that subdivision in operation on the taking effect of the act. The House provision placed it in effect on the 1st of July, 1924.

I take it for granted that the conferees of the two Houses, recognizing the rule, did not attempt to violate it. It was clearly before them.

Now, arguing against the point of order of the gentleman from Illinois; first, because I want to get this clearly before the Speaker and before the House; recognizing that rule, the conferees kept within the rule as laid down and adopted a conference report that subdivision (c) of section 13, the entire section, is operative and in force on the 1st of July, 1924, and the conferees therefore did not exceed their authority.

To make my point plain I want to call the Speaker's attention to section 32 on page 19 of the conference report, which reads as follows:

SEC. 32. (a) Sections 2, 8, 13, 14, 15, and 16, and subdivision (f) of section 11 shall take effect on July 1, 1924.

The SPEAKER. What page is the gentleman reading from?

Mr. RAKER. Page 19 of the conference report.

Mr. JOHNSON of Washington. Page 45 of the bill.

Mr. RAKER. These are practically the same in both Houses except as to the date—

except that immigration visas and permits may be issued prior to that date, which shall not be valid for admission to the United States before July 1, 1924. In the case of quota immigrants of any nationality, the number of immigration visas to be issued prior to July 1, 1924, shall not be in excess of 10 per cent of the quota for such nationality, and the number of immigration visas so issued shall be deducted from the number which may be issued during the month of July, 1924. In the case of immigration visas issued before July 1, 1924, the four-month period referred to in subdivision (c) of section 2 shall begin to run on July 1, 1924, instead of at the time of the issuance of the immigration visa.

(b) The remainder of this act shall take effect upon its enactment.

The House bill, specifying those subdivisions and subdivision 12, which is identical with subdivision 13 of the present act, said that they should take effect July 1, 1924, and the remainder of the act shall take effect upon its enactment.

The Senate bill reads as follows:

Sections 2, 11, 12, 13, subdivision (b) of section 8, and subdivisions (a) and (b) of section 10 shall take effect on July 1, 1924—

leaving subdivision (c) of section 10 of the Senate amendment, which is identical with subdivision (d) of section 12 of the House bill, to take effect immediately.

Now, Mr. Speaker, taking this bill by its four corners and reading it, section 13 of the bill, which is the conference report, the whole act takes effect on July 1, 1924, as provided therein.

Every rule of statutory construction that has been laid down holds that when there are two conflicting provisions in the same act, the last provision controls, and this act would take effect on July 1, 1924, as to subdivision (c) of section 13 beyond all question, and as illustrating the argument, I would call the Speaker's attention to this matter which further applies to the point.

It is an old and well-settled rule that when two laws upon the same subject, passed at different times, are inconsistent with each other, the one last passed must prevail. So it has always been the rule that where different provisions of a statute, all passed at the same time, can not be reconciled, the one that came last in point of position must prevail; and this was upon the theory that effect should always be given to the latest rather than to an earlier expression of the legislative will, the presumption being that the latter part of the statute was last considered. (73 Calif. 258.)

In Thirty-sixth Cyc. 1130, we find the following rule:

c. Conflicting provisions: In the consideration of conflicting provisions in a statute, the great object to be kept in view is to ascertain the legislative intent, and all particular rules for the construction of such provisions must be regarded as subservient to this end. *In accordance with the well-settled principle that the last expression of the legislative will is the law, in case of conflicting provisions in the same statute or in different statutes, the last enacted in point of time prevails; and, on the same principle, if both were enacted at the same time, the last in order of arrangement controls.* As a corollary to this latter rule, a proviso in an act repugnant to the purview thereof is not void but stands as the last expression of the legislative will. Where the conflict is between words and figures, the words will be given effect. Where general terms or expressions in one part of a statute are inconsistent with more specific or particular provisions in another part, the particular provisions will be given effect as clearer and more definite expressions of the legislative will. But a particular expression in one part of a statute not so large and extensive in its import as other expressions in the same statute will yield to the larger and more extensive expressions, where the latter embody the real intent of the legislature.

Mr. CRAMTON. Will the gentleman yield for a very brief question?

Mr. RAKER. I would like to get this thought before the Speaker first.

So, therefore, Mr. Speaker, the conferees having this document before them as one document, taking up the whole thing, the last thing they did was to say that section 13 of this bill should take effect on July 1, 1924, and the subdivision is in direct conflict with subdivision (c) of section 13. Therefore, the last expression by the conferees in coming to their conclusion is effective, and turning back to subdivision (c) of section 13, the only thing remaining is, namely, the point of order which I make, because we must take the last expression of the conferees in determining the matter. So that the subdivision to which I make the point of order is the one wherein the President is requested to negotiate with the Japanese Government in relation to the abrogation of the present agreement on this subject.

My contention is that it is not germane to either bill passed by the House or the Senate. It is entirely new legislation engrafted upon this conference report, and not germane to either; and, beyond all question, it is a yielding of the power of the House to legislate upon this question and is turning over its function of legislating in regard to immigration to the President of the United States relative to an agreement, when there can be no such thing as a gentleman's agreement between the President and a foreign country. There never has been an agreement by the President. The only thing talked of as a gentleman's agreement is that which was entered into by the Secretary of State of the United States and the foreign ambassador of Japan in various correspondence which all concede was beyond the treaty-making power. But by this act, Congress is asked to recognize an agreement beyond the constitutional power of the President, beyond the constitutional power of the House, and now to come in and yield and turn the subject over to the President of the United States to negotiate upon a question that is absolutely beyond his power and beyond his jurisdiction.

So clearly neither House had that matter before it. Neither House had an opportunity to pass it. This House at no time ever said it would yield its power to legislate on immigration. This House never said at any time that it would surrender its power to legislate on a domestic question of this kind. It is almost inconceivable that the House at the present time—and that is the only thing I am presenting to the Speaker, making no objections to any other features of the bill—that the House ever surrendered its power to legislate on immigration. It is a domestic question pure and simple.

Mr. LONGWORTH. Mr. Speaker, I make the point of order that the gentleman is not discussing the point of order.

Mr. RAKER. I am trying to suggest and submitting that the point of order relative to the date is not before the Speaker because the conferees have not exceeded their authority as to the date, and the whole part of section 13 is operative on July 1, 1924. Then we come down to the last point I make in regard to exceeding the powers of the conferees, and therefore I say that the point of order should be sustained and the conference report sent back to the conferees.

Mr. GARRETT of Tennessee. Mr. Speaker, as I understand the ruling of various occupants of the chair, where parliamentary situations have arisen such as confronts the Chair and the House at this time, namely, where the Senate has stricken out the whole of the House bill and inserted a new measure and that measure goes to conference, the whole subject is before the conferees and they are clothed with wide powers in reaching an agreement. Indeed, it has been held in numerous decisions that their powers are broad enough to write a new measure.

It has been ruled that where the rates of a revenue bill are involved, when that bill came in under circumstances similar to this, that the conferees were not limited between the figures originally agreed upon by the House and those agreed upon by the Senate but they may go below or above those figures. It has been ruled in at least one instance where the

question of dates was involved that the conferees were not confined between the two dates fixed by the respective bodies. So it seems to me that this point of order will turn upon the question of germaneness submitted by the gentleman from California [Mr. RAKER]; that is to say, if the conferees have inserted matter not germane to the House bill or to the Senate bill, then the point of order will lie. It seems to me, Mr. Speaker, that the language beginning in line 3, on page 24, with the word "before," and reading—

> before which time the President is requested to negotiate with the Japanese Government in relation to the abrogation of the present arrangement on this subject—

is not germane. It would not be germane if offered as an original proposition in the House. It is a request to the Executive to exercise a purely executive power in so far as that power may be exercised under the Constitution. It is in no sense a legislative proposition. It does not clothe the President with authority to do anything that he has not now the power to do. It involves no element or item of legislation which is in any way binding on the Executive or upon the law-enforcing department of the Government. Not being legislative, therefore, I respectfully submit that it can not be germane to legislation.

Mr. CELLER. Mr. Speaker, I rise in support of the point of order on the ground that the words read by the gentleman from Tennessee [Mr. GARRETT] as to the President negotiating with the Japanese Government in relation to the abrogation of the present arrangement is tantamount to asking the House of Representatives to legislate on a matter which is entirely within the province of the President and the Senate, in the sense that it refers to the treaty-making power under the Constitution which is delegated to the President and the Upper Chamber of Congress and concerning which the Lower House has no concern whatever.

Mr. JOHNSON of Washington rose.

The SPEAKER. The Chair is ready to rule, but he will hear the gentleman from Washington.

Mr. JOHNSON of Washington. Mr. Speaker, I only want to make one suggestion. Section 32 provides when the law shall go into effect, including section 13, and then section 13 carries its own date of going into effect. I think there is nothing to that point of order.

The SPEAKER. The Chair is ready to rule. The first point made by the gentleman from Illinois, it seems to the Chair, is thoroughly disposed of by the decision of Speaker Clark, quoted in the Manual to which the gentleman from Tennessee refers. It says:

> And it has been held so often and so far back and by so many Speakers that where everything after the enacting clause is struck out the conferees have carte blanche to prepare a bill on that subject, that it seems to the Chair that question is no longer open to controversy.

The Chair on that ground overrules the point of order. That leaves the other point of order made by the gentleman from California [Mr. RAKER] and discussed by the gentleman from Tennessee [Mr. GARRETT], that the provision asking the President to negotiate with the Japanese Government in relation to the abrogation of the present arrangement is not germane.

But it seems to the Chair that inasmuch as this report terminates the understanding referred to on July 1, this provision extending it to March 1, 1925, and at the same time asking that the President meanwhile shall negotiate to abrogate it, which may possibly terminate it sooner, that that makes it clearly germane to the subject, and the Chair overrules the points of order.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that debate in regard to this conference report be limited to two hours.

The SPEAKER. The gentleman from Washington asks unanimous consent that debate on the conference report be limited to two hours. Is there objection?

Mr. MACLAFFERTY. Mr. Speaker, reserving the right to object, just how is that time to be apportioned?

Mr. JOHNSON of Washington. The rule I believe provides one hour, and I am asking for an extension of one hour more.

Mr. MACLAFFERTY. Can I be provided with 10 minutes of that time?

Mr. JOHNSON of Washington. I would like to have the control of the hour for those opposing the conference report to be with the ranking member of the committee.

Mr. RAKER. Mr. Speaker, it seems to me there ought to be some time that I might have to discuss the conference report. Can we not enter into an agreement to make it three hours?

Mr. JOHNSON of Washington. I do not think I could go any further with my request. I think two hours is all the time needed to discuss the matter thoroughly. While it is an important question, the debate should be keen and to the point.

Mr. RAKER. I suggest to the gentleman from Washington that the gentleman from Illinois [Mr. SABATH], have half an hour and that I may have half an hour, while the gentleman from Washington would control one hour.

Mr. LAGUARDIA. What is the time under the rule?

The SPEAKER. The gentleman from Washington, of course, has the floor, and at the expiration of one hour he may move the previous question, which would end debate. The Chair understands that the gentleman desires to extend the time for debate to two hours, instead of one.

Mr. LAGUARDIA. But if the gentleman's motion for the previous question is voted down, then the conference report will be open for debate, and every Member who was recognized would be entitled to an hour.

The SPEAKER. The gentleman from Washington asks unanimous consent that there be two hours of debate, of which one hour shall be controlled by himself. Does the gentleman from Washington agree to the division suggested by the gentleman from California, that the gentleman from Illinois should have half an hour and the gentleman from California half an hour?

Mr. JOHNSON of Washington. Does the gentleman from Illinois prefer it in that way?

Mr. SABATH. I am in this position: I have already assured Members on the other side some time, and I should not like to find myself in a position without having at least a few minutes for myself.

Mr. LONGWORTH. Mr. Speaker, will the gentleman from Washington yield to me?

Mr. JOHNSON of Washington. Yes.

Mr. LONGWORTH. Will he add to his request that the previous question shall be considered as ordered at the end of the two hours?

Mr. JOHNSON of Washington. Certainly. I shall modify my request in that respect, Mr. Speaker.

Mr. RAKER. Mr. Speaker, reserving the right to object, will the gentleman make his request that he have 1 hour, that the gentleman from Illinois have 30 minutes, and that I may have 30 minutes?

Mr. JOHNSON of Washington. Yes; with the understanding that I be permitted to close debate, and that at the end of the two hours the previous question shall be considered as ordered.

The SPEAKER. The gentleman from Washington asks unanimous consent that the debate be limited to two hours, at the end of which time the previous question shall be considered as ordered, and that 1 hour of that time shall be controlled by himself, 30 minutes by the gentleman from Illinois, and 30 minutes by the gentleman from California. Is there objection?

Mr. MACLAFFERTY. Mr. Speaker, reserving the right to object, I want 10 minutes on the floor from somebody, and if I do not get it I am going to object.

Mr. LONGWORTH. The gentleman should realize that if he objects there will be only one hour of debate.

Mr. LINEBERGER. Mr. Speaker, may I ask the gentleman from Washington a question? Does the gentleman propose to allot any time whatever to Members on this side?

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the time be extended to two hours and a half, and that these gentlemen from the Pacific coast have the other half hour that they desire.

Mr. BACON. Mr. Speaker, I object to that.

Mr. JOHNSON of Washington. Mr. Speaker, I modify my request and make it for 2 hours and 20 minutes, of which I shall control 1 hour, 10 minutes of which shall be given to one gentleman from California and 10 minutes to the other, and that the third gentleman from California [Mr RAKER] shall have one-half hour and the gentleman from Illinois [Mr. SABATH] one-half hour.

The SPEAKER. Is there objection?

Mr. LAGUARDIA. Mr. Speaker, I object.

The SPEAKER. Is there objection to the original request of the gentleman from Washington?

Mr. LAGUARDIA. Mr. Speaker, I object.

The SPEAKER. The gentleman from Washington is recognized for one hour.

Mr. LINEBERGER. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. LINEBERGER. What is the status of the time?

The SPEAKER. The gentleman from Washington is recognized for one hour. Objection was made as to any agreement in respect to time.

Mr. MACLAFFERTY. Mr. Speaker, I ask the gentleman from New York [Mr. LAGUARDIA] to withdraw his objection.

Mr. LAGUARDIA. Mr. Speaker, my colleagues do not seem to be clear upon this matter. At the end of the hour to which the gentleman from Washington is entitled, if he moves the previous question and the motion be voted down, do not the rules of the House provide that any gentleman then recognized is entitled to the floor for an hour.

The SPEAKER. That is correct.

Mr. BLANTON. But you can not vote down the previous question.

Mr. LAGUARDIA. Mr. Speaker, I withdraw the objection.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry. A motion to recommit is in order after the previous question is ordered?

The SPEAKER. It is. Is there objection to the request of the gentleman from Washington that there be 2 hours and 20 minutes of debate upon the conference report, that the gentleman from Washington shall control 1 hour, that the gentleman from Illinois shall control 30 minutes, and the gentleman from California [Mr. RAKER] shall control 30 minutes, the other 20 minutes to go to the two other gentlemen from California, and that the previous question shall be considered as ordered at the end of that debate? [After a pause.] The Chair hears none, and it is so ordered.

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen, with so much time for debate it would seem we might possibly look carefully and without rancor into this particular provision which seems for the moment likely to jeopardize the final enactment of the immigration bill which had recently the vote of a large majority of the membership of this House. I am convinced that the way to make sure that we absolutely secure Japanese exclusion is to allow the eight months' grace requested by the President and by the Secretary of State. If Members will be good enough to remember that this bill was introduced on the first day of this session, December 5, and it had then in it the exclusion clause to go into effect July 1, they will see that we meant then to allow several months for the clause to go into effect. Your Committee on Immigration and Naturalization held hearings every day throughout the Christmas holidays. We thought we could have the bill out and on the calendar by the 8th or the 10th of January and that it would be among the first measures passed by the House. We were not able to work quite so fast. There are many interests against it, as you know. They catch at every straw. We got the bill on the calendar, I believe, on the 10th of February. Then it was rewritten, and the result is that it is now the 9th of May, and no exclusion act. Every time that this bill has been printed we had July 1 as the date for the exclusion act to take effect.

Gentlemen, the bill is so written that the allowance of the eight months does not mean a Japanese influx at all. A few will come before July 1. But the minute you put the extension on you also put on the quota provision; so that for eight months, or up to March 1, you will have a quota for Japan. That quota in this bill is a minimum of 100 per year, with a limitation of 10 per cent per month. So the whole number of extra Japanese who could come to the United States if they got the necessary permit from the United States consul during the limited time this proviso would run, would be 80, and no more.

Mr. FREE. Will the gentleman yield for a question?

Mr. JOHNSON of Washington. In addition to those who might come in properly under the treaty clause, which we grant to all nations alike, the nonquota class—students, teachers, and ministers. That is all there is to the proposition——

Mr. FREE. If this is true——

Mr. JOHNSON of Washington. Is is absolutely true.

Mr. FREE. I say if it is true, then why do you insert in the bill a proviso that the President will enter into negotiations to do away with the gentlemen's agreement; if it is done away with, why should the President negotiate any treaty——

Mr. JOHNSON of Washington. Well, does the gentleman want to be kind and decent to another nation, or just hit him on the head?

Mr. FREE. I want to see a menace to the United States stopped and do not want to see this influx of a nation which now would threaten us as it has done for 20 years. [Applause.]

Mr. JOHNSON of Washington. If the gentleman had been a little more active earlier in the session we might be a little more sure of it now.

Mr. WATKINS. Will the gentleman yield?

Mr. JOHNSON of Washington. Not now, I will yield later. I desire to read the proviso. See how mild it is. I ask you, gentlemen, in an occasion like this, dealing with other nations, dealing with a matter that runs a little beyond the Committee on Immigration and Naturalization, a little beyond the Committee on Foreign Affairs—a situation which runs in a combination of the House, the Senate, and the Chief Executive, do you suppose that I would come here and offer to jeopardize the bill I have worked on for five solid years?

Mr. RAKER. Will the gentleman yield?

Mr. JOHNSON of Washington. I think we ought to approach this properly and correctly, and it seems to me as if the whole immigration bill——

Mr. RAKER. Will the gentleman yield?

Mr. JOHNSON of Washington. I can not yield.

Mr. RAKER. I will yield the gentleman one minute of my time if he will yield.

Mr. JOHNSON of Washington. In just a minute. Now, what hurts is this: If California people will be only patient. I live on the Pacific coast; there are three States on that coast—California, Oregon, and Washington.

The district which I represent is just as much interested in this as any of the California districts. It is just as big a question to us in the district I represent as to any other coast district.

Gentlemen, I am trying to be absolutely fair about it. It is not fair to have telegrams coming pouring from out the West to the effect that if we defer the date it will open up a big influx of Japanese from now to March 1. I have some California telegrams here; they are not fair; they are not correct. Perhaps it is a misunderstanding. I do not blame the people of California for being a little afraid because they feel they have been tricked in the past, perhaps through misunderstanding and perhaps for other reasons.

Mr. CARTER. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. CARTER. What law provides for the keeping of this Japanese immigration down to 80?

Mr. JOHNSON of Washington. The quota section of this bill. The quota goes for the eight months, and that ends it. The minute we make the extension of time the ineligible class, the nonadmissibles—the minute that is postponed the Japanese will have come on the quota, if at all. The extension is from July 1 to March 1, and during that time of extension they come on the quota, and we are protected. It may be, for all I know, that the Japanese so-called gentlemen's agreement is at this moment abrogated. In the Senate the other day on the amendment there was a big vote, which was in the nature of an abrogation of this agreement. You understand that was not a paper or an order; nothing but a so-called gentlemen's agreement. Japan made it; Japan claims to have kept it; we think not, but her claim is our reason for showing a few months' grace.

Mr. MILLER of Washington. Mr. Speaker, will the gentleman yield for a question?

Mr. JOHNSON of Washington. Yes.

Mr. MILLER of Washington. If this is the way to bring about exclusion of the Japanese, why did you not discover it before and put it into the original House bill, so that the House could consider it? [Applause.]

Mr. JOHNSON of Washington. Because the bill has been running along all the time with the thought that it would be passed much earlier than now, and with the idea that the exclusion would be established on July 1, and that there would be time for the President and the Secretary of State to properly tell the Japanese Government in official letters that the Congress of the United States had willed that whatever is the agreement, whatever it may pretend to be, is by the will of Congress, over. Also, because our committee did not care to recognize by words in this act treaties or agreements relating to immigration, which we did do in the quota act. There is nothing here now that calls for a treaty; nothing whatever; and if this bill became the law to-morrow and was signed by the President to-morrow, what is there to prevent the President and the Secretary of State, if they so will, to begin the negotiation of a treaty? They would not, of course; but what is there to prevent, or what can there be in an act of Congress?

Mr. MILLER of Washington. If the gentlemen's agreement is permitted by this bill and the Japanese are put under a quota, what in God's name is the use for the President to negotiate anything further about the Japanese? [Applause.]

Mr. JOHNSON of Washington. If the gentleman will be kind enough to read this provision carefully he will find that the President is to negotiate for the end of this peculiar situation.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. DYER. This is the first time they have been put under a quota?

Mr. JOHNSON of Washington. Yes; they were exempted under the present quota law. They would now go under the quota for eight months from July 1. That prevents an influx. Read this provision. It says:

*Provided*, That this subdivsion shall not take effect as to exclusion until March 1, 1925, before which time the President is requested to negotiate with the Japanese Government in relation to the abrogation of the present arrangement on this subject.

We call it an "arrangement." We do not say agreement.

Now, then, gentlemen, if there is anything to this gentlemen's agreement—it has been running on for 17 years—if there is anything to it, is not this Nation big enough; is not this Congress big enough to feel that it can afford to give sufficient time, six or eight months, especially when it is all in the lifetime of this very Congress, with four days to spare, before the 4th day of March? This is an international matter. I am just as vitally interested in it as any man that ever came from California. I am not afraid to stand here and say so, because I want to be sure to save the whole immigration bill and guarantee the exclusion provided in the bill, which is the exclusion of all orientals.

Mr. OLIVER of New York. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. OLIVER of New York. Will the President veto this bill if this provision is not in it? Is that what the gentleman means to convey?

Mr. JOHNSON of Washington. I do not want to take a chance of a veto. We have a fair bill. It takes care of all our relations with the nations of the world. It protects every treaty with all of the nations of the world. It is absolutely fair. Why slam Japan alone?

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WATKINS. The gentleman says only 80 or 100 would be admitted. But under section 4, subdivisions (a), (b), (d), and (e), could not the children, the wives, students, instructors, and ministers come in, because under the nonquota provision Japan will be on the same basis as all other nations between July 1, 1924, and March 1, 1925, and these classes of other nations can enter without number?

Mr. JOHNSON of Washington. What does that mean—fathers and mothers and parents of American citizens?

Mr. WATKINS. Under the nonquota provision these can come in. You are right, perhaps, as to the quota.

Mr. JOHNSON of Washington. Certainly I am right.

Mr. WATKINS. Every student can come in, and every preacher, student, and instructor; not only that, but every Japanese a citizen of the United States can go over there and bring back a wife.

Mr. VAILE. No. Read the language.

The SPEAKER pro tempore (Mr. GRAHAM of Illinois). The time indicated by the gentleman from Washington has expired.

Mr. JOHNSON of Washington. I beg three minutes.

The SPEAKER pro tempore. The gentleman is recognized for three minutes more.

Mr. JOHNSON of Washington. Gentlemen, let us be calm about this. We have deliberately provided here in this immigration restriction bill that the students of the world may come to the United States under certain tight conditions. We have made the age for students 15 years or over in order to conform with a treaty which permits Chinese students to come in at that age. We give all nations the same provisions. We have greatly tightened the regulations as to where and how they maintain the status of students.

It is a nonquota provision, and that provision will stand, whether or not you have this proviso allowing eight months in which to blow a kiss to Japan; and it is exactly the same with the other nonquota provisions.

Gentlemen, we pride ourselves upon the fact that this bill treats all the nations alike. We have not picked out a single nation for assault by the United States. Certain people are not eligible to citizenship. We have a Supreme Court decision to that effect, and now we are trying to get our laws adjusted in harmony with that fact. It is claimed by many that Japan has lived up to its agreement for 17 years. Nearly all the Pacific coast people have denied that. But we want Japan to be gracefully notified as to the decision of Congress.

Mr. SUMMERS of Washington. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. SUMMERS of Washington. If the Japanese are put on a quota basis, does not the gentleman believe it will be just as objectionable to them to take them off that basis?

