in Washington. It might be added that in 1926 the average domestic rate in this country was about 7.4 cents per kilowatt-hour as compared with less than 2 cents in Ontario.

Mr. NORRIS. Mr. President, will my colleague yield?

Mr. HOWELL. Certainly.

Mr. NORRIS. In making the comparison which the Senator has made, it seems to me he omitted one thing where he accounted for taxes. He has said nothing with reference to the amortization fee that is included in the Toronto rate and not included in the Washington rate and which, as was shown here the other day, amounts to about 20 per cent of the rate paid.

In Ontario, Canada, the rate, although it is so much cheaper than the Washington rate, notwithstanding the Senator has added something for taxes, nevertheless includes an amortization fee which in 30 years would eliminate the entire capital investment, and under the Washington rate the capital investment, of course, never is eliminated.

Mr. HOWELL. Earlier in my remarks I called attention to the fact that in Omaha we set aside sinking funds equivalent to taxes. Of course, likewise, the sinking fund set aside by the hydroelectric commission, and in each case by the various municipalities throughout Ontario, is also in the nature of taxes. If the amount thereof is equal to the taxes that might have been collected, then the plants in Ontario are in effect paying taxes.

Mr. NORRIS. Mr. President, I have just spoken to my colleague, and I suggest to the Senator from Washington [Mr. JONES] that he make his motion now to proceed to the consideration of executive business, as my colleague is willing to stop now and finish his speech to-morrow.

Mr. JONES. Very well.

EXECUTIVE SESSION

Mr. JONES. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. JONES. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Saturday, March 10, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 9 (legislative day of March 6), 1928

COLLECTOR OF INTERNAL REVENUE

George L. Foote to be collector of internal revenue for the district of Indiana.

COLLECTOR OF CUSTOMS

George D. Hubbard to be collector of customs for customs collection district No. 30, with headquarters at Seattle, Wash.

POSTMASTERS

CONNECTICUT

Clifford E. Chapman, Niantic.

KENTUCKY

Albert E. Brown, Pembroke.

OKLAHOMA

Ada M. Thompson, Mannford.

PENNSYLVANIA

Thomas Collins, Commodore.
Charles G. Fullerton, Freeport.

HOUSE OF REPRESENTATIVES

FRIDAY, *March 9, 1928*

The House met at 12 o'clock noon.

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

O Throne of God, we seek the highway whose starry path our feet would press. Thou dost look over this wonder-teeming world every day—morning and evening—and all things are made new. Yet there is nothing higher than the soul is high; there is nothing wider than the heart is wide. A life in Thee is more powerful, more pervasive, and more durable than all the eye beholds, for space is nothing to spirit. Let this little prayer ascend to a throne of grace. O for a life in Thee, deep, boundless, and abundant. "Ye shall know the truth, and the truth shall make you free." There is nothing finer, vaster, and more glorious than the knowledge of God's truth. Let the bigness of our lives, the richness of our service root and blossom in Thee. Through Jesus Christ our Lord. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed the concurrent resolution (S. Con. Res. 12) appointing a committee to represent Congress at the exercises at Atlanta, Ga., incident to the unveiling of a portion of the Stone Mountain Monument, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House was requested:

H. R. 9137. An act granting the consent of Congress to the highway department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lebanon-Hartsville Road in Wilson and Trousdale Counties, Tenn.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 2061. An act for the relief of W. H. Kaufman; to the Committee on Claims.

S. Con. Res. 12. Concurrent resolution appointing a committee to represent Congress at the exercises at Atlanta, Ga., incident to the unveiling of a portion of the Stone Mountain; to the Committee on Rules.

THE GREAT SMOKY MOUNTAINS NATIONAL PARK

Mr. ABERNETHY. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

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

There was no objection.

Mr. ABERNETHY. Mr. Speaker, the country at large, I am sure, will be very much interested in the announcement that the Laura Spelman Rockefeller Memorial Fund has authorized a gift of $5,000,000 toward the establishment of the Great Smoky Mountains National Park. This gift, with the $2,000,000 gift from the State of North Carolina and approximately the same amount from the State of Tennessee and approximately the sum of $1,000,000 from private subscriptions, assures beyond question the establishment of this great playground and monumental natural area for the benefit, profit, and edification for this and future generations. [Applause.]

In this age of commercial materialism it is a hopeful sign to see such gifts as that from the Laura Spelman Rockefeller Memorial Fund. Having been privileged to report to the House the legislation establishing this great park, I take pleasure in announcing this gift. The great State of North Carolina, which I in part have the honor to represent, greatly appreciates this splendid and magnanimous gift.

Of this gift the Washington Post editorially on March 8 has this to say:

SMOKY MOUNTAINS PARK

The gift of $5,000,000 from the Laura Spelman Rockefeller Memorial Fund makes certain that the Great Smoky Mountains National Park will soon become a national asset. The amount, given as a memorial to Mrs. John D. Rockefeller, sr., will complete the $10,000,000 needed to purchase and turn the 700,000-acre tract over to the Federal Government. Within a few years a pleasure ground and beauty spot within easy reach of three-fourths of the population will be thrown open.

Although much of Great Smoky Mountains National Park is virgin forest land it lies in a region already famous. It is a part of the "Land of the Skies," which has been so successfully capitalized by North Carolina. Even before that section of the country became popular as a resort and vacation ground it was selected by some of the Nation's settlers as a place for their homes in the new country. The salubrious climate, the abundance of game, and the accessibility of water and fuel compensated the pioneers for the fact that they were forced to cling to the sides of the hills for their dwellings. Some of the purest American stock lives in the mountain territory.

The boundaries of the Great Smoky Mountains National Park will cover portions of Tennessee as well as North Carolina. It should, and no doubt will, attract residents of the entire eastern section. Its appeal may not be quite as varied as Yellowstone, but should prove fully as attractive to those unable to make the longer journey west. Linked with the Shenandoah National Park, the Great Smoky Mountains reservation will form an outlet almost at the gates of the National Capital for those who find pleasure and recreation in visiting nature at its best.

RESIGNATION OF RESIDENT COMMISSIONER

The SPEAKER. The Chair lays before the House the following communication:

MARCH 6, 1928.

The SPEAKER,
United States House of Representatives,
The Capitol, Washington, D. C.

SIR: I beg hereby to inform you that I sent to-day a cablegram to the president of the Philippine Senate and the speaker of the Philippine House of Representatives tendering my resignation as Resident Commissioner to the United States from the Philippines, effective on July 16, 1928.

Assuring you of my sincere appreciation of the courtesies accorded me by you and the Members of the United States House of Representatives in my official capacity and otherwise, I beg to remain, sir,

Very respectfully yours,

ISAURO GABALDON.

CALL OF THE ROLL

Mr. TILSON. Mr. Speaker, the Members in charge of the bill are desirous of having a quorum, and therefore I move a call of the House.

A call of the House was ordered.

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

[Roll No. 43]

Allen	Curry	Hope	Norton, N. J.
Andresen	Darrow	Hull, Morton D.	O'Connor, N. Y.
Anthony	Dempsey	Hull, William E.	Quayle
Arentz	De Rouen	Igoe	Rathbone
Bankhead	Dickstein	Irwin	Reid, Ill.
Beck, Wis.	Douglas, Ariz.	Jacobstein	Sabath
Begg	Dowell	Johnson, S. Dak.	Sanders, N. Y.
Berger	Doyle	Kelly	Sears, Fla.
Britten	England	Kiess	Snell
Buckbee	Fish	Kindred	Strong, Pa.
Butler	Fitzgerald, Roy G.	Kunz	Strother
Canfield	Freeman	Langley	Sweet
Casey	Gallivan	Larsen	Taylor, Tenn.
Christopherson	Graham	Leech	White, Colo.
Cole, Md.	Griffin	McFadden	Williams, Tex.
Combs	Hall, Ill.	Martin, Mass.	Wilson, Miss.
Connally, Tex.	Hancock	Moore, Ohio	Winter
Cramton	Harrison	Morgan	Wood

The SPEAKER. Three hundred and sixty-one Members are present, a quorum.

On motion of Mr. TILSON, further proceedings under the call were dispensed with.

CERTAIN AMENDMENTS TO THE CONSTITUTION

Mr. WHITE of Kansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (S. J. Res. 47) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the joint resolution (S. J. Res. 47), with Mr. LEHLBACH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Chair desires to make a brief statement. On yesterday the gentleman from Virginia [Mr. MONTAGUE] offered an amendment. The Clerk reported the amendment, as follows:

Amendment offered by Mr. MONTAGUE: On page 3, line 5, strike out the words "the fourth day of" and insert in lieu thereof the words "the second Monday in."

Thereupon the gentleman from Kansas [Mr. HOCH] made a point of order against the amendment on the ground it was not germane, because the effect of it would be to change the length of the term of Members of Congress. Mr. MONTAGUE thereupon said:

I will be very candid with the gentleman. I made the motion for the purpose of getting the floor. I do not care whether you vote it in the resolution or not, because I think the whole proposition is bad.

The gentleman from Virginia had previously intimated to the Chair that he would seek an opportunity to get recognition under the five-minute rule, as he had had no such opportunity in general debate. The Chair, in view of the statement of the gentleman, which I have just read, without considering the merits of the question and in order not to take the gentleman from the floor, which would have resulted if the point of order had been sustained, overruled the point of order.

Upon reflection, however, while the intent and purpose of the amendment may have been pro forma, the amendment in its substance is a genuine amendment, and the point of order of the gentleman from Kansas was well taken. In fairness to him the Chair therefore reverses his decision and sustains the point of order.

Mr. HOCH. In view of the statement of the Chair, I would like to say that, of course, had I understood that the amendment was intended as a pro forma amendment, I would not have injected a point of order, for the House always hears the distinguished gentleman from Virginia with interest and profit. [Applause.]

Mr. MONTAGUE. Mr. Chairman, the statement of the Chair is correct. My purpose, as stated, was to obtain the floor. I do think, however, and I submit to the committee, that the amendment suggested by me in the first section, or one somewhat similar, should be considered when we reach the second section, and instead of being the 4th day of January should be some particular day of the week, because I think this is better than having it fall upon a Sunday.

Mr. GIFFORD and Mr. TUCKER rose.

Mr. CHINDBLOM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CHINDBLOM. There is nothing pending now but the motion which I made to strike out section 1?

The CHAIRMAN. That is correct.

Mr. GARRETT of Tennessee. Mr. Chairman, the gentleman from Virginia has a perfecting amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. TUCKER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TUCKER: On page 2, line 25, strike out "the legislatures of three-fourths of the several States" and insert in lieu thereof "conventions in three-fourths of the several States," so that it will read, "when ratified by conventions of three-fourths of the several States."

Mr. GIFFORD. Mr. Chairman, I would like to see if we can not come to some agreement as to time for debate on section 1 as quite a number of requests for time have been made. I would like to ask if one hour will be satisfactory—that debate on section 1 and all amendments thereto shall close in one hour?

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that debate on section 1 and all amendments thereto shall close in one hour. Is there objection?

Mr. CHINDBLOM. Reserving the right to object——

Mr. HASTINGS. How will the time be controlled?

Mr. CHINDBLOM. Reserving the right to object, it would seem after all the debate that we have had that now five minutes for and against shall be sufficient. Has the gentleman requests for more time?

Mr. GIFFORD. Yes; much more. This is the heart of the whole resolution.

Mr. GARRETT of Tennessee. The gentleman may regard it as the heart of the whole resolution, but some of us regard section 2 as of considerable importance. I am not objecting to what the gentleman suggests, but I would like it understood that there will probably be a desire for more than 10 minutes when we come to section 2.

Mr. GIFFORD. If section 1 goes out, section 2 will go also.

Mr. BURTNESS. I want to emphasize what the gentleman from Tennessee said. We want some time on section 2, and the sooner we get through with section 1 the sooner we will get to section 2. If section 1 goes out, of course that settles it; but if it does not go out, liberal time should be allowed for section 2.

Mr. MADDEN. Mr. Speaker, I object to the request.

Mr. GIFFORD. Mr. Chairman, I make a point of order on the amendment of the gentleman from Virginia. It was ruled yesterday that after a section had been read we could not go back to a previous section.

The CHAIRMAN. The point of order might be good, but it comes too late.

Mr. GIFFORD. Does the Chair hold that debate had begun on this amendment?

The CHAIRMAN. Business had intervened.

Mr. LAGUARDIA. There has been no discussion of the gentleman's amendment.

The CHAIRMAN. The gentleman from Massachusetts, instead of making his point of order when the amendment was reported, offered a unanimous-consent request and discussed it.

Mr. CHINDBLOM. And it came out of the time of the gentleman from Virginia, for the gentleman from Virginia had been recognized.

Mr. GARRETT of Tennessee. The Chair did not announce that it would be subject to a point of order, but expressed the opinion that it might be.

The CHAIRMAN. Yes; it might be. The gentleman from Virginia is recognized for five minutes.

Mr. TUCKER. Mr. Chairman and gentlemen of the committee, I have offered the amendment to the pending proposition, which, if adopted, would cause it to rest upon the sovereign power of the sovereign people of the States. The Constitution which was builded in 1787 rests upon that solid foundation. Should amendments to it be less stable? It was referred to conventions, the only power recognized by the people at that time as constituting sovereign power.

I recognize the fact that this proposed amendment in many respects is merely functional, and the point has been made that the amendment does not seek to change any fundamental principle, but is merely administrative and functional. I deny that.

When the attempt is made in this amendment to limit the powers of Congress by limiting the first session to May 4, that is a fundamental principle that should never be attempted except by the sanction of the sovereign people of the country.

Now, Mr. Chairman and gentlemen, just one moment—the Constitution permits under the amending section that Congress may refer any amendment either to the legislatures of the States or to conventions. I have often wondered why that was done. The Constitution itself was ratified by conventions, the sovereign power of the States, but mark you, when the first 10 amendments were proposed, they were referred to the legislatures of the States. They were fundamental in character and evidently they were referred to the legislatures because when all of the States ratified the Constitution these very amendments were discussed, and in five or six States ratification was made upon the condition that these amendments should be subsequently adopted.

Mr. MOORE of Virginia. And there were no contests in the State conventions on that subject.

Mr. TUCKER. Not only no contest but it was recognized by them that the condition of ratifying the Constitution was that the subsequent amendments were to be a part of it. So that there was no occasion to refer them back to the people, and for two long years the greatest orators that ever adorned the history of America discussed these questions before the people. The people heard them and the State conventions then ratified the Constitution upon those conditions. So that if it is necessary in order to make the Constitution symmetrical that all amendments should be ratified by the people, the history of the times shows clearly that the reason that they were not referred to conventions of the people was that conventions of the people had already acted upon them.

How about the eleventh and twelfth amendments? I can plainly see when the gentlemen who brought in the eleventh and twelfth and the other amendments looked back at once to see how former amendments were first offered, they found that they were ratified by the legislatures, and doubtless, without thinking for the reason, that mode was adopted. The first 10 amendments constituted the precedent, but I warn this House to take no chances on this matter.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. O'CONNELL. Mr. Chairman, the gentleman is making a very instructive and impressive speech. I ask unanimous consent that he may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. GIFFORD. Were any of the 19 amendments made to the Constitution ever ratified other than by the legislatures of the States?

Mr. TUCKER. No.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. TUCKER. Yes.

Mr. RAMSEYER. Is not the method for ratification proposed in this resolution as much a reference to the sovereign people of the sovereign States as the method proposed by the gentleman, by conventions? It is the sovereign people of the sovereign States through legislatures in one case, and the sovereign people of the sovereign States in conventions in the other case.