Mr. JOHNSON of Washington. No. This law would indicate what the treaty would have to be, and I do not believe it is possible to even propose on this side or on that side a treaty; and if it were, and it was possible in any way, there is still a Senate, which by its vote has shown it would not agree to such a treaty; but even if it should, which is not possible, there still remain four days in which to have a three-line resolution put through to extend the barred zone of present immigration laws.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. BANKHEAD. Regarding this as a purely domestic question, why should it take a period of eight months for the President to notify Japan of the passage of an act of Congress?

Mr. JOHNSON of Washington. I would have preferred an earlier date, but we have done the best we could. I would have preferred January 1. It would mean 60 Japanese coming in. March 1 would be 10 months. When you get down to the last analysis with a few Congressmen and Senators acting as conferees and trying to be exactly fair to the Senate and to the House and to the Executive you can not stop to split hairs.

The SPEAKER pro tempore. The time of the gentleman from Washington has again expired.

Mr. JOHNSON of Washington. I now yield 10 minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Speaker, I have rarely felt more anxiety about any measure pending before the Congress than about the one pending to-day. The whole question is involved of our observance of agreements with other countries and of our attitude of friendliness or unfriendliness toward other peoples of the earth.

I wish to say at the very outset that I regard the question of immigration, as well as of citizenship, in the United States as more properly and naturally one of legislation for the Congress to determine, but the status of those coming from other countries presents a problem of such delicacy that diplomacy must have to do with the subject of the admission or the exclusion of immigrants. It is also within the treaty-making power to agree upon their admission. I would say, further, that the Japanese Government has said to us, through her ambassador, that they regard the question of immigration as one within the control of our own people as a matter of domestic policy and that they do not wish to send here from their nationals those who will be objectionable to us. In justification of a policy of restriction or exclusion I am compelled to say that if there is any one feature that I have noticed in traveling about in the last 30 years, notwithstanding closer relationships, and notwithstanding the increase of trade, it is the growth of race repulsion.

However reluctant I may be to enact legislation offensive to a great many peoples of the earth, we are nevertheless justified in passing such a bill as this. It is not a reflection upon Japan. As I said here a couple of weeks ago, no country on the globe has made greater progress in the last 60 years in all that makes for political power and for advancing civilization than Japan. We are far greater, but our growth has not been more rapid in the last 60 years. They have come into the very forefront of civilization; they have shown great military power on land and on sea; growth in the arts, in sanitary provisions, and in all the activities which characterize a progressive people. But nevertheless they are of a different racial type. There is much in what a Chinese minister one time said to our Secretary of State, "You are asking to exclude us not because of our vices but because of our virtues."

What are the virtues of the Japanese? Untiring industry; economy; thrift; loyalty to their country, to their ruler; and readiness to imitate and adopt the best to be found in other portions of the world. We may say, as Mr. Webster did of one of our States, "There is Japan. Look at her." It is no disparagement to them or their civilization that we desire to adopt such a law as this. The plain truth is, in the first place, that in competition in many lines of endeavor they surpass us, because they are more industrious, more constant in their labor, and more economical in their habits of living. But they have different standards from ours; they are out of line with us; and thus we are justified in adopting such a policy.

But how shall we go about it? Shall we slap a friendly nation in the face? Shall we adopt a provision that is entirely unnecessary to carry out the object we have in mind? Shall we say to Japan, "We will utterly disregard our agreements

with you and ruthlessly pass a measure which is intended as an insult to you"? That is the way it is now taken in Japan, and I verily believe it will be so taken in the future.

Mr. MacLAFFERTY. Will the gentleman yield?

Mr. BURTON. I can not yield. The gentleman will have his own time in which he can speak, and he can take as long as he wants.

This is what it is proposed to do to-day, and this is what this bill would do without such a reservation as that agreed upon by the conferees.

I ask my fellow Members in this House to pause before they take such action against a nation which is more friendly to us, probably, than to any other nation in the world. We were with them in their beginnings. They took up our methods. They adopted many of our forms of administration, our post-office management, our postal system. They have been largely engaged in trade with us from the beginning; they have welcomed our public men, our professors, with a hospitality nowhere surpassed; and let me repeat there is no country in the world that is making more progress than they. They have been the victors in three wars; they have taken up the problems of modern politics and solved them with an ingenuity and a grasp which nations of the western world might well emulate.

It is not a great concession that is made by this brief clause. It merely postpones until the 1st of March, 1925, the full operation of this law.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. GARRETT of Tennessee. Of course, it goes further than that. It requests certain Executive action. Would the gentleman favor suggesting Executive action or requesting Executive action, with all that implies, with regard to the immigration question with all nations?

Mr. BURTON. No. What is the objection of this provision?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JOHNSON of Washington. I yield the gentleman five minutes more.

The SPEAKER pro tempore (Mr. GRAHAM of Illinois). The gentleman from Ohio is recognized for five additional minutes.

Mr. BURTON. It is placing Japan in a preferred position. However, this means nothing more than a brief postponement and an adjustment in a friendly, orderly way. There they are among the other Asiatics. They are more advanced; our relations with them are closer; their susceptibilities are keen; they are proud of their progress and why should they not be?

Mr. LONGWORTH. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. LONGWORTH. Is it not a fact that Japan went further, perhaps, than any other nation in meeting us during the Conference on the Limitation of Armaments?

Mr. BURTON. In concurring with us; yes. They are ready and they are willing to follow the example of other nations of the earth. If we seek for peace, for the betterment of humanity, for the limitation of armaments, Japan has been as ready as any country of the world to acquiesce and follow our lead.

What you are proposing to do to-day is to visit an unnecessary affront upon them, the result of which will be felt for years to come.

Mr. CHINDBLOM. Did we not ourselves place them in a preferential class years ago by the gentlemen's agreement?

Mr. BURTON. We certainly did, and they have maintained it in good faith.

Mr. LINEBERGER. But the gentlemen's agreement has no standing in law.

Mr. RANKIN. Is it not a fact, with regard to the disarmament conference, that agreements were reached first by the United States and Great Britain, and then Japan reluctantly followed?

Mr. BURTON. Oh, no; of course I do not mean to disparage the most excellent cooperation of the British Government.

Mr. RANKIN. That is my recollection of it.

Mr. BURTON. I have but a minute more and I can not yield further. A nation, like an individual, has a mission to perform. We claim to be in the vanguard of civilization leading in that which makes for progress in free government, the advancement of the individual and in material resources, but we have duties to perform to the rest of the world. What are those duties? To hold out a helping hand to the weak of every nation and of every race, to meet the strong, like Japan, on a footing of justice, of generosity, and of fairness.

Let us not take this hasty step and offend a friendly people. Let us proclaim to the world that we have regard for the feelings of other people. Let us recognize that among the varied races of the earth all have their excellencies. We can not claim, by any manifestation of conceit, that all of them belong to us. Japan has many traits which are worthy of the highest regard, and to the remotest bounds of the earth peoples have their excellencies. Let our relations with everyone be on a foundation of friendliness, manifesting that we in America seek leadership not merely in those things that make for power and for wealth, but in those finer qualities of generosity, justice, and regard for the feelings of all. It is especially important that we maintain scrupulous regard for all our engagements.

I can not too strongly impress upon my fellow Members the importance of what they are doing to-day and the ill will which may be promoted by our action if we pass this bill without reservation. The addition by the conferees does not in any way hamper the operation of the immigration policy proposed. It does not even continue the gentlemen's agreement. There is no provision here in this exception for a new treaty. It is merely a method of trying in a graceful manner, without giving unnecessary offense, to close this incident. While we proclaim to Japan that we have certain rules in regard to our citizenship and those that may come here, we nevertheless desire to enforce these rules in a spirit of friendliness and good will which we hope may last not merely to-day but for all the years to come. [Applause.]

Mr. SABATH. Mr. Speaker and gentlemen of the House, many of you, I take it, must be under the impression that the Japanese question is the only question that is involved in this report. I admit that that is an important question, but I feel I am in honor bound to bring home to you the other provisions that have been embodied in the bill since it left the House. I do this because I do not believe you have had the time to familiarize yourselves with what has actually occurred in conference.

In addition to the Japanese question, which will be explained to you thoroughly by the gentlemen from the Pacific coast and by others, the conferees have embodied also in this bill the so-called national-origin scheme that was defeated on the floor of the House. They have embodied the Simmons amendment, which was not considered on the floor at all and is an amendment of great importance. The conferees have cut down the number of nonquota nearly 50 per cent, and they also cut off the skilled-labor provision.

I admit, Mr. Chairman and gentlemen, that in many respects the bill has been improved upon by the adoption of certain administration provisions, in many instances simplifying the requirements and also making it easier of operation and enforcement.

I hesitate to say anything on the Japanese proposition, but the members of my committee and the conferees will agree, and must admit, that I have not utilized that proposition in any way, shape, or form so that I could perhaps bring about the defeat of this unreasonably harsh immigration bill.

Lest I forget, I desire to call your attention to the fact that I have noticed in the papers to-day a statement as to the Japanese proposition showing that under this provision 240,000 Japanese could come in by March 1, 1925. Gentlemen, that statement is on a par with a great many other statements that have been made by restrictionists for the purpose of creating prejudice in the minds of the American people. That statement was made by Mr. McClatchey, of California; and though I do not agree with the gentleman from California, of course there would be a certain number that could come in by extending the time when the bill should go into effect to March 1, 1925, but I can not agree to any such wild statement that 240,000 will come.

However, what I desire is to explain to you the provisions which from my point of view, I believe, are of greater importance to America and to us than the Japanese provision.

Many of you gentlemen have voted for the bill and many of the restrictive features and for 2 per cent of the 1890 census because you were made to believe that ample provision has been made in the bill whereby the so-called newer immigration will receive certain advantages in the nonquota provision whereby, under the nonquota provision, the wives and the children, the husbands, the fathers, and mothers of American citizens will be permitted to come outside of the quota; and, lo and behold, after the bill leaves here, notwithstanding the assurance that has been given you, the conferees recede from the House position and wipe out the provision for the husbands of American citizens. They wipe out the provision for the parents of American citizens, so that neither of them can come in as nonquota immigrants, but will now be placed as quota immigrants.

What does this mean? It means that many of these American citizens will be unable to reunite their families and bring their fathers and mothers to this country when they are more than competent to take care of them and provide for them. Oh, yes; in another provision they are given a so-called prefer-

ential status, but in the same provision they give preference to so-called skilled agriculturalists, and they give full power to our consular officers to ascertain and grant that preference. I am of the opinion that these young $1,800 men, who will be clothed with czarlike power, will do as they please, being far away from home, in giving exemptions to those that they wish to, and may, and I know that some will, discriminate against the parents and husbands of American citizens, to say nothing of the fact they refused to make exemptions or to permit the coming in of the wives of American soldiers who offered their lives for our country and for our flag.

Yes; there are other provisions in this bill besides the Japanese proposition. For instance, there is the Reed amendment, or the so-called national-origin scheme. How many of you know what that means and how far-reaching it is, gentlemen?

I will briefly explain to you what that means. It means that the limitation on immigration after 1927 will be 150,000, this to be divided under the so-called national-origin scheme. I have utilized some of my colleague's figures, as well as those of the gentleman on the other side of the Capitol from Pennsylvania; and do you know what these figures mean? It means that Great Britain will receive under the national origin more than three-fifths of the entire immigration, and that is not taking into consideration Canadian immigration. That is outside of it. All the rest of Europe will have less than two-fifths and Great Britain alone will have above three-fifths of the immigration. So such countries as Germany, France, Czechoslovakia, Belgium, Scandinavia, Holland, Poland, in fact all the other nations of Europe will be discriminated against and their quota cut nearly to nothing. I wish you would look over these figures, as time will not permit me to read them. I put them in the RECORD yesterday, and if you will examine the small number that will be admitted under the scheme of the various nationals of the different countries you will agree with me that it can not be defended by anyone; that it is manifestly wrong, unjust, unfair, and discriminatory.

*Quotas*

| Nationality or country | Present law | 2 per cent of 1890 with minimum of 100 | National origins under the 150,000 limit proviso |
|---|---|---|---|
| Albania | 288 | 100 | 100 |
| Armenia | 230 | 100 | 100 |
| Austria | 7,342 | 990 | 1,840 |
| Belgium | 1,563 | 509 | 260 |
| Bulgaria | 302 | 100 | 100 |
| Czechoslovakia | 14,357 | 1,873 | 1,320 |
| Danzig | 301 | 223 | 100 |
| Denmark | 5,619 | 2,782 | 1,092 |
| Esthonia | 1,348 | 102 | 221 |
| Finland | 3,921 | 145 | 498 |
| Fiume | 71 | 100 | 100 |
| France | 5,729 | 3,878 | 2,763 |
| Germany | 67,607 | 50,129 | 22,018 |
| Great Britain and Ireland | 77,342 | 62,458 | 91,111 |
| Greece | 3,063 | 100 | 536 |
| Hungary | 5,747 | 488 | 1,259 |
| Iceland | 75 | 100 | 100 |
| Italy | 42,057 | 3,889 | 5,878 |
| Latvia | 1,540 | 117 | 253 |
| Lithuania | 2,622 | 302 | 444 |
| Luxemburg | 97 | 100 | 100 |
| Netherlands | 3,602 | 1,637 | 2,689 |
| Norway | 12,205 | 6,453 | 2,433 |
| Poland | 30,979 | 8,872 | 4,509 |
| Portugal | 2,465 | 474 | 275 |
| Rumania | 7,419 | 631 | 386 |
| Russia | 24,405 | 1,792 | 4,002 |
| Spain | 912 | 124 | 141 |
| Sweden | 20,042 | 9,561 | 3,707 |
| Switzerland | 3,752 | 2,081 | 781 |
| Yugoslavia | 6,426 | 735 | 602 |
| Other Europe | 86 | 125 | 100 |
| Palestine | 57 | 100 | 100 |
| Syria | 882 | 100 | 162 |
| Turkey | 2,654 | 100 | 119 |
| Other Asia | 92 | 100 | 100 |
| Africa | 104 | 100 | 100 |
| Egypt | 18 | 100 | 100 |
| Atlantic Islands | 121 | 100 | 134 |
| Australia | 279 | 120 | 100 |
| New Zealand | 80 | 100 | 100 |
| Japan | | | |
| Total | 357,801 | 161,990 | 150,903 |

And by this legislation we will offend every nation of the world outside of Great Britain.

Now, with the position we are going to take with Japan, we are again playing into the hands of England. If Great Britain's representative had prepared this bill they could not have done any better than has been done by the conferees. I say to you examine closely before you vote on this proposition.

There are other provisions in this bill, but I have not the time to explain them. I say to you that it is my firm belief that it is the duty of Congress, if we have the interest of our country at heart, to refuse an approval of this conference report. Let us send it back, not only with instructions on the Japanese proposition, but with instructions to strike out the objectionable feature, the Reed amendment. I am of opinion that that is the least thing we can do, although there are other provisions in the bill that have no right to be there. They are unfair, un-American, and can not be justified by any man who believes in fair play, who believes in justice, who believes in maintaining friendly relations not only with Japan but with all the countries of Europe.

Mr. RAKER. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from California is recognized for 30 minutes.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LINEBERGER. Mr. Speaker, I think we ought to have more Members of the House here to listen to the gentleman from California, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from California makes the point of order that no quorum is present. Evidently there is not a quorum here.

Mr. TINCHER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms was directed to bring in the absentees, the Clerk called the roll, and the following Members failed to answer to their names:

| | | | |
|---|---|---|---|
| Allgood | Gilbert | Madden | Seger |
| Anderson | Greene, Mass. | Michaelson | Smithwick |
| Andrew | Greenwood | Miller, Ill. | Snyder |
| Bacharach | Griffin | Montague | Stalker |
| Black, Tex. | Harrison | Moore, Ill. | Stengle |
| Brand, Ga. | Howard, Okla. | Morin | Sullivan |
| Byrnes, S. C. | Jacobstein | Morris | Swoope |
| Canfield | Jeffers | Mudd | Taylor, Colo. |
| Clark, Fla. | Johnson, Ky. | O'Brien | Taylor, W. Va. |
| Connery | Kahn | O'Connor, N. Y. | Thatcher |
| Connolly, Pa. | Kerr | Park, Ga. | Tydings |
| Cooper, Ohio | Kiess | Peavey | Ward, N. Y. |
| Corning | Kopp | Phillips | Ward, N. C. |
| Curry | Kurtz | Rainey | Wason |
| Deal | Langley | Ransley | Welsh |
| Denison | Larson, Minn. | Reed, W. Va. | Williams, Tex. |
| Dominick | Lilly | Reid, Ill. | Winter |
| Dowell | Little | Rogers, N. H. | Wolff |
| Drane | McClintic | Rosenbloom | Wurzbach |
| Edmonds | McDuffie | Rouse | Young |
| Fish | McFadden | Sanders, N. Y. | Zihlman |
| Fitzgerald | McKenzie | Scott | |
| Funk | McNulty | Sears, Nebr. | |
| Geran | McSweeney | Sears, Fla. | |

The SPEAKER pro tempore. On this call 339 Members have answered to their names, a quorum.

Mr. TINCHER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were reopened.

Mr. RAKER. Mr. Speaker, I desire to make a statemen[t] facts as to what is before us and my objection to the c[on]ference report, which goes to the life of it, namely, the proviso to subdivision (c) of section 13.

On May 6, 1924, at about 5.30 p. m., the conferees of the two Houses having under consideration H. R. 7995, had come to a full and complete agreement; that immediately thereafter the conference doors were thrown open and the public press invited to enter, and the chairman of the conferees, Senator REED of Pennsylvania, advised the public of the full and final agreement of the conferees on the above-named bill, stating the substance of such conference; that thereafter, on May 7, 1924, the President of the United States invited the conferees of the majority party to the White House, and a conference between said conferees and the President was had. The President then—as it was thereafter made public—submitted a proposed amendment to the bill, stating in substance that if it was allowed the bill would be signed, and if not agreed to the bill would be vetoed, the amendment proposed by the President being as follows:

*Provided*, That this subdivision shall not take effect as to exclusion until March 1, 1925, before which time the President is requested to negotiate with the Japanese Government in relation to the abrogation of the present arrangement on this subject.

And thereafter, on May 7, 1924, at 3 p. m., the conferees met for the purpose of signing the report that the conference had theretofore finally and fully agreed upon on the evening of

May 6, 1924; and as it now appears from the conference report filed the conferees accepted and adopted the President's proposed amendment to subdivision (c) of section 13.

Immigration is purely a domestic question, solely within the control of Congress through its legislative power, the President having no control save and except in vetoing or approving legislative acts.

The President of the United States has no constitutional authority or right with reference to legislative matters, except by advice, by message to the Congress, or by action of approval or disapproval of final legislative action, and therefore a transfer of the control of the immigration to the United States to the treaty-making power excludes the House of Representatives from any right or control of the terms of said treaty, is contrary to our form of government, and a yielding of the rights of the House to deal with immigration hereafter. This must not be.

Mr. Speaker, I respectfully and courteously request that I be not interrupted, as I shall not yield.

For 15 years I have labored upon this question of immigration with the Committee on Immigration, first with Mr. Burnett as chairman, and for the last five years and over with the gentleman from Washington [Mr. JOHNSON]. I have given my undivided time and attention to the legislation pending before that committee, at times neglecting practically every other thing, because I consider this one of the most important questions before as well as affecting the American people. After months of labor the committee brought out an immigration bill, and the records will show that many, many of the provisions of that bill were those that were penned by myself and adopted by the committee, and that those were provisions that gave the bill real teeth. Upon the floor of the House, when the bill came up for consideration, I did what I could to see that it passed as it was reported by the committee. There was but one amendment, and that was but a variation between the committee's report and what was offered and what passed. The bill passed the House with 323 Members voting for it and 71 against it. It went over to the Senate, and practically the same words, with some amendments, were passed by the Senate by a vote of 62 yeas and 6 noes. The bill went to conference and I was appointed one of the members of the conference committee, which consisted of five Members from the Senate and five Members from the House. We met and worked practically every day in an effort to adjust the differences between the House and the Senate. After continual labor, notwithstanding the newspaper reports and comments, at about half past five o'clock, on the 6th day of May, 1924, the conferees of the House and Senate came to a full and final agreement relative to the conference report. It was ordered printed, because there were some matters that were yet to get into proper shape.

After the conferees finished their work the question came up as to who would give to the public what had been done by the conferees. The door was thrown open, and the newspaper correspondents, who were thick on the outside, were invited to enter. They did enter, and, under a private agreement between the conferees, the Senator from Pennsylvania [Mr. REED] was to give a statement of what was the agreement of the conferees. Senator REED then gave that statement, and the papers of the morning of the 7th carried it broadcast that the conferees had agreed upon a conference report, which was an adoption of subdivision (c) of section 13, relative to ineligible citizens, and that it was to take effect on the 1st day of July, 1924.

The conferees adjourned, to meet at 3 o'clock on the afternoon of May 7, 1924, for the sole purpose of signing the conference report which had been agreed upon and had been printed. When 3 o'clock arrived there were three small typographical corrections to be made so that it would read properly, and we supposed then that the matter was through. The press then published, and the record shows now before the committee, that on the morning of May 7 the President had called the majority members of the conferees in council at the White House. It was then reported, and reported to Members of the House before I got to the conference committee at 3 o'clock that afternoon—I was told that Members of the House had the information before I ever heard it as a member of the conference committee—that the President himself had drawn this proviso on subdivision (c) of section 13, and we were then advised that the President would sign the bill if that was agreed to, and that he would veto it if it was not. Then and thereafter the record shows, as has been presented to the committee here on the conference report, without any violation of confidence, that the conferees did then and there adopt the President's amendment to the conference report, which had been adopted the day before by the conferees, all that was left being to sign it. I agreed to the conference report on the day of May 6. I participated in the work of what the committee desired, what the House had voted by 323 to 71, what the Senate had voted by 62 to 6; but when we came back on that afternoon to sign the conference report we find the President of the United States sending an amendment in his own language, written on his own typewriter, to the conferees, with the direction that the bill would be vetoed if we did not yield and put on what he desired.

Mr. JOHNSON of Washington. Mr. Speaker, the gentleman does not want to make a misstatement.

Mr. RAKER. I am not. I am speaking now of what is in my files on the public print.

Mr. JOHNSON of Washington. The gentleman does not say, surely, that any such word was sent in typewriting or in any other way to the conferees?

Mr. RAKER. I am talking about what the public print says.

Mr. JOHNSON of Washington. The gentleman from California talks of official records when he means only public prints.

Mr. RANKIN. The gentleman said that the amendment was in his typewriting.

Mr. RAKER. Yes, the amendment. The point is that after we had agreed upon the conference report, after the labor that many of us had given to that bill, we are compelled on our honor as Members of the House, elected by the people, to refuse and decline to sign a report that had been our labor for years, because a foreign government desired to so dictate to us what should be done about domestic legislation. [Applause.] While I am as anxious as anyone in the House to see legislation passed, and I believe that every feature of the bill outside of the proviso to subsection (c) of section 13 ought to be enacted into law, yet I believe I would stultify myself as a representative of the people, and that I ought to resign if I should now yield my rights and duty as a representative of the American people. What we hope to do is to recommit the bill with instructions to the conferees to refuse to agree to the proviso. Gentlemen of the House, this is not a question of any politics, one side or the other.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I can not yield. My friends on the other side are smiling. Did you read the report of the committee originally, when every member signed this report; and now, while the chairman of the committee is present here in the Hall, I ask him if he ever heard or if there was ever, so far as the members are concerned, any politics in the Committee on Immigration regarding this legislation? I yield to him to confirm or deny that. If he does not, I shall proceed.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. RAKER. I will.

Mr. JOHNSON of Washington. I want to say now I have been on the committee for about 12 years. Judge RAKER has worked night and day for this exclusion provision. There has been no politics. I sat seven years at the feet of one dear old Democratic chairman, the dead Chairman Burnett, trying to get this restriction and exclusion, and it grieves me now to tears to see this thing split this way just when we have got it at our hands. I do not want to see Californians fighting as to who brings home the bacon. Be patient, keep your shirts on, and we shall get the Japanese exclusion and the whole immigration restriction all guaranteed, Mr. JOHN RAKER, and I give you full credit. [Applause.] However, he did not write quite every line in the bill. He does not claim that. But Judge RAKER knows and I know that there is a right way and there is a wrong way. I will not strike the Japanese when he is down and when we have won.