Mr. TUCKER. My dear friend, I have been following you too long to have my idol shattered. Does my friend make no distinction between the sovereign power of the people and a branch of the government of the State? Where is the sovereignty of the legislature? It is not even sovereign in the States; but now my friend proposes to make it sovereign in the United States. Oh, no. Gentleman say, what difference does it make whether it is ratified by a convention or by the legislature—it is ratified, is it not? Yes.

Mr. Chairman, this building that we are sitting in to-day was added some years ago to the Capitol Building. It was made as "an amendment" to the Capitol Building. Can you imagine that the architect who had the wings of this Capitol in charge, in erecting them, could have placed the foundation on any less solid ground than the foundation which upholds the dome itself? To have made the foundations of these wings less solid and sound than those of the main building would have been to invite destruction and demolition. You say what difference does it make? I have sometimes heard in the past a good deal of criticism of the southern people because they did not uphold and stand by the post bellum amendments—the fourteenth and fifteenth. I have heard in recent years a good deal of talk about a certain other amendment because it was never ratified by the people. Aye, there's the rub.

The chief argument that you hear about many of these amendments is that they were never ratified by the people. Let us take no risks. Let us have this ratified by the sovereign power of the people that the men who made the Constitution recognized as necessary. [Applause.]

I am against this whole business, not because there are not good things in this amendment, but it is not necessary. As I read the amendment there is not a single thing in it that can not be accomplished by legislation, except the abolition of the so-called "lame-duck" session, and even that can practically be done by a law of Congress.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. GOLDSBOROUGH. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

Mr. GIFFORD. Mr. Chairman, I reserve the right to object. I do not want to object, but if we are going to allow the gentleman to have 15 minutes, there are many others who will want to have the same respect shown to them.

Mr. DYER. Mr. Chairman, I trust the gentleman from Massachusetts will not object. The gentleman from Virginia is one of the greatest constitutional lawyers in this country, and I am sure his argument is of great benefit to all the Members of the House.

Mr. GIFFORD. I shall not object, but I shall expect the same spirit of courtesy to be shown to other speakers.

The CHAIRMAN. The Chair hears no objection.

Mr. TUCKER. I thank the gentleman from Massachusetts. I stand here as the defender of the lame ducks. I have been one myself. [Applause and laughter.]

Mr. CHINDBLOM. And several of the other gentlemen who talk so loudly about lame ducks have been lame ducks themselves, but they will not apply to themselves what they say of others.

Mr. TUCKER. Mr. Chairman, 35 years ago I had the honor to occupy the position of chairman of this committee that my honored friend [Mr. WHITE of Kansas], who has brought in this resolution, now occupies. We had this whole question before us for two years, and I had at my right hand as fine a lawyer as I ever knew in this House, David A. DeArmond, of Missouri. [Applause.] We thrashed it out for two years and could come to "no resolution thereon." Lame ducks! Why, I remember in 1892, after the McKinley bill had been passed, we Democrats thought a political millennium had come—there were so many vacant seats on the Republican side. I saw a drove of lame drakes go out of this House—you have to be pretty careful these days in your language. [Laughter.]

I saw heading that list a man whose memory I love to cherish, as fine a man as God ever permitted to live—William McKinley. [Applause.] I saw him walk out of this House. You know that ducks always march in a long row one after the other. He was leading them, and who do you suppose was bringing up the rear? No one other than my noble friend—I had almost said the patriarch of the House—whose wisdom and learning we always enjoy, THEODORE BURTON, of Ohio [laughter], and in between was old Uncle Joe Cannon, Julius Cæsar Burrows, and God knows how many more. [Laughter and applause.]

Four years after that time I saw President McKinley come into the Capitol as President of the United States, and I went to hear his inaugural, and a little later there was another distinguished lame duck from Ohio, NICHOLAS LONGWORTH, who I am glad to know presides now over this House with distinction, honor, and fairness to all. [Applause.]

The only thing in this amendment, gentlemen and ladies, which has given trouble is this lame-duck session of Congress. But mark you: The amendment itself retains the lame-duck session. What are you going to do between the 4th of November and the 4th of January? A new President has been elected; a new Congress has been elected. If the old President and the old Congress are united, they have got two months, or a lame-duck session, in which to accomplish their object as against

three months at present. If a lame-duck session is objectionable, what is the difference between a two months' lame-duck session and a three months' lame-duck session?

If we can do by legislation everything carried in this resolution, except getting rid of the lame-duck session, why should we vote for this measure that retains a lame-duck session?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

Mr. GIFFORD rose.

Mr. LOZIER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GIFFORD] desires to debate the amendment and is recognized.

Mr. GIFFORD. Mr. Chairman, it is difficult to follow and to argue against a man of such delightful personality as the gentleman from Virginia. The amendment which he has offered provides that this amendment be ratified by conventions rather than by legislatures, as has been the case in the ratification of every previous amendment that has been added to the Constitution. This would, perhaps, make ratification more difficult; but I hardly think that it should be accepted simply because of the great appreciation which we have for the gentleman. Those great men whom he has mentioned as having, at one time or another, been lame ducks prove nothing as an argument either for or against this amendment. I believe that every single one of them would have been glad if they could have served out their two full years in the way suggested by this amendment.

Let us examine ourselves and see whether we would not rather serve for two years continuously before defeat than come here and complete our service after having failed to be reelected. Of course, we should expect to act in accordance with the dictates of our conscience and should do our full duty. I might feel, however, that I was not here truly representing my constituents if I had been defeated by a vote of the people and another, whose opinions were radically different, had been elected to succeed me.

The opinion of our chairman of the Committee on Appropriations, the gentleman from Illinois [Mr. MADDEN], has a great deal of influence here. His principal argument yesterday was that even two short sessions would be for the good of the country because we would not spend as much money and the Treasury would benefit thereby.

As to the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SNELL], we appreciate his splendid service, but what is his argument?

It is that the Members to whom the term "lame duck" is applied represent only about 12 per cent of the turnover in the elections, but I would remind him that the turnover as to the Executive is 100 per cent. We do not attempt, Mr. Chairman, to argue that there is no opportunity to hold a lame-duck session between November and January 4, if necessary. In discussing the effect of the lame-duck session I do not contend that a Member who has been defeated does not properly perform his duty after such defeat.

Newly elected Members are usually obliged to wait for 13 months before they can carry into effect the will of the country as expressed in their election. But why should we devote so much time to talking about lame ducks? The gentleman from Virginia [Mr. TUCKER], who preceded me, says that all the things which would be accomplished by this amendment can be accomplished by legislation. Not before March 4, and it is advisable and necessary to meet much earlier, and to effect this it must, of necessity, be done by constitutional amendment.

The gentleman from Connecticut [Mr. TILSON], the Republican leader of the House, is one with whom I should always wish to agree, because how can I hope to be advanced in his estimation if I do not show respect for and follow his leadership? But as I look over his argument of yesterday what do I find it to be? He hoped that his son might later come to Congress, and he did not wish him to be subjected to the action of this provision, as it would make it harder for him. I can not for the life of me see how this provision would do that. He exclaimed, "Shades of our illustrious ancestors, why should we change the Constitution if, by legislation, we can come here after the 4th of March?" It is not practical to attempt to legislate for the country during the hot summer weather, and all agree upon that point.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GIFFORD. I ask for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. GIFFORD. Mr. Chairman, I wish to repeat that on the first day of this discussion, which lasted all the afternoon, we heard but one speech in opposition to this measure. Since yesterday, Mr. Chairman, many have requested time to speak and I trust that full opportunity for debate will be given to-day.

Mr. CHINDBLOM. Mr. Chairman, this discussion has been going on the theory that the amendment offered by the gentleman from Virginia [Mr. TUCKER] is a perfecting amendment. I beg to suggest it is not a perfecting amendment under my motion. My motion is to strike out section 1.

The CHAIRMAN. The amendment is not an amendment to section 1. It is an amendment to the clause providing for submission.

Mr. CHINDBLOM. I submit it should not be considered in preference to my motion.

The CHAIRMAN. It applies to the subject matter under consideration. It is not intended to perfect the amendment of the gentleman from Illinois, but to perfect the submission clause. The debate on this specific amendment has been exhausted, and the Chair would suggest to gentlemen who wish to debate on this general subject that there is quite a number of specific amendments upon which their remarks might be based. The debate on this specific amendment being exhausted, the question is on agreeing to the amendment offered by the gentleman from Virginia.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Without objection, the gentleman from Oklahoma is recognized for one minute.

There was no objection.

Mr. HASTINGS. Mr. Chairman, stripped of all of its verbiage, let me say to the members of the committee, with all due deference to our good. and able friend from Virginia [Mr. TUCKER], that the friends of this resolution should not be deceived and should vote against his amendment to ratify by conventions, for the reason that it is putting up an additional hurdle over which this resolution will have to jump. If this amendment is adopted, you will have to induce the legislatures of the several States to provide the details for calling the conventions. [Applause.]

It is simply another hurdle against favorable action upon this amendment to the Constitution. Let none of us be deceived by the adroit argument of the gentleman from Virginia. That was intended to lead our minds away from the question. Those who favor the resolution will vote against the amendment. It must pass the House by a two-thirds vote and then be ratified by three-fourths of the States. This amendment in effect would make it receive the favorable consideration of the several State legislatures that must provide for conventions and then by the conventions themselves.

This is a joint resolution proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of assembling of Congress.

Section 1 provides that the terms of President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January of the years in which such terms would have ended if this article had not been ratified.

Section 2 provides that Congress shall assemble at least once in every year. In odd years the time of meeting is set for January 4 unless a different day is fixed by law. The second session is closed on the 4th day of May. I see no reason why Congress should be compelled to close on the 4th day of May; and if an opportunity is afforded, I shall vote to eliminate that provision.

Section 3 provides that where, under the Constitution, the choosing of a President falls to the House of Representatives, and that has not been done, the Vice President shall act until a President is chosen, and authorizes Congress to provide by legislation for the choosing of a Vice President where none has been chosen. I see no objection to this section.

Section 4 provides that in the event of a death of a President elect before the time fixed for the beginning of his term, then the Vice President shall become President, and also provides that Congress may, by law, provide for the case of the death of both President elect and Vice President elect before the time fixed for the beginning of a term, and it extends to those whom the Representatives may choose under the Constitution as President whenever the right of choice devolves upon them, and the Senate may choose the Vice President.

Section 5 provides that sections 1 and 2 shall take effect on the 30th day of November of the year following the year in which this article is ratified, and this is done so as to not affect any sitting Member of Congress.

If an opportunity is afforded I shall vote for the convening of Congress on the first Monday of January instead of the 4th day of January and shall vote for the terms of President and Vice President to begin on the second Monday of January instead of the 24th day of January. I see no reason for 20 days to intervene between the convening of Congress and the beginning of terms of President and Vice President. One week would be sufficient within which to meet and organize and elect committees, count and certify the vote for President and Vice President. No legislation of value could be enacted before the message of a newly elected President. Unless section 1 is amended every four years Congress will find itself in session some three weeks during which time nothing of value will be accomplished. For that reason I think this section should be amended as I have indicated.

I shall vote against the amendment to make the terms of Members of the House four years instead of two. Our branch of Congress should always be responsive to the will of the people. A Member who is faithful to his trust and truly reflects the sentiment of his constituents will be appreciated and returned, whereas an opportunity should be afforded the people to replace the accident who misrepresents his district and is neglectful of his duties.

I am not influenced so much by the argument against the hold-over or so-called lame-duck Members of Congress. The record shows on the average they number less than 12 per cent, and some of them retire voluntarily.

The merit in the proposed amendment is that it will enable a President and Members of Congress newly elected to meet earlier and register the will of the people expressed at the November election.

Now, a word as to amending the Constitution. The convention provided for its amendment. The original Constitution would, perhaps, not have been ratified if its amendment had not been provided for. As a result the first 10 amendments were proposed at the first session of the Congress and ratified without opposition.

The other 9 amendments, 19 in all, have each been ratified by the legislatures of the several States. The amendment to this resolution by the gentleman from Virginia would in effect require ratification both by the legislatures and the conventions of three-fourths of the States and therefore make it more difficult of ratification.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. TUCKER) there were—ayes 90, noes 107.

So the amendment was rejected.

Mr. LOZIER. Mr. Chairman, I rise in opposition to the motion of the gentleman from Illinois.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. LOZIER. Mr. Chairman and gentlemen of the committee, a number of false issues have been raised in this debate. The oligarchy that rules this House with a rod of iron are holding up the skull and crossbones. A number of scarecrows have been erected. Several gentlemen have come to the defense of the so-called lame-duck sessions of Congress, and all the arguments which have been made against this resolution have consisted of fulsome eulogies on the character of those who were Members of lame-duck sessions of Congress in the past. This is a false argument, honeycombed with sophistry, and is not legitimate or logical argument.

Gentlemen who are opposing this resolution and commending the integrity, ability, and patriotism of Members of Congress who constituted the so-called lame-duck Congresses are not discussing the real issues involved in this resolution. Their arguments are far afield and do not go to the real issue involved in the pending resolution. Though I do not challenge the sincerity of those of my colleagues who have made arguments of this character, still candor compels me to say that these fallacious arguments are not calculated to enlighten or instruct the Members of this House but to confuse and inject into our deliberations a false issue. The personal integrity and patriotism of those who have been Members of so-called lame-duck Congresses are not involved in this question.

These, in effect, are appeals to passion and prejudice and are not arguments that should appeal to the Members of this body, because these eulogies on former Members of lame-duck Congresses are entirely beside the question. In the last analysis, the question involved is one of national policy, not a question as to whether or not Members of lame-duck Congresses are honest and well meaning.

Now, with reference to sessions of Congress held by Members who have been defeated for reelection, I will say that these Members may be good men, they may be patriotic men, and they may be honestly trying to serve their country as they see their duty, but if they represent a policy which has been the subject of a nation-wide discussion and the American electorate has gone on record in opposition to that policy, then the fact that those men who advocated that repudiated policy may be patriotic men and well-meaning men does not change the situation. The question is this, and it goes right to the foundation of our free institutions and the orderly processes of government: Shall a Congress whose record and whose policies have been repudiated and rejected by the American people, and who have been denied a vote of confidence—shall this repudiated body be given a four-month lease of life to work their will, to reinforce and consolidate their policies, pass new legislation of the same character as that repudiated in the preceding election, and make it either absolutely impossible or exceedingly difficult for the people through their newly elected Congress to work their will? It is not a question as to whether or not these men are honest and patriotic. The real issue is whether or not the Congress whose membership has been repudiated and whose policies have been rejected shall be continued for another period of four months after the elections, with full power to enact additional legislation of the same character as that repudiated by the American people in a nation-wide election.

Mr. GILBERT. Will the gentleman yield?

Mr. LOZIER. Yes.

Mr. GILBERT. I fully agree with the gentleman that no man is good enough to serve after he has been repudiated, but I have been driven to the position—although my thought coincides with the gentleman's thought—that it is not necessary to change the Constitution in order to accomplish that result. If the gentleman will convince us of that, there are quite a few of us who would be glad to vote with him.

Mr. LOZIER. There is only one way you can eliminate the evils incident to the present system of government by a repudiated Congress, and that is by a constitutional amendment. Within the terms of newly elected Members they can meet and function at any time, and they can enact a law which will call Congress in session on or after the 4th of March; but you can not, without a constitutional amendment, prevent these so-called lame-duck sessions of Congress.