Mr. RAKER. Now, gentlemen, to confirm the matter, there are no politics in the question; it becomes now a higher and more important question than parties, either one side or the other——

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. RAKER. I will yield to the gentleman.

Mr. GARRETT of Tennessee. I am sure there has been no politics injected; and since it is not a political question, does the gentleman have any idea why the President sent only for the members of his own political party when he desired to consult on this important international question?

Mr. JOHNSON of Washington. He did not send; I asked.

Mr. RAKER. Because, while I may not have much sense, I may not have much judgment, but by the eternal gods I never yielded to any man when I knew I was right. [Applause.] And I present my argument and insist upon proper legislation, notwithstanding Mr. Hughes to the contrary. That is the situation. Now, it has led itself to a higher proposition than politics; but here is a question involved in this amendment,

namely, that we ask the President ourselves as Members of the House to negotiate with the Japanese Government. On what? The gentleman from Washington has said this morning, to my surprise, that the gentlemen's agreement would be ended the 1st of July, 1924. What will you enter into? What is the purpose of it? Every newspaper and every correspondent has given information from the White House that it is for the purpose of entering into a treaty relating to restriction of immigration. Now, are the Members of the House of Representatives, as a part of the legislative branch of the Government, provided for in the Constitution, namely, the House, the Senate, and the President, to yield to the treaty-making power provided for by the same Constitution, namely, the President and the Senate?

Is the House to yield to the power when our Supreme Court has said that even the treaty-making power can not be granted or used to waive the right of the Federal Government in regard to immigration and in regard to the rights and the sovereignty of this country, and that we, the American people, through those rights alone have the sovereign rights of the people, and if the Congress should attempt to yield by saying that a foreign government, like Japan, could participate and say who shall participate in making and providing a law, the Supreme Court would hold it unconstitutional as well as against the sovereign power of the Government? The same way with a treaty. The President has no power to enter into a treaty in regard to immigration whereby he may say that a foreign country can determine who to consult as to how immigration shall come to this country, because it is the yielding of sovereign power. The American people alone have the power to say who shall come and who shall stay away, and not under any circumstances to take into consideration the voice of the foreign country. If they did, we have yielded, we have waived the sovereign right of a sovereign nation to stand for itself. [Applause.] Further, this matter requests the President to enter into negotiations. What kind? He can not enter into a gentlemen's agreement. It is not provided for in the Constitution. The only right the President of the United States has is to enter into a treaty provided by the Constitution to be submitted by him to the Senate and be confirmed by a two-thirds vote. What is he going to deal with in the next 10 months? He can not enter into a gentlemen's agreement. It must be a treaty. The people of the United States, the Members of the House, all know that in the history of this country there have been but two treaties in regard to immigration, and they have been both repealed by the Congress of the United States, and those treaties related to China.

Mr. JOHNSON of Washington. Let us have that exact and correct. Of course, there is a saving clause in the law that takes care of those entitled to be taken care of by the treaty. That is where so many misunderstand the Chinese treaty.

Mr. RAKER. My construction is that the Congress has repealed all of the immigration treaties between the United States and China. Some think it is the other way. But never to this day has the President ever assumed the jurisdiction of treaties to control immigration to the United States; none on the statute books; none entered into; and now we are asked to appeal to the President as the Congress to waive our rights and have him enter into a treaty in regard to Japanese immigration, and after having entered into a treaty with Japan, with the advice and consent of the Senate, after the House had waived its right, can anybody rise and tell me how can we, under any circumstances, ever refuse to yield the same right to all the other countries of the world when they say that they will not be bound by the laws passed by the Congress, but that they want to enter into a treaty with regard to immigration?

Mr. LINEBERGER. Will the gentleman yield? We not only waive them, but we request that they be taken away from us.

Mr. RAKER. Yes; absolutely. It means we waive; that it is a relinquishment; it is getting down on the knees and getting the President to enter into a treaty that we may waive our rights; that we may fail to do our duty; that we may violate the Constitution; that we might become subservient to a foreign country; that we are afraid to enact the laws and enforce them that we have sworn we would do in regard to the sovereign rights of our country. [Applause.]

Mr. MILLER of Washington. And also put the House of Representatives in a position where it never can express itself.

Mr. RAKER. Absolutely; there can be no question about it.

Mr. SINNOTT. Will the gentleman yield?

Mr. RAKER. I will.

Mr. SINNOTT. I desire to know whether or not the statement contained in the statement of the managers is correct, that between July 1, 1924, and March 1, 1925, Japanese immigration will be limited to 80 persons by the quota provision of the immigration law. Is that a correct statement?

Mr. RAKER. With due regard to the gentleman who wrote it, I think it is wrong. I think it opens the door to Japan, and as the Department of Labor tells me this morning, it opens the door to China and to India and to all the other Malay countries—opens the door into the United States. [Applause.] The department called me up this morning early and Second Assistant Secretary White, of the Department of Labor——

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. JOHNSON of Washington. Let us get that right. Do not let us make a mistake about that. This law that we are passing here is in addition to, and not in substitution for, all existing immigration laws. We have a Chinese exclusion law enacted by Congress. We have a geographical boundary exclusion. This thing is air-tight. Why make such a misstatement?

Mr. RAKER. Second Assistant Secretary White, of the Department of Labor, called me up this morning early and said that all his legal force had gone into the matter, and added: "If the matter is placed there by the President as suggested, all of us believe it would open the floodgates to the Chinese and the Hindus and all the other Malays." We do not want that.

Mr. JOHNSON of Washington. And you do not get it in any shape, manner, or form. I guarantee that all I ask is the right and honorable way.

Mr. RAKER. And the gentleman from Washington told me on the evening of March 6 that by the eternal gods he would stand according to the conferees' report. With all these secret meetings, this desire on the part of the Executive branch to control Congress, and after the conferees have agreed, it is folly to say, "Come on, boys, you do not know what you are doing; yield your rights and agree to the Executive branch," which up to the present time has demonstrated that they have ignored every bill enacted by Congress in regard to immigration except one, which President Harding signed, regarding the 3 per cent law. [Applause.]

The following language of the Supreme Court of the United States bears out what I have just stated:

> The right to exclude undesirable persons from coming to the United States is as fundamental as the right to receive desirable ones. The Nation can protect itself as well as benefit itself. The power of excluding foreigners being an incident of sovereignty belonging to the Government as a part of those sovereign powers delegated by the Constitution, the right to its exercise at any time when in its judgment the interests of the country require it, can not be surrendered by the treaty-making power. (Chinese exclusion case, 130 U. S. 581.)

I received a telegram from Attorney General Webb, of California, against the President's proposed amendment to subdivision (c) of section 13 of the conference report. Attorney General Webb stands at the head of the legal profession in the West, knows the Japanese situation, and wrote the alien land laws of California, and is a staunch Republican. No one can deny either of these statements. This telegram of Attorney General Webb is in words and figures following:

> SAN FRANCISCO, CALIF., *May 8, 1924.*
>
> Hon. JOHN E. RAKER,
> *House of Representatives, Washington, D. C.:*
>
> Deferring the effective date of ineligible alien exclusion until March, 1925, beautifully provides for a 10 months' open season for the influx of Japanese. In view of the substantially unanimous action of Congress and the reported declaration of the President that he favors exclusion, the decision reached yesterday by the conference committee to defer effective date 10 months is incomprehensible. The exclusion of ineligibles, if right, should not be deferred; if wrong, should not be contemplated. It is a domestic question, wholly within the jurisdiction and province of the Congress, and it would seem that action should be taken with dignified firmness and not with vacillating weakness. It would be, indeed, a disaster if the Congress should be cajoled, persuaded, or threatened into a final action upon this question unapproved by its judgment. The action of the conference committee of yesterday reversing its action of the day previous, all following the reported declaration from the White House that the President favors the exclusion of ineligible aliens, has caused in the Pacific Coast States the most widespread alarm. Is it too much to hope for action that will preserve the interests of our own people rather than action destructive of our own rights and interests, but taken confessedly at the behest and insistence of another nation? If the entire effort is one to avoid shocking the sensibilities of a people, let us not forget that our own people still have sensibilities. It is probable that in its final action the Congress will have to determine whether its action will be so framed

as to please and satisfy the people of another nation or preserve the interests of this Nation. In such event the decision should not be long delayed, not difficult to reach.

U. S. WEBB.

The Native Sons of California have expressed their views through Clarence M. Hunt, editor of the Grizzly Bear. No more loyal and patriotic organization exists in the United States than the Native Sons of the Golden West. They stand for their State and the Nation, first, last, and all the time. They know the conditions and what is the correct remedy. The provisions of the House bill, subdivision (b), section 12, meets their full approbation and desires. The telegram from Mr. Hunt reads as follows:

[Western Union telegram]

LOS ANGELES, CALIF., *May 7, 1924.*

Hon. JOHN E. RAKER,

*House of Representatives, Washington, D. C.:*

In interest California strongly protest against agreement postpone date operation exclusion bill to March next year. If Congress American will insist on immediate exclusion. Agreed delay means surrendering Pacific coast to orientals, and such legislation disgrace to those enacting. We want protection now.

CLARENCE M. HUNT,
*Editor Grizzly Bear.*

The following telegram is from Mr. Morgan Keaton, department adjutant of the American Legion in California, reading as follows:

[Western Union telegram]

SAN FRANCISCO, CALIF., *May 8, 1924.*

Hon. JOHN E. RAKER,

*House of Representatives, Washington, D. C.:*

The legionnaires in California urge you be present when immigration bill comes up on floor as reported by conferees, and want you to know that we are standing behind you 100 per cent in your fight to make this coast a white man's country. To defer effective date of ineligible alien exclusion until March, 1925, is to provide open season for influx of Japanese. If the entire effort is one to avoid shocking sensibilities of the people of another nation, let us not forget that our own people still have sensibilities. It is probable that in its final action Congress will determine whether its action will be so framed as to please and satisfy people of another nation or preserve the interests of this Nation. In such event the decision should not be long delayed, not difficult to reach. Let us have dignified firmness and not vacillating weakness. Kindest regards.

MORGAN KEATON.

The Seattle people, through their forward-looking and patriotic citizens, know what they want and what is necessary. They sent me a telegram, which they sent to Chairman JOHNSON, also editorial of the Seattle Times, which telegram and editorial are as follows:

SEATTLE, WASH., *May 2, 1924.*

Hon. ALBERT JOHNSON,

*House of Representatives, Washington, D. C.:*

Earnestly urge you impress upon President and your colleagues importance to Republican Party of settling Japanese exclusion immediately and by statute, as advocated by Republican county and State convention. People this State in no mood for treaty or compromise in any form. President should sign bill in present form or veto it and give Congress opportunity to enact it over his veto. Evasions or postponement of issue will be disastrous, particularly any attempt to take matter out of hands of Congress. We want no repetition or continuation of gentlemen's agreement.

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|---|---|
| EWING D. COLVIN. | E. J. EIVERS. |
| THOMAS N. SWALE. | PAUL EDWARDS. |
| HENRY A. WISE. | E. P. WHITING. |
| W. M. INGLIS. | PHILIP TINDALL. |
| ROBERT M. JONES. | JOHN J. SULLIVAN. |

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SEATTLE, *Thursday, May 1, 1924.*

CONGRESS MUST NOT SURRENDER ITS POWERS

President Coolidge is seeking to have Congress postpone the effective date of the Japanese exclusion law to July 1, and in the meantime negotiate a treaty with Japan which shall supersede the law.

If Congress permits this to be done it will be a fatal surrender of its constitutional powers. The question of immigration is purely a domestic question in which neither Japan nor any other country has any right to interfere; and even to discuss the matter with her would be to admit her right to interfere in any of our internal affairs she sees fit. Next she will be demanding that we grant to Japanese in this country full rights of voting, land ownership, and intermarriage. And if we concede these rights to Japan it will be only a short time when Rumania, Persia, Egypt, and Abyssinia will be demanding the same rights as we grant Japan. Even more important, China, with its population of 400,000,000, can not be expected indefinitely to acquiesce in the discrimination against her people in favor of Japan with its population of only 60,000,000. Some day a powerful, stable government will be established in China and a reckoning will be demanded.

Congress should give careful thought to these possibilities before it surrenders its powers.

Received the following telegrams and letters on this subject, which shows the desires of the people on this question of prohibition of further oriental immigration, particularly those ineligible to citizenship, which telegrams and letters are as follows:

BERKELEY, CALIF., *April 30, 1924.*

Congressman JOHN E. RAKER,

*Washington, D. C.:*

Fifty thousand farm bureau members of California are alarmed over the possibility of the alien land law immigration bill as passed by Congress failing in signature by the President. Farmers are insistent that exclusion feature as adopted in subdivision, section 12, House bill, and indorsed by SHORTRIDGE in Senate be not destroyed nor changed in any particular.

CALIFORNIA FARM BUREAU FEDERATION.

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SUISUN, CALIF., *April 30, 1924.*

Hons. CLARENCE LEA, ARTHUR M. FREE, JOHN E. RAKER, ALBERT JOHNSON, CHARLES CURRY, JULIUS KAHN, JAMES H. MACLAFFERTY, HIRAM JOHNSON, SAMUEL SHORTRIDGE,

*Washington, D. C.*

GENTLEMEN: On behalf of the American Legion and the Native Sons of the Golden West I have been instructed to advise that we are expecting every Congressman and Senator to fight to the last ditch to stop Japan's ambition. Feeling is running high here; we expected something of President Coolidge, he has failed to deliver.

We also want the Johnson immigration bill passed; it is time we were using a little judgment in selecting immigrants. Character is the essential element; to-day Americans carry their blankets in California; foreigners do the work. Let the plea of cheap labor go by; let's make the word quality, and close the melting pot. Assuring you our sincere appreciation for your good work, we are,

Sincerely,

REAMS POST AMERICAN LEGION,
SOLANO PARLOR NATIVE SONS,
(Signed) JOHN J. MCCARRON, *Secretary.*
ASA SCARLETT, *President.*

Telegrams were sent to the commissioners of immigration at the ports of San Francisco and Seattle as to the number of Japanese entering said ports. The telegrams sent and the replies thereto are as follows:

WASHINGTON, *D. C., April 26, 1924.*

Hon. J. D. NAGLE,

*Immigration Commissioner, San Francisco, Calif.:*

Will you kindly furnish me with the latest data on the arrival and landing of Japanese at the port of San Francisco? What is going on now, and how has it been for the past 10 months? How as to anticipated arrivals? Telegraph answer. Rush.

JOHN E. RAKER, M. C.

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[Western Union telegram]

SAN FRANCISCO, CALIF., *April 29, 1924.*

Hon. JOHN E. RAKER, M. C.,

*Washington, D. C.:*

Referring yours 26th instant, during past 10 months, July, 1923, to April, 1924, inclusive, 3,454 Japanese admitted; 1 debarred; subdivided, 2,149 male, 1,306 female; subdivided, 1,862 former residents, 991 parents, wives, and children of resident, 602 others; subdivided, 1,033 laborers, 2,422 nonlaborers. During this month 635 admitted; subdivided, 402 males, 233 females; subdivided, 329 former residents, 184 parents, wives, and children of residents, 122 others; subdivided, 191 laborers, 444 nonlaborers. Anticipated arrivals indicate an increase. Shipping Guide schedules 5 arrivals during May on vessels touching at Japanese ports; 4 during June.

JOHN D. NAGLE.

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WASHINGTON, D. C., *April 26, 1924.*

COMMISSIONER OF IMMIGRATION,

*Seattle, Wash.*

Will you kindly furnish me with the latest data on the arrival and landing of Japanese at the port of Seattle? What is going on now and how has it been for the past 10 months. How as to anticipated arrivals. Telegraph answer. Rush.

JOHN E. RAKER, M. C.

[Western Union Telegram]

*Seattle, Wash., April 28, 1924.*

JOHN E. RAKER, M. C.,
*Washington, D. C.:*

Answering telegram 26th, total Japanese arrivals, Seattle, nine months ending March 31, immigrants, 703; nonimmigrants, 567. April estimate: Immigrants, 181; nonimmigrants, 119. Authentic information from steamship agents and other sources indicates many Japanese admissible under present law, particularly wives and children of those domiciled in United States, will immigrate before proposed law becomes effective. Further information obtainable from Commissioner General of Immigration, Washington, D. C.

LUTHER WEEDIN, *Commissioner.*

The following will show what was done by the conferees:

[H. R. 7995]

On April 12, 1924, the House passed the above-named bill—323 yeas, 71 nays. (Page 6257, April 12, 1924.)

The bill was reported to the Senate, April 14 (calendar day), 1924, and printed.

On April 18 (calendar day), 1924, the bill passed the Senate by a vote of 62 ayes and 6 noes. (CONGRESSIONAL RECORD, p. 6649, April 18, 1924.)

The Senate struck out all after the enacting clause and inserted one amendment as a new bill.

The provisions of the House bill as passed and the Senate amendment as passed are in most regards the same.

The Senate having passed the House bill with an amendment asked for a conference with the House and appointed the following conferees: Senators REED of Pennsylvania, STERLING, KEYES, KING, and HARRIS.

The bill was presented to the House on April 19, 1924.

On the 19th day of April the bill H. R. 7995 was called up with the request that the House disagree to the Senate amendment and appoint conferees, which was agreed to and the following conferees appointed: JOHNSON of Washington, VAILE, VINCENT of Michigan, SABATH, and RAKER.

Thereafter, on April 19, the chairman of the House conferees, Mr. JOHNSON, called a meeting of the House conferees for Sunday morning April 20, 1924, at 10.30 a. m., later continued to 3.30 p. m., at which time the conferees of the House met in the committee room of the Committee on Immigration and Naturalization, when and where the bill H. R. 7995 as thus passed by the two Houses was considered.

Thereafter, on April 22, 1924, Senator DAVID A. REED of Pennsylvania, chairman of the conferees committee on behalf of the Senate, called a meeting of the conferees of the two Houses to meet in the Commerce Committee room on the gallery floor of the Senate wing of the Capitol at 11 a. m., Friday, April 25, 1924.

Thereafter, on Friday, April 25, 1924, at 11 o'clock a. m., the conferees of the two Houses met, at which the conferees were all present.

The conferees proceeded to consider the bill, H. R. 7995, as passed by the two Houses.

The conferees adjourned, to meet on Saturday, April 26, 1924, at 10 a. m.

On Saturday, April 26, 1924, at 10 a. m., the conferees met and continued their work until 1.30 p. m., and reconvened at 3.30 p. m., continuing until later in the day, when an adjournment was taken until Tuesday, April 29, 1924, at 10 a. m.

On Tuesday, April 29, 1924, at 10 a. m., the conferees met. Consideration of the bill was had, and at about 5.30 p. m. adjourned until Wednesday, April 30, 1924, at 10 a. m.

On Wednesday, April 30, 1924, at 10 a. m., the conferees met pursuant to adjournment. Consideration of the bill was had and continued practically all day, when adjournment was taken until Thursday, May 1, 1924, at 10 a. m.

On Thursday, May 1, 1924, at 10 a. m., the conferees met pursuant to adjournment and continued in session practically all day, until they adjourned until Saturday, May 3, at 10 a. m.

Pursuant to adjournment, conferees met on Saturday, May 3, 1924, at 10 a. m. Continued work on bill practically all day, when an adjournment was taken until Tuesday, May 6, 1924, at 10 a. m.

Pursuant to adjournment, conferees met on Tuesday, May 6, 1924, at 10 a. m. and continued in session until about 5.30 p. m.

At about 5.30 p. m. on Tuesday, May 6, 1924, conferees came to a full and complete agreement between the two Houses, and the conferees' report was ordered to be presented to the two Houses to the end that the House recede from the Senate amendment and agree to a Senate amendment with amendment, which was concurred in by the Senate conferees.

The amendment as thus agreed to was ordered to be printed (Print No. 5) and was so done.

The conferees then adjourned until Wednesday, May 7, 1924, at 3 p. m., for the purpose of signing the conference report, which had been fully and finally agreed thereto as above stated.

At the conclusion of the conferees' work and after having come to the agreement as above stated, the doors of the conference room were thrown open and the press permitted to enter.

Thereupon and on behalf of the committee, the chairman of the conferees, Senator REED of Pennsylvania, gave a statement to the press that the conferees had come to a full, final, and complete agreement. This statement was carried in the evening papers of May 6 as well as the morning papers of May 7.

The provisions of section 12, subdivision (b), of the House bill and subdivision (c) of section 10 of the Senate amendment were the same. These subdivisions relate to the exclusion of aliens ineligible to citizenship.

Before May 1, 1924, the public press carried an item that the President desired an amendment to the bill relating to Japanese exclusion and also carried the amendment thus desired by the President, which was as follows:

Between the letter (b) and "no," in line 6 of page 19 of the House bill as printed in the Senate, add the followinig: "On and after March 1, 1926," and then add the following amendment to the end of said subdivision (b) of section 12 of the House bill:

"*Provided, however,* That the provisions of this paragraph shall not apply to the nationals of those countries with which the United States, after the enactment of this act, shall have entered into treaties by and with the advice and consent of the Senate for the restriction of immigration."

So that subdivision (b) of section 12 as the bill passed the House would read as follows:

"(b) On and after March 1, 1926, no alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a nonquota immigrant under the provisions of subdivision (b), (d), or (g) of section 4, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivisions (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3: *Provided, however,* That the provisions of this paragraph shall not apply to the nationals of those countries with which the United States, after the enactment of this act, shall have entered into treaties by and with the advice and consent of the Senate for the restriction of immigration."

The public press carried the information that the conferees had not agreed to the President's proposals, but had adopted subdivision (b) of section 12 of the House bill as it passed the House, and the provisions of section 31 of the House bill which made effective subdivision (b) of section 12 on July 1, 1924.

Thereafter the public press carried the information on Saturday, May 3, that President Coolidge announced to White House callers his indorsement of the proposal that aliens ineligible to citizenship should be excluded from the United States.

This continued to be carried in the public press on May 3, 4, 5, and 6, and, as above stated, the chairman of the conferees at about 5.30 p. m. on May 6 gave the information to the press that the House provision in regard to exclusion was adopted without change; that is, subdivision (b) of section 12 of the House bill as it passed the House, and to take effect on July 1, 1924, as provided in section 32 as it passed the House.

The press carried the information and the Members of the House were advised during the fore part of May 7 that the President had invited the majority conferees to meet him at the White House; that the majority-party conferees met the President at the time stated, May 7, 1924, in the forenoon; conference was had and an amendment to subdivision (c) of section 13 of the Senate amendment as agreed to by the conferees May 6—which was in identical language with subdivision (b) of section 13 of the House bill—which amendment proposed by the President was as follows:

At the end of subdivision (c), section 13, add the following:

*Provided,* That this subdivision shall not take effect as to exclusion until March 1, 1925, before which time the President is requested to negotiate with the Japanese Government in relation to the abrogation of the present arrangement on this subject.

Pursuant to adjournment of the conference committee on May 6, at 5.30 p. m., the conferees met on May 7, 1924, at 3 p. m. for the purpose of signing the conference report as theretofore agreed upon May 6, at which time instead of signing the conference report theretofore agreed upon, motion was made to reconsider subdivision (c) of section 13 of the conference report, which was against objection and thereupon and thereafter conferees agreed to the President's amendment to

subdivision (c) of section 13 and as thus amended, the conferees ordered the same to be reported to the two Houses.

The conference report was submitted to the House as thus amended by Mr. JOHNSON, chairman of the House conferees, on May 8, 1924, at 5 p. m., and ordered to be printed.

As the bill passed the House, subdivision (b) of section 12 of the House bill under the provisions of section 32 of the House bill took effect on July 1, 1924.

As the bill passed the Senate, subdivision (c) of section 10, which is identical with subdivision (d) of section 12 of the House bill, also took effect upon its enactment.

These provisions in the conferees report became subdivision (c) of section 13 and under the provisions of section 32 of the conferees' report, section 13 is to take effect on July 1, 1924.

I therefore contend that—

The President's proposed amendment as agreed upon by the conferees to subdivision (c) of section 13 of the conferees report leaves the matter in the position that before March 1, 1925, the House requests the President to negotiate with the Japanese Government in relation to the abrogation of the present arrangement on this subject.