Something has been said about the Tilden and Hayes controversy in 1876 and 1877. Why, in 1877 the Tilden and Hayes controversy was settled de hors the Constitution, outside of constitutional methods, and in the absence of any constitutional provision authorizing such provision.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. LOZIER. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. LOZIER. They talk about the Hayes and Tilden contest. That emergency was met and settled by extraconstitutional methods. It was settled as the result of the common sense, good judgment, and patriotism of the American people and the patriotism, good judgment, and common sense of the American Congress, who were willing to give up political advantage in order to prevent the country being again involved in civil war. Can it be contended by my good friend from Virginia [Mr. MOORE] and my good friend from Virginia [Mr. MONTAGUE] or my good friend from South Carolina [Mr. STEVENSON] that if an emergency arises in the future like the one that confronted the Nation in 1876 and 1877 that any future Congress will be less patriotic or exercise less common sense or poorer judgment than the Congress in 1877? Why, gentlemen, this argument is a mere scarecrow. What is behind this opposition? The opposition to this comes from the reactionaries in or out of Congress, although not all of those opposed to it may be reactionary. However, there is not a reactionary or stand-pat Member of this House who is supporting this resolution, and every reactionary newspaper in the United States is opposing this resolution. As a matter of fact, we have in the United States a class of people——

Mr. WILLIAM E. HULL. Will the gentleman yield?

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

Mr. WILLIAM E. HULL. I want to ask the gentleman what is meant by reactionary?

Mr. LAGUARDIA. A standpatter.

Mr. LOZIER. Mr. Chairman, I have not yielded, and I do not want this interruption taken out of my time.

The CHAIRMAN. The gentleman declines to yield.

Mr. LOZIER. I have told the gentleman I would not yield. The gentleman has been on his feet a great many times during

this debate. He has made his bed; let him lie in it. If the gentleman had been a member of the States General in Paris years ago, he would doubtless have voted with the Bourbons. If he had been at Runnymede in 1215, he doubtless would have defended King John, the Plantagenet; and if he had been in England during the period of Cromwell, he would have been opposed to the parliamentary party. In every age of the world's history where the people have dared to dream of freedom and where they have sought to obtain self-government there have been reactionaries—men who were always opposed to the people having the opportunity of writing and expressing their will in effective legislation.

When the American people have passed upon an administration, when they have at the ballot box judged the record of a Congress, then, if our free institutions amount to anything, that Congress should cease to function.

I claim no superior honesty or sense of duty to that of the ordinary man; but let me tell you, if I were a candidate for reelection and if I were defeated upon any issue, or if I represented in Congress a policy which my constituents had repudiated in a preceding election, so help me God, when I came back to the short session, I would never vote to disregard their mandate or do anything to prevent their will and policies as indicated by their ballots from being written into law and made effective at the earliest possible moment.

So, my friends, the opponents of this resolution have confused the issue. They say that turmoil might result and Congress might not be organized between the 4th and the 24th of January in the event the Electoral College should fail to chose a President. Do you tell me that the American Congresses that assemble in the future would have any less patriotism, common sense, or good judgment than the Congress which in 1877 settled the Hayes and Tilden contest? As to the Members of lame-duck Congresses, I have no right to criticize their patriotism, I have no right to challenge their good faith, but I do have the right to say if they represent policies which their constituents have repudiated, if they have been defeated for reelection, then they should not, in all good conscience, continue on this floor to enact other laws like those repudiated by their constituents at the ballot box. [Applause.]

Mr. BYRNS. Mr. Chairman, I move to strike out the last two words.

I have not heretofore participated in this discussion, and in the few minutes at my disposal I can only expect to state my position very briefly, because it is not my purpose to ask for an extension of time.

I am frank to say that I think a great deal more excitement has been stirred up over this proposition than the importance of the matter really deserves, but if the resolution is amended in certain particulars I expect to vote for its submission to the people of the country for ratification.

A great deal has been said about so-called lame-duck Congresses. Of course, there is a good deal of merit in what is said with reference to legislation by lame-duck Congresses. No one questions the honesty, the integrity, or the ability of Members who have been named and many others who might be named, who have been classed in the category of lame ducks. It has been said many times upon the floor of the House that this is not a question of personality; it is a question of change in governmental policy, and that is the whole proposition. It is a question of whether legislation shall be enacted by those who have received the approval of their constituents or by those who for one reason or another have been repudiated.

Going further, as has been said by others upon this floor, I do not think this amendment will have the effect of preventing legislation from being enacted by a Congress composed of Members who are classed as lame ducks, and my chief reason for voting to submit this amendment is the fact that if it is passed as the Senate passed it and ratified by the people, it will prevent such filibusters as we frequently have at the end of the short sessions of Congress.

I think the Constitution ought to be amended so as to prevent one or two Members of the Congress at the other end of the Capitol from holding up, frequently, important and necessary legislation in order to put through some propositions in which they are interested against the will of the majority. Popular government, if it means anything, means the rule of the majority, and I am opposed to placing in the Constitution a limitation on the power of future Congresses to continue their sessions, if they believe a longer session is in the interest of the people or that it is necessary to prevent one or two Members from holding up an overwhelming majority of Congress.

This is my objection to the House committee amendment: It does not do away with the short session but simply extends it 30 days. If this is changed, I expect to vote for the submission of the amendment; otherwise, I shall vote against submission. I have been listening for some good reason to be given as to why the House committee has proposed to limit this session. The only reason I have noticed or observed is the reason that is set forth in the report of the committee to the effect that if it is not limited it will prove very inconvenient to Members of Congress who are seeking reelection, if they are required to stay in session beyond May 4. But why restrict the power of the majority in such a matter?

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BYRNS. In a moment. Gentlemen, I think this is a most absurd and ridiculous reason to give for amending the Constitution of the United States, and would put the Congress in an absurd position if it were to vote to limit the session of Congress, as I say, to May 4 on purely personal grounds.

I now yield to the gentleman.

Mr. LAGUARDIA. That proposition is still under the control of the House. This is subject to amendment and we can perfect the resolution before it leaves here.

Mr. BYRNS. I understand, and I have just said that unless the House strikes out "May 4" I expect to vote against the submission of the amendment, because as I look at it the chief reason for the submission of this proposed amendment is the fact that it will serve to prevent filibusters.

Why, only two years ago, or less than two years ago, we witnessed a filibuster when appropriations, certain of them, failed, and while nobody has offered any criticism, yet in order to avoid an extra session it was actually necessary for the administration in some instances to violate, in a sense, the law, and to authorize money to be expended contrary to law.

Mr. TILSON. Will the gentleman yield?

Mr. BYRNS. I will.

Mr. TILSON. Would it not be much easier to reach the matter by amendment of the rules of the Senate rather than by an amendment of the Constitution of the United States?

Mr. BYRNS. That may be true, but unfortunately over here I will say to the gentleman that we have no control over the Senate in the construction of its rules. I repeat, I think it would be exceedingly unwise to write into the Constitution an express limitation on the power of future Congresses to control the length of their sessions, and I hope that part of the amendment proposed by the House committee, and which seeks to do this, will be stricken out. [Applause.]

Mr. CROWTHER. Mr. Chairman and gentlemen of the House, with some degree of temerity I approach the discussion of this matter in which so many brilliant legal minds of the House have differed so materially. A great deal has been said about the effect of propaganda, and as to how much attention is paid to the people at home. Some Members say we pay too much attention to it. I am of the opinion that we do not pay quite enough attention to what the people at home think and say on important legislative matters. Although I am opposed to this resolution, I have always been in favor of the four-year term for Members of the House. I have an idea that if Congress could be elected with the President, serving for four years, it would add to party responsibility and fix it conclusively. The people would then say to the President, "Here is the ship of state; here is your chart, the platform on which you were elected. Here is your crew composed of the Congress, and there will be no mutiny at the end of half the journey, but the crew will serve for the full period of your term. If you come back to port with a good record we will consider it, and maybe return you; and if you do not we will get a new captain of the ship and a new crew."

However, I am rather of the opinion that the wisdom of the fathers is manifest in the various clauses of the Constitution, and while it has been suggested that because of difficulties of transportation and the time that must elapse they provided for 13 months' gap between the time of the election of the Representative and his beginning of service, it seems to me that in their wisdom they looked further than that; they knew that new cults would develop, that new propositions would be advanced, and as the result of some hysterical disturbance there might be elected a minority of considerable strength, sent to Washington determined to destroy conservative policies, and they said it would not be a bad idea to let them sit at home on the cracker barrel at the old corner grocery store and cool their heels for awhile; and it might be that even the people who voted for them would change their minds as to the wisdom of the policies they had supported in the heat of a campaign. [Laughter.]

The people, as a matter of fact, rather balk at such tinkering as we have done to the Constitution—it has not met with universal approbation by all the people of the United States. Some people think that we are posing as a perpetual Santa Claus, trying to decorate the Constitution with new amendments as if it were a Christmas tree. The folks at home think we might

better devote our time to the consideration of such important matters as tax reduction, flood relief, and farm relief.

Mr. SCHAFER. Will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. SCHAFER. If we have got too long a Constitution, would the gentleman favor a repeal of the eighteenth amendment?

Mr. CROWTHER. No, sir; I am not in favor of that; the gentleman can offer an amendment of that kind if he chooses, but he will not get very far with it. The eighteenth amendment is there to stay. I believe that if the people could send a message to this Congress to-morrow by radio, telegraph, telephone, or any other means from the 48 sovereign States in the Union they would say to their Representatives, "Let the Constitution alone." [Applause.]

Several Members rose and addressed the Chair.

The CHAIRMAN. The Chair will state that debate on this amendment has long since expired. Gentlemen who desire to discuss propositions generally in reference to the proposed amendment can do it on other amendments.

Mr. LAGUARDIA. But, Mr. Chairman, I desire to speak in opposition to the amendment offered by the gentleman from Illinois, and I move to strike out the last four words of his amendment.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. LAGUARDIA. Mr. Chairman, let us pause and consider what is before the committee. The gentleman from Illinois [Mr. CHINDBLOM] offers an amendment which is now pending, and we will vote on it in a few moments, to strike out the entire paragraph. The gentleman from Illinois has served notice that if that amendment prevails he will offer another amendment striking out section 2.

Now, gentlemen, this amendment, as the gentleman himself says, goes to the very heart of the resolution—I will put it in rough, military parlance and say that it is the very guts of the resolution. If you take out the first section you have nothing left before you. So it is necessary that we do not precipitate this vote before Members know exactly what is before them.

We have been talking about the lame-duck constitutional amendment for the past 15 years. It has been before every Congress during that time. There is not a Member who spoke on the pending resolution who heretofore has not admitted publicly the desirability of advancing the date of the first sessions of Congress.

I concede, of course, that every Member has a right to stand up and vote as his conscience dictates, but I submit that we have a right to have our day in court and have a record vote on this proposition. Should the present amendment carry by default let us say, I mean by Members failing to realize its importance, that would be an end to the resolution itself, and a final vote in the House with the section stricken out would be a useless gesture.

I submit it is manfestly unfair for any Member who is opposed to the resolution itself to seek to avoid responsibility of a record vote on the resolution itself by voting for this amendment in the committee.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. CHINDBLOM. The gentleman has not altogether stated my position. I have moved to strike out section 1, and not the preceding preamble, with notice that if that motion is agreed to I shall move to strike out sections 2 and 5. I propose to leave sections 3 and 4, which I think ought to be enacted.

Mr. LAGUARDIA. I have so stated, but the gentleman will admit that if his amendment prevails this so-called changing of the time of the meeting of Congress is gone, and he will also admit that if his amendment prevails in the Committee of the Whole, we can not get a record vote upon it in the House. I say that gentlemen ought not to seek to avoid the responsibility of a record vote by voting for this amendment.

Mr. CHINDBLOM. Of course, you can get a record vote in the House. This is a motion to strike out.

Mr. LAGUARDIA. Oh, no. Only a motion to recommit.

Mr. CHINDBLOM. You can get a vote upon the direct question of striking out sections 1, 2, and 5.

Mr. GARRETT of Tennessee. But this whole proposition here is an amendment to a Senate resolution.

Mr. CHINDBLOM. But it is a question of the construction of the rule.

Mr. LAGUARDIA. If this discussion is to be taken out of my time, I decline to yield further. There can be no vote on the amendment in the House under the present parliamentary situation of the Senate resolution as it is amended. In closing, I simply ask the membership of the House to inspect and examine the arguments that have been urged against this resolution. There is no one who has spoken against this resolution who will not have to explain and apologize for his argument from to-day on during the rest of his life. There has been no real sound, logical argument presented. The matter of the climate, the schooling of children, the danger of a long session, and all such arguments are too frivolous to urge against a constitutional change that the whole country is demanding. Every fear that has been expressed is a fear against parliamentary government. Every danger that has been imagined is a danger that opponents of parliamentary and representative government argue against our form of government. The distinguished chairman of the Committee on Appropriations states that two short sessions are better than two long sessions. The gentleman from Illinois contends that Congress will spend less money in short sessions than it would in long sessions. Surely, he can not be serious in that. A spendthrift Congress or an extravagant Congress will spend as much money in a short session as it will in a long session. Of course, there are people who will say that no Congress at all would be better; but I am sure the gentleman from Illinois would not want to put himself in the company of such men, who are fundamentally opposed to representative and democratic form of government. If we believe in our form of government, if we believe in our Constitution, if we trust and are sincere in our belief in government by the people through their elected and chosen Representatives, then we need have no fears in adopting this resolution. If we believe that a Congress elected by the people can be trusted if it takes its seat 13 months after election, we can surely trust the same Congress elected by the same people in the same manner that takes its seat 2 months after election. That is all there is to this resolution. The amendment offered by the gentleman from Illinois would be voted down in order to bring the resolution itself to a final record vote. I close by saying again that the people of the country are demanding this constitutional amendment, and Congress should respond to that demand by adopting the resolution and submitting the question in the 48 States for their decision.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

Mr. JEFFERS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JEFFERS: Page 3, line 8, strike out all of section 2 after the words "Sec. 2" and insert in lieu thereof the following:

"The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January unless they shall by law appoint a different day."

Mr. JEFFERS. Mr. Chairman, I am sure all Members very clearly understand this proposed amendment. When this resolution has been reported to the House in previous years it has contained the exact language as my amendment, and if the Members will now turn to page 21 of this report they will find the language there about the middle of the page. It provides that each year Congress shall meet on the 4th day of January, and it does not provide one plan for odd-numbered years and another plan for the even-numbered years. The plan as proposed in section 2 of the resolution as it has come out from the committee this time is complicated in that it does propose one plan for the odd-numbered years and another plan for the even-numbered years, and it also places a hard-and-fast limitation on the length of the session for the odd-numbered years.

Mr. NEWTON. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes; surely.

Mr. NEWTON. Is the gentleman's amendment in accordance with the language of the Constitution?

Mr. JEFFERS. Yes; exactly. If Members will turn to page 22 of the report, they will find an appendix which contains the existing provisions of the Constitution; and on page 23 will be found the language of the Constitution:

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Now, in my amendment the 4th day of January is designated instead of the first Monday in January or the first Tuesday in January, or the second Monday or Tuesday, as suggested by some Members.

We have named the 4th day specifically, for the reason that if we say the first Monday or the first Tuesday it might fall before the 4th day and, of course, that would be before the day when the new Congress would become effective under this proposed change of the Constitution. Therefore we must not name a day which would be prior to the 4th day. Obviously, we could not have it the first Monday or the first Tuesday. And if we should make it the second Monday or the second Tuesday, of course that would fall after the 4th day all right, the date when the new Congress comes into existence, but it might be as late in the month as the 14th, and that would cut down the time to only 10 days before the 24th day, when the President is to be inaugurated, and that would be entirely too short to be safe. Therefore, it is thought best to make it on the very day that the new Congress comes into existence, namely, the 4th day of January.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes; I yield to my friend.