This is new matter not contemplated by the bill as it passed the House or as it passed the Senate; not germane to either bill or the subject under consideration—

(2) A waiver of the House right to legislate on immigration, and

(3) The surrendering of its power and the power of Congress to legislate on immigration and turning it over to a treaty-making power, which provisions are contrary and repugnant to the provisions of the Constitution, and

(4) A direct interference by the executive branch of the Government with the legislative branch and a coercion by the executive branch of the legislative branch in matters pending before the legislative branch and under consideration by it.

Mr. Speaker, I reserve the balance of my time.

Mr. JOHNSON of Washington. Mr. Speaker, I yield myself five minutes.

The SPEAKER. The gentleman from Washington is recognized for five minutes.

Mr. JOHNSON of Washington. Now that we are at the crux of the matter, let us get it right. I am sure that the House of Representatives wants to get this right. We desire to act with dignity and with honor. I have an abiding faith that when this body understands it we will be right, no matter what may happen at the other end of the Capitol.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. No; I can not yield; I am sorry.

If this law is not in addition to and not in substitution for the other immigration laws that we have, then it is all wrong. But it is in addition, and it is so tightly drawn that you can not divorce this law from the other immigration laws. Make no mistake about that. The statement that the President is to negotiate a treaty is all wrong. All that the President has asked is that, if possible, offense be not given to a friendly nation. I make no secret of his request. I am proud of what he has done. I am honored in the opportunity to state as best I can his views, which are fair and right. I can state that in the original writing and preparation of this bill at the beginning there was no consultation either with the Secretary of State or the Secretary of Labor; yet as we got along with this bill, weighing every word, we received many valuable suggestions from both distinguished Secretaries. When Congress attempts to set up as big a piece of machinery as this bill contemplates, we want it to be in harmony with the best views of the Secretaries who will execute it; we want it to suit the Chief Executive, too, if possible.

President Coolidge said he favored exclusion. He has said so within a week. He has also said that, inasmuch as he favored exclusion, he desired to give the least possible offense to a friendly nation. No conference committee, consisting of five Representatives and five Senators, will dare say that the President gave a thought to the action of the primaries in California, as suggested in the newspapers. The President disregarded the primaries.

Mr. VAILE. That statement is true.

Mr. JOHNSON of Washington. The President acted upon each step as he received word from the conference committee, regardless of what happened elsewhere in the world. The President is not dictating to or attempting to direct Congress. The President, however, is President of the United States of America. He made two suggestions to the conferees, one of which we accepted. I believe his later suggestion to have been wise and proper. Otherwise I assure you, gentleman, I would not have offered it to this House in my capacity as a conferee. We dare not ask this House to waive its rights in the handling of immigration, nor do we authorize the making of a treaty. We could not do that if we wanted to. That is preposterous. What we have agreed to as conferees guarantees and saves the whole legislation, in my humble opinion. It saves the dignity of the United States also. It is fair to the President. It is fair to the Secretary of State.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. MOORE of Virginia. In reply to the statement of the gentleman from California [Mr. RAKER], am I right in assuming that this bill would be satisfactory to you and to all who stayed with you if this proviso in section 13 were omitted?

Mr. JOHNSON of Washington. We will take what we can get.

Mr. MOORE of Virginia. Then the only suggestion here is with reference to this proviso?

Mr. JOHNSON of Washington. Yes; and how gracefully and properly to get rid of something with Japan that we do not understand and do not like.

Mr. MOORE of Virginia. There is nothing involved in it about opening the floodgates to immigration from Japan?

Mr. JOHNSON of Washington. No; absolutely no. There has always been much misinformation in the United States about everything Japanese. I have studied all the statements put out in years and know of the exaggerations, if you can trust me. The gentleman from California [Mr. RAKER] and myself have each been on the Immigration Committee about 12 years. During the whole eight years of the administration of the gentleman's party he was unable to take home the bacon. He has worked hard for it. I have been for five long years chairman of that committee, and now, through my party, Hon. JOHN A. RAKER can go home with the Japanese bacon under his arm—a thing he could not get during all the years of the administration of his party, neither he nor his Senators. I will give him the full credit, if no one else will, for this exclusion provision. And yet if this House can not show the respect to the President to which he is entitled in his effort to have the United States play the gentleman's part, there is something wrong. California may get a victory with aid from everyone who would break this immigration bill, but President Coolidge will get the credit for acting with dignity, with fairness, and with honor, mark those words.

Mr. MOORE of Virginia. The only thing to do, the only thing in this matter that the House is asked to do, is to prevent bringing about a situation where the President can abrogate the law?

Mr. JOHNSON of Washington. Yes. It is to avoid anything possible in the name of or in imitation of or in the pretense of a treaty; that is all. Coolidge is right. We exclusionists can win. We Japanese exclusionists can win. We will win, but there is a right way and a wrong way. What more can I say?

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Washington. Will somebody on that side use some of his time?

Mr. MACLAFFERTY rose.

The SPEAKER. The gentleman from California is recognized.

Mr. MACLAFFERTY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MACLAFFERTY. I am very glad to have heard it so clearly stated here, and so well agreed upon, that this is not a political question. I myself well know it is not a political question. I want my position here thoroughly understood. I am not here to flaunt anybody—not at all. But this whole question is so fundamental with me that before I would change on this now I would allow myself to be cut to pieces by inches right before your eyes. [Laughter and applause.]

I am here, gentlemen, to talk for Americans who are coming along 25 and 30 years from to-day. I am here to talk for the little children, the little American children who are yet unborn but who will be born upon the Pacific coast of North America. I am here to warn you of the great danger to our civilization. I have more interest and belief in the good qualities of the Japanese people than my friend from Ohio [Mr. BURTON] has, for I know their good qualities. He tells us they have patterned after us, thereby paying us a great compliment, in the matter of our post-office administration and in other matters; but he did not tell you that they boast of the fact that they

have organized their military institutions with Germany as their patron saint. I have had more than one Japanese tell me that.

I do not decry the right of the Japanese to have his own national aspirations and ambitions; but if the American Congress now, through an altruistic feeling in their hearts toward these good people, waives the right to hereafter control matters of legislation respecting immigration, you are doing one thing to undermine the institutions of this Republic.

Gentlemen, what is the gentleman's agreement? Is there a man in this room who can rise and tell me what it contains? Do I know what it is? Do any of you know what it is? No. Is it like a treaty? No. Was it indorsed and ratified by the United States Senate? No. But it is an agreement which never should have been made. It was made for the purpose of preventing an increase of Japanese immigration into this country, but it has been a rank failure in that regard.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MACLAFFERTY. I will yield if the gentleman will give me another minute of time.

Gentlemen, if there is going to be an affront given in this matter, it has already been given. The Japanese people, after we have paid them the compliments we have on this floor, are not worthy of our insisting now that they are fools. The Japanese people know that America is almost solidly for exclusion, not because they are Japanese but for biological reasons and for economic reasons, and the great question with them is: Shall exclusion become an absolute fact? They do not want us to insult their intelligence by saying, "Well, we are going to give you a chance by treaty to negotiate for the wiping out of this agreement." I believe it is wiped out now. I read dispatches from the Tokyo papers yesterday and this morning which stated that fact clearly, that while the newspapers over there use headlines in describing what is going on now the people there have very little interest in it, because they realize it is going to result in exclusion anyway.

I want to put into this RECORD some things that I have not the time to read. I want to show you the statements some of the great men of Japan have made. I want to show you that Japan believes her national destiny is to control this world, and that it is all right for her to do it if she can do it. She believes that the American people some day should be her slaves. That is what she believes. I do not care whether all the Japanese of Japan were sitting in these galleries hearing me say this. They know it is true, and they believe it is the divine law of their god that that should be true.

Why, my friends, if you could only understand this question as we understand it, you would feel differently from the way some of you do feel. I want you to read the extension of my remarks which I will put in the RECORD, because I can not bring all the facts before you.

But to show you how the people on the Pacific coast are feeling let me read you a telegram:

We are standing behind you 100 per cent in your fight to make this coast a white man's country. To defer effective date of ineligible alien exclusion until March, 1925, is to provide open season for influx of Japanese. If the entire effort is one to avoid shocking sensibilities of the people of another nation, let us not forget that our own people still have sensibilities. It is probable that in its final action Congress will determine whether its action will be so framed as to please and satisfy people of another nation or preserve the interests of this Nation. In such event the decision should not be long delayed nor difficult to reach. Let us have dignified firmness and not vacillating weakness.

And the end of another telegram.

Mr. TINCHER. Will the gentleman yield right there?

Mr. MACLAFFERTY. No; I have not the time.

Any exclusion postponment compromise should provide exclusion to all Japanese from this date. Japan has violated, thereby abrogating, gentleman's agreement by waiving military service to Japanese returning to Japan for brides and issuing passports, prohibited by agreement, evidenced over 100,000 Jap laborers now in California and overflow bookings all returning steamers from Japan.

Since the passage of this bill a few weeks ago there have been about 1,000 Japanese bachelors who have gone back to Japan in order to bring back brides and get in here before July 1. There are more than 40,000 Japanese bachelors in California now. They can not leave and get back because there are not ships enough. But for every Japanese woman who comes back it means five children. In my State 1 child out of 11 born last year was a Japanese child.

For God's sake, you men who know what the colored problem means, not only to the white man but to the colored man, stand by us in this. We will not forget you if you do. [Applause.]

There are over 40,000 Japanese bachelors in this country, according to Japanese authorities, every one of whom could bring from Japan within the period referred to, if the present agreement be in effect, a kankodan bride whose duty it would be to become the mother of the average family of five children. There would be then a potential increase within a few years of Japanese population to the extent of 240,000, in addition to the increase to be expected from birth rate among those already here.

What Japan's policy would be under those circumstances is clearly indicated by what she is doing or permitting now. The Japanese newspapers of San Francisco report that during the preceding three months—February, March, and April—2,000 Japanese bachelors left San Francisco for Japan for the purpose of securing kankodan brides and returning with them before July 1, when it was expected the exclusion measure would become operative. The Government of Japan directly encourages this element of immigration by allowing such searchers for brides three months' stay in Japan, while if they come for business or pleasure they would be limited to 30 days, or compelled to remain and perform their military duties.

In addition to the kankodan brides, the Japanese now here are sending for all the relatives for whose passage they can pay and whose admission is permitted under the Government's present interpretation of the gentlemen's agreement. To extend for a year more the time during which such relatives can come would be to invite the admission of a large number.

The gentlemen's agreement, as explained by President Roosevelt, was made for the express purpose, indorsed by Japan, of preventing an increase of Japanese population in continental United States. That purpose has been steadily violated by the manner in which the agreement has operated.

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OAKLAND, CALIF., *May 7, 1924.*

J. H. MACLAFFERTY, M. C.,
*Washington, D. C.:*

Nichi Bei, San Francisco Japanese newspaper, publishes to-day that 6,000 kankodan brides and relatives of California Japanese awaiting transportation from Japan to California exclusive. Four hundred Japanese males sailing on President Wilson May 2 instead of waiting for Japan steamer sailing May 12. Reason latter sailing preventing return before July 1, with so-called brides who become colaborers breeding like pestilential flies. This evasion so-called gentlemen's agreement. Delay means 30,000 more Japanese here by March 1 and 50,000 more Japanese-American children. Compromise crucifies California. Should provide immediate exclusion of these hordes ineligible trouble breeders. Southern statesmen realizing California's problem will help us upon request.

J. M. PERKINS.

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OAKLAND, CALIF., *May 8, 1924.*

Hon. J. H. MACLAFFERTY, M. C.,
*House of Representatives, Washington, D. C.:*

Any exclusion postponement compromise should provide exclusion of all Japanese from this date. Japan has violated, thereby abrogating, gentlemen's agreement by waiving military service to Japanese returning to Japan for brides and issuing passports prohibited by agreement, as evidenced by over 100,000 Jap laborers now in California and overflow bookings on all returning steamers from Japan.

J. M. PERKINS.

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SAN FRANCISCO, CALIF., *May 8, 1924.*

Hon. JAMES H. MACLAFFERTY,
*House of Representatives, Washington, D. C.:*

The legionnaires in California urge you be present when immigration bill comes up on floor as reported by conferees and want you to know that we are standing behind you 100 per cent in your fight to make this coast a white man's country. To defer effective date of ineligible alien exclusion until March, 1925, is to provide open season for influx of Japanese. If the entire effort is one to avoid shocking sensibilities of the people of another nation, let us not forget that our own people still have sensibilities. It is probable that in its final action Congress will determine whether its action will be so framed as to please and satisfy people of another nation or preserve the interests of this Nation. In such event the decision should not be long delayed nor difficult to reach. Let us have dignified firmness and not vacillating weakness. Kindest regards.

MORGAN KEATON.

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QUOTATIONS FROM JAPANESE WRITERS

[From "Mastery of the Pacific," brochure published in 1909 and quoted in Literary Digest, November 13, 1909, by Satori Kato, admiral of the Japanese Navy and one of the writers of the four-power treaty at disarmament conference]

In the event of war Japan could, as if aided by a magician's wand, overrun the Pacific with fleets manned by men who have made Nelson

their model and transported to the Far East the spirit that was victorious at Trafalgar. Whether Japan avows it or not, her persistent aim is to gain the mastery of the Pacific. Although peace seems to prevail over the world at present, no one can tell how soon the nations may be engaged in war. It does not need the English alliance to secure success for Japan. That alliance may be dissolved at any moment, but Japan will suffer no defeat. Her victory will be won by her men, not by armor plates—things weak by comparison.

[From the Tokyo Hochi, paper published in summer of 1919 and quoted in Literary Digest July 5, 1919, p. 31, by Count O'Kuma, deceased, leader of the Genro]

That age in which the Anglo-Japanese alliance was the pivot, and American-Japanese cooperation an essential factor of Japanese diplomacy, is gone. In future we must not look eastward for friendship, but westward. Let the Bolshevik of Russia be put down and the more peaceful party established in power. In them Japan will find a strong ally. By marching then westward to the Balkans, to Germany, to France, and Italy, the greater part of the world may be brought under our sway. The tyranny of the Anglo-Saxons at the Peace Conference is such that it has angered both gods and men. Some may abjectly follow them in consideration of their own petty interests, but things will ultimately settle down as has just been indicated.

[From a Japanese imperialist pronouncement written in 1916 and quoted in The Rising Tide of Color, by Lothrop Stoddard, pp. 49, 50, 51, 52, 53]

Fifty millions of our race wherewith to conquer and possess the earth! It is indeed a glorious problem! To begin with, we have China; China is our steed. Far shall we ride upon her! Even as Rome rode Latium to conquer Italy, and Italy to conquer the Mediterranean; even as Napoleon rode Italy and the Rhenish States to conquer Germany, and Germany to conquer Europe; even as England to-day rides her colonies and her so-called allies to conquer her robust rival, Germany—even so shall we ride China. So becomes our 50,000,000 race 500,000,000 strong; so grow our paltry hundreds of millions of gold into billions! How well have done our people! No mistakes! There must be none now. In 1895 we conquered China; Russia, Germany, and France stole from us our booty. How has our strength grown since then—and still it grows! In 10 years we punished and retook our own from Russia; in 20 years we squared and retook from Germany; with France there is no need for haste. She has already realized why we withheld the troops which alone might have driven the invader from her soil. Her fingers are clutching more tightly around her oriental booty; yet she knows it is ours for the taking. But there is no need for haste; the world condemns the paltry thief; only the glorious conqueror wins the plaudits and approval of mankind. We now are well astride our Chinese steed; but the steed has long roamed wild and is run down; it needs grooming, more grain, more training. Further, our saddle and bridle are as yet mere makeshifts; would steed and trappings stand the strain of war? And what would be that strain? As for America, that fatuous booby with much money and much sentiment, but no cohesion, no brains of government; stood she alone we should not need our Chinese steed. Well did my friend speak the other day when he called her people a race of thieves with hearts of rabbits. America, to any warrior race, is not a foe, but an immense melon, ripe for the cutting. But there are other warrior races—England—Germany—would they look on and let us slice and eat our fill? Would they? But using China as our steed, should our first goal be the land? India? Or the Pacific, the sea which must be our very own, even as the Atlantic is now England's? The land is tempting and easy, but withal dangerous. Did we begin there, the coarse white races would too soon awaken and combine, and forever immure us within our long-since-grown intolerable bounds. It must, therefore, be the sea; but the sea means the western Americas and all the islands between; and with those must soon come Australia, India. And then the battling for the balance of world power, the rest of North America—once that is ours we own and control the whole world, a dominion worthy of our race! North America alone will support a billion people; and that billion shall be Japanese with their white slaves. Not arid Asia, nor worn-out Europe (which with its peculiar and quaint relics and customs should, in the interests of history and culture, be in any case preserved), nor yet tropical Africa, is fit for our people—but North America, that continent so succulently green, fresh, and unsullied—except for a few chattering mongrel Yankees—should have been ours by right of discovery; it shall be ours by the higher, nobler right of conquest.

Mr. DICKSTEIN. Mr. Speaker, it seems to me that the only interest taken so far by the Members on this floor is in the Japanese question. They do not care much about what was inserted in the provisions of the conference report after the bill left this House, and if some of my good friends with whom I do not agree on this whole immigration policy would only think of other nationals as much as they think of the Japanese proposition, we could more easily come to a conclusion to satisfy the question now before this House.

I am compelled to vote against the report because I am against the entire bill. This conference report should be sent back not only on the Japanese question but on other questions which were inserted in the conference report which take away the nonquota relief. When this bill left this House you had assured the American people that citizens of the United States were to be permitted to bring into this country their fathers and mothers, but that was taken away, and in place thereof you will find on page 16 of the bill, committee print No. 6, that they provided for an origin proposition that after July 1, 1927, and for each fiscal year thereafter shall be a number which bears the same ratio of 150,000——

Mr. CABLE. Will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. CABLE. They did provide that wives of American citizens could come in outside of the quota in addition to the unmarried children under 18 years of age. In other words, half a loaf is better than none.

Mr. LAGUARDIA. And is it not true, in reply to the gentleman from Ohio, that they have refused to grant applicants naturalization because their wives were on the other side?

Mr. CABLE. Let me reply to the gentleman that that is not true in Ohio.

Mr. LAGUARDIA. They do that in New York.

Mr. DICKSTEIN. In answer to my friend, let me state to you now that when the bill left the committee room you voted for a provision with reference to the nonquota. You told us about uniting the family and what a wonderful American piece of legislation you were enacting for the citizens of the United States. When it came on the floor of this House you supported that proposition. When it went into conference they reported out a different proposition, and what did they insert in place thereof? You are going to provide for an origin quota. After 1927 you are going to abandon the 1890 census and then you are fixing a maximum of 150,000 under the origin basis of 1920 in spite of the fact that there are more people entitled to come under the origin basis of the 1920 census.

Mr. CABLE. Will the gentleman yield?

Mr. DICKSTEIN. No; my time is very short. This conference report further destroys the very essence of the bill that left this House. You almost can not recognize the provisions of the bill that was voted by this House if you will be good enough to read this bill. It practically destroys everything that we fought for—that you men fought for. It practically destroys every humane feature in uniting the families.

Oh, my friend, the gentleman from Ohio [Mr. BURTON] asks, "Shall we slap the friendly nations in the face?" Why, you have slapped every one of them in the face except England, the so-called Nordics. You have slapped Italy in the face, you have slapped Russia in the face, you have slapped every civilized white nation in the face. Oh, you have been slapping all the time, and I say to you that this report is full of discrimination. I only hope that when you vote you will not only consider the Japanese question but also consider the other inhumane provisions that were put in this conference report which are unworkable, unjust, and un-American. [Applause.]

In order to further point out the policy adopted by the conference report No. 688, it seems to me that the conferees have gone beyond the rights of this House who, after long debate, voted the 1890 census as a basis for a quota—although that was admittedly discriminatory—but the conferees, not satisfied with the discrimination already dealt out to our allied nations, went a step further by further restriction which clearly proves to me that the conferees did not represent the American sentiment but represented the British Government, which seems to get a very large quota under this proposed new scheme of origin quota.

This is one of the many harsh destructions of the House bill, as I have not the time to point them all out, relevant to the Reed national-origin scheme adopted by the Senate, but which when presented on the floor of the House during the consideration of the immigration bill was defeated by a large majority. This so-called national scheme—and this is the only way I can designate and characterize it—reads as follows:

SEC. 11. (b) The annual quota of any nationality for the fiscal year beginning July 1, 1927, and for each year thereafter, shall be a number which bears the same ratio to 150,000 as the number of inhabitants in continental United States in 1920 having that national origin (ascertained as hereinafter provided in this section) bears to the number of inhabitants in continental United States in 1920, but the minimum quota of any nationality shall be 100.

Both the Director of the Census, Mr. Steuart, and Doctor Hill, who appeared before the managers, declared that they would be obliged to adopt arbitrary methods to arrive at the proper basis upon which allocation will be based. This provision which is to go into effect July 1, 1927, limits the number of European immigrants to 150,000 annually, and from tabulations prepared by the proponents of this scheme and utilized on the floor of the House by the gentleman from Colorado [Mr. VAILE] and in the conference meeting by the Senator from Pennsylvania, reduced to actual understandable figures, based upon the limitation of 150,000, will give the various countries the following totals of permissible immigration as shown by the table:

*Quotas*

| Nationality or country | Present law | 2 per cent of 1890 with minimum of 100 | National origins under the 150,000 limit proviso |
|---|---|---|---|
| Albania | 288 | 100 | 100 |
| Armenia | 230 | 100 | 100 |
| Austria | 7,342 | 990 | 1,840 |
| Belgium | 1,563 | 509 | 200 |
| Bulgaria | 302 | 100 | 100 |
| Czechoslovakia | 14,357 | 1,873 | 1,320 |
| Danzig | 301 | 223 | 100 |
| Denmark | 5,619 | 2,782 | 1,092 |
| Esthonia | 1,348 | 102 | 221 |
| Finland | 3,921 | 145 | 498 |
| Fiume | 71 | 100 | 100 |
| France | 5,729 | 3,878 | 2,763 |
| Germany | 67,607 | 80,129 | 22,018 |
| Great Britain and Ireland | 77,342 | 62,458 | 91,111 |
| Greece | 3,063 | 100 | 536 |
| Hungary | 5,747 | 488 | 1,259 |
| Iceland | 75 | 100 | 100 |
| Italy | 42,057 | 3,889 | 5,878 |
| Latvia | 1,540 | 117 | 253 |
| Lithuania | 2,622 | 302 | 444 |
| Luxemburg | 97 | 100 | 100 |
| Netherlands | 3,602 | 1,637 | 2,669 |
| Norway | 12,205 | 6,453 | 2,433 |
| Poland | 30,979 | 8,872 | 4,509 |
| Portugal | 2,465 | 474 | 275 |
| Rumania | 7,419 | 631 | 386 |
| Russia | 24,405 | 1,792 | 4,002 |
| Spain | 912 | 124 | 141 |
| Sweden | 20,042 | 9,561 | 3,707 |
| Switzerland | 3,752 | 2,081 | 781 |
| Yugoslavia | 6,426 | 735 | 602 |
| Other Europe | 86 | 125 | 100 |
| Palestine | 57 | 100 | 100 |
| Syria | 882 | 100 | 162 |
| Turkey | 2,654 | 100 | 119 |
| Other Asia | 92 | 100 | 100 |
| Africa | 104 | 100 | 100 |
| Egypt | 18 | 100 | 100 |
| Atlantic Islands | 121 | 100 | 134 |
| Australia | 279 | 120 | 100 |
| New Zealand | 80 | 100 | 100 |
| Total | 357,801 | 161,990 | 150,903 |

Now I call your attention to the quota of Great Britain. You will find in the schedule the present quota of 3 per cent based on the 1910 census for Great Britain would be 77,342. The proposed 2 per cent of the 1890 census debated by the House would give Great Britain 62,458. The so-called national-origin scheme under the 150,000 proviso would give Great Britain 91,111 out of a total of 150,903, leaving the balance of 59,792 to be divided amongst the remaining countries of Europe. If this is not a pernicious piece of legislation which favors one as against all, what is? And yet they tell us on the floor of the House that they have given this matter careful study and consideration. You are practically abandoning the 1890 census and fixing something which you do not know anything about. Instead of adopting the latest census, which was taken in 1920, and fixing a proper quota based thereon and provide an equal and fair distribution of a quota which will meet with the approval of the American people, we are simply stubborn and arbitrary and without reason pursuing a policy which our forefathers fought against.