Mr. BURTNESS. I am in thorough accord with the gentleman's viewpoint. I am wondering why it would not be better to adopt section 2 of the Senate resolution just as it is, changing it merely from the 2d day of January to the 4th day of January, and then it would provide for the meeting at noon on the 4th day of January. If the gentleman's amendment should then be adopted, there would be no disagreement between the two Houses at all upon that particular section.

Mr. JEFFERS. That was considered, I will say, and personally I would have no objection to that wording. The reason the amendment is worded as it is proposed is that it should follow the language of the Constitution as we find it. I had regard for the language found in the fundamental law, and kept close to that.

Mr. BURTNESS. Of course, it is simply a matter of custom that the Congress meets at noon now.

Mr. JEFFERS. I understand that.

Mr. BURTNESS. The provision in the Norris amendment makes it specific.

Mr. JEFFERS. It does, I admit. As I say, personally I would have no real objection to that language, but after due consideration and after conferring with older Members than I am I thought it best and most appropriate to follow the language of the present fundamental law, the Constitution of the United States.

Mr. LAGUARDIA. In other words, the gentleman is friendly to the resolution, and his amendment carries out the idea entirely of abolishing the "lame-duck" session.

Mr. JEFFERS. Absolutely; and I am for that. We can readily see that while the President of the United States might agree to call the Congress back into session on the 5th day of May when necessary, he might not, and thus Congress would be shackled, so far as its meeting is concerned, during its odd-year session unless we remove this limitation, and it is the duty of the Congress to say as to how long its sessions shall be held in order to attend to the business of the Nation.

I now yield to the gentleman from Nebraska.

Mr. SHALLENBERGER. The question I was going to ask the gentleman is largely contained in the question propounded by the gentleman from North Dakota, and that is that your amendment is in conformity with the previous resolution as heretofore reported to the House?

Mr. JEFFERS. Yes, Governor; it is.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. JEFFERS. Mr. Chairman, may I have two minutes more?

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. SHALLENBERGER. This amendment of yours is in line with the proposals that we have had on this subject before?

Mr. JEFFERS. Yes; certainly.

Mr. SHALLENBERGER. The language in the bill as reported is new language rather than yours?

Mr. JEFFERS. Yes; I am following the language of the Constitution.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield there?

Mr. JEFFERS. Certainly.

Mr. MOORE of Virginia. As a matter of detail, supposing that the 4th of January should fall on Sunday. The Constitutional Convention in naming the only date involved in this subject, as contained in the original instrument, designated the first Monday of December?

Mr. JEFFERS. Yes, sir.

Mr. MOORE of Virginia. That is a matter worthy of consideration.

Mr. JEFFERS. Yes. As I say, you could not designate the first Monday because the new Congress does not come into existence until the 4th day, so if you name a Monday or Tuesday you could not name it before the second Monday or Tuesday, and that might be too close to the 24th day of January, thus further reducing the time before the 24th of January, which, in my judgment, is none too long as it is.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. JEFFERS. Mr. Chairman, I ask for a couple more minutes, if I may secure unanimous consent for that small extension of time.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for two minutes more. Is there objection?

Mr. LINTHICUM. Mr. Chairman, I ask that he may proceed for three minutes. I want to ask him a question.

Mr. JEFFERS. Two minutes will be enough; thanks so much. I will be glad to yield to the gentleman.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. LINTHICUM. I want to ask the gentleman a question as to the language on page 3, line 14, "after noon on the 4th day of May." Why should we not provide for the termination of the session of Congress by saying "unless otherwise provided by the Congress"?

Mr. JEFFERS. I hardly think that would be necessary, if we just remove that arbitrary date for the adjourning of Congress.

Mr. LINTHICUM. The gentleman said something about the President calling a session.

Mr. JEFFERS. This amendment leaves it to the discretion of Congress itself as to when its session shall come to a close; and, of course, that is as it should be.

Mr. LOZIER. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes; I yield to my colleague.

Mr. LOZIER. The language in the gentleman's amendment is the language agreed upon by the committee at the last three sessions of Congress, and it was only recently changed, practically overnight, as the result of some pressure that was brought to bear.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. JEFFERS. Yes; gladly.

Mr. BURTNESS. Was consideration given by the committee in the hearings on this proposition as to this limitation to the 4th day of May? Was that matter discussed at length in the hearings, pro and con?

Mr. JEFFERS. I will say to the gentleman that it is my opinion that the matter was really not discussed as fully as other provisions in the resolution. I do not know exactly to what extent it was considered in committee, but I am of the opinion that it was not as much discussed as other matters.

Mr. BURTNESS. But it was discussed?

Mr. JEFFERS. It was; at least to some extent.

The CHAIRMAN. The time of the gentleman from Alabama has again expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I think it is desirable to have the parliamentary situation cleared up, and for that purpose I desire to submit an inquiry. First, let it be suggested that the special order under which the House is proceeding in the consideration of this resolution provides that for purposes of amendment the House resolution shall be read as if it were original. I do not know whether that is the exact language of it, but that is the meaning of it. Now, my inquiry is this, Mr. Chairman: After the committee amendment shall have been read and perfected, will not the question then be on the substitution of the committee amendment as amended for the Senate resolution?

The CHAIRMAN. In committee?

Mr. GARRETT of Tennessee. Yes; in committee.

The CHAIRMAN. The language of the resolution is as follows; that is, with respect to the question raised by the gentleman from Tennessee:

> For the purpose of amendment the House committee substitute shall be considered as an original bill.
>
> After general debate and when the resolution is being read for amendment, pursuant to this direction, we are reading the committee substitute, which is being amended. Then the resolution continues:
>
> At the conclusion of the reading of the Senate Joint Resolution for amendment the committee shall rise and report the Senate resolution to the House with such amendments as may have been adopted.

The gentleman in charge of the resolution will move, presumably, that the committee rise and report back the Senate

joint resolution with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass; whereupon the Chairman of the Committee of the Whole House on the state of the Union will report back to the Speaker in the chair the original joint resolution as messaged over by the Senate and reported out by the committee, together with a committee amendment, the committee substitute, with the recommendation of the committee. After the reading of the committee substitute for amendment and at the conclusion of the consideration of the amendment offered to it, there will be no other action necessary to be taken in committee but the motion to rise.

Mr. GARRETT of Tennessee. And in that situation there of course can be, so far as amendments are concerned, only one separate vote in the House?

The CHAIRMAN. That is a question which the Chairman of the Committee of the Whole is not at liberty to rule upon. It is a question that may arise in the House.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. CHINDBLOM. I said a moment ago in a colloquy that I thought there would be a separate vote on such amendments as might be adopted by the Committee of the Whole. At that moment I misapprehended the purport of the rule, and I now want to join in the opinion of those who contend that the vote shall be on the substitute with such amendments as may be adopted by the Committee of the Whole.

Mr. BURTNESS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURTNESS. As I understand the rule, if I interpret it correctly, there will be an opportunity of voting in the Committee of the Whole, at any rate, upon the question as to whether the amendment reported to the House in the manner in which it is perfected—there will be opportunity of voting on the substitution of that amendment so perfected for the original Senate or Norris resolution?

The CHAIRMAN. The substitution occurs automatically.

Mr. BURTNESS. It occurs automatically?

The CHAIRMAN. Yes.

Mr. BLACK of Texas. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 3, line 9, after the word "each," strike out the words "odd numbered," and in line 11, after the word "day," strike out all the language in the balance of line 11 and all of lines 12, 13, and 14.

Mr. GARRETT of Tennessee. Is that being offered as a substitute?

Mr. BLACK of Texas. No; I am offering it as a perfecting amendment to section 2 as now written in the resolution. If my amendment were adopted, section 2 would then read as follows:

The Congress shall assemble at least once in every year. In each year such meeting shall be on the 4th day of January unless they shall by law appoint a different day.

Now, Mr. Chairman, the amendment offered by the gentleman from Alabama [Mr. JEFFERS] is to strike out section 2 and substitute the following language:

The Congress shall assemble at least once in every year and such meeting shall be on the 4th day of January unless they shall by law appoint a different day.

On examination of his amendment I find it is just the same as mine in substance and almost identical in language, and therefore at the conclusion of my remarks I shall ask to withdraw the amendment I have offered and vote upon his substitute.

Mr. Chairman, I am opposed to the short session that would be inevitable if section 2 were adopted as it now stands in the bill. It would give credence to the attacks that are made upon Congress by many of its critics that the less Congress is in session the better. The House of Representatives, as I view it, is to the American people very much the same as the British House of Commons is to the British people. It is the popular branch of government. In using that word "popular," I do not mean to say that we excel in popularity, because, on the contrary, there are times when the people would rather throw a brick at us than praise us, but when I use the word "popular" I mean that every two years we are elected by the direct vote of the people and on that account we more nearly represent the current thought of the people upon public questions than any other department of the Government.

It is one of the favorite indoor sports of certain newspaper feature writers and alleged comedians to take a fling at the House of Representatives at every convenient opportunity, and say that the less we meet and the less number of days we sit the better it is for the country. Now, Mr. Chairman, I do not intend to enter upon any eulogy of the House of Representatives, but I will say that if the most of these critics and if the most of these alleged comedians who fling their alleged jokes at the House of Representatives were to offer themselves as candidates before the people very few of them would get enough votes to count, but their excuse would be that the people did not have sense enough to choose the best man for the office. Well, I will admit that the people do make mistakes in selecting their Members of Congress, just as they make mistakes in selecting their other public officials; but I will say this: That if the people elect a dishonest man or an incompetent man, they soon find it out and retire him to private life. The most of the men who have had long service in the House of Representatives have been men of industry, men of ability, and they have been men of honesty and courage.

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

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for three additional minutes. Is there objection?

There was no objection.

Mr. BLACK of Texas. They have been men such as Henry Clay, John C. Calhoun, Daniel Webster, Samuel J. Randall, Charles R. Crisp, Thomas B. Reed, David B. Culberson, Champ Clark, Joseph G. Cannon, James R. Mann, Claude Kitchin, and many others whom I might mention.

James G. Blaine, who was himself a distinguished Member of the House, said in his eulogy upon President Garfield, who had also served in the House with honor and distinction, that there is no test of a man's ability in any department of public life more severe than service in the House of Representatives. There is no place where so little deference is paid to reputation previously acquired or to eminence won outside. There is no place where so little consideration is shown for the feelings and failures of beginners. What a man gains in the House of Representatives he gains by sheer force of his own character, and if he loses and falls back, he must expect no mercy and will receive no sympathy. It is a field in which the survival of the strongest is the recognized rule and where no pretense can survive and where no glamour can mislead. The real man is discovered, his worth is impartially weighed, and his rank in the House is irrevocably decided.

Let me say again that I am not here to enter upon any extravagant eulogy of the House.

But I do say that it can be trusted to transact the public business and should not be hampered by the restrictions in section 2 as it now stands. If the amendment of the gentleman from Alabama [Mr. JEFFERS] is adopted, I shall then vote in favor of submitting the amendment.

The best thing that can be said of the House of Representatives is that it is representative of the great American people which elects it.

I can pay it no higher tribute. On great occasions I have seen it rise greatly to the occasion and have heard debate which would have done credit to any parliamentary body in the world. On other occasions when it was jogging along on such dry subjects as appropriation bills I have seen it about as uninteresting a body as anyone would find in the world.

Because it represents so many sides of character, strong and weak, exalted and commonplace, the House has won and retains the confidence of the masses—with all its faults, I am happy to believe that our representative form of government is the best in the world.

For, as Mr. Lincoln said:

A majority held in restraint by constitutional checks and limitations, but always changing easily with deliberate changes of popular opinion and sentiment, is the only true sovereign of the people. Whoever rejects it does of necessity fly to anarchy or to despotism.

Mr. BLACK of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment I have offered.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Texas will be withdrawn.

There was no objection.

Mr. VINSON of Kentucky. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, ladies and gentlemen of the committee, we are approaching the conclusion of the consideration of Senate Joint

Resolution 47, proposing an amendment to the Constitution of the United States. There have been two days of debate. The arguments have been presented and soon it will be known whether the Seventieth Congress will submit to the States for ratification an amendment which many believe is in step with progress.

It is admitted beyond contravention that this amendment deals with the mechanics of the legislative branch of our body. The proponents of the resolution are motivated with the desire to oil the legislative machinery so that it would function more efficiently. However, in the consideration of this measure one marvels at the smoothness with which the majority machine has functioned in its effort to defeat this resolution. Upon Tuesday, with a whole day of debate, I think there were some 10 minutes devoted to opposition to the resolution itself. It came from the gentleman from Connecticut [Mr. MERRITT], who, I take it, from his remarks, would probably oppose any constitutional amendment. There was some discussion about proposed amendments, but there was no effort made to oppose the resolution. Yesterday we had splendid gentlemen voicing objection for one reason or another, some not satisfied with the manner in which the "i" is dotted and the "t" crossed. Then we see the operators of the administration machine, a smooth-functioning Juggernaut, step into the breach, and I am fearful that the march of progress will be temporarily impeded because of the power which they exercise.

Last night I wondered what caused the consideration of this measure. For years a resolution of like import had passed the Senate, and the House substitute has been many times reported by this committee. The thought occurred to me that the administration dared to bring this resolution to the floor of the House, mayhap because of the situation which confronted them in another body prior to its organization. Then it occurred to me that this resolution certainly could not be a dangerous thing else my good Republican friends would not have used it perhaps in part consideration for organization control of another body.

There has been no one, as I recall, who takes issue with the provisions of sections 3 and 4 as far as they go. The gentleman from California [Mr. LEA] would go further, and I am inclined to support his amendment.

In my mind there are two things which result in such a resolution being considered by the Representatives of the people. First, the anomalous situation which obtained in a new Member, who will not, under ordinary conditions, be sworn in and permitted to voice the sentiments of his constituency until 13 months have elapsed since his election. Not only must a new Member wait until more than one-half his term expires before he can express the wishes of his constituency in the Congress but that same condition applies to older Members excepting his service in the short session. I submit that the people are capable of self-government; that the people are capable of knowing what they want when they elect a man to Congress; that the people have the right to give expression to their needs and their desires within a reasonable time after they have spoken at the polls.

My friends, when you talk about the "cooling off" period, I submit that you are casting a doubt upon the power of the people to govern themselves. I do not impugn the motives of any gentleman who has voiced such sentiment, but, to my mind, he is voicing the same philosophy of the able gentleman, in the Constitutional Convention, headed by Hamilton, who opposed our present representative form of government.

A "cooling off" period. My friends, the people who elect us to Congress are not overwrought with excitement or passion; are they? It may be that a candidate may have become exercised in the campaign, but as a practical matter this House knows that by the experience of the past, the turnover is small, and, furthermore, that the new membership would not, if they could, and could not, if they would, revolutionize the workings of Congress. The people desire legislative service from their Members in Congress. They are entitled to receive it. It is anachronism for a Member to mark time for 13 months before the legislative machine, of which he is a part, begins to function.

It is amusing, were it not of such serious portent, to hear distinguished gentlemen lament the fact that if this resolution were to be ratified and become organic law that the Congress of the United States might not have anything to do between January 4, the beginning of the term of the Representative, and January 24, the beginning of the term of the President. In the first place, this time will be occupied in the organization of the House and the election of the President. But if it were not, and assume for the sake of the argument that nothing was to be done between these dates, we would see a clear loss of 20 days. And yet the gentlemen who stress the loss of time—20 days—for 435 Members of the House, are perfectly willing to see that same membership stand idly by from the date of their election until December of the following year, a period of 13 months. I am fearful that some of the gentlemen may have in mind that they would be expected to spend this 20 days, part of which might or might not be working days for them, in their office in Washington rather than the 13 months which otherwise they might spend at home.