Now, again, as pointed out a few moments ago, you have by this report removed from the nonquota class the father and mother of a citizen of the United States and placed them in a preference class. What is this so-called preference? Do you know that the preference, if any is given, comes within the 2 per cent, whether it be of the 1890 census or any other census, and do you know that this so-called preference to the father and mother is no preference at all? If you will analyze section 6, subdivisions (a) and (b), you will note that this preference, if there is a quota left open, the consuls may give such preference to a limit of 50 per cent to any nationality. Now, then, that same preference is granted also to persons skilled in agriculture, and his wife and children under 16 years of age, and for the purpose of my argument I shall present to you a state of facts in a few words.

Italy under the 2 per cent of 1890 census would receive 3,889. The consul then may give a preference to fathers and mothers and also to skilled agricultural men, together with their wives and children, leaving a quota for the immigrants of Italy in the amount of 1,944. Now, then, who shall be the judge of the preference? Will the consul favor the father and mother of the relative citizen of the United States who seeks his own flesh and blood to join him or will he consider the skilled agricultural laborer and his family? And there will be many of these persons who will even commit perjury in order to get a preference.

Look at the dangers to which you are subjecting these people. Now, again, if that 50 per cent should be exhausted and the consul should favor the skilled agricultural laborer to the extent of 90 per cent and allow just 10 per cent of the fathers and mothers, can not you see what a miscarriage of justice would be done? Not alone that, but you can reverse the situation and you will find that if the 50 per cent under section 6, subdivision (b), is exhausted and an American citizen seeks to bring into this country his mother, and God knows we only have one, whom we ought to protect and provide for her every comfort in life, by this legislation you are practically destroying the very essence of humanity by depriving the American citizen of uniting his family and mother whom he may not have seen for many years, and so one hardship upon another is set forth by many changes in the proposed bill which is simply incorporated by a few fanatics, and some of our good Members of this House do not seem to realize that the origin scheme and other provisions which we may find incorporated in this new conference bill, print No. 6, supported by Report No. 688, is but a blind and has no basis of calculation and should not be made a law.

I do not intend to sit in this House and legislate for one class as against another. I can not sit here and see how one injustice after another is done in order to carry out certain plans behind the restrictionists who assume much power derived from encouragement given them by Members of this House and the Senate who think they are legislating for the best interests of the American people. If we are going to legislate, why not do so on a fair and equal basis? Let us be able to say to the world that we have discriminated against no one nationality as against the other; that we have treated them all alike, whether the quota is large or small. This is not a question for the foreigner to say. It is for the American Congress to say what the quota shall be, and, having said that, the least it can do is not play favoritism to anyone in particular, as has been pointed out by me, as it will do for Great Britain and a few other nations as against the entire civilized world.

So I say to you men from California who are so absorbed in your Japanese question—and speaking about the Japanese question, I want to say right now that I have the highest regard for them as a nation, as they have shown great progress and I believe they are coming around and advancing in civilization as a nation—that you must give some consideration to the European question too. I do not believe that they should be discriminated against, but in view of the fact that they are ineligible for citizenship and in view of the fact, as I gather from you Members of the House who come from the South and West, that the gentlemen's agreement has been violated, I say you have the right to abrogate the gentlemen's agreement or treaty or whatever you may call it, but in doing so do not be selfish. Examine your entire bill and see what other new provisions have been inserted after this bill left this House, and in reading the proposed conference committee report, print No. 6, which is the conference proposed bill, do not stop after your personal interest in your Japanese domestic trouble has been satisfied, but look into the whole of the conference report and see whether the new matter therein contained is germane to the provisions of a report in matters of this kind, whether the matters incorporated would do the right thing by the American people, and when you have done that you can then see that you have legislated for the American people and the interest of America. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. RAKER. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, there may be many objectionable features to the bill as reported by the con-

ferees. It is impossible to bring in an immigration bill that would not be objectionable in part to many Members.

But there is one objection which seems to me to be so fundamental in character that we ought to pause and consider carefully before we commit ourselves to its adoption, and that is the provision put in at the instance of the President of the United States, as has been repeatedly stated, to the effect "that before which time the President is requested to negotiate with the Japanese Government in relation to the abrogation of the present arrangement on this subject." That is the subject of exclusion.

I am puzzled to know why the President wishes that language to be inserted. If it lie now within the constitutional power of the President to negotiate a treaty upon immigration, he has the power to act without any request on the part of Congress. If it does not lie within his power under the Constitution then nothing that this Congress can say will give him the power.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes; briefly.

Mr. JOHNSON of Washington. I will tell you very briefly exactly why. It seems that the Japanese, no matter how we regard this agreement, regard it as a portion of their treaty and think they have kept it honorably and faithfully, and they think they should be notified——

Mr. GARRETT of Tennessee. I beg the gentleman's pardon, I do not think that is the expression of the Japanese Government. That may be the idea of some Japanese people as distinguished from the Japanese Government, but, as I read the letter of the ambassador from Japan recently sent to the Senate of the United States, he did not insist that it was any part of a treaty.

The gentleman from Virginia, who is accustomed to analyzing legal language, made some remarks from which I judge he thought this insertion was only for the purpose of giving an opportunity to the President to abrogate this agreement. I do not so interpret this language. Read it with care; read it, too, in the light of the first request upon the subject which the President of the United States made to the Congress, or at least to one body of the Congress. That was that they insert:

> *Provided however,* That the provisions in this paragraph (the exclusion paragraph) shall not apply to nationals of those countries with which the United States after the enactment of this act shall have entered into treaties by and with advice and consent of the Senate for the restriction of immigration.

That indicates the presidential mind on this subject. If it is merely to abrogate the gentleman's agreement—if that is the sole purpose—how is this alleged offense against the sentiment of the Japanese to be remedied? If that is all there is to it, how are you going to remove the offense by simply saying that the President can talk to them about what Congress has done? If the purpose is more than that, then ponder well, my fellow Members, before you surrender the right of the Congress of the United States, before you take the initial step in surrendering the exclusive right of the Congress of the United States to control immigration into this country. [Applause.]

I do not wish to offend the feelings or sensibilities of Japan or any other nation on the earth; but as between surrendering constitutional rights of the people of my own country in order to avoid wounding the sensibilities of other countries, I shall have to choose to stand by my own people. [Applause.]

Mr. LINEBERGER. Mr. Speaker and gentlemen of the House, I am sure it is far from my desire to rise in my place on this floor and oppose the conferees on my own side of the House and the President of the United States, but in the issue before us to-day there is something more vital, greater, and grander, if you please, than the personalities or partisanship, and that issue, as I see it, is whether we shall yield a fundamental right of the American people to regulate immigration, a purely domestic matter, to any other than the legislative representatives of the people, the Congress of the United States.

This proposition seems to me to resolve itself purely into a question of fundamentals; and one of the fundamental questions involved is that we by this procedure recommended by the conferees recognize the right of a foreign government to be heard and negotiated with when we propose to exclude their ineligibles to citizenship from our shores. Another fundamental question involved is that we for the first time in our history are admitting a principle with reference to Japan, after having refused it to our historical friend, China. I recognize the fact that a period of seven months may seem of small importance to the conferees and may seem short to the President of the United States and his responsible adviser in foreign affairs, the Secretary of State, for both of whom I have always had great admiration, but I say that when you violate a fundamental, it is just as reprehensible whether you violate it for a week, a month, or a year as it is if you violate it for a decade or century for that matter.

Now the praises of my friend, Senator BURTON, which have been voiced here to-day in the interest of the Japanese people and their virtues I do not rise to question or deny. I believe, along with the fundamental principles involved and which I consider to have been violated, that we as Members of Congress on our oaths have a fundamental obligation which we can not escape, and that obligation is to the American people and to the American people only, for these same American people when they sent us here made us their trustees, and I for one propose to hold that trust sacred. If we once recognize the right of a foreign government to enter into the consideration of a purely domestic matter like the immigration question, if we establish this precedent, it will rise to plague us in generations yet to come, and therefore, Mr. Speaker, as much as I regret to do so, under the circumstances, I must say to the House and to the country that I feel it my duty to oppose the acceptance of the conference report with all the energy which I possess. [Applause.]

The conferees—and I say this with all respect to them—are merely the agents and trustees of this House. We are those to whom they owe their allegiance and their responsibility is to us, and to no other department of the Government; and we in turn are responsible to the people who sent us here. If a public office is a public trust, as I hold it to be, this theory of responsibility must be maintained. When gentlemen yield to any influence, no matter how highly placed, be this influence either foreign or domestic, I say that they have lost contact, for the moment at least, with the agency which they represent, and the trusteeship of the Congress and people which has been confided to them is in unsafe hands. I am proud to say that there was one member of that conference committee who comes from my State and who did not yield. Luther Burbank, the plant wizard, has produced a wonderful variety of cactus out in California which we call spineless cactus; but, thank God, in the person of JOHN E. RAKER we did not produce a spineless conferee. [Applause.] California should feel proud of him to-day. There is no question about the validity of the fundamental principles which I have tried to outline. Such authorities as the distinguished Senator from Massachusetts, Senator LODGE, a statesman known not only in America but throughout the world for his experience and sagacity in foreign affairs, had this to say in the Senate of the United States yesterday.

On page 8088 of the RECORD of yesterday I read these remarks from a speech by Senator LODGE; he was speaking of the power of Congress to regulate immigration matters. He said:

> In my judgment, only the Congress of the United States, and, of course, acting with Congress, the President of the United States, has that power—that is, the entire legislative body of the United States must say to the rest of the world, "We alone have the power to say who shall come into the United States as immigrants."
>
> I repeat what I said the other day, from that decision so made there is no appeal. I have the utmost respect and admiration for the President. I believe in him thoroughly, but I venture to think that this brief amendment goes further than was perhaps realized by the conference committee.

Senator LODGE, in his utterances yesterday, never gave voice to a more statesmanlike view or propounded a sounder American doctrine. Such sentiments, I am sure, were applauded by 100 per cent Americans from coast to coast and from Canadian to Mexican border. [Applause.] I have here two brief telegrams which are to the point, and which, I think, sink to the very heart of this whole question. I shall read them to you:

LOS ANGELES, CALIF., *May 8, 1924.*

Hon. WALTER LINEBERGER,

*House of Representatives, Washington, D. C.:*

Conference agreed exclusion legislation would disgrace Congress and America. Means surrender Pacific coast to unwanted unassimilable aliens. In fact, invitation orientals complete peaceful invasion. Does Americanism or Japanism hold sway there? Employ all means bring about immediate exclusion and thus keep West white.

CLARENCE M. HUNT,
*Editor Grizzly Bear.*

SAN FRANCISCO, CALIF., *May 8, 1924.*

HON. WALTER F. LINEBERGER,
*House of Representatives, Washington, D. C.:*

The legionnaires in California urge you be present when immigration bill comes up on floor as reported by conferees and want you to know that we are standing behind you 100 per cent in your fight to make this coast a white man's country. To defer effective date of ineligible alien exclusion until March, 1925, is to provide open season for influx of Japanese. If the entire effort is one to avoid shocking sensibilities of the people of another nation let us not forget that our own people still have sensibilities. It is probable that in its final action Congress will determine whether its action will be so framed as to please and satisfy people of another nation or preserve the interests of this Nation. In such event the decision should not be long delayed nor difficult to reach. Let us have dignified firmness and not vacillating weakness. Kindest regards.

MORGAN KEATON,
*Department Adjutant, American Legion.*

Gentlemen of the House, this is not only a proposition which affects us on the Pacific coast but it affects every man, woman, and child in these United States, and more than that, generations yet unborn. Our forefathers who crossed the continent and who converted a wilderness into one of the garden spots of the universe were from old American pioneer stock, the best the country ever produced, and came from every State and every section of this great and glorious common country of ours. Your flesh and blood there are facing this great problem, and the problem is creeping farther eastward every day. There is no man in the world who desires peace more strongly than I do, for I know what the strife of war means; but there is a price which even for peace and good will among nations we as American citizens can not afford to pay and still be worthy of that precious heritage which was handed down to us by those that have gone before, and that is to permit any nation or any individual in the executive or any other department of the Government to determine for us, the representatives of the people, when and where and how we shall regulate a matter which is purely a matter of domestic legislative policy. [Applause.] I am not one of those who believe this July 1, 1924, exclusion will promote strife and ill will, particularly if we meet the situation at the earliest possible moment. To meet a situation fairly and squarely, eyes to the front and without evasion or subterfuge, is the surest way to promote peace; and, after all, it is the American way. Let us not desert it. [Applause.]

Mr. TINCHER. Mr. Speaker, will the gentleman yield?

Mr. LINEBERGER. If the gentleman will get me another minute I will be very glad to yield.

Mr. TINCHER. I can not do that, of course.

Mr. LINEBERGER. I am sorry I can not yield, then, as my time is about to expire.

The SPEAKER. The time of the gentleman from California has expired. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Speaker, it is not agreeable to a Member to differ with a very large majority of his party associates, as probably I am doing in this instance, but at least I have the satisfaction of knowing that in the vote which I cast I shall be doing that which I deeply believe is for the best interests of the country, and that I shall express the conviction I have so often declared here that the things of primary importance is to do what may be done without sacrifice of the real welfare of this country, to avoid controversy, and to promote peace and tranquillity so far as this Nation is concerned, and so far as other nations are concerned.

My distinguished friend from Tennessee [Mr. GARRETT] and the gentleman who has just taken his seat, the gentleman from California [Mr. LINEBERGER], have said something about fundamentals. They have discussed this matter as if the sole power of dealing with the subject of immigration rested with the Congress. Of course that is a mistake. If a Massachusetts Senator expressed that view yesterday, he forgot a decision of the Supreme Court, the opinion in which was delivered by a justice who was appointed from Massachusetts, and perhaps other gentlemen entertaining that view forgot a decision in a Federal court by Mr. Justice Fields, of California, to the effect that the power to deal with the subject of immigration rests with Congress, but that it also may be exercised under the treaty-making provisions of the Constitution. Therefore, I think the only inquiry that we have to make is whether it is expedient and judicious or not to do what is proposed by this bill; that is to say, to put all of the provisions of the bill into effect at a very early date, with the single proviso that the President shall have a certain time within which to bring about an abrogation of the so-called gentlemen's agreement with Japan.

Mr. WILLIAMS of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. I regret that I can not do so now. That agreement perhaps ought never to have been negotiated. It has been in effect a long time, however, and until now I have not seen any great excitement in reference to it manifested by my friends from the Pacific coast. I have been here for nearly five years, and more than once I have interrogated members of the Committee on Immigration relative to that agreement, and they have said in substance, "Do not speak of that now, wait." Yet now we are told by the same gentlemen with great vehemence that we can not afford to wait for a period of less than 12 months for the action contemplated by this bill to become effective.

Mr. Speaker, I am not of the President's party. Of course, he has never talked with me about the bill, nor has the Secretary of State, nor have I ever discussed it with any of the leaders on the Republican side of the House. It is needless for me to say that I have never attended any breakfasts at the White House. I am not one of the autocrats of that breakfast table. [Laughter.] I submit, however, and I am liable to contradiction by those who have more information than I if in error, that we are dealing with a simple proposition. The gentlemen's agreement is in force. It has been in force for so long that Japan naturally regards it as having the status of a treaty. Japan takes the position that if it is nullified immediately and without notice that will constitute an affront. The President and his Secretary, of course, are in immediate contact with the representatives of Japan here, and what I understand to be the position of the President is this, and nothing more than this: He is as much for exclusion as is the gentleman from Washington [Mr. JOHNSON], the chairman of the committee, or the gentleman from California [Mr. RAKER], and he does not propose to do anything in his conference with the Japanese that can weaken this law as it is drawn, but that in the time that remains between now and the 1st of March, 1925, he will bring about the abrogation of the agreement.

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. BOX. Is there anything in the law or in the Constitution which would prevent him from doing that, anyway?

Mr. MOORE of Virginia. Nothing; but have we not upon our side stood here time and again contending that it was very proper for us to make requests of the President as to his foreign policy?

I have tried myself to write into bills—naval appropriation bills and Army appropriation bills—requests of that sort, and many of you gentlemen upon my side of the House have concurred.

Mr. EVANS of Montana. Will the gentleman yield?

Mr. MOORE of Virginia. I will.

Mr. EVANS of Montana. I desire to ask a question for information. Whether under this bill this clause will go into effect on the 1st of March of next year whether or not any abrogation of the gentlemen's agreement is made?

Mr. MOORE of Virginia. Undoubtedly. The clause is so drawn that if the President should remain inactive, if he should be so disabled that he could not act between now and the 1st of March, 1925, the law would go into effect.

Mr. STEVENSON. Suppose, instead of remaining inactive, he could negotiate a treaty and allow the Japanese to come in between now and then, would not that supersede this law if it were ratified?

Mr. MOORE of Virginia. Frankly, I will say to my friend, I think it would; but am I not to have enough confidence in the President of the United States to believe that he will keep the promise which we understand he has made? [Applause.] I hope the day has not come, nor will ever come, when I shall hesitate to accept the almost openly promulgated pledge of the President as to what he will do. [Applause.]

Mr. NELSON of Wisconsin. I am inclined to agree with the gentleman, but what bothers me is that this affront on March 1, 1925, will still remain.

Mr. MOORE of Virginia. Japan says, no.

Mr. WATKINS. When did she say it?

Mr. MOORE of Virginia. According to the best information we can obtain, Japan says, "We are affronted by this threatened action because it is taken without notice to us and we think we are in fairness entitled to notice."

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of Washington. I yield the gentleman three minutes more.

Mr. MACLAFFERTY. Will the gentleman yield?

Mr. MOORE of Virginia. I will yield to my friend.

Mr. MACLAFFERTY. Do I understand the gentleman to say that Japan has said this or simply some newspapers have said it?

Mr. MOORE of Virginia. Japan has substantially taken that attitude according to the chairman of the committee. That such is the attitude of Japan is to be inferred from what the President of the United States has given out, and should the President not act consistently with that well-warranted assumption, he would be faithless to the American people and would not be accorded their further toleration and respect.

Mr. JOHNSON of Washington. If the gentleman will permit, I will also say further I have been to the White House, and though I am not the spokesman for the President, the gentleman has stated better than I can what occurred. I want to say this further: The Secretary of State has been greatly embarrassed in dealing with the House Committee on Immigration. We are not the Committee on Foreign Affairs; we are not the Senate. These matters that come to this committee have to go into the record. It has not been a pleasant matter.

Mr. MOORE of Virginia. Gentlemen need not be frightened, for even if the President were inclined to do what he has stated he will not do, the Senate would check his attempted exercise of power. [Applause.]

Mr. RAKER. Will the gentleman yield for a question?

Mr. MOORE of Virginia. Certainly.

Mr. RAKER. Has the gentleman noticed the public print of a week ago, Thursday, that the President was against exclusion, and also that the public print carried the fact that the conferees had agreed upon the House amendment and then the President gave an interview he was in favor of exclusion, and it was sent out broadcast?

Mr. MOORE of Virginia. I will say to my friend there are so many public prints it is impossible to keep up with them, but since the newspaper announcements as to the President's intention, as I have outlined it, is confiremd by the statements of his advisers here and elsewhere——

Mr. WATKINS. But the gentleman will not dispute Japan did say officially after we passed the bill with this section in it that grave consequences would occur, did she not?

Mr. MOORE of Virginia. That was said by the Japanese ambassador, who soon wrote a lengthy letter explaining that he had been misunderstood.

Mr. JOHNSON of Washington. I will say that if there is a man on this floor who knows exactly what happened in Japan, China, Mongolia, and Manchuria, let him stand up and say something about it.

Mr. WATKINS. I do not notice anybody over there standing up.

Mr. MOORE of Virginia. It is said here that Japan should not be affronted, that Japan should not feel aggrieved by action without conference or notice. The reply to that which we can make as a Nation that is unafraid and that should be supremely anxious to maintain the peace of the world is that everybody knows that throughout history difficulties of most serious sort have arisen and armed conflicts have occurred because the sensibilities of some nation have been offended, even where no offense may have been intended. [Applause.]

The SPEAKER. The time of the gentleman has again expired.

Mr. RAKER. I yield four minutes to the gentleman from Texas [Mr. Box].

Mr. JOHNSON of Washington. I yield two minutes to the gentleman from Texas [Mr. Box].

Mr. BOX. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. BOX. Mr. Speaker and gentlemen of the House, this is not suddenly sprung on Japan.

It was discussed widely in America and Asia years ago. It was discussed by President Roosevelt. It was one of the live topics of discussion when I became a member of this committee five years ago. It was considered by the Immigration Committee. The question was widely discussed almost the world over five years ago. It has been discussed in this House. It has been discussed every year and almost every week and almost every day; and now for Japan to say that it has been suddenly sprung is very remarkable, and for those who would apologize for the action of the conference committee in acting on such a claim, if that is any excuse at all, is to show how hard pressed they are for an excuse.

This proviso means something or it means nothing. If it means anything it means that the President is invited to exercise some power in dealing with Japan by treaty controlling Japanese immigration. If it means anything at all it means that. It is said that this act goes into effect on the 1st of March, 1925, regardless of the proviso. If that is going to be the result anyhow, why this proviso? It must serve some purpose, or it must serve none. If it serves any, it means to invite the President to continue to control this problem by agreements or treaties. If it does not mean that, it does not mean anything. If it means nothing, it ought not to be put in the law.

Mr. CABLE. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. CABLE. Does the gentleman understand that it could have any legal effect anyway? The President could act anyway?

Mr. BOX. Yes; the gentleman from Ohio is right. This is an absurd thing.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. BOX. Yes.

Mr. STEVENSON. This is a legislative recognition of a void agreement?

Mr. BOX. Yes. That goes to a primary question, the recognition of an informal Executive agreement made with a foreign power as prevailing law, hindering the freedom of Congress.

Now, Mr. Speaker and gentlemen of the House, the primary question is whether or not the great, fundamentally important question of regulating immigration is to be handled by Congress, this House participating, or whether it is to be by the Executive and foreign powers. This House has been giving imperfect but more or less apt and prompt expression of the public desire for protection against those whose coming does not promise good for the country. Since I have been here I have noticed that opponents of restriction have been moving steadily forward in the effort to get this subject out from the control of Congress and get it into a forum where the Executive and foreign powers would control it. Foreign powers have conflicting interests with ours. No member of the House Committee on Immigration and Naturalization can have failed to recognize the fact that I have seen and feared this movement and sought to combat it. Whether or not any of them have shared in that fear, they know that I have felt it almost from the day I came here. Vitally involved in this question is the question whether our Government will control this problem in its own interests and its own way, or whether other countries shall have a voice in it. We are asked to have the President say to an Asiatic nation, "We will consult you about how many of your people will come." When Italy asks the same privilege can we consistently say, "No." She has asked it. You will find it in a communication from the Italian Government of September 15, 1921, to our State Department. They are asking the same privilege. Are we to say to Japan, "Yes; you have a voice in that question; because of your peculiar sensibilities we will consult your feelings." Italy says that this law discriminates against her and has already asked for the same privilege in discussing the immigration from Italy. How can we go forward like a dignified Nation taking care of our affairs and dealing with all other countries alike, with a realization of the important interests involved, and give to Japan this privilege and not allow it to other nations?

Japan, if she asks it, is not merely asking that she be treated as other countries are treated. She is asking that she be treated as we do not treat anybody else; but other nations will certainly ask that the same privilege be conceded to them after we concede it to Japan.

This controversy involves the question whether hereafter this problem is to be controlled by the Congress of the United States or by the treaty-making power arguing in a forum when foreign voices are equal to ours. The Presidents have rarely seen this problem as this Congress has seen it. Practically all restriction in immigration legislation has had to be passed over the President's veto. I could cite many instances covering the whole history of the legislation for 40 years. But for the passage of such legislation, some of which, much of which, abrogated treaties, China's millions would have poured in here. A long line of presidential vetoes marks the progress of all this necessary legislation. Where would the country be now if the will of Presidents Hays, Arthur, Cleveland, Taft, and Wilson as to immigration had prevailed?

In spite of all our restrictions and safeguards we have already imperiled our racial character and the stability and permanence of our institutions by the number and character of the immigration admitted. Now, if we turn it over to the President, whose views are usually different from those of Congress and

the country, and foreign governments whose interests conflict with ours, we will do a foolish, a ruinous thing.

Japan says she wants no voice in this domestic question. She seems to want it controlled by treaty or agreement made with her. She will have a voice in the treaty or agreement, will she not? If the treaty or agreement controls our policy and she has a voice in the agreement or treaty, will she not have a voice in this country's policy? [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SABATH. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. OLIVER].