The second thing that brings this resolution to us is the wide-spread opposition to the short session of Congress. This agitation is based upon two grounds: First, that the Members who have been defeated or who did not stand for reelection in the election next preceding its convening should not legislate, in possible contravention of the will of their district, however expressed. The gist of most of the arguments favoring the lame duck, as I gather it, is that a lame duck, because of his experience, his proven integrity, and so forth, is a better legislator than the new Member who either displaced or replaces him; or, as one of my good Kentucky friends, who is opposing this resolution, expresses it, whether a lame duck will do more harm than a wild duck. This sort of statement is very plausible. It listens well.

I do not decry or belittle legislative experience. I know full well, from my own experience, that the new Member has much to learn, but I do not think of him as less patriotic, less honest, possessed of less integrity, than the gentleman whom he succeeds. I submit that it is an unsound argument, and an indictment against our representative form of government, to assert that the lame duck should legislate for his district subsequent to the time his constituents have selected another to express their will.

The second aspect of the short session which does not meet the approbation of the people is the power to defeat legislation by the exercise of the filibuster. I would not deprive gentlemen in the other body of their power of speech, but I would not overlook the rights of other Members of that body, always keeping in mind the rights of the people who sent them there. The argument is proposed that a longer session is given in the pending resolution than in the present law. I do think that that is a valid argument in favor of the limitation of the second term by constitutional provision. The short session is limited because of the expiration of the term. So, I will support the amendment to exclude from section 2 the limitation of its term to May 4. I do not feel capable of pulling aside the curtains of time and ascertaining the needs of a great growing Nation in the days to come in respect of the time which it will need for legislating in the presidential years. I do not feel that the political need of a Member should control in the enactment of the constitutional amendment. I feel that if the legislative needs of the country should demand that part or all of the eight months of a Member's term which follows the arbitrary date proposed in this resolution, to wit, May 4, might be utilized in legislative deliberation without requiring the presidential urge. [Applause.]

Mr. SIMMONS. Mr. Chairman, I move to amend the amendment of the gentleman from Alabama by striking out "the fourth day of" and inserting "the second Monday of."

The CHAIRMAN (Mr. TREADWAY). The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SIMMONS to the amendment offered by Mr. JEFFERS: Strike out the language "the fourth day of" and insert in lieu thereof "the second Monday of."

Mr. SIMMONS. Mr. Chairman and gentlemen, I have not spoken on this amendment heretofore, preferring to listen to men who have had a longer period of service in this House and likewise men of greater experience than mine. I have been disappointed in some of the arguments that have come from men learned in the Constitution who have objected to this change on the ground there is opposition in the country to it, leaving the impression that so far in our constitutional history there has been no opposition to anything that was in it originally or has been placed in it by amendment.

I call your attention only to that great work of Beveridge's on the Life of Marshall, where he sets out the difficulty had in America in adopting the original Constitution, and likewise if you follow through the history of the 19 amendments that each one of them has met its opposition along the way. There are always those opposed to progress. We ought not to fear a step forward on the ground that somebody in the United States might be opposed to what we are doing. This is the statement that is always made when there are proposals to take a progressive step forward—that somebody might not want it done. It is right to go ahead, and we should do that which is right.

Now, about the amendment I have offered, it makes no fundamental difference whether the wording of Mr. JEFFERS's amend-

ment or mine is adopted. The thing I believe essential now is the adoption of the proposal making the second session a session unlimited in time. The change offered by the amendment of the gentleman from Alabama [Mr. JEFFERS] carries out the real intent and purpose of this amendment as it comes to us from the Senate, and that is that we make the Congress more responsive to the will of the American people. That is the proposal. It should be done.

As the proposed amendment comes to us from the committee, the Congress is required to ask the American people to prevent Congress acting in their behalf; in other words, cutting out the power the Congress should have and that the American people have the right to demand the Congress have, to wit, the power to control its own actions. Put this committee proposal in the Constitution and you have taken from the American Congress the right to control its own actions and given that power to the President. Put in the amendment offered by the gentleman from Alabama [Mr. JEFFERS] and you are leaving the control of sessions of the Congress in the hands of Congress and not in the hands of the President, and you are making the Congress likewise more responsive to the expressed will of the American people. In my judgment, a vote against this amendment is a vote against the intention and the purpose of the whole resolution. A vote for the amendment of Mr. JEFFERS, or if you prefer to have the Congress meeting on Monday instead of possibly on a Sunday, a vote for the amendment as I have offered it is a vote to carry out the purposes of the amendment as sent to us by the Senate.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. SIMMONS. I yield.

Mr. JOHNSON of Texas. As I understand it, the gentleman's amendment offered to the amendment of the gentleman from Alabama [Mr. JEFFERS] simply does this. The Jeffers amendment fixes the date of the convening of Congress on the 4th day of January, whereas the gentleman's amendment would place it on the second Monday in January.

Mr. SIMMONS. Yes, sir.

Mr. JOHNSON of Texas. I think the gentleman's amendment in that respect is preferable to that of the gentleman from Alabama.

Mr. JEFFERS. Will the gentleman yield?

Mr. SIMMONS. Yes, sir.

Mr. JEFFERS. I would like to have the attention also of the gentleman from Texas [Mr. JOHNSON]. If you put it on the second Monday, you may have it coming as late as the 13th or 14th of the month, thereby cutting down the time between that date and the 24th to only 10 days.

Mr. JOHNSON of Texas. Let me answer that. It could meet not earlier than the 8th day of January nor later than the 14th day of January.

Mr. JEFFERS. The second Monday might be as late as the 14th and then would be only 10 days prior to the 24th, which is not enough time.

Mr. SIMMONS. One minute. Let me have a little of my own time.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SIMMONS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. SUMNERS of Texas and Mr. JOHNSON of Texas rose.

Mr. SIMMONS. I yield first to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. I would like to suggest to my friend that in so far as the date mentioned in the resolution is concerned, that date does not become fixed in the Constitution. It only has reference to the first meeting so far as the constitutional power is concerned, because the Congress has the legal power under the Constitution to change the date if it sees fit to do it. Do I make myself clear?

Mr. SIMMONS. Which date?

Mr. SUMNERS of Texas. The Constitution now provides that Congress shall meet on the 1st day of December unless the Congress shall determine otherwise.

Mr. SIMMONS. Yes, sir.

Mr. SUMNERS of Texas. The amendment offered by the gentleman from Alabama provides that it shall meet on the 4th day of January unless the Congress shall determine otherwise.

Mr. SIMMONS. Yes, sir.

The amendment I have offered prevents a forced meeting on Sunday. The vital issue is that the committee proposal requiring Congress to adjourn on May 4 be defeated and that the proposal of the gentleman from Alabama [Mr. JEFFERS] be accepted with or without my amendment. Congress may stop on the 4th of May if it wants to, but it ought not to be compelled to stop on that date.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SIMMONS. I yield to my colleague from Nebraska.

Mr. SHALLENBERGER. I was interested in what the gentleman said about the sentiment in the country in favor of the proposed amendment. I want to read the declaration of the last Democratic Party in national convention upon this very question:

> We pledge the Democratic Party to a policy which will prevent Members of either House who fail of reelection from participating in the subsequent sessions of Congress. This can be accomplished by fixing the days for convening the Congress immediately after the biennial national election; and to this end we favor granting the right to the people of the several States to vote on proposed constitutional amendments on this subject.

So the Democratic Party is on record in favor of the amendment.

Mr. BURTNESS. Will the gentleman from Nebraska yield?

Mr. SIMMONS. I yield.

Mr. BURTNESS. I want to find out just what the gentleman's amendment does. It states the second Monday in January. That means that the meeting would be held between the 8th and the 14th; it could not come any earlier than the 8th and not later than the 14th; is that correct?

Mr. SIMMONS. That would be its effect.

Mr. BURTNESS. Does not the gentleman think that is shortening up the time a little too much?

Mr. SIMMONS. That may be true. My amendment would prevent Congress convening on Sunday, unless Congress by law fixed a date otherwise.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. STEAGALL. Mr. Chairman, I have the most profound respect for the author of the original resolution which is the foundation of the proposal now before the House. I admire and appreciate the splendid Senator from Nebraska [Mr. NORRIS], and the high purposes influencing him in offering his resolution. But whatever might be my inclination as regards the original plan proposed by the Senator from Nebraska I can not bring myself to a favorable view of the resolution as amended by the House. Under the Constitution as it now exists when there is a failure to elect a President and Vice President the duty devolves upon the House of Representatives. The question must be settled by a body elected two years in advance, a body that has been organized and functioning, a body that has settled all contests for seats, and the action of which is accepted by the country as in every sense valid and binding. In my judgment it would be dangerous to depart from this plan and to adopt a new provision which would make it possible for the question of the election of President and Vice President to be thrown into a House elected in the same election as the President and Vice President, and a body that would carry forward and necessarily be involved in all the partisian controversies of the same campaign in which the election of President and Vice President was undertaken, and with the organization of the body to be affected by the question impending.

In such a situation many difficulties in organization would arise, with a probability that no organization could be perfected between the 4th day of January, the time fixed for the assembling of Congress, and the 24th day of January, the date of the inauguration of the President and Vice President. The election would have to be held before contests in the House could be settled, and undoubtedly would engender new contests for seats that would not otherwise exist. The new plan would break down one of the checks provided by the framers of our Constitution that make for safety and stability. This is far more important than any possible advantage to be gained in the attempt to hasten changes to be desired or accomplished by reason of a shift in membership of Congress. The fact is there is generally only a very small per cent of the membership of the House and Senate retired at each election. These considerations alone lead me to entertain grave doubts of the wisdom of the original resolution as it passed the Senate.

There is a new provision in the resolution as reported by the committee of the House which I can not support. I refer to section 2, which is as follows:

> The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

This section limits the session of Congress in even-numbered years by providing that the session shall begin on the 4th day of January and end the 4th day of May. Let no man deceive himself in thought that he is following the distinguished Senator from Nebraska who offered this proposal in the Senate, or the purposes he had in mind, if a favorable vote is given the resolution with section 2 embodied. The author of the original resolution and those who agreed with him had in mind the idea of enlarging the dignity and powers of the Congress. It was their purpose to have Congress called in early session after the election and leave the length of the session in each instance to be determined by the Congress itself. The resolution before us, if section 2 is to remain as part of it, would arbitrarily terminate the session of Congress in even-numbered years so that the legislative branch of the Government could not function unless called into extraordinary session by the President. It places in the Executive the power to say whether or not the people may be permitted to exercise their voice in affairs of government through the Congress. No matter how important measures unsettled might be, nothing could be done, save to make appeal to the Chief Executive. No matter what abuses might exist, nor how much corruption might exist on the part of officers not directly responsible to the people, nothing could be done by the Congress. I am not willing and I will not vote for such a curtailment of the power and prerogatives of the legislative branch of the Government.

We are told that the welfare of the country demands that a new Congress shall convene a few days after Members are elected. Yet the proposition before us embodies the arbitrary provision that the Congress shall end on the 4th day of May unless the Chief Executive sees fit to call another session. Where is the logic in the contention that a new Congress embodies so much wisdom and patriotism a few days following the election of its Members but that the same body is not to be trusted after its Members have had the experience that comes from serving a year and a half? Section 2 contradicts the fundamental thought and purpose of the original resolution.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. STEAGALL. I ask for five minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. STEAGALL. My friends, there is not a thoughtful person in the country who does not recognize the danger of the never-ending encroachment upon the powers of Congress by the executive branch of the Government. I say this in no partisan spirit and with no reference to any particular President or administration. I am simply stating a fact that is known on every hand. This development has gone on and on and grown with the years until it has become alarming to every student of history and to everyone who has any adequate conception of the principles and philosophy of our Government.

The right of the people to express themselves through their own chosen representatives is the crowning achievement of all the ages. This right should not be destroyed by the free people of this Republic through the adoption of a provision in our Constitution that curtails that right or subjects it to the dictation and control of the Chief Executive. If the people are to be relied upon to correct abuses in government, to hold down public expenditures, to expose and punish corruption, to enforce faithful administration of the laws, and to steer our course along lines of prudence and wisdom, they must rely upon the power reposed in them to be exercised through their chosen representatives. It is a dangerous thing to have the people led to believe that they may rely on any force save their own sound judgment voiced and made effective through the representatives selected by them to give expression to their will. Statesmen should endeavor to protect and preserve the right of the people to control their government by direct action. Let the people be taught to trust their own awakened consciences and that their judgment when expressed freely and with due deliberation is the controlling force in our national life. But in carrying out this policy it is not necessary that anything shall be done in haste. The important thing is that legislation shall be worked out with proper caution and care. I am not so much concerned that legislation shall be accomplished quickly as I am that it shall be done wisely and well and that our actions shall rest upon mature deliberation. I see no reason for haste to have Congress legislate the morning of the next day after an election. I am willing to wait at least until the afternoon of the next day instead of trying to do it before breakfast! [Applause.]

Mr. GIFFORD. Mr. Chairman, I move that all debate upon this section and all amendments thereto close in 20 minutes.

Mr. GARRETT of Tennessee. Mr. Chairman, if the gentleman will yield for a moment, no one has been heard except those who are favorable to the amendment pending. Of course, if any gentlemen are going to defend the committee provision, they would be entitled to all of the time suggested. I am personally very anxious to have five minutes at this time in favor of the amendment.

Mr. MAPES. Mr. Chairman, I have an amendment to offer to the amendment of the gentleman from Nebraska, and I desire five minutes on that.

Mr. GIFFORD. Mr. Chairman, I ask to modify my motion, and I move that all debate upon this section and all amendments thereto close in 30 minutes.

Mr. MAPES. And how is that time to be divided?

The CHAIRMAN. Under the rule it is in the control of the Chair. The question is on the motion of the gentleman from Massachusetts to close debate upon this section and all amendments thereto in 30 minutes.

The motion was agreed to.

Mr. MAPES. Mr. Chairman, I offer an amendment in the nature of a substitute to the amendment of the gentleman from Nebraska, providing that the Congress shall meet on the first Monday after the 4th day of January.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MAPES as a substitute for the amendment offered by Mr. SIMMONS to the amendment of Mr. JEFFERS: In the Jeffers amendment, before the word "fourth," insert "the first Monday after."

Mr. MAPES. Mr. Chairman, I am in favor of the pending resolution in general but I favor the motion of the gentleman from Alabama [Mr. JEFFERS] to strike out the provision limiting the second session of the Congress. It seems to me that the time of adjournment may well be left to the judgment of the Congress in the years to come to be guided as the circumstances and conditions exist at the time. I think, however, that his amendment should be amended so that the Congress will not be required to convene on Sunday.

As everyone knows, the first day of the first session of a Congress is more in the nature of a reunion of Members than anything else; and I think it would grate upon the finer sensibilities of a great many people in the Nation for us to begin a session of Congress on Sunday.

The amendment which I have proposed would make Monday the first day of the session, the same as now, and the Monday after the 4th day of January when the terms of Members begin—that is, on the very first Monday it is possible for the Congress to convene after the terms of the Members begin under the resolution. The objection has been raised that that would put off the meeting for a few days in some years, and might make it difficult in cases of emergency to provide for the election of the President; but I think we can depend upon the practical common sense of Congress to take care of that situation if it should arise.

While I am on my feet I want to say a word in favor of the resolution itself.

In defending the so-called lame-duck session of Congress and advancing that as an argument against this resolution, it seems to me that the emphasis is being put in the wrong place. One can agree with almost everything that has been said in defense or commendation of the so-called lame-duck Congress and still favor this resolution. The two positions are not necessarily inconsistent. Nearly everyone agrees that it is something of an absurdity for Congress not to convene until 13 months after the election of its Members, as is the case now under normal conditions. At least that is an unnatural condition as compared with our State and municipal governments. To remedy that situation this amendment is proposed, and a necessary incident of the convening of the new Congress in January is the abolition of the so-called lame-duck session.

To me it is no convincing argument against this proposal that some one does not like some of the recent amendments to the Constitution and thinks that they should not have been adopted. Neither can one's reverence and devotion to the Constitution be measured by his attitude on this proposed amendment. Those who fear frequent and radical changes to the Constitution seem to overlook our history. The attitude of the American people toward the Constitution for the 140 years since its adoption will have to be changed, radically and materially, before anyone is justified in getting alarmed over its frequent amendment. The fact that the fathers provided a means for its amendment is an indication that they had no thought that they had said the last word in government in the drafting of it. This resolution proposes an orderly and constitutional way of amendment. I believe that its adoption will have a tendency to improve our procedure of government, and I shall therefore support it. [Applause.]

Mr. GARRETT of Tennessee. Mr. Chairman and gentlemen of the House, I desire, in the first place, to direct the attention of gentlemen to the importance of this vote in the Committee of the Whole. Unless I am confused upon the parliamentary situation, this vote taken in the Committee of the Whole will be the only opportunity anywhere or at any time for the House to express itself on this particular question, no matter what the result of that vote may be. If an amendment shall prevail, it will become an integral part of the House proposition, and the House proposition will be substituted for the Senate resolution, and in the House, after we have left the Committee of the Whole, there will be opportunity for only two votes, and there will be no opportunity for a separate vote on any amendment that may be adopted to this House resolution here in Committee of the Whole, nor will there be an opportunity to move to recommit or take out anything that may be in the resolution as it is substituted for the Senate proposition.

Now, that much for the parliamentary situation.

Mr. Chairman, it seems to me that the House committee has taken a proposal which was relatively not of overwhelming importance, but which was sufficient to merit amendment of the Constitution, and has attached to it a principle which will do infinitely more harm if adopted than all the good that will be wrought by the original proposal. [Applause.]

While I stated in the early part of the debate on this matter my willingness and desire to support that part of this proposal which is a question of mechanics—and I use the word again because I can think of none better—I was unwilling then, and nothing has been stated in the debate which makes me willing now, to vote to lay this limitation upon the power of Congress itself to determine as to the termination of its sessions. [Applause.] And with that as an integral part of this amendment, I can not vote to submit it for ratification.

Some gentlemen have said, "Submit it and let it go to conference." Upon legislative propositions I might be willing to do that; but upon an amendment to the organic law I am unwilling to risk my vote to the determination of conferees. The principle of this matter has been asserted by many and it is not necessary for me to go into it. I could bring to your attention many illustrations of possibilities and probably many illustrations of probabilities that would render this undesirable as a matter of principle. Take, for example, the question of impeachment. Congress is called upon to exercise this great function, and has frequently done it. With a limitation such as proposed, fixed by the Constitution itself, Congress might be helpless even in the exigency of an impeachment of the Executive himself. After May 4 of the second year the President is the only power that can bring the Congress back together under this proposition. [Applause.]

Mr. MADDEN rose.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman, it is always interesting to listen to the gentleman from Tennessee. He is one of the most interesting debaters we have in the House, and one of the ablest. I should like to be able to agree with him, as I do on most things, but this is one of the things where he and I separate. He thinks that if there is no limitation to the second session of the Congress—and there would be no limit to it if this amendment is adopted—it will be beneficial to the welfare of the country. On the other hand, I think that if there is no limit it will be dangerous, and therefore I hope and pray that the amendment striking out the limit of May 4 will not prevail.

I urged yesterday that there could be no place where a greater safeguard to the Treasury could be made than in this very place that is proposed to be changed by the amendment. Anybody that has had long experience in the House knows that after the appropriation bills are enacted in any session, whether the session be long or short, there is a race to see who can get the greatest number of bills passed carrying large sums of money, irrespective of whether there is any justification for the passage of the bills or not.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT or Tennessee. Does not the gentleman think that in writing a constitution there should be some factors to be taken into consideration besides the Treasury?

Mr. MADDEN. The Treasury is the foundation of all our success. It is the safeguard of our liberties in a large sense.

Mr. MONTAGUE. The gentleman would not suggest that the Treasury is greater than the people?

Mr. MADDEN. Of course, the Treasury is made by the people, and, of course, it can not be made greater than the people; but it seems to me that in the consideration of the protection of the Treasury we are in the largest measure protecting the interests of the people.

Who maintains the Government? Is it the people or is it not? Who maintains the integrity of the Nation in the hour of its greatest need? Is it not the people, supplied by the Treasury? Where are we running to if we leave the case wide open without any restrictions? Surely no harm can come by building a safety valve somewhere that will prevent the explosion of the boiler. Is there any reason why we ought to protect the boiler from explosion or should we leave it in its greatest menace without any safeguards whatever? Shall we say that in the wisdom of the Members of the House they can always be trusted never under any circumstances to override the mark?

Shall we say that the conservative judgment of the House is such that we never need fear any action that the House may take, or shall we say when we have this opportunity to safeguard the rights of the people that we should properly safeguard them and not leave them to the caprice of the membership of the House? Who knows what kind of a House we shall have at different times, and is there any reason why we should not protect the rights of the people when we have the opportunity? [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SUMNERS of Texas. Mr. Chairman, I think everybody in the House loves the gentleman from Illinois, but I am afraid that if he were writing the Constitution he would provide that the Congress shall be composed of the chairman of the Appropriations Committee. [Laughter.]

Mr. MADDEN. Well, you might go further and do worse. [Laughter.]

Mr. BROWNE. Would you not add to that General Lord?

Mr. SUMNERS of Texas. Gentlemen of the committee, I believe it is understood in the discussions here with regard to the date of adjournment specified in this amendment it is not of great importance, because it fixes only the date of the first meeting after ratification, and it will be 1930 before the 4th of January comes on Sunday. Congress would have from ratification until that time to change that date by legislation if it should desire to do so. So much for that. We have heard some very remarkable statements made in connection with this consideration, in view of what has been said in behalf of the proposition to limit the last session of Congress to four months. I would like to direct attention to the fact that the Constitution originally did exactly what is proposed by this amendment, proposed in lieu of section 2, and I would like to direct attention to the fact that this body—which gentlemen seem to be afraid to give control over its time—in the Constitution was given and is now given the power to exclude the Representative of any constituency. The Republicans of this House, for instance, could have prevented at the very beginning of this Congress a single Democrat from taking a seat here—I am talking about power, constitutional power.

The two Houses of Congress can take the President out of the White House, the judges from the Supreme Court. That is the power the framers of the Constitution gave to the Houses of Congress to which gentlemen on the floor of this House are not now willing to give the right to control their own sessions. The framers of the Constitution gave to the two Houses of Congress the power to send the Nation to war, and gentlemen are afraid to give to them the control over their own time. The Constitution of the United States gives to the Congress the power to pledge the credit of the Nation in any amount, billions and billions of dollars—there is no limit—and yet gentlemen are afraid to give them control over their own time. [Applause.]

With all respect to gentlemen who are in favor of tying the hands of Congress and with all due respect to gentlemen who stand on the floor of this House and say to the country, "In our judgment, through years of experience we have reached the conclusion that the Congress of the United States must be cut off with four months in the last term, and if they are to have a longer time it is to be at the will and suggestion of the executive branch of the Government." I say that position is not justified by experience. I have nothing to say in criticism of the executive branch of the Government, but I challenge the history, not only of my Nation but of parliamentary nations throughout the ages, if in the great crises of the past, when the liberties of the people have stood in the balance, if it has not been the legislative branch that has protected them. [Applause.] I will not vote to surrender one iota of the power and the responsibility which the Constitution gave to Congress.

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

Mr. TILSON. Mr. Chairman, I am opposed to this entire resolution, regardless of whether this paragraph remains as it is or is stricken out, because I think there are other dangers lurking in it that are of so serious a character that whatever

we might do to this section I should still have to vote against the entire proposition.

I do not look upon this particular amendment with the seriousness that some have. I do not believe that we rob ourselves of all power because we fix in this resolution the 4th of May as the date of adjournment of the second session. The power still remains to us to fix by statute the 5th day of May to meet again if we find that the business of the country demands it.

Mr. GARRETT of Tennessee. Oh, no.

Mr. TILSON. Yes; the session ends, but we can have another session. The power is unlimited, and the gentleman has said so himself. The gentleman from Texas [Mr. SUMNERS] has said so, and, best of all, the Constitution says so. The power to fix any date is unlimited. Therefore fixing the date on May 4 is simply fixing what in our best judgment is the date that would, on the whole, serve the public interests best.

Mr. STEVENSON. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. STEVENSON. The gentleman will remember that in 1869 a Congress, that was going to die on the 4th day of March, fixed the 4th day of March at 3 p. m. for the next Congress to meet, and it met accordingly.

Mr. TILSON. Certainly. There is nothing in this argument at all. If there is any necessity for us to meet, the Congress can fix the date of the meeting, just as the gentleman from South Carolina has indicated; but it will be a new session, of course, because the other session must end, if this provision remains in the resolution, on May 4.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman.

Mr. GARRETT of Tennessee. The very language of the first part of the section precludes the construction which the gentleman is placing upon it. It says, "In each odd-numbered year such meeting shall be on the 4th day of January, unless they shall by law appoint a different day."

Mr. TILSON. Yes; the language is perfectly clear.

Mr. GARRETT of Tennessee. Then, "in each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May."

Mr. TILSON. Certainly, that is exactly right; but the next day another session can begin by statute. There is nothing in the language of the proposed amendment to prevent it. There is no question about it, gentlemen. There is no danger here. We have simply set a mark at May 4, saying that with the House and all its committees already organized, four months from January 4, is sufficient time to do the necessary business of the country and go home.

Many of the States have fixed a limit by constitutional amendment upon the time their legislatures may sit. My own State adopted such an amendment only a few years ago. This simply fixes a limit for the session, but another session can be called at once. Fortunately, in such a case the new session can be called by an act of Congress without a penny of expense—not even mileage—because we can fix the date to call us back here on the very next day. So there is no danger in the proposition whatsoever, and we are giving up no rights or privileges whatsoever, except that cause must be shown why more time is needed and action must be taken.

If there is no limit set, then some whose personal interests would urge them to hold Congress here until they get their precious bills passed, might hold us indefinitely into the summer, and that not for the public interest, but for selfish purposes to the detriment of the public interest.

Mr. BYRNS. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Tennessee.

Mr. BYRNS. Would not such a law require the approval of the Executive?

Mr. TILSON. Certainly; just like any other law.

Mr. BYRNS. Suppose the President should veto the bill, then a two-thirds vote would be required to override the veto.

Mr. TILSON. He would probably be right in doing so, but the power to legislate on the subject is complete and ample, so that there is no danger whatsoever in the bugaboo which gentlemen have set up here.

Mr. SIMMONS. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. SIMMONS. Do we not at the present time in the presidential election year have an unlimited session?

Mr. TILSON. Oh, yes.

Mr. SIMMONS. What is the difference between that condition and the condition that would exist if the amendment of the gentleman from Alabama prevails?

Mr. TILSON. There is this difference. At the first session everyone knows that there is another session coming, and the bills that are not passed lie over and wait until we meet again, when they can be taken up; but the second session is the last one of the Congress, bills not passed die with the Congress, and sometimes the pressure for the passage of bills is so great that those who are urging them might insist that Congress remain in session indefinitely, perhaps, to the detriment of the public interest. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. GREENWOOD. Mr. Chairman, the gentleman from Connecticut [Mr. TILSON] raises the point that the power of Congress on every second year ought to be limited by having a fixed date for its adjournment. I submit to you, gentlemen, what basis of science is there for having in one year a long session of the Congress and in the next year a short session with the volume of business of Congress constantly increasing? Why is it not just as important to have a session of Congress without limitation in one year as it is in the following year? I would divide the business up between the two sessions so that the current business could be considered without any limitation.

It would seem to me to be the scientific thing to have no limitation so that Congress can continue until the task is completed without having to depend upon a call of the Executive in order to complete its own business.

We are now engaged in the consideration of a proposed constitutional amendment to remove limitations upon the Congress so it can proceed to the consideration of the business of the Nation and the advantages that the gentleman from Connecticut speaks of are more than offset by having a barrier every second year in the pathway of Congress by which minorities knowing the barrier is there often plan a filibuster in order to defeat legislation that ought to be passed. There is no necessity of protecting the Treasury in this way, because there are checks and balances provided in the Constitution which are sufficient to protect the Treasury. We have the Bureau of the Budget, we have the Appropriations Committee of this House, we have the Appropriations Committee of the Senate, and then we have the veto of the President. These are checks and balances that are intended for the protection of the Treasury without any necessity of providing a barrier or post in the pathway of Congress to which every person who wants to defeat legislation by delays and filibusters may look in order that such legislation may be defeated. Therefore the viciousness of the filibuster or of having a fixed time or of having a post or barrier more than offsets any possible raid upon the Treasury, especially when the Constitution has provided all these checks and balances; and we have them in the second session the same as we have them in the first session.

So I favor the proposed amendment as it was passed in the Senate where it was known as the Norris amendment, without this second section, which places this barrier or limitation upon Congress. I believe our legislation should proceed untrammeled and without having to ask the President of the United States to call us into session in order to transact the legislative program every second year. The volume of business is constantly increasing, and it is essential we have this power without limitation so as to make the machinery uniform, one year with another, because the detail work is increasing every year and we ought not to have this barrier to prevent uniform action by Congress.

Mr. JEFFERS. I would like for the gentleman to stress the point that it removes the rigid limitation of May 4.

Mr. GREENWOOD. The amendment of the gentleman from Alabama provides that there be no limitation, so that each session of Congress, one with another, will be uniform and will continue until both Houses say their task is done, and they will not have to call on the Executive to reconvene them in order to complete the legislative program.

The CHAIRMAN. All debate has expired. The question is on the substitute offered by the gentleman from Michigan for the amendment of the gentleman from Nebraska to the amendment offered by the gentleman from Alabama.

Mr. MAPES. May we have the substitute read?

The CHAIRMAN. Without objection, the Clerk will report the substitute.

The Clerk read as follows:

Substitute by Mr. MAPES for the amendment of Mr. SIMMONS to the amendment of Mr. JEFFERS: Before the words "the fourth" insert the words "the first Monday after."

Mr. STEVENSON. Now let the amendment of the gentleman from Nebraska [Mr. SIMMONS] be read.

The CHAIRMAN. Without objection, the Clerk will read the amendment of the gentleman from Nebraska.

The Clerk read as follows:

Amendment by Mr. SIMMONS to the amendment offered by Mr. JEFFERS: Strike out the words "the fourth day of" and insert in lieu thereof "the second Monday of."

Mr. SIMMONS. May I ask unanimous consent, Mr. Chairman, to accept the substitute offered by the gentleman from Michigan?