The SPEAKER. The gentleman from New York is recognized for three minutes.

Mr. OLIVER of New York. Mr. Speaker and gentlemen, I shall vote against the conference report, because I believe it is a fraud upon itself and I believe it is a fraud upon diplomacy.

I have listened with a great deal of attention to the statement of the distinguished chairman of the committee, the gentleman from Washington [Mr. JOHNSON], when he said that the delay in the date of the exclusion of the Japanese to March 1 was put in there so that the United States could blow a kiss to Japan. That was his expression.

I hope we are going to blow a cool, calculating kiss to Japan. He is sending us out on a romantic mission of gaining the friendship of Japan, or keeping what friendship we have. He wants to have Japan believe that we are blowing her a nice, cool, calculating kiss without knowing we are reserving for her at the same time a nice, cool kick due March 1; first, blow a kiss at her, and if the kiss does not land where we aim it, then to throw at her a nice, swift kick.

What fine diplomacy this is! What will the Japanese say? How many of them can we fool by this process?

The gentleman from Washington [Mr. JOHNSON] said he was saving the bill by putting this provision in. From whom can he save it? The only man who can put this bill in peril is the President of the United States. So he meant by that, I take it, in reason, that the President would veto it if this provision was not in it.

Mr. JOHNSON of Washington. I hope I did not make any threat.

Mr. OLIVER of New York. But the gentleman made that statement, and I am drawing the inference that a jury would draw from a statement made by so distinguished a gentleman as the gentleman from Washington that the only man who could put it in peril is the President of the United States. The President of the United States blew a kiss to the people of California and then a little while after, according to the gentleman from Washington, he threatened the bill with a swift kick. Kisses and kicks seem to be the rule of diplomacy and politics to-day.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. OLIVER of New York. No; I will not yield.

Mr. JOHNSON of Washington. The gentleman does not favor any part of the bill anyway, does he?

Mr. OLIVER of New York. No; I do not favor any part of the bill, but I am commenting on the diplomacy of the gentleman from Washington, who did not know, from the first day of this session until he went up to the conference with the President of the United States, that there was a diplomatic question before the United States of America. [Applause.] He has just learned it. I heard the debate on this bill, but not a word was said by the gentleman about the friendship we owe to Japan and about the great diplomatic situation we might create. Oh, no. But when he ate White House food he learned something about the diplomatic situation. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of Washington. I yield three minutes to the gentleman from Kansas [Mr. TINCHER].

The SPEAKER. The gentleman from Kansas is recognized for three minutes.

Mr. TINCHER. Mr. Speaker and gentlemen of the House, in my judgment the proposition before the House is plain and not at all complicated. The Congress has decided that we will have Japanese exclusion, but our relations with Japan have not been the same as they have been with other countries. For instance, we objected to Japanese immigration when we had an open door for Italy; so we had, it seems, an arrangement which would preclude Japanese from coming to this country. That has been called the "gentlemen's agreement," by which we have had a very limited Japanese immigration into the country.

The bill as introduced would not have taken effect for several months, but it has taken so long for its consideration that if we had July 1 as the date when it becomes effective that will abrogate the gentlemen's agreement rather abruptly.

The Secretary of State and the Executive, having to deal with a foreign power, have said they thought it would be fair to defer the taking effect of a law supplanting the gentlemen's agreement until March 1, 1925; that we treat Japan in a fair way, and call upon them for a meeting, not to make a treaty but to abrogate the agreement. There is nothing complicated in that proposition.

Three classes are opposing the adoption of this conference report. First, and the most enthusiastic, the gentlemen who are against any immigration law; second, some Members from the west coast who are prejudiced whenever the word "Japan" is mentioned; and, third, those ill-advised people who think they can get something on Calvin Coolidge by turning down this report. That is the proposition. [Laughter on the Democratic side.] You can laugh all you want to, but that is true, and you are trying to drag this into politics to that extent.

Mr. LINEBERGER. Will the gentleman yield?

Mr. TINCHER. No; not under the circumstances. Let me suggest further that no Member of this House has a right to vote against this conference report and claim he is friendly to a law regulating immigration. [Laughter.] I do not understand that there ought to be any objection to the few kind remarks I am making going into the RECORD. It has been suggested that Calvin Coolidge could not have carried California if it had not been for the people thinking he was for Japanese exclusion, and I think the morning paper had that thing about right. There is nobody in the United States against Coolidge but HIRAM JOHNSON, and Hiram ought to find it out some time. [Laughter and applause.]

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I yield one minute to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, I yield the one minute to the gentleman from California [Mr. LEA]. [Applause.]

Mr. LEA of California. Mr. Speaker, the original request of the Secretary of State that Congress waive its right to settle the Japanese immigration question and authorize the Secretary of State to adjust the matter by treaty had some merit. That suggestion at least had the merit of furnishing substantial grounds for mollifying the feeling of Japan. If the United States committed itself to a Japanese immigration policy by a plan which could be established only with the consent of Japan, no doubt it would temporarily appease that country. A plan even so unworthy of an American Congress would at least have the poor merit of temporarily appeasing that nation, to whom we would have assigned a function of the American Congress.

But the plan now before us is devoid of even the poor merit of the plan first suggested. It is now proposed that we postpone Japanese exclusion until March 1, 1925; that we request the President to negotiate with Japan in relation to our immigration question. It is claimed that the object of the proposed negotiations is to abrogate the so-called gentlemen's agreement. That agreement is void. It was entered into without authority. Japan knows and everybody else knows it was never binding upon either party, because not entered into by persons having authority to make it or according to the requirements of our Constitution.

Congress can not perform its duty, it can not preserve its self-respect, if it ratifies that void agreement, made without authority, and the terms of which are still unknown to the American people. Shall we solemnly request the President of the United States to conduct negotiations for the purpose of abrogating a void agreement, the terms of which have never been exposed to the light of day?

Immigration is the domestic problem of America. For one, I shall not be responsible for a course of action that concedes to any nation the right of being party to the settlement of our immigration problems.

It is declared that the failure to adopt the provision in question will hurt the feelings of Japan and largely undo the good feeling and friendly relations created by the disarmament conference. This contention suggests the importance of dealing candidly and fairly with our international problems.

We entered into a conference with Japan, admittedly for the purpose of settling causes of irritation and dispute and pro-

moting peaceful relations founded on understanding. Everybody in America knew; everybody in Japan knew; every intelligent man in the world knew, that the most irritating question between the United States and Japan was the question of immigration. In the disarmament conference, we lacked candor; we lacked courage. Instead of settling, or attempting to settle, the primary source of irritation between these two countries, we evaded the question. We ignored the one question the settlement of which, above all others, was essential to the peace and understanding of these two nations. We contented ourselves by confining the agreement to questions of little controversial importance between this country and Japan. We looked the other way and declared our problems settled.

The same sort of diplomacy, the diplomacy of evasion, of expediency, of temporary convenience, is to-day dictating the policy in reference to this bill. Shall we be candid, courageous, and fair, adopt a policy that will be the definite final policy of America, or shall we shift, evade, promote the continuation of the irritation between these two nations and postpone until some more unfortunate day the time when this great question shall be settled?

I believe in settling the question now, courageously, candidly, honestly, not in hate for Japan but in justice to America and her future.

I do not concede that this provision could ever be adopted as the deliberate judgment of this House. We invite the President of the United States to negotiate a treaty with Japan. For what? To make a new law, or change the law that Congress shall this day adopt, in reference to immigration from Japan? The gentleman from Virginia [Mr. MOORE] says "no." If you agree with his "no," then you have reduced this proposition to an absolute absurdity. The only reason then advanced for negotiating this treaty with Japan is to mollify her feelings. Such an argument is a reflection upon the intelligence of Japan. [Applause.]

Is the pride, the spirit, and intelligence of Japan so dull that she will be appeased by inviting her to negotiate the abrogation of an agreement we have already abrogated? Is such an invitation a peace offering? Does it indicate good will, consideration, or respect? Would it not be trifling with a great nation? By this very bill you adopt a policy of Japanese exclusion to go into effect on the 1st day of next March. Then you propose to mollify the feelings of the people of Japan by inviting them to help determine the policy you have already adopted. [Applause.]

Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. LINEBERGER. Mr. Speaker, I make the same request.

Mr. SABATH. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from California [Mr. LEA], the gentleman from California [Mr. LINEBERGER], and the gentleman from Illinois [Mr. SABATH] ask unanimous consent to revise and extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SABATH. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. LAGUARDIA].

The SPEAKER. The gentleman from New York is recognized for two minutes.

Mr. LAGUARDIA. Mr. Speaker, the gentleman from Kansas [Mr. TINCHER] has made the startling discovery that gentlemen who are opposed to a bill vote against it. I am going to vote against this conference report, and I will say to the Committee on Immigration that in their eagerness to write an immigration bill, instead of basing it on logic and the economic condition of the country, you have based it on passion, religious hatred, and racial prejudices, and you have gotten yourselves so balled up you will not be able to get out of your difficulties. [Applause.]

Mr. JOHNSON of Washington. That makes the gentleman happy, does it not?

Mr. LAGUARDIA. It makes me happy because I am one who still has a heart, and I am not ashamed to say it. When you wrote your report the chairman of the committee knows that he put all the hatred he could in it, and because Japan peeped you crawled. [Applause.] But when little Rumania protested, you did not say a word. My advice to Rumania is to go down to J. P. Morgan and negotiate a loan, and then, perhaps, when Rumania protests you will heed. [Applause.]

Gentlemen, the suggestion was made and the offer was made to study this immigration problem carefully, to appoint a commission to ascertain the economic needs of the country, the labor and social conditions, and to write your bill accordingly, but you refused to do that. We were willing to go with you to any length on restriction that the requirements of the country needed.

We were charged on the floor of this House with desiring to have the doors wide open. Such is not the case. My opposition to the bill was purely to provide against the vicious intentional discriminations. These discriminations were not denied. A reading of the debate on the floor of this House proves beyond a doubt that the mathematics of the bill were worked out in order to discriminate against certain races. We were willing to go along with the committee on any percentage that would meet the economic condition in the country, always bearing in mind the necessity of assimilation, but you refused to do it. Gentlemen, you will recall that every humane amendment that was offered on the floor of the House was ruthlessly voted down. You come before us now with the bill not strengthened, but hardened; not made better, but worse. Even the relative provision which was in the House bill is now taken out and you leave an extra quota provision only for the wives of American citizens. How can this wife get over here? Judges now are refusing naturalization to applicants until their wives arrive, on the ground that perhaps their wives may not be eligible to admission, and they say they do not want to divide a family. That is growing to be the practice. You will recall that when this bill was being sponsored on the floor of this House you made a personal appeal through the Representatives of the Pacific coast. You took pride in it, you boasted of it, that finally a provision was written into the immigration law that would permanently stop the entrance of Asiatics. Now you find opposition from the very Members from whom you sought and received support.

I am going to vote for a motion to recommit. I am going to vote to send this bill back to conference. I will vote for anything which will compel the authors and sponsors of this bill to take time to deliberate, to consider, to study, and to bring in a bill in this House that the American people need not be ashamed of. I still believe that if this House desires to limit immigration on a quota basis that the quota should be one that is fair and impartial to all. I believe that it is proper at this time to ask the conferees to reconsider the humane provisions offered and to reinstate in the bill the provision permitting the entrance outside of the quota of wives, mothers, fathers, and children of residents. It seems to me that when an alien has arrived in this country and is making good and we know of his good character and his devotion to his new country it is not asking too much that he may have an opportunity to send for his immediate blood relatives.

I can understand the embarrassing situation in which the President of the United States finds himself; but the time to confer with the Committee on Immigration was before the bill was written and not now, and I submit, gentlemen, that if changes are to be made, then changes should be made along the line, and perhaps eventually a fair immigration bill may be written.

I am not deceiving myself one bit on the situation. I realize that the situation to-day will make a queer alignment. I appreciate that some of the gentlemen who are voting to recommit this bill are extreme restrictionists and would vote for any kind of a restriction bill. It is proper that we take advantage of the parliamentary situation and as a protest to the ruthlessness of the committee in ignoring, I might say, sneering at every amendment offered and voting down every suggestion, that now the bill be sent back and that they give it the careful study that should have been given when the bill was written. Yes, gentlemen, I repeat, had there been less hate and less prejudice, more logic and more kindliness, you would not find yourselves in this present plight. I shall vote to recommit the bill.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SABATH. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Speaker and gentlemen, the works of Edmund Burke abound in many wise and terse sayings, but the designers of his monument, set up here in Washington at Twelfth Street and Massachusetts Avenue, preferred this one maxim, among them all, to adorn its pedestal: "Magnanimity in politics is not seldom the truest wisdom."

We have come now to a pass in the deliberations of this body where, waiving all partisanship aside, we can confirm and realize the truth of that maxim. The issue before us, however, does not call for magnanimity so much as politeness. Nations must be decent as well as men.

There are times when political minorities can be magnanimous, and this is such a time. I am not going to attack the President. On the contrary, I must say that I approve of his stand for wisdom and magnanimity and true statesmanship at

this moment, which may prove to be a turning point in our history. I realize the fascination in the idea of worrying the majority, but in matters of international moment a minority should rise above so mean a plane.

The temptation is also attractive to those who fought the bill as a whole to refuse the President's request, reject the conferees' amendment, and thus challenge the President to veto the measure. This would be a futile gesture, from which the opponents of the measure can hope to obtain only a temporary respite. Everyone knows that those who dangle this alluring prospect as a bait have their minds set on passing the bill, in such an eventuality, over the President's veto. In short, the opponents of the bill are asked to form a vain and purposeless alliance, justifiable neither in good morality nor in practical results. The President is to be commended, however much certain gentlemen in this House may take his rebuke to heart. We had no right, under the Constitution, to pass a measure so despicable and thoughtless, involving us, as it will, in international controversies, without giving the President an opportunity to exercise his treaty-making power under the Constitution.

This sectio —12b in the House bill and 13c in the Senate amended bill—should never have been written. It was a piece of futile meddlesomeness. The subject should have been left in the hands of the treaty-making power. "But," they say, "the agreement of 1907 has not been lived up to." If that were true, the answer is, "So will your statute be evaded. If a treaty can not be written strong enough to prevent evasion, how can you get better results from a statute?"

But the fact is that if more Japs come into our country than the quota agreed on, it is not with the consent or connivance of the Japanese Government. They slip over the border, and they would continue to do that, treaty or no treaty, statute or no statute.

As to Japan seeking to colonize America, no matter with what appearance of authority this charge may be advanced, I can not believe that any nation can be anxious to lose any material part of its wealth—and what greater asset can a nation have than its human assets, its producers?

We know this, that the American idea from the beginning has been that increase of population means an increase in the instrumentalities of production. And we would not look with approval upon any migratory movement which would tend to diminish our own population.

In fact, our chief boast has been our phenomenal increase in population and wealth. Do you suppose that the real psychology of other nations is different? A diminution of their population is just as serious a loss as it would be with us.

If there were not such a rumpus raised about exclusion, I do not think there is a country in the world that would be a bit concerned if we stopped immigration altogether; on the contrary, I think that they would be at heart glad to find a tempting field of immigration eliminated, so that they could keep their people, their wealth producers, at home.

Of course, when publicity is given to the fact that our proposed law contempaltes invidious distinctions between races, from that moment race pride is aroused and concern for their own increase of population is forgotten.

WHEN IMMIGRATION IS NOT A DOMESTIC QUESTION

We have heard emphasized throughout this debate that immigration is a domestic question. So it is a domestic question—until you begin to discriminate among nations. If your law applies to all alike, you can make any limitations or restrictions you desire, but the moment you begin to discriminate, then it rises to the level of an international question.

Our fundamental right to keep immigration as a purely domestic question is incontestable. But our tariff is also a domestic question. There is no doubt we can fix any rate we please on imports. But suppose we should attempt to put in force discriminating rates favoring some nations and unfavorable to others. Is it not clear that our action would immediately involve us in international controversies?

It is a fundamental maxim of international law that all nations are entitled to equality of rights and privileges in commercial intercourse. Discriminating duties against the products of one nation in favor of others are necessarily tabooed, and any departure from that principle gives just cause for protest and complaint, and that, too, independent of any treaty we may have containing the most-favored-nation clause. This rests upon the primitive principle of natural justice underlying all international relations.

If it has application, as we must admit, to the products of nations, how much more must it apply to the flesh and blood of races? A nation can rightly protest against a tariff discrimination against its products. Is it not natural that it should feel even more deeply aggrieved when that discrimination is applied to its sons and daughters, particularly when that discrimination manifestly carries with it the implication of racial inferiority?

THE RIGHT OF CITIZENSHIP

The right of citizenship is a different matter. All nations have the right to regulate the conditions under which the franchise is granted and, so long as fundamental differences of races exist, each nation has the right to confine its citizenship, and even its population, within certain racial limits. This may be done without any imputation of inferiority, for, in truth, inferiority is a relative term involving many intricate factors of comparison.

EXCLUSION A DIPLOMATIC QUESTION

The question of exclusion, on the contrary, should be handled diplomatically by conference and treaty—never by a statutory enactment, with all its implications of racial inferiority published to the world. A statute is unilateral; it is what we say without compromise, delicacy, or mitigation. A treaty is bilateral; implies agreement, harmony, and mutual understanding. The burden of exclusion is put on the other party, and as the retention of a nation's nationals is a fundamental factor in its growth and prosperity, the preamble of such a treaty can very well say:

"The Government of ———, being desirous of conserving its productive force and preventing the depletion of its population by immoderate immigration, and the United States being desirous of respecting and upholding the aims of a friendly power in its control of emigration, do hereby agree that the Government of ——— shall confine the issuance of visas for immigration to the United States of ——— persons each year," and so forth.

We are in this quandary to-day because the Immigration Committee exceeded its authority and meddled with the executive functions of this Government, undertaking to abrogate a treaty without authority of law or precedent. Now they have to crawl, but I am glad to see that they have the courage to do it, and I am going to try to help them out of their embarrassment.

I have much to say upon this subject, Mr. Speaker, and I ask at this moment for leave to extend my remarks.

The SPEAKER. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GRIFFIN. Please do not misunderstand me. I am not in favor of admitting the Japanese to citizenship. Neither am I attached to the notion that they ought to be admitted under the quota. But that, I submit, would have been a simpler and less objectionable method of limiting their immigration than the expedient adopted in this bill of excluding them altogether.

If they had been put on the same plane as other nationalities and had been subjected to the restraints of the quota, the number admissible each year would have been so inconsiderable as to be negligible.

THE GENTLEMEN'S AGREEMENT

The proponents of Japanese exclusion have set up a straw man against which to hurl their thunderbolts. Those who have argued for moderation concede, as I concede, that the Pacific States should have the right to guard against submersion by unassimilable races. We are in perfect harmony with them on that proposition. We do not want to open the doors any wider than they are. We would even be content to have them closed entirely, but we do not want to see the doors slammed in the face of an honorable, highly civilized, and courteous race of people without warning or explanation. We owe that, I should think, to our own self-respect, as well as to theirs.

We have a treaty with them, or what is tantamount to a treaty, entered into, if you please, by President Roosevelt, and no one will dare assert that he was a mollycoddle. If that arrangement does not work satisfactorily, the proper course to pursue is to request the treaty-making power of the Government, under our Constitution, to secure its abrogation. It is hardly polite to throw it into the scrap heap—as this bill did before it was amended in conference—without a word of warning.

The amendment put in the bill in conference is perfectly sane, polite, and proper. I can not see the wisdom of laying the foundation for racial animosities which are bound to continue for generations and menace our posterity with continual rumors and threats of war.

MUNITION MAKERS ONLY ONES TO BE BENEFITED

No one is going to be benefited by this ruthless abrogation of the "gentlemen's agreement" with Japan but munition makers,

armor-plate concerns, shipbuilders, airplane manufacturers, war financiers, and war profiteers. Their stock in trade is war and the rumor of wars. We are foolishly playing into the hands of a pack of unmitigated rascals.

It is rather an odd coincidence that the Admiral Coontz "Revelations" as to the alleged inferiority of our Navy should come just at the moment when the Japanese question happens to be before Congress. If they are true their promulgation would be particularly inauspicious just at the moment that we were preparing to slap Japan in the face, and their publication at this time shows conclusively that they are not true. They will have accomplished their purpose if they stimulate another feverish return of war preparations. We can offset them and block the war speculators by helping the President to conduct the foreign relations of this Government with courtesy and wisdom.

No matter what I think of the bill as a whole, I believe it to be my duty as an American to support the limitation put in it at the instance of the President. In recommending that limitation he is acting as the President of the United States—and all the circumstances support the presumption that he is acting for the welfare of the entire country. He is entitled to our support irrespective of party, and I intend to uphold him by my voice and vote.

Mr. JOHNSON of Washington. Mr. Speaker, I yield four minutes to the gentleman from Colorado [Mr. VAILE].

Mr. VAILE. Mr. Speaker, I am sure our friends from California who have been stirring up all this opposition to this conference report because they do not get it just exactly the way they want it, what they have been asking for for 14 years, and what we are ready to hand them now—I am sure they must be very much gratified to have the support of everybody who is opposed to any restriction of immigration at all. It certainly should be a source of pride to them that they may succeed in defeating the whole cause of restrictive immigration by sending back this bill because they do not get it exactly as they want it.

Let us consider this gentlemen's agreement for a minute. It is an old sore. The gentlemen's agreement never should have been executed. I agree with all that has been said to that effect. It is an Executive agreement, never ratified by the Senate. You can not find out what it is to-day. If you call up the office of the Secretary of Labor, who is charged with enforcing it, you can not find out; but nevertheless that agreement does exist.

It has been recognized by our own statutes, it was recognized by the immigration act of 1921, in which we made an exception for treaties or agreements relating solely to immigration. It was recognized by an addendum to the treaty of 1911 we made with Japan. It has been recognized by Japan, and all that is asked now is that the Executive shall be given an opportunity to abrogate it. All that we say is that it is going to be abrogated; it is abrogated to take effect on March 1, 1925, and, Mr. President, if you wish to proceed to abrogate it before that time by Executive action, all the more power to your arm; but whether you succeed or not, it is going to be a thing of the past on March 1, 1925.

Let me call attention of Members of the House on this side, gentlemen who in every campaign recently have been denouncing the Republicans because we have been as you would say not sufficiently warm in our advocacy of some international schemes of peace, proposed by the last Democratic President, you surely should not object to our giving the President the first opportunity to handle an international situation on a basis of peace and good will when we fix a time limit beyond which the objectionable thing shall not in any event endure.

The great President, elected by your own party, Mr. Wilson, availed himself of this gentlemen's agreement which we concede should be abrogated, but which you will not even give a Republican President time to abrogate.

President Wilson sent Mr. Bryan to California to impress the California people with the right of Japan under the alleged gentlemen's agreement.

That is the peculiar situation in which we find ourselves with Japan. All we ask you to do is to be reasonable. We are giving you exactly what you want, and when we give it to you the gentleman from California [Mr. RAKER] can go back and say "I have won the fight I have been engaged in for 17 years"; but if you kick it over, the fault will not be ours. The fault will lie with the gentlemen who refused to take what they wanted because they could not get it in just their own way. [Applause.]

Mr. SABATH. Mr. Speaker, I yield the balance of my time to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, the gentleman who just concluded, the gentleman from Colorado, stated that the gentlemen's agreement seeking to regulate Japanese immigration ought never to have been made by the President and that nobody now knows what it means or of what it consists, but concluded with a plea that this House, not knowing what the agreement is, an agreement that ought never to have been embraced, recognize by statute that such agreement exists, and that Congress should ask the President to enter into negotiations with the Japanese Government to abrogate it.

When you say "negotiate with Japan" you imply that Japan has the right to abrogate or refuse to abrogate; negotiation means mutual dealing back and forth. The Congress has power to exclude Japanese immigration and I favor the exercise of that power by this Congress.

Gentlemen of the House, I hope I may speak to-day without any hint of partisanship. This is a time for a Representative in the American Congress to speak as an American who respects the Constitution of his country and as a Representative who is willing, without shirking, to perform his duty under it. The issue is not simply the exclusion of a few hundreds or thousands of Japanese; the question is, shall the Congress perform the duties committed to it or surrender its powers to the President?

Gentlemen say that the gentlemen's agreement ought never to have been made. Why? Because it was an unauthorized act of the Executive and invaded the constitutional powers of Congress to regulate the domestic question of immigration. If that agreement ought never to have been entered into it ought to be terminated, not on the 1st of July, 1925, but it ought to be terminated now. [Applause.]