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. JEFFERS. Mr. Chairman, request has been made that my amendment be reported, so that gentlemen can get it clear in their minds.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read as follows:

Amendment by Mr. JEFFERS: Page 3, line 8, strike out all of section 2 after the words "SEC. 2" and insert in lieu thereof the following: "The Congress shall assemble at least once in every year, and such meeting shall be on the 4th day of January unless they shall by law appoint a different day."

Mr. CHINDBLOM. Is that substitute in lieu of section 2?

The CHAIRMAN. The Jeffers proposition is; yes. The question is on the amendment of the gentleman from Nebraska.

Mr. MAPES. Mr. Chairman, I would like to have the Clerk read the Jeffers amendment as it will read if the proposed amendment is adopted.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will report the Jeffers amendment as it would read if the amendment of the gentleman from Nebraska is adopted.

Mr. MAPES. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MAPES. The Chairman uses the words "amendment of the gentleman from Nebraska." If the House understands that the substance of the amendment was introduced by myself, all right.

The CHAIRMAN. The amendment to be voted upon is the Simmons amendment as modified by his acceptance of the amendment of the gentleman from Michigan. In order to relieve matters the Chair will say that the intent and effect of the Simmons amendment as modified by the Mapes amendment is that instead of meeting on the 4th day of January it will meet the Monday after the 4th day of January. The question is on the amendment of the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. SCHAFER) there were—38 ayes and 197 noes.

So the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Alabama [Mr. JEFFERS].

The question was taken; and on a division (demanded by Mr. JEFFERS) there were—151 ayes and 96 noes.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 3. If the House of Representatives has not chosen a President, whenever the right of choice devolves upon them, before the time fixed for the beginning of his term, then the Vice President chosen for the same term shall act as President until the House of Representatives chooses a President; and the Congress may by law provide for the case where the Vice President has not been chosen before the time fixed for the beginning of his term, declaring what officer shall then act as President, and such officer shall act accordingly until the House of Representatives chooses a President, or until the Senate chooses a Vice President.

Mr. LEAVITT. Mr. Chairman, during the debate of two days, which is now becoming three days, on this resolution, I have taken no part, except to ask an occasional question, in order that the intention of some of the things proposed might become clear to myself and that I might come to a conclusion that would be satisfactory to my judgment and my conscience when acting as a Member of this House on this proposed amendment to the Constitution of the United States. I have come to a conclusion, and it is the conclusion which has been forced upon me by the logic of the facts, that this entire proposal is full of danger to the Republic and a thing which should be defeated in this House. [Applause.]

The fifth article of the present Constitution provides:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution—

Mark the words—

whenever two-thirds of both Houses shall deem it necessary.

I contend that the entire debate in favor of this proposed amendment has so far proceeded as though this were the original convention considering a Constitution which had not yet been written, and which was trying to decide between different proposals with regard to important matters—with the question still entirely open, that we were merely trying to reach a decision for the first time. But that is not the situation. The situation is that the Constitution is now here, that it has within it certain provisions, and that we are now trying to determine whether or not, first, it is necessary to make amendments to it in certain particulars; and, second, if we decide that it is necessary, whether or not the exact proposals being advanced as amendments are in proper form to meet that need. My contention is, with regard to the first two sections of the proposal set forth, that necessity does not exist. There is no necessity for changing the present Constitution of the United States to accomplish the legitimate purposes of the first two sections of the proposal, because you will find in the Constitution itself this statement: "The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they by law shall appoint a different day."

If it is necessary, then, to shorten the time between the election and the meeting of the new Congress elected in November, it can be done now by a general statute which would call us into session, for example, on a Monday of the succeeding March. The only difference between that accomplishment and the thing being proposed as an amendment would be that we would then meet on the Monday after the fourth day in the ensuing March, instead of on the fourth day of the ensuing January. That is but a difference of two months.

A difference of only two months in bringing together the new Congress after its election is not of sufficiently vital importance to justify an amendment to the basic law of the country, the Constitution.

Again, there is this fact, that if it should be decided that such an act of Congress should be resorted to, rather than an amendment to the Constitution, by general law we could also fix the first or the second Monday of January as the time of meeting in the even years, and the same thing would be accomplished as is proposed in this amendment as it now stands with the limitation of the May 4 adjournment struck out by the action just taken by the House.

I address myself now to what I think is an even more vicious proposal in the amendment before us. It is that with regard to the election of a President and Vice President when the Electoral College has failed to choose. Too little attention has been given to that which is the vital thing in this entire matter. It is proposed that there be a change, and that it shall have to do with a change of dates, and also the method of procedure.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent to proceed for five minutes more?

The CHAIRMAN. Is there objection?

Mr. GIFFORD. Mr. Chairman, I do not want to object to the gentleman having five minutes more, but I am being importuned constantly during this debate against extending the debate on the general proposition, because there are several amendments yet to be offered to particular sections, and I give notice that after the gentleman has his 10 minutes, I shall have to object to a further extension of five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Chairman, I am glad that the gentleman referred to the fact that there are to be still further amendments proposed, because it calls to my mind the history of this entire matter. Since it was first proposed in the Senate in the Sixty-seventh Congress it has been modified some thirty times up to now. The thing we are considering this afternoon is in many respects different from the proposals that have been before the country.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. LEAVITT. Not now.

Mr. GIFFORD. Has it been changed here one-tenth of thirty times?

Mr. LEAVITT. In the House not, perhaps, but the House itself this afternoon has already changed the proposal of the

committee in one respect, and that according to my count would make 31. Why, when this matter was first presented in the Senate in the Sixty-seventh Congress it had to do with a resolution that the voting power of lame duck Members should be taken away from them, and since that time it has grown into the strange form which it now assumes. That was the genesis of it, and it is probably due to the fact that it was first referred in the Senate not to the Committee on the Judiciary but to the Committee on Agriculture and was there cultivated, which accounts for the strange form of its growth.

Mr. JEFFERS. I call the gentleman's attention to the fact that the language in the amendment just adopted by the committee is exactly the same language which was in the resolution reported to the House at the last session.

Mr. LEAVITT. That is true, so far as the House is concerned; it has been consistent. But to-day is the first time the House itself has ever voted on it.

Now, gentlemen, the danger involved in the present situation, regarding the succession of the President and Vice President under circumstances which have been presented here is a real danger, but that does not mean that the remedies proposed in the amendment before us are the cure for them. As has been so well pointed out by the gentleman from Virginia [Mr. MONTAGUE], the cure is worse than the present situation. Surely we are not justified in opening the doors to even greater dangers. My objection is that this proposal does that very thing.

It says in effect this—and only a matter of 20 days are allowed to work this thing out between the 4th and the 24th of January—that if the House has not arrived at the selection of a President and the Senate has arrived at the selection of a Vice President, the Vice President shall then become—what? The President? No. He shall become Acting President, to go on only until the House can agree upon a selection for President. Then that Vice President who has been acting as President would have to step down and become President of the Senate, and the man selected by the House, voting by States, would become President himself.

Think of the danger, Mr. Chairman, involved in a situation where the Executive shall be unstable and uncertain in its incumbency and its powers. That, to my mind, is a greater danger than any existing danger which it is proposed to remove by this amendment.

My time has expired and I have not the opportunity to bring to an adequate conclusion the argument which I have wished to make. I would be constructive and not critical only, and I have made a proposal which you will find printed in yesterday's RECORD as H. R. 11853. It provides for the appointment of a joint committee of the House and Senate to consider this electoral question, which is too vital to be taken up here and changed in this haphazard way. That joint committee would be composed of three Members of the House and three Members of the Senate Judiciary Committees, all lawyers; those from the House to be appointed by the Speaker, and those representing the Senate to be appointed by the Vice President. It would be their duty to take into consideration all the circumstances involved in the present electoral situation in regard to the President and Vice President, and propose to this Congress a sound amendment to meet the needs of the situation. [Applause.]

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. SIROVICH. Mr. Chairman and ladies and gentlemen, I have listened with profound attention and interest to the distinguished lawyers on both sides handling the proposed amendment to the Constitution. I think the time has now arrived for a doctor like myself to handle the remains. [Applause and laughter.]

From my observation of the debate there seems to be considerable discontent in this House, and the discontent is not confined to either side of the Chamber, but exists on both sides.

The sentiment of this House, as I view it, can be divided into two groups—one standing for stability and order and the other fighting for progress and reform. Viewing life as I do, passing in panoramic fashion before me with all its accomplishments and achievements, I desire to arraign myself on the side of progress and reform. [Applause.]

To me, Mr. Chairman, discontent is a healthy sign. It is the principle upon which all great reforms in our Government and throughout the world have been founded from time immemorial. It was the discontent with the old method of writing books and manuscripts that led Gutenberg to invent the art of printing from movable types. It was discontent on the part of producers of cotton that led Eli Whitney to invent the cotton gin. It was discontent with the methods of transportation by sailing ships that excited Fulton to discover the principle involved in the steamboat. It was discontent that moved Stephenson to plan the locomotive, Morse to develop the electric telegraph, Bell to perfect the telephone, Ericsson to originate the battleship type symbolized in the *Monitor*, Curtiss and the Wright brothers to plan the modern airplane, while the genius of Marconi contrived the method of modern radio communication. Thus we see how discontent has made it possible for the intelligence of mankind to subjugate the forces of nature to serve the will of man. [Applause.]

Congress has always been trusted by the people. It represents the popular branch of our bicameral legislative department. It symbolizes the hopes, the ideals, and the aspirations of the founders of our country. From the splendid debate I have witnessed here for the last few days on this bill that attempts to amend the Constitution so that Members of Congress can take their seats 3 months after election instead of waiting 14 months, I am convinced that nobody need have any concern regarding the future welfare of our glorious Nation. [Applause.]

I want to assure the distinguished gentleman from Illinois, the chairman of the Committee on Appropriations, that he need have no fear or anxiety regarding our country if this amendment passes, because no matter what action this House will take the sun will continue to shine, the planets will persist in revolving in their respective orbits, the Nation will continue to prosper, while Congress marches onward and upward in the performance of its constitutional duties. [Applause.]

The previous speakers have referred to this bill as the "lame duck bill." There is another duck who should be considered. He is no other than the "fresh duck." I am one of those. [Laughter.] As a "fresh duck" I was elected on November 4, 1926, but I was not able to take my seat until 14 months later—December 5, 1927. I have had hundreds of men and women come to me and say, "Doctor SIROVICH, what are you doing in the House? We have not heard a word of you since your election." My answer was that I had no chance to take my seat.

I think we owe a duty, a greater duty, to the "fresh duck" who comes in here imbued with high ideals and enthusiasm and devotion to his country than we do to the lame duck who has been defeated and repudiated by his fellow citizens at the last election. The lame duck is the wounded soldier, who should be taken to the rear and placed in a hospital, where he belongs. [Applause.] But we should give an opportunity to the "fresh duck" like myself, and others, to become acquainted with the workings of the House, so that we can go back home, after diligently performing our duties here, and say to our constituency that we have given them 16 ounces of a square deal to every pound of service demanded from us. When I and my recently elected confreres get here, 14 months have passed by. It takes us four months to get acquainted with the routine of the House. Thus 18 months have passed away, and then our term has expired. Is it fair to the men newly elected to office? Is it fair to our constituency that sent us here? Eighty-eight per cent of the men go back year in and year out, so it does not affect them. Twelve per cent of the men, the balance that remains, are retired, either of their own free will or through their defeat in the election. So that the "lame duck bill" only affects 6 per cent of the membership of this House.

I was inspired and thrilled to listen to the reverential affection and sentiment that characterized the remarks of our older brethren for their defeated brethren, the so-called lame ducks. It was noble. It was wonderful. It shows that comradeship and friendship lives on, as it should, even after Members leave this august body. But let us not forget that in our love and affection for our defeated colleagues who failed in reelection, we owe a profound and important obligation to the newly elected Member, who needs the guidance, advice, and cooperation of the membership of this House, so that he can render efficient service to the constituency that sent him here to represent them.

I maintain as a patriotic American citizen, who yields to no man upon this floor in his love for his country and in his devotion to the Constitution, that progress and reform demand that we take some action that will take care not of the "lame duck" or the "dead duck," but of the "fresh duck." And so, Mr. Chairman, as one discontented with the modern method of seating Members 14 months after election, and as a believer in the principle of progress and reform, I propose to vote for this constitutional amendment. [Applause.]

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

Mr. SCHAFER. Mr. Chairman, ladies, and gentlemen, I am heartily in favor of the pending resolution, which has for its major purpose the abolishment of the so-called "lame-duck" session of Congress. [Applause.]

I was astounded to see the late additions to the ranks of the Republican insurgents. The committee, including all its Republican members, unanimously reported the pending resolution,

favorably, and yet those stalwart champions of party regularity, who claim to be opposed to insurgency, the distinguished floor leader from Connecticut [Mr. TILSON], the distinguished chairman of the Committee on Rules, from New York [Mr. SNELL], and the distinguished chairman of the Appropriations Committee, from Illinois [Mr. MADDEN], have taken the floor of this House in open revolt and insurgency against the resolution and the recommendations of the committee. It is a remarkable situation, indeed.

A very large majority of the people of the great State of Wisconsin, a portion of which I have the honor to represent, are in favor of abolishing "lame-duck" sessions of Congress, and I shall vote for the pending resolution.

Certain amendments, if adopted, would have perfected the resolution. Failure to adopt said amendments will not cause me to vote against this legislation. Eleven votes from Wisconsin should have been cast on the amendments voted upon in the Committee of the Whole, and 11 votes of Wisconsin Representatives should be cast to-day when the roll is called on the final passage of the pending measure. I regret that Wisconsin did not have her entire delegation of 11 Representatives voting in the Committee of the Whole and will not have 11 votes to-day upon final passage of this worthy measure. The keynoter for the Norris presidential delegate campaign has left his post of public duty in Washington and for the past several weeks has been campaigning in Wisconsin telling the people of Wisconsin how necessary it is to elect the delegates he favors in order to abolish the "lame-duck" session of Congress. It is an insult to the intelligence of Wisconsin voters to be campaigning as he has and be absent from his post of duty to-day and the past week when the constitutional amendment to abolish the "lame-duck" session is being considered and voted upon. He should be here and not in Wisconsin telling the people to elect delegates pledged to a dry, world-court presidential candidate in order to bring about an amendment of the Constitution to abolish "lame-duck" sessions of Congress. [Applause.]

Mr. LEA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LEA: Page 3, strike out lines 15 to 24, inclusive, and lines 1 and 2 on page 4, and insert the following, preceded by quotation marks:

"SEC. 3. If the President elect dies, then the Vice President elect shall become President. If a President is not chosen before the time fixed for the beginning of his term, or if the President elect fails to qualify, then the Vice President elect shall act as President until a President has qualified; and the Congress may by law provide for the case where neither a President elect nor a Vice President elect has qualified, declaring who shall then act as President or the manner in which a qualified person shall be selected, and such person shall act accordingly until a President or Vice President has qualified."

Mr. LEA. Mr. Chairman and gentlemen of the committee, I ask your attention briefly while I attempt to explain this proposed amendment. Section 3 of this resolution deals with one of the most important provisions of the Constitution of our country. It deals with the filling of vacancies in the office of President of the United States. Under some circumstances, as the history of our country has shown, that subject may become a vital one. The Constitution now provides for filling only vacancies that occur in the office of President after the President is once installed. For over 100 years every student of our Government has recognized this gap in the Constitution. It fails to provide for filling those vacancies that are due to causes that occur before the President is installed. Fortunately no case has occurred where that weakness of the Constitution has demonstrated the ill results of which it is readily capable. Following any presidential election we may find ourselves with a vacancy in the Presidency without a constitutional method of filling it. There may be a failure to elect a President, the elected candidate may die, or there may be a physical or mental inability of the elected candidate, without a qualified person to take his place. No one can measure the untoward results that might follow.