The fundamental objection to the statute as proposed by the committee is that it involves the abdication by this House of its constitutional power to legislate on the subject of Japanese exclusion and evidences a lack of desire to act by requesting the President to perform a function that we should ourselves perform. The Constitution was not made for fair weather alone. Most any form of government can protect the citizen when there is no turmoil and no strain, but the Constitution was made for times of stress and storms. It was not meant that the House of Representatives in the exercise of its constitutional powers should tremble and quiver when some question that is solemn and serious is presented for our deliberation. It was not intended that at such a time we should delegate our authority to the Executive. To-day, moved neither by passion nor prejudice, driven neither by fear nor threat as to the consequences which may follow our actions, this House ought to register now what it has already said was its solemn and sober judgment on this question. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. JOHNSON of Washington. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I have always found that in dealing with public as well as with private affairs it pays to be polite. This is a case in point. Shall we accomplish what we are seeking to accomplish gracefully, or shall we accomplish it ungracefully? Shall we do this thing politely or impolitely? That is this whole question. The executive department whose duty it is to administer our international affairs informs us that a great and friendly power has expressed concern if not resentment at the methods by which we do this thing which most of us agree should be done. Why should we imperil our friendship with a great and friendly nation? That she is great, no one doubts; that she is friendly has been proven in the past, and particularly during the Conference on the Limitation of Armaments. That she is valuable as a friend, by the same token, it stands to reason she might be dangerous as an enemy. Why imperil our friendship? You gentlemen from the Pacific coast have won your years' long fight for the exclusion of certain immigration. It detracts nothing from your victory if you postpone its taking effect within a reasonable time. As a matter of fact, you are postponing it in this conference report for no longer a time than was intended when this bill was first considered. Why then shall we imperil the success of the restriction of immigration? The country is in favor of immigration restriction, and to vote against this conference report makes a vote against the restriction of immigration. [Applause.] There are many gentlemen in this House who are in favor of leaving the doors against immigration wide open, and are willing to form any sort of a combination, no matter what, to bring it about.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

Mr. LONGWORTH. No; I will not. We favor immigration restriction. Why imperil the success of the cause to which most of us are devoted? Let us stand firm and the victory is ours. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, in conclusion I merely say that there is nothing to this charge which has been printed and sent in by telegraph that hundreds of Japanese may come in before March 1; nothing whatever. On the ordinary ship it takes about 17 days to come from Japan. Several hundred have hastened back in the last few days to try and get wives so as to get here by July 1. On July 1 Japan will go on a quota for eight months. That is all there is to that.

Next, I believe I have had something to do with the building up of this bill. For five solid years I have been chairman of this committee and at work on what is now this bill. For the last couple of years I have tried to find words by which we, the committee and the House, might direct the President to do away with this so-called treaty or agreement, and we did not want to use the positive direction and we did not want to use the word "treaty" or even "agreement." That was one trouble for the committee; that was one trouble for me as chairman. When the President himself suggested the words, how could I refuse to accept them when I myself had sought a way to find them? Many things are happening in the Far East and in Russia. Need I say more? I ask you to support the conference report.

The SPEAKER. The question is on agreeing to the conference report.

Mr. RAKER. Mr. Speaker, I offer the following motion to recommit.

Mr. SABATH rose.

The SPEAKER. Who is the senior member of the committee?

Mr. SABATH. I am.

The SPEAKER. The Chair will recognize the gentleman from Illinois.

Mr. SABATH. Mr. Speaker, I offer the following motion to recommit, which I send to the desk.

The Clerk read as follows:

Motion to recommit by Mr. SABATH: Mr. Speaker, I move to recommit the report to the committee of conference.

Mr. LONGWORTH. Mr. Speaker, on that I move the previous question.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. If the previous question should be voted down, would it then be in order to offer an amendment to the motion to recommit?

The SPEAKER. The Chair does not need to inform the gentleman as to the correctness of that statement. The question is on ordering the previous question on the motion to recommit.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 114, noes 159.

So the previous question was rejected.

Mr. RAKER. Mr. Speaker, I offer the following amendment in the nature of a substitute to the motion to recommit, which I send to the desk.

The Clerk read as follows:

Mr. RAKER moves to recommit the bill to the committee of conference with instructions on the part of the House not to agree to the proviso reported in the bill submitted by the conference committee, beginning in line 2, page 24, and reading as follows: "That this subdivision shall not take effect as to exclusion until March 1, 1925, before which time the President is requested to negotiate with the Japanese Government in relation to the abrogation of the present arrangement on this subject."

Mr. RAKER. Mr. Speaker, on that amendment I move the previous question.

Mr. SANDERS of Indiana. Mr. Speaker, I make the point of order against the amendment to the motion to recommit that is proposed by the amendment that it is not a proper motion to recommit to the conferees. The situation is this: The House passed a bill. The bill went to the Senate, and the Senate struck out all of the House bill and wrote an entirely new bill. We disagreed to that Senate amendment, which was an entirely new bill, and asked for a conference, which was agreed to. They went to conference. The conferees on the part of the House receded from their disagreement to the Senate amendment, which was an entire bill, and agreed to an amendment, which was an entirely new bill. A motion now to recommit again to the conferees is a different question than a motion to recommit to a committee of the House, because the House has complete authority and can direct a committee to do anything that it desires, but when we are instructing the conferees appointed by the House we can only instruct those conferees to do what they have the power to do and what they may do. The conferees appointed by this House can do but one thing. They can recede from their disagreement to the Senate amendment and agree to it. They can not agree to it with an amendment, because the Senate conferees might not agree to that. They can only do one of two things—disagree to the Senate amendment or agree to it with an amendment. When a bill is brought back here and a Senate amendment to the bill is submitted to the House, we very frequently recede from our disagreement. When the report from the conferees comes back we can not instruct our conferees to go back there and agree to an amendment which the Senate conferees may or may not agree to. We have not any power to give such instruction to our conferees. In other words, Mr. Speaker, if this motion to recommit is in order, we have not the right to tell our conferees what amendment they may write onto a Senate amendment. We have not any such power. It never has been done so far as a conference report is concerned.

Mr. TILSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TILSON. In what way does the motion to recommit offered by the gentleman from California take the place of the one offered by the gentleman from Illinois?

The SPEAKER. It is offered as an amendment.

Mr. TILSON. As an amendment to it?

The SPEAKER. Yes.

Mr. TILSON. Does it so state in the amendment?

Mr. GARRETT of Tennessee. Offered as a substitute.

Mr. TILSON. It is a substitute for the other?

The SPEAKER. The Chair will hear the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Mr. Speaker, it seems to me that it would be going a long way from the particular parliamentary situation which exists to say that this matter has passed wholly from the conferees of the House of Representatives so long as the committee on conference——

The SPEAKER. That is not the trouble in the mind of the Chair. Of course, by proper amendment the result could be reached, but the point made by the gentleman from Indiana was that this instructed the conferees not to agree to a proviso. Now they have either got to disagree to the whole or agree with an amendment. And they can not disagree to the proviso, it seems to the Chair. However, the Chair will hear argument on that.

Mr. GARRETT of Tennessee. Mr. Speaker, of course the proviso was not put on in the Senate. That is part of the conference report.

The SPEAKER. Exactly.

Mr. JOHNSON of Washington. If the conferees are instructed not to agree to the proviso, the matter is then open between the Senate provision and the House provision. The whole matter was thrown open when the conferees met and it will open it up again.

Mr. GARRETT of Tennessee. You have another section of the bill that takes care of it.

Mr. LONGWORTH. What will be the effect of it, in the gentleman's opinion, if the conferees did disagree; what would happen?

Mr. GARRETT of Tennessee. I do not know what the Senate would do.

Mr. LONGWORTH. What would be the condition in the conference?

Mr. GARRETT of Tennessee. If the conferees disagreed?

Mr. LONGWORTH. If the House refused to agree to this proviso?

Mr. GARRETT of Tennessee. The effect would be for the time being to be out of conference so far as the House is concerned; but they would go back into conference again, I assume, and if they did not I assume the House would have a way to provide conferees who would go.

Mr. JOHNSON of Washington. In case this instruction be given and the other body has not acted on the conference report at all and we should ask for another conference would the other body act on the conference report before they acted on this?

Mr. GARRETT of Tennessee. That question would not be material.

The SPEAKER. The only question is whether the gentleman has taken the right way to obtain the end at which he aims. The Chair will hear argument.

Mr. CRISP. Mr. Speaker, I am not familiar exactly with the way the motion to recommit is written, but the whole matter seems to me to resolve itself into this simple proposition: The Senate struck out all after the enacting clause of the House bill dealing with the restriction of immigration and substituted an entirely new text as one amendment. Of course, a great part of the text was the same as the House bill. But the whole subject matter was in conference between the conferees. Now, under the rules of the House, where the conferees have met under this condition they were authorized to inject new matter that is germane as the Speaker, in my judgment, correctly ruled this morning. The conferees met on that amendment, they reached a complete agreement, and that was embodied in this conference report which is now up for consideration. Now, under the rules of the House, when either one of the bodies—the House or Senate—acts on a conference report, that discharges the conferees, and a motion to recommit to the conferees would not be in order, but until one of the bodies acts on a conference report the conferees are still in existence and it is in order to move to recommit to them.

The SPEAKER. Certainly; there is no question about that.

Mr. CRISP. While the House can not instruct the Senate conferees, the House can instruct its own conferees, who are its agents.

The SPEAKER. Of course.

Mr. CRISP. And, as I understand this amendment, it is to recommit the conference report to the conferees with instruction to the House conferees that in the future conference they must not agree to the provision set out in the amendment. Now, if it goes back to conference and the conferees can not agree, and nothing else is done, that ends the legislation. It does not come back for further consideration. It seems to me clear under those conditions the House can instruct its own conferees that in a further conference not to agree to any provision in a new conference report containing the provision set out in the motion to recommit, which they are instructed not to agree to.

The SPEAKER. There is no doubt that the House has a perfect right to instruct the House conferees, but the technical point of order is made whether the gentleman from California [Mr. RAKER] has gone about it in the right way. The impression of the Chair is that the point is good. This proviso is just one part of the general conference report, and why should they not be instructed—if in a further conference with the Senate conferees they agree at all—to agree to an amendment striking out that proviso? Something of that kind, in the Chair's opinion, would be a proper motion.

Mr. CRISP. Mr. Speaker, if the whole matter is before the conferees, is it not proper for the House to leave to the discretion of the conferees the rest of it, but to bind them as to that one provision, that in the further conference they can not agree to that particular proposition? That is the way it seems to me.

The SPEAKER. Inasmuch as it is purely technical and easily reached the Chair would take the chance that the conferees will be able to act in accordance with the will of the House, and overrules the point of order. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. RAKER. A division, Mr. Speaker.

The SPEAKER. A division is demanded.

The House was dividing, when—

Mr. LONGWORTH. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Ohio demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. As many as favor the amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 189, nays 174, not voting 69, as follows:

YEAS—189

| | | | |
|---|---|---|---|
| Abernethy | Blanton | Carew | Davey |
| Allen | Bloom | Carter | Davis, Tenn. |
| Allgood | Bowling | Casey | Deal |
| Almon | Box | Celler | Dickinson, Mo. |
| Arnold | Boylan | Clancy | Dickstein |
| Aswell | Brand, Ga. | Cleary | Doughton |
| Ayres | Briggs | Collier | Dowell |
| Bankhead | Browne, N. J. | Collins | Doyle |
| Barbour | Browning | Connally, Tex. | Drewry |
| Barkley | Buchanan | Connery | Driver |
| Beck | Bulwinkle | Cook | Eagan |
| Bell | Busby | Crisp | Evans, Mont. |
| Berger | Byrns, Tenn. | Croll | Fairchild |
| Black, N. Y. | Cable | Cullen | Favrot |
| Black, Tex. | Cannon | Cummings | Fisher |
| Fredericks | Kerr | Minahan | Sites |
| Free | Kincheloe | Mooney | Smithwick |
| Fulbright | Kindred | Moore, Ga. | Steagall |
| Fulmer | Knutson | Morehead | Stedman |
| Gallivan | Kunz | Morrow | Stevenson |
| Gardner, Ind. | LaGuardia | Nolan | Summers, Wash. |
| Garner, Tex. | Lanham | O'Connell, N. Y. | Sumners, Tex. |
| Garrett, Tenn. | Lankford | O'Connell, R. I. | Swank |
| Garrett, Tex. | Larsen, Ga. | O'Sullivan | Swing |
| Gasque | Lazaro | Oldfield | Tague |
| Glatfelter | Lea, Calif. | Oliver, Ala. | Taylor, W. Va. |
| Goldsborough | Lee, Ga. | Oliver, N. Y. | Thomas, Ky. |
| Greenwood | Lindsay | Parks, Ark. | Thomas, Okla. |
| Hadley | Lineberger | Peery | Tillman |
| Hammer | Linthicum | Pou | Tucker |
| Harrison | Logan | Prall | Underwood |
| Hastings | Lowrey | Quayle | Upshaw |
| Hayden | Lozier | Quin | Vinson, Ga. |
| Hill, Ala. | Lyon | Ragon | Vinson, Ky. |
| Hill, Wash. | McClintic | Rainey | Watkins |
| Hooker | McDuffie | Raker | Weaver |
| Howard, Nebr. | McKeown | Rankin | Wefald |
| Hudspeth | McReynolds | Rathbone | Weller |
| Hull, Tenn. | McSwain | Rayburn | Wilson, Ind. |
| Humphreys | McSweeney | Richards | Wilson, La. |
| James | MacLafferty | Romjue | Wilson, Miss. |
| Jeffers | Major, Ill. | Rubey | Wingo |
| Johnson, Tex. | Major, Mo. | Salmon | Wolff |
| Johnson, W. Va. | Mansfield | Sanders, Tex. | Woodrum |
| Jones | Martin | Sandlin | Wright |
| Jost | Mead | Schall | |
| Keller | Miller, Wash. | Shallenberger | |
| Kent | Milligan | Sherwood | |

NAYS—174

| | | | |
|---|---|---|---|
| Ackerman | Fish | McLeod | Simmons |
| Aldrich | Fleetwood | MacGregor | Sinclair |
| Anthony | Foster | Madden | Sinnott |
| Bacon | Frear | Magee, N. Y. | Smith |
| Beedy | Freeman | Magee, Pa. | Snell |
| Beers | French | Manlove | Snyder |
| Begg | Frothingham | Mapes | Speaks |
| Bixler | Fuller | Merritt | Sproul, Ill. |
| Bland | Gibson | Michaelson | Sproul, Kans. |
| Boies | Gifford | Michener | Stephens |
| Boyce | Graham, Ill. | Mills | Strong, Kans. |
| Brand, Ohio | Green, Iowa | Moore, Ill. | Sweet |
| Britten | Griffin | Moore, Ohio | Taber |
| Browne, Wis. | Hardy | Moore, Va. | Taylor, Tenn. |
| Brumm | Hawes | Moores, Ind. | Temple |
| Buckley | Hawley | Morgan | Thatcher |
| Burdick | Hersey | Mudd | Thompson |
| Burtness | Hickey | Murphy | Tilson |
| Burton | Hill, Md. | Nelson, Me. | Timberlake |
| Butler | Hoch | Nelson, Wis. | Tincher |
| Campbell | Holaday | Newton, Minn. | Tinkham |
| Chindblom | Huddleston | Newton, Mo. | Treadway |
| Christopherson | Hudson | O'Connor, La. | Underhill |
| Clague | Hull, Iowa | Paige | Vaile |
| Clarke, N. Y. | Hull, Morton D. | Parker | Vestal |
| Cole, Iowa | Johnson, S. Dak. | Patterson | Vincent, Mich. |
| Colton | Johnson, Wash. | Perkins | Voigt |
| Cooper, Wis. | Kearns | Perlman | Wainwright |
| Corning | Kelly | Phillips | Watres |
| Cramton | Kendall | Porter | Watson |
| Crosser | Ketcham | Purnell | Wertz |
| Crowther | King | Ramseyer | White, Kans. |
| Dallinger | Kopp | Reece | White, Me. |
| Darrow | Kvale | Reed, N. Y. | Williams, Ill. |
| Davis, Minn. | Lampert | Roach | Williams, Mich. |
| Dempsey | Larson, Minn. | Robinson, Iowa | Williamson |
| Denison | Leatherwood | Robsion, Ky. | Winslow |
| Dickinson, Iowa | Leavitt | Rogers, Mass. | Wood |
| Dyer | Little | Sabath | Woodruff |
| Elliott | Longworth | Sanders, Ind. | Wyant |
| Evans, Iowa | Luce | Schafer | Young |
| Fairfield | McKenzie | Schneider | Zihlman |
| Faust | McLaughlin, Mich. | Scott | |
| Fenn | McLaughlin, Nebr. | Shreve | |

NOT VOTING—69

| | | | |
|---|---|---|---|
| Anderson | Graham, Pa. | Morin | Stengle |
| Andrew | Greene, Mass. | Morris | Strong, Pa. |
| Bacharach | Griest | O'Brien | Sullivan |
| Byrnes, S. C. | Haugen | O'Connor, N. Y. | Swoope |
| Canfield | Howard, Okla. | Park, Ga. | Taylor, Colo. |
| Clark, Fla. | Hull, William E. | Peavey | Tydings |
| Cole, Ohio | Jacobstein | Ransley | Vare |
| Connolly, Pa. | Johnson, Ky. | Reed, Ark. | Ward, N. Y. |
| Cooper, Ohio | Kahn | Reed, W. Va. | Ward, N. C. |
| Curry | Kiess | Reid, Ill. | Wason |
| Dominick | Kurtz | Rogers, N. H. | Welsh |
| Drane | Langley | Rosenbloom | Williams, Tex. |
| Edmonds | Lehlbach | Rouse | Winter |
| Fitzgerald | Lilly | Sanders, N. Y. | Wurzbach |
| Funk | McFadden | Sears, Fla. | Yates |
| Garber | McNulty | Sears, Nebr. | |
| Geran | Miller, Ill. | Seger | |
| Gilbert | Montague | Stalker | |

So the amendment to the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Kahn (for) with Mr. Funk (against).

Mr. Curry (for) with Mr. Andrew (against).

Mr. Tydings (for) with Mr. Kurtz (against).

Mr. Peavey (for) with Mr. Griest (against).

Mr. O'Connor of New York (for) with Mr. Connolly of Pennsylvania (against).

Mr. Howard of Oklahoma (for) with Mr. Greene of Massachusetts (against).

Until further notice:

Mr. Bacharach with Mr. Gilbert.

Mr. Graham of Pennsylvania with Mr. Williams of Texas.

Mr. Cole of Ohio with Mr. Rouse.

Mr. Lehlbach with Mr. Johnson of Kentucky.
Mr. Wurzbach with Mr. Geran.
Mr. McFadden with Mr. Taylor of Colorado.
Mr. Morin with Mr. Canfield.
Mr. Seger with Mr. O'Brien.
Mr. Ransley with Mr. Stengle.
Mr. Miller of Illinois with Mr. Reed of Arkansas.
Mr. Welsh with Mr. Byrnes of South Carolina.
Mr. Swoope with Mr. Lilly.
Mr. Reid of Illinois with Mr. Drane.
Mr. Vare with Mr. Jacobstein.
Mr. Stalker with Mr. Morris.
Mr. Strong of Pennsylvania with Mr. Dominick.
Mr. Ward of New York with Mr. Ward of North Carolina.
Mr. Fitzgerald with Mr. McNulty.
Mr. Langley with Mr. Clark of Florida.
Mr. William E. Hull with Mr. Rogers of New Hampshire.
Mr. Sears of Nebraska with Mr. Sears of Florida.
Mr. Winter with Mr. Park of Georgia.
Mr. Wason with Mr. Sullivan.
Mr. Edmonds with Mr. Montague.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is now on agreeing to the motion to recommit as amended.

Mr. LONGWORTH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. WINGO. Mr. Speaker, there has been so much confusion that I ask unanimous consent that the motion to recommit as amended be read.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent that the motion to recommit as amended be read. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the motion to recommit as amended.

The Clerk read as follows:

Motion by Mr. SABATH to recommit the bill to the committee of conference, with instructions to the conferees on the part of the House not to agree to the proviso reported in the bill submitted by the conference committee, beginning in line 2, page 24, and reading as follows: "*Provided*, That this subdivision shall not take effect as to exclusion until March 1, 1925, before which time the President is requested to negotiate with the Japanese Government in relation to the abrogation of the present arrangement on this subject."

Mr. FREE. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FREE. As I understand, the other was offered as a substitute and not as an amendment?

Mr. LINEBERGER. It was offered as a substitute.

The SPEAKER. pro tempore. The Clerk read the Sabath motion as amended by the Raker substitute. The yeas and nays have been ordered, and the question is on agreeing to the motion to recommit as amended.

The question was taken; and there were—yeas 192, nays 171, not voting 69, as follows:

YEAS—192

| | | | |
|---|---|---|---|
| Abernethy | Cullen | Jeffers | Nolan |
| Allen | Cummings | Johnson, Tex. | O'Connell, N. Y. |
| Aligood | Davey | Johnson, W. Va. | O'Connell, R. I. |
| Almon | Davis, Tenn. | Jones | O'Sullivan |
| Arnold | Deal | Jost | Oldfield |
| Aswell | Dickinson, Mo. | Keller | Oliver, Ala. |
| Ayres | Dickstein | Kent | Oliver, N. Y. |
| Bankhead | Doughton | Kerr | Parks, Ark. |
| Barbour | Dowell | Kincheloe | Peery |
| Barkley | Doyle | Kindred | Perlman |
| Beck | Drewry | Kunz | Pou |
| Bell | Driver | Kvale | Prall |
| Berger | Eagan | LaGuardia | Quayle |
| Black, N. Y. | Evans, Mont. | Lanham | Quin |
| Black, Tex. | Fairchild | Lankford | Ragon |
| Blanton | Favrot | Larsen, Ga. | Rainey |
| Bloom | Fisher | Lazaro | Raker |
| Bowling | Fredericks | Lea, Calif. | Rankin |
| Box | Free | Lee, Ga. | Rathbone |
| Boylan | Fulbright | Lindsay | Rayburn |
| Brand, Ga. | Fulmer | Lineberger | Reed, Ark. |
| Briggs | Gallivan | Linthicum | Richards |
| Browne, N. J. | Gardner, Ind. | Logan | Romjue |
| Browning | Garner, Tex. | Lozier | Rubey |
| Buchanan | Garrett, Tenn. | Lyon | Sabath |
| Buckley | Garrett, Tex. | McClintic | Salmon |
| Bulwinkle | Gasque | McDuffie | Sanders, Tex. |
| Busby | Goldsborough | McKeown | Sandlin |
| Byrns, Tenn. | Greenwood | McReynolds | Schafer |
| Cable | Hadley | McSwain | Schall |
| Cannon | Hammer | McSweeney | Schneider |
| Carew | Harrison | MacLafferty | Shallenberger |
| Carter | Hastings | Major, Ill. | Sherwood |
| Casey | Hawes | Major, Mo. | Sites |
| Celler | Hayden | Mansfield | Smithwick |
| Clancy | Hill, Ala. | Martin | Steagall |
| Cleary | Hill, Wash. | Mead | Stedman |
| Collier | Hooker | Miller, Wash. | Stevenson |
| Collins | Howard, Nebr. | Milligan | Summers, Wash. |
| Connally, Tex. | Hudspeth | Minahan | Sumners, Tex. |
| Connery | Hull, Tenn. | Mooney | Swank |
| Cook | Humphreys | Moore, Ga. | Swing |
| Croll | James | Morrow | Tague |
| Taylor, W. Va. | Underwood | Watkins | Wilson, La. |
| Thomas, Ky. | Upshaw | Weaver | Wilson, Miss. |
| Thomas, Okla. | Vinson, Ga. | Wefald | Wingo |
| Tillman | Vinson, Ky. | Weller | Woodrum |
| Tucker | Voigt | Wilson, Ind. | Wright |

NAYS—171

| | | | |
|---|---|---|---|
| Ackerman | Fitzgerald | McKenzie | Shreve |
| Aldrich | Fleetwood | McLaughlin, Mich. | Simmons |
| Anthony | Foster | McLaughlin, Nebr. | Sinclair |
| Bacon | Frear | McLeod | Sinnott |
| Beedy | Freeman | MacGregor | Smith |
| Beers | French | Madden | Snell |
| Begg | Frothingham | Magee, N. Y. | Snyder |
| Bixler | Fuller | Magee, Pa. | Speaks |
| Bland | Gibson | Manlove | Sproul, Ill. |
| Boyce | Gifford | Mapes | Sproul, Kans. |
| Brand, Ohio | Graham, Ill. | Merritt | Stephens |
| Britten | Green, Iowa | Michaelson | Strong, Kans. |
| Browne, Wis. | Griffin | Michener | Sweet |
| Brumm | Hardy | Mills | Taber |
| Burdick | Haugen | Moore, Ill. | Taylor, Tenn. |
| Burtness | Hawley | Moore, Ohio. | Temple |
| Burton | Hersey | Moore, Va. | Thatcher |
| Butler | Hickey | Moores, Ind. | Thompson |
| Campbell | Hill, Md. | Morehead | Tilson |
| Chindblom | Hoch | Morgan | Timberlake |
| Christopherson | Holaday | Mudd | Tincher |
| Clague | Huddleston | Murphy | Tinkham |
| Clarke, N. Y. | Hudson | Nelson, Me. | Treadway |
| Cole, Iowa | Hull, Iowa | Nelson, Wis. | Underhill |
| Colton | Hull, Morton D. | Newton, Minn. | Vaile |
| Cooper, Wis. | Hull, William E. | Newton, Mo. | Vestal |
| Corning | Johnson, S. Dak. | O'Connor, La. | Vincent, Mich. |
| Cramton | Johnson, Wash. | Paige | Wainwright |
| Crisp | Kearns | Parker | Watres |
| Crosser | Kelly | Patterson | Watson |
| Crowther | Kendall | Perkins | Wertz |
| Dallinger | Ketcham | Phillips | White, Kans. |
| Darrow | King | Porter | White, Me. |
| Davis, Minn. | Knutson | Purnell | Williams, Ill. |
| Dempsey | Kopp | Ramseyer | Williams, Mich. |
| Denison | Lampert | Reece | Williamson |
| Dickinson, Iowa | Larson, Minn. | Reed, N. Y. | Winslow |
| Dyer | Leatherwood | Roach | Wood |
| Elliott | Leavitt | Robinson, Iowa | Woodruff |
| Evans, Iowa | Little | Robsion, Ky. | Wyant |
| Faust | Longworth | Rogers, Mass. | Young |
| Fenn | Lowrey | Sanders, Ind. | Zihlman |
| Fish | Luce | Scott | |

NOT VOTING—69

| | | | |
|---|---|---|---|
| Anderson | Gilbert | Morin | Strong, Pa. |
| Andrew | Glatfelter | Morris | Sullivan |
| Bacharach | Graham, Pa. | O'Brien | Swoope |
| Boies | Greene, Mass. | O'Connor, N. Y. | Taylor, Colo. |
| Byrnes, S. C. | Griest | Park, Ga. | Tydings |
| Canfield | Howard, Okla. | Peavey | Vare |
| Clark, Fla. | Jacobstein | Ransley | Ward, N. Y. |
| Cole, Ohio | Johnson, Ky. | Reed, W. Va. | Ward, N. C. |
| Connolly, Pa. | Kahn | Reid, Ill. | Wason |
| Cooper, Ohio | Kiess | Rogers, N. H. | Welsh |
| Curry | Kurtz | Rosenbloom | Williams, Tex. |
| Dominick | Langley | Rouse | Winter |
| Drane | Lehlbach | Sanders, N. Y. | Wolff |
| Edmonds | Lilly | Sears, Fla. | Wurzbach |
| Fairfield | McFadden | Sears, Nebr. | Yates |
| Funk | McNulty | Seger | |
| Garber | Miller, Ill. | Stalker | |
| Geran | Montague | Stengle | |

So the motion to recommit as amended was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. Kahn (for) with Mr. Funk (against).
Mr. Curry (for) with Mr. Andrew (against).
Mr. Tydings (for) with Mr. Kurtz (against).
Mr. Peavey (for) with Mr. Griest (against).
Mr. O'Connor of New York (for) with Mr. Connolly of Pennsylvania (against).
Mr. Howard of Oklahoma (for) with Mr. Greene of Massachusetts (against).
Mr. Rouse (for) with Mr. Swoope (against).
Mr. Johnson of Kentucky (for) with Mr. Cole of Ohio (against).
Mr. Taylor of Colorado (for) with Mr. Vare (against).
Mr. Canfield (for) with Mr. Strong of Pennsylvania (against).

Until further notice:

Mr. Boies with Mr. Dominick.
Mr. Kiess with Mr. Glatfelter.
Mr. Fairfield with Mr. Jacobstein.
Mr. McFadden with Mr. Lilly.
Mr. Lehlbach with Mr. McNulty.
Mr. Morin with Mr. Rogers of New Hampshire.
Mr. Rosenbloom with Mr. Sumners of Texas.
Mr. Garber with Mr. Wolff.

The result of the vote was announced as above recorded.

PERMISSION TO ADDRESS THE HOUSE

Mr. WATSON. Mr. Speaker, I ask unanimous consent to address the House on Tuesday after the reading of the minutes and the disposal of the business on the Speaker's table for 15 minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for 15 minutes on Tuesday next. Is there objection?

Mr. LONGWORTH. Mr. Speaker, I hope the gentleman will not make that request.

Mr. WATSON. Mr. Speaker, there has been a different arrangement, and I withdraw the request.

IMMIGRATION

Mr. WEFALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of immigration.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WEFALD. Mr. Speaker, having obtained the right to extend my remarks on the immigration bill (now in conference) and which is to come before the House again on Thursday, May 15, I wish to call the attention of the membership of the House to some, in my mind, very serious weaknesses of the bill, which I hope will be remedied by again sending the bill back in conference with unmistakable instructions.

I was one of those who voted to send this bill back into conference with instructions to delete from the bill the extention of time for the exclusion of Japanese immigration to go into effect that had been written into the bill in conference at the request of President Coolidge.

I so voted because it was against the clearly expressed dictum of both House and Senate as the immigration bill came out of either House. I do not believe that a conference committee should write a new law, contrary to the expressed will of the majority. I did not vote as I did because I believed that the difference in time between July 1, 1924, and March 1, 1925, would spell such a grave danger to the country from the Japanese immigration.

I was one of those who whole-heartedly supported the bill on its discussion and passage in the House. I believe that as the bill was when it left the House it was fairly representative of the majority opinion of the country. As the bill came back from conference it is nothing short of a farce and a travesty on justice.

In the hubbub and excitement over the Japanese-exclusion section all else was lost sight of, but I dare say that the bill as it stood when brought out of conference had several other just as objectionable features in it as the Japanese question. These must be made right when the bill comes back to the House.

One of the worst features of the bill is the sections relating to the seamen.

It was not the intention of those who voted for this bill when it passed this House that they willingly lent themselves to the destruction of any organized labor force, yet such will be the effect of the bill on the organized seamen. The seamen were taken out of slavery by the passage of the La Follette seamen's act; this bill will, if not amended, put them back into slavery.

The president of the seamen's union, the most unselfish and high-minded labor leader in America, Mr. Andrew Furuseth, has vainly pleaded the cause of the seamen before both House and Senate Immigration Committee. Being a high-minded man and a patriotic American, he acquiesced in the immigration bill passing the House in the form it did, upon being told that any change in the seamen's provision from the way the bill was written would mean the defeat of the bill, as the interest of the country at large was greater than that of the seamen.

That condition has now changed. The only thing that now endangers the bill from becoming a law is those provisions that have been written into it in the conference.

In order that the membership of the House may know what to do to do justice to our seamen, I herewith submit to have printed in the RECORD a statement from Mr. Furuseth, president Seamen's Union. That, in clear and concise language, sets forth the case of the seamen. It reads as follows:

MEMORIAL ON IMMIGRATION BILL BY ANDREW FURUSETH ON BEHALF OF THE SEAMEN

Section 19 places the seamen under the immigration laws. Immigration laws are defined as all acts, treaties, and conventions, including this act, dealing with immigration, exclusion and expulsion of aliens, so that the seaman will, first, have to comply with all the provisions of the former immigration statutes, and in addition to that he must be capable of becoming a citizen of the United States under this proposed statute.

Section 21 provides that the master of a vessel must hold the seaman on board, first, until examined; second, until deported either by himself in the same ship or by order of the Secretary of Commerce in some other ship, unless the seaman shall be permitted to land. Having no immigration visé, of course, he can not land in the United States under the immigration laws, as they will be amended, if these two sections are adopted. The failure of the master to hold the seaman to the vessel carries with it a penalty of $1,000.

Section 4 of the seamen's act was passed (1) to liberate the seamen, (2) to induce Americans to go to sea, and (3) to equalize the wage cost of foreign and American merchant vessels. It gives to the seaman the right to demand one-half of the wages earned, and if that is refused to leave the vessel and apply to the courts for the payment of all the wages earned. This section of the seamen's act has been most seriously contested by foreign and domestic shipping companies. It finally came before the Supreme Court of the United States in the case of Dillon *v.* Strathearn (U. S. 252, p. 358). Great Britain appeared through amicus curiæ. The United States was represented through the Department of Justice, and the Supreme Court unanimously held this section to be valid law.

Sections 19 and 21 of the immigration bill and section 4 of the seamen's act can not operate together if the immigration laws and the seamen's act are both to be obeyed. If you do not desire to repeal section 4 of the seamen's act, sections 19 and 21 of this act must be deleted. The seamen were given a definite promise by the committees of both branches of Congress that no part of the seamen's act would be repealed.

Respectfully submitted. ANDREW FURUSETH.

WASHINGTON, D. C., *May 9, 1924.*

I understand that one of the members of the Committee on immigration will, when the bill comes back into the House on next Thursday, present amendments to the bill to straighten out the tangle on the seamen's sections. For that reason I now submit a memorandum containing proposed amendments that ought to be adopted if the seamen's act shall not be repealed by the passage of this bill.

Memorandum concerning changes which should be made in the seamen's sections of H. R. 7995, in order to make those sections fairly effective from the immigration standpoint, and in order that this proposed law shall not result in repealing any provisions of the seamen's act. (The print of the bill used in preparing this memorandum is Conference Committee Print No. 6, of May 8, 1924)

All provisions requiring the seamen to have landing cards and provisions relating to such landing cards should be eliminated from the bill in conference through the deletion of each and every paragraph of section 20 thereof. These suggestions proceed upon the premise that the landing-card arrangement will be definitely abandoned.

Section 19 of the bill—lines 15–22, page 29—should be stricken out, because the provisions thereof treating alien seamen as though "excluded from admission into the United States under the immigration laws" are in direct conflict with the fifth clause of section 3—lines 8–12, page 5—excepting from the "definition of immigrant" any alien who is "a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman." And in order that the bill may clearly show the extent to which and the purpose for which alien seamen are to be examined there should be inserted as section 19 the following:

(a) Every alien employed on board of any vessel arriving in the United States from any place outside thereof shall be examined by an immigration inspector to determine whether or not (1) he is a bona fide seaman, and (2) he is an alien of the class described in subdivision (d), section 20 hereof; and by a surgeon of the United States Public Health Service to determine (3) whether or not he is suffering with any of the disabilities or diseases specified in section 35 of the immigration act of 1917.

(b) If it is found that such alien is not a bona fide seaman, he shall be regarded as an immigrant, and the various provisions of this act and of the immigration laws applicable to immigrants shall be enforced in his case. From a decision holding such alien not to be a bona fide seaman the alien shall be entitled to appeal to the Secretary, and on the question of his admissibility as an immigrant he shall be entitled to appeal to the Secretary, except where exclusion is based upon grounds nonappealable under the immigration laws. If found inadmissible, such alien shall be deported, as a passenger, on a vessel other than that by which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

(c) If it is found that such alien is subject to exclusion under subdivision (d) of section 20 hereof, the inspector shall order the master to hold such alien on board pending the receipt of further instructions.

(d) If it is found that, although a bona fide seaman, such alien is afflicted with any of the disabilities or diseases specified in section 35 of the immigration act of 1917, disposition shall be made of his case

in accordance with the provisions of the act approved December 26, 1920, entitled "An act to provide for the treatment in hospital of diseased alien seamen."

Strike out paragraph (a) of section 21 of the bill—line 11, page 32, to line 4, page 33—and insert in lieu thereof the following:

SEC. 20. (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until such alien has been inspected pursuant to paragraph (a) of section 19 hereof, or until such alien has been placed in hospital pursuant to paragraph (d) of said section, or who fails to make provision for the deportation of any alien ordered deported pursuant to paragraph (b) of said section or pursuant to paragraph (c) of said section and paragraph (d) of this section, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien in respect of whom any such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

Strike out paragraphs (b) and (c) of section 21—lines 5 to 19, page 33—and change the designation of what is now paragraph (d)—line 20, page 33—to (b).

Add to section 21 of the bill—after line 5, page 34—three paragraphs to be designated and to read as follows:

(c) All vessels entering ports of the United States manned with crews the majority of which, exclusive of licensed officers, have been engaged and taken on at foreign ports shall, when departing from the United States ports, carry a crew of at least equal number, and any such vessel which fails to comply with this requirement shall be refused clearance: *Provided, however*, That such vessel shall not be required when departing to carry in the crew any person to fill the place made vacant by the death or hospitalization of any member of the incoming crew.

(d) No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien who if he were applying for admission to the United States as an immigrant would be subject to exclusion under paragraph (c) of section 13 hereof, except that any ship of the merchant marine of any one of the countries, islands, dependencies, or colonies immigrants coming from which are excluded by the said provisions of law shall be permitted to enter ports of the United States having on board in their crews aliens of said description who are natives of the particular country, island, dependency, or colony to the merchant marine of which such vessel belongs. Any alien seaman brought into a port of the United States in violation of this provision shall be excluded from admission or temporary landing and shall be deported either to the place of shipment or to the country of his nativity, as a passenger, on a vessel other than that on which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

(e) If any alien seaman temporarily landed under the provisions of this act remains in the United States without shipping foreign for a period in excess of 60 days, such circumstances shall constitute prima facie evidence of abandonment of calling and becoming an immigrant, and such alien shall thereupon be taken into custody by immigration officials and examined as though he were an immigrant applying for admission; and unless such alien shows either that he has not abandoned his calling but is still a bona fide seaman, or that he is in all respects admissible under this act and the immigration laws, such alien shall be deported in the manner prescribed by sections 19 and 20 of the immigration act of 1917.

Further, I wish to state that section 4, paragraph (a), as it stood when the bill left the House should be restored to the bill. Parents over 55 and husbands of American citizens should be restored to the nonquota class. This should be done in the name of decency and morality; it is a crime to split a family asunder as under this bill, if a law, it may often happen.

Section 11 of the new bill should be rewritten, subdivision (b) should be stricken out, and everything in the bill pertaining to the so-called national origin amendment should be deleted. I charge the conferees with something akin to a breach of faith with the House majority in having agreed to this damnable proposition that was not contained in either House or Senate bill.

If the bill becomes a law with this provision in it, it will to all intents and purposes become a treaty with Great Britain, to the exclusion of entry as immigrants into the United States of people from other countries than Great Britain and Ireland. This proposal could not have been written into the bill in the House, and had it gotten into the bill the bill would have failed on final passage. Nothing but ignorance and bigoted race pride could have either dictated such an amendment or made anyone accept it.

The purpose of the passage of this immigration bill was said to be a desire to be in a position to select only the best material for citizens obtainable among the peoples like our own in racial traits. As the bill now stands, with the Canadian boundary open without any immigration restrictions, we will be in a position to have dumped upon us all that the slums of Great Britain and Ireland can possibly spare, or as much as they care to dump on us.

May I ask, Are the people from the British slums preferable to farmer lads and skilled laborers from the Scandinavian countries, Germany, and other countries?

### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles, when the Speaker signed the same:

H. J. Res. 195. Joint resolution authorizing an appropriation for the participation of the United States in two international conferences for the control of the traffic in habit-forming narcotic drugs;

S. J. Res. 104. Joint resolution requesting the President to invite the Interparliamentary Union to meet in Washington City in 1925, and authorizing an appropriation to defray the expenses of the meeting;

S. 2392. An act authorizing an appropriation to indemnify damages caused by the search for the body of Admiral John Paul Jones; and

S. 2998. An act 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.

### ADJOURNMENT

Mr. LONGWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 31 minutes p. m.) the House adjourned until to-morrow, Saturday, May 10, 1924, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

467. Under clause 2 of Rule XXIV, a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1925, for the General and Special Claims Commissions, United States and Mexico, $171,930 (H. Doc. No. 270), was taken from the Speaker's table and referred to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. VOIGT: Committee on Agriculture. H. R. 9033. A bill declaring an emergency in respect of certain agricultural commodities, to promote equality between agricultural commodities and other commodities, and for other purposes (minority views, part 2 of Rept. No. 631). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. J. Res. 257. A joint resolution providing for the procurement of a design for the use of grounds in the vicinity of the Mall by the United States Botanic Garden; without amendment (Rept. No. 691). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANSLEY: Committee on Military Affairs. H. R. 7731. A bill authorizing the Secretary of War to sell a portion of the Carlisle Barracks Reservation; with an amendment (Rept. No. 692). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 7014. A bill to permit the Secretary of War to dispose of and the Port of New York Authority to acquire the Hoboken shore line; with amendments (Rept. No. 694). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. J. Res. 259. A joint resolution establishing a commission for the participation of the United States in the observance of the one hundred and fiftieth anniversary of the Battle of Lexington and Concord, authorizing an appropriation to be utilized in connection with such observance, and for other purposes; without amendment (Rept. No. 696). 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. BOYLAN: Committee on Military Affairs. H. R. 5639. A bill for the relief of Walter Baker; with an amendment (Rept. No. 693). Referred to the Committee of the Whole House.

Mr. McREYNOLDS: Committee on Claims. H. R. 7122. A bill for the relief of the Eagle Pass Lumber Co.; with amendments (Rept. No. 695). 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. FITZGERALD: A bill (H. R. 9133) to amend section 3220 of the Revised Statutes; to the Committee on Ways and Means.

By Mr. GARBER: A bill (H. R. 9134) authorizing an appropriation for the construction of a highway within the Chilocco Indian School Reserve, Chilocco, Okla.; to the Committee on Indian Affairs.

By Mr. HUDSPETH: A bill (H. R. 9135) to establish an additional fish-cultural station in the State of Texas; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9136) to establish an additional fish-cultural station in the State of Texas; to the Committee on the Merchant Marine and Fisheries.

By Mr. DALLINGER: A bill (H. R. 9137) to amend the act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909; to the Committee on Patents.

By Mr. GREEN of Iowa: A bill (H. R. 9138) to authorize the discontinuance of the seven-year regauge of distilled spirits in bonded warehouses, and for other purposes; to the Committee on Ways and Means.

By Mr. GREENE of Massachusetts: Resolution (H. Res. 307) to provide for an investigation in respect of the suspension and determination of the suspension of the operation of the provisions of section 28 of the merchant marine act of 1920; to the Committee on Rules.

By Mr. ANDREW: Memorial of the Legislature of the State of Massachusetts petitioning Congress in favor of the passage of legislation to prevent the manufacture of shoes in factories owned by the Federal Government; to the Committee on the Judiciary.

By Mr. TAGUE: Memorial of the Legislature of the State of Massachusetts favoring the passage of legislation to prevent the manufacture of shoes in factories owned by the Federal Government; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 9139) authorizing the President to reappoint Walter F. Martin, formerly a captain of Cavalry, United States Army, an officer of Cavalry, United States Army; to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: A bill (H. R. 9140) for the relief of the Ocean Steamship Co. (Ltd.); to the Committee on Claims.

Also, a bill (H. R. 9141) for the relief of the Carib Steamship Co. (Inc.); to the Committee on Claims.

Also, a bill (H. R. 9142) for the relief of Jens Samuelsen and B. Olsen; to the Committee on Claims.

Also, a bill (H. R. 9143) for the relief of the Atlantic & Caribbean Steam Navigation Co.; to the Committee on Claims.

By Mr. GRIFFIN: A bill (H. R. 9144) for the appointment of Master Sergt. George Mitchell Dusenbery as captain in the Signal Corps, United States Army; to the Committee on Military Affairs.

By Mr. KELLER: A bill (H. R. 9145) for the relief of G. A. Hoffmann; to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 9146) granting a pension to John W. Clark; to the Committee on Pensions.

Also, a bill (H. R. 9147) granting a pension to Charles Brown; to the Committee on Pensions.

Also, a bill (H. R. 9148) granting a pension to Sarah A. Hudson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9149) granting a pension to Willard W. Raymor; to the Committee on Pensions.

By Mr. LOZIER: A bill (H. R. 9150) granting a pension to Rachel Permelia McCartney; to the Committee on Pensions.

By Mr. MacLAFFERTY: A bill (H. R. 9151) granting a pension to Belle C. Lewis; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 9152) granting an increase of pension to Samuel F. Brown; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 9153) granting a pension to Philip H. Louks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9154) for the relief of George W. Ponder; to the Committee on Claims.

By Mr. PRALL: A bill (H. R. 9155) for the relief of the father of Catharine Kearney; to the Committee on Claims.

By Mr. WOLFF: A bill (H. R. 9156) for the relief of John Poston, sr.; to the Committee on War Claims.

PETITIONS, ETC.

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

2711. By Mr. BIXLER: Petition of Fredonia (Pa.) Young People's Branch, Woman's Christian Temperance Union, protesting against the weakening of the Volstead Act or destroying the eighteenth amendment; to the Committee on the Judiciary.

2712. Also, petition of Elk County citizens, protesting against the enactment of a law nullifying the eighteenth amendment and against legalizing 2.75 per cent beer; to the Committee on the Judiciary.

2713. By Mr. FULLER: Petition of the faculty and students of the Union Theological Seminary, opposing the Japanese exclusion provisions of the immigration bill; to the Committee on Immigration and Naturalization.

2714. By Mr. GALLIVAN: Petition of Brig. Gen. Jesse F. Stevens, the adjutant general, the Commonwealth of Massachusetts, urging early and favorable consideration of House bill 8689; to the Committee on Military Affairs.

2715. Also, petition of postal employees of Boston, Mass., urging early and favorable consideration of Resolution 290; to the Committee on Rules.

2716. By Mr. GRIFFIN: Petition of the Bootleggers' Union of the Atlantic Coast, protesting against the passage of the bill legalizing the sale of 2.75 per cent beer and light wines; to the Committee on the Judiciary.

2717. By Mr. KING: Petition of delegates of farm bureaus of Adams, Henry, Schuyler, Fulton, and Knox Counties (Ill.), in favor of the McNary-Haugen bill and in favor of House Resolutions 7110 and 6424, to amend the packers and stockyards act; to the Committee on Agriculture.

2718. By Mr. LAGUARDIA: Petition of the City Parliament of Community Councils of the city of New York, adopted May 6, 1924, petitioning Congress to investigate telephone rates and relations between the American Telephone & Telegraph Co. and its subsidiaries; to the Committee on Interstate and Foreign Commerce.

2719. By Mr. MacLAFFERTY: Petition of certain employees of the War Department asking for an increase in salaries; to the Committee on Appropriations.

## SENATE

SATURDAY, *May 10, 1924*

*(Legislative day of Monday, May 5, 1924)*

The Senate met at 11 o'clock a. m., 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:

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| Adams | Ferris | Ladd | Shields |
| Ashurst | Fess | Lodge | Shipstead |
| Ball | Fletcher | McKellar | Shortridge |
| Bayard | Frazier | McKinley | Simmons |
| Borah | George | McLean | Smith |
| Brandegee | Gerry | McNary | Smoot |
| Brookhart | Glass | Moses | Stanfield |
| Broussard | Gooding | Neely | Stephens |
| Bruce | Hale | Norbeck | Sterling |
| Bursum | Harris | Norris | Swanson |
| Cameron | Harrison | Oddie | Trammell |
| Capper | Heflin | Overman | Wadsworth |
| Caraway | Howell | Pepper | Walsh, Mass. |
| Colt | Johnson, Calif. | Phipps | Walsh, Mont. |
| Cummins | Johnson, Minn. | Pittman | Warren |
| Curtis | Jones, N. Mex. | Ransdell | Watson |
| Dial | Jones, Wash. | Reed, Mo. | Willis |
| Dill | Kendrick | Reed, Pa. | |
| Edge | Keyes | Robinson | |
| Ernst | King | Sheppard | |