This resolution provides for filling vacancies where there is a failure to elect a President or in case of the death of the President elect after election and before he takes his office. The original Constitution also provides for the case of a vacancy due to the inability of the President to act. For instance, if the President is insane or physically incapable of taking his oath and becoming President there is no provision in the Constitution at the present time for filling that vacancy. The resolution before the House does not provide for that case.

The fundamental purpose of the amendment I offer is to provide for filling vacancies in every case which may occur before the President elect is installed in his office. The Constitution now provides for filling every vacancy that may occur after the President has taken his oath at the beginning of his term. The weakness of section 3, as I see it, is that it fails to provide for all the vacancies covered in the Constitution. It fails to provide for the case of inability, which includes both mental and physical inability.

The amendment I offer has been worked out very carefully with the aid of members of the drafting service of the House and after consultation with some of our able Members. In form, by analogy, it follows the language of the existing Constitution relating to vacancies. If nothing else was involved in the resolution before the House, this Congress would be doing a good service to the country if it made it possible to correct this defect. I believe that among the students of the Constitution of our country there will be no disagreement that the substance of this amendment should be added to the Constitution.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. LEA. Yes.

Mr. CHINDBLOM. I want to ask whether the gentleman's amendment would assist in remedying the difficulty which would arise under section 1 of the resolution before us in the event the House of Representatives gets into a chaotic condition and is unable to elect a President?

Mr. LEA. It will; and that is one important reason for its adoption.

Mr. CHINDBLOM. So the gentleman is of the opinion that section 1, which has already passed the committee, would not be safe without some further perfecting provision, such as the gentleman offers?

Mr. LEA. That is true and that is true of the existing Constitution. That is a condition that is not at present provided for and it may become a matter of monumental importance. Subsequent provisions of the resolution before us partially cover the situation, but these are not included in section 1.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GIFFORD. Mr. Chairman, I do not rise to speak in opposition because, as far as I can learn, the committee is willing to accept the amendment. The difference between this amendment and the resolution submitted by the committee is that the latter merely provided for the case of the "death" of the President and the Vice President. This amendment not only provides for what shall happen in case the President and Vice President die, but for the further contingency that they fail to qualify.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. CHINDBLOM. If the gentleman now is accepting this amendment in behalf of the committee, why did not the committee report it?

Mr. GIFFORD. Mr. Chairman, the gentleman from California [Mr. LEA] appeared before our committee. Although we expressed sympathy for his purpose we felt that he failed to present to us a phrase which seemed appropriate or which we were willing to place in a constitutional amendment. Since this resolution was reported, our legislative counsel has worked very diligently with Mr. LEA in order to provide proper phrasing to cover the many possibilities which this resolution seeks to provide against, and I feel that they have at last found words which very happily cover the situation which would arise if the President or Vice president failed to qualify. One thing insisted on was that we must preserve the right of the House to choose a President after March 4 if it had not done so before that date.

At present if we do not select a President by the beginning of his term on March 4 the Vice President elected by the Senate will at once become President for the full term. Under this amendment we are preserving the rights of the House, and that feature being taken care of, we are willing to accept the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. If the President elect dies before the time fixed for the beginning of his term, then the Vice President elect shall become President; and the Congress may by law provide for the case of the death of both the President elect and the Vice President elect before the time fixed for the beginning of the term, for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice devolves upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice devolves upon them.

Mr. GIFFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GIFFORD: Page 4, line 3, after the period strike out all down to and including the comma in line 8 and insert in lieu thereof the following: "The Congress may by law provide."

Mr. GIFFORD. Mr. Chairman, in explanation of the amendment, I would say it is simply a formal amendment made necessary by the adoption of the substitute for section 3.

The amendment was agreed to.

Mr. STOBBS. Mr. Chairman, I wanted to get up in reply to my friend the gentleman from Montana, but a little time has intervened. I simply want to make this observation before the debate comes to a close. There has been a great deal of false emphasis, as the gentleman from Michigan has said, on the fact that the criticism of the present existing arrangement is on the so-called lame ducks in the second legislative session of a Congress.

It seems to me the reason this resolution for amendment of the Constitution ought to be supported is not because of any criticism of the men who have rendered noble service in the past and who were candidates for reelection but were not reelected. No one for one moment can with any spirit of fairness criticize the attitude of those men who have been placed in this unfortunate situation. The real emphasis, it seems to me, in the matter of this resolution ought to be placed on the fact that what this committee is trying to do is not to eliminate the so-called lame ducks, but to eliminate the second session of Congress which takes place after a presidential election, and they are doing that because it is not a fair thing to the people of the United States to have such a session.

Mr. TILSON. Will the gentleman yield?

Mr. STOBBS. Yes; I will.

Mr. TILSON. Does not the gentleman, who is a fine lawyer, realize that we can now under the Constitution as it stands eliminate the session after the election, except one day every fourth year to canvass the electoral vote? If we can do that without any change of the Constitution, why should we not do it by statute? That is all there is to it.

Mr. STOBBS. If the gentleman from Connecticut will allow me to answer, you can call your first session of the new Congress under the present law on March 4, and you can not call it any earlier than that; therefore you must have your second session after election in order to canvass the electoral votes, and also to take care of the contingency where a President of the United States has not been elected by the Electoral College. I know what the gentleman is going to say——

Mr. TILSON. It is very evident.

Mr. STOBBS. You are going to say there is no reason why, if the election takes place on the 4th day of November, Congress can not call another session the very next day.

This is perfectly true; but, as a practical matter, that will not be done. As a practical matter we are not going to call a session in December or on the 4th day of January or any other day after election, to last until the 4th day of March, and then start a new session the same day; and in any event, that session if called would be a session of the old Congress. So the whole theory of this proposal is to start your first session of Congress early enough so that it will prevent any session of the old Congress after election, and so that the men who start to take part in any legislative discussion after an election will be the people who have just been elected, and who are responsive to the will of the people.

Let me illustrate why this is advisable.

When John Adams was defeated for the presidency and Thomas Jefferson elected, in the second session under the John Adams administration, what did the Federalists try to do? This is not any fanciful difficulty we are facing. History is full of illustrations where the second session has not played the game the way it ought to have played it.

In the second session, under John Adams's administration, you know the Federalist Party passed legislation purposely to embarrass the incoming administration. John Adams sat up until midnight on March 3 signing appointments, filling vacancies in all the courts of the country, and that Congress during the last few days created 24 new judges.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STOBBS. I ask for five minutes more.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. STOBBS. If Abraham Lincoln had not received a majority of the votes in the Electoral College in 1860 and that election had been thrown into the House, you would have had a situation at that time as follows: The candidates for President were Lincoln, Breckinridge, Douglas, and Bell—four candidates. If Lincoln had not received a majority, and there was a grave probability that he would not receive a majority of the Electoral College; if it had been thrown into the House, do you think Abraham Lincoln would have been elected President of the United States? The Senate was clearly Democratic, and the Democrats, by a combination of all the forces against the Republicans, could probably have controlled the House. That was the time where the House had 44 or 45 ballots for Speaker. Instead of getting a President of the United States elected on the issue on which they had gone before the people, the clear issue of slavery, an issue upon which the people had expressed their opinion decisively, you would have had Douglas or Breckinridge instead of Lincoln as President, and the will of the people would have been defeated.

I say the whole argument narrowed down into a nutshell is this: That it is not a sound principle for any session of Congress to be held after the people have expressed themselves in any election on any issue except by the new Congress and new Representatives coming into power, elected on that same issue, and that goes to the very fundamentals of our democratic form of government. [Applause.]

Mr. MACGREGOR. Will the gentleman yield?

Mr. STOBBS. Yes.

Mr. MACGREGOR. Under the amendment that has been adopted there could be a session after the election in November; in December.

Mr. STOBBS. If I understand the gentleman correctly; yes.

The Clerk completed the reading of the bill.

Mr. WHITE of Kansas. Mr. Chairman, I ask unanimous consent to extend my remarks by publishing a joint resolution by the Legislature of the State of Wisconsin referring to this joint resolution, and also a short article from the Evening News, of Portland, Me., on the same subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The matter is as follows:

Joint resolution relating to the Norris resolution proposing an amendment to the Constitution of the United States for the earlier seating of Congress

Whereas the United States Senate in the present session of Congress has for the fourth time passed the Norris resolution, which submits to the several States an amendment to the Constitution eliminating the so-called "short" or "lame-duck" session of Congress by advancing the date for the convening of the first regular session of a new Congress from 13 months after its election to January 15 following the November election, and at the same time advancing the date of the inauguration of the President and Vice President from March 4 to January 2; and

Whereas under the present system it is a frequent occurrence that a Congress and a President who have been repudiated at the election are able to defeat the wish of the people, not only for many months but often permanently, and the reason which in 1789 rendered necessary the long delay in the seating of Congress has been removed by the great improvements in transportation since that time; and

Whereas, despite the fact that only six Senators voted against the Norris resolution, there is danger that the House of Representatives will again shelve this resolution without allowing it to come to a vote, as it has done in the three preceding sessions: Now therefore be it

Resolved by the assembly (the senate concurring), That the Wisconsin Legislature hereby again goes on record in favor of the passage of the Norris resolution for the earlier seating of Congress, and petitions the House of Representatives to act favorably upon this resolution without delay; be it further

Resolved, That properly attested copies of this resolution be sent to the Speaker of the House of Representatives and to each Wisconsin Member thereof.

HENRY O. HUBER,
President of the Senate.
O. G. MUNSON,
Chief Clerk of the Senate.
JOHN W. EBER,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

[From the Evening News, Portland, Me.]

WASHINGTON, January 21 (Special).—The concurrent resolution of Representative HAYS B. WHITE, Republican, of Kansas, changing the assembling of Congress in each odd-numbered year from March 4 to January 4, has been reported out from the House Committee on Election of President, Vice President, and Representatives in Congress, and efforts will be made to have it brought before the House at this session

of Congress. This resolution is similar to the Norris resolution which recently passed the Senate.

The White joint resolution, as it came from the candidate, contains an amendment which, it is believed, will meet with favor among the majority of the House Members. This amendment is: "In each even numbered year such meeting of Congress shall be on the 4th day of January, and the session shall not continue after noon of the 4th day of May."

If this resolution as it is now worded becomes an amendment to the Constitution, the ending of sessions of Congress in each even numbered year on the 4th day of May, it is pointed out, will give the Representatives, as well as the Senators, who are up for reelection ample time to return to their home States and start their campaign.

The House has been the stumbling block against passing similar resolutions in past sessions of Congress, while the Senate has always acted favorably on similar resolutions, the intent of which has been to kill off all "lame ducks" who continue to serve for 13 months although defeated at the polls.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. GARRETT of Tennessee: After line 16 insert the following as a new section:

"SEC. 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the States within seven years from the date of the submission hereof to the States by the Congress, and the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected subsequent to such date of submission."

Mr. GARRETT of Tennessee. Mr. Chairman, I shall not detain the committee for the discussion of this amendment. In the early hours of the debate I submitted it and gave notice of my intention to offer it and undertook to give the reasons which underlie it. It seems to me that it is eminently proper that we should have a limitation of time, and I understand the gentleman from Massachusetts [Mr. GIFFORD] agrees with me. We have the precedent for it, and this follows the exact precedent fixed as a time limit of seven years, the same that was fixed in the eighteenth amendment, which the Supreme Court of the United States has declared was reasonable and was within the power of Congress to fix.

As to the other part as far as this particular amendment is concerned, it will have no practical effect, because the legislatures that will presumably pass upon, or have the first opportunity of passing upon it, are nearly all of them to be elected this year. It is fixing a precedent which, if adopted now, I trust may be a guide to future Congresses in submitting constitutional amendments.

Mr. GIFFORD. Mr. Chairman, I am sure that there will be no objection upon the committee's part to an addition to the amendment that is an exact copy of what has been added to other amendments to the Constitution, but, as I understand it, there is no precedent for the latter part requiring that one branch shall have been elected before the amendment is presented to the legislature.

Mr. GARRETT of Tennessee. That is correct.

Mr. GIFFORD. I am wondering if an objection should not be made to that. I wonder if it is not an attempt to establish a precedent which would, in a large measure, take the place of the constitutional amendment heretofore suggested, so that in all cases in the future no amendment will be allowed to be presented to a legislature until it has first been brought to the attention of the people and the legislature may be elected or rejected on the issue.

Mr. RAMSEYER. What objection has the gentleman to making that a precedent?

Mr. GIFFORD. Mr. Chairman, I rose for the purpose of calling the attention of the House to the fact that there had not heretofore been any exact precedent for this. I do not know that I have any particular objection, but I think that the Members should know that there is no precedent for it.

Mr. CHINDBLOM. Does the committee take any attitude upon it?

Mr. GIFFORD. The committee has tried to be liberal and does not wish to be loath to accept suggestions from any who have given thought and study to the resolution. Members of the Rules Committee have suggested certain things which it has been agreeable to us to have added since the first report.

Mr. HUDSON. Can this amendment be divided in being voted upon, and, if so, I ask for a division of the amendment.

The CHAIRMAN. The Chair is inclined to think that it is one substantive proposition and is not susceptible of division.

Mr. MADDEN. The gentleman from Massachusetts made the statement, when he had the floor, that at the suggestion from the Rules Committee, when asking for the consideration of this resolution, his committee had to make certain concessions, which they would not have made if not suggested by that committee. I feel sure he does not want to leave that impression on the House.

Mr. GIFFORD. Mr. Chairman, the point I wished to bring out was that this committee went before the Committee on Rules, that the members of the Committee on Rules were painstaking in their questioning, and that they made many suggestions, some of which we adopted. Of course, we did not have to do it.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. We are going to vote on this resolution within a very few minutes, and before we vote I wish to say just another word, because I feel that this is a very serious matter. I regard this resolution as now framed as fraught with great danger to the future, partly because of the uncertainty of some of its provisions, some of which have been put in here to-day on the floor without an opportunity for 1 Member out of every 25 to even read them. Some of them are most important provisions; for instance, the one upon which the succession to the Presidency may depend. We are taking a serious step when we submit a constitutional amendment. It is far better that a thousand good things shall stay out of the Constitution than that one bad, one dangerous thing shall go in, because once in it is very difficult ever to take it out again.

There is one provision in this resolution which should cause us to hesitate long before voting for this proposal. Under this resolution the new Congress will have to canvas the electoral vote for President and Vice President, and it has only 20 days in which to do it. The House will meet on January 4 unorganized——

Mr. HUDSON. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I regret that I can not yield. History is replete with instances where it has taken a longer time than 20 days to organize. We all know that within three Congresses—the beginning of the Sixty-eighth Congress, as I recall—there was a deadlock lasting for several days. If the Presidency of the United States had depended upon the completion of the organization of the House at that time we might have gone, instead of 4 days, 20 days, and even that time might not have been enough.

Another thing: It is provided in this resolution that in case there is no election, the Vice President elected by the Senate may act as President until the House shall elect a President. We might have under this resolution one man acting as President, and an election of President pending in the House, which may take place during that Congress or wait until the next Congress in the middle of the presidential term, when there might be a change made in the political complexion of the House, and then put out the man who has been acting as President, for the House could take such action at any time and put in a new man.

My friends, we should think this matter over very deliberately before taking action that might bring about such a situation. It is comparatively easy to put amendments through the two Houses of Congress, and it is somewhat easy to have them adopted by the States; but the mistake once having been made, it is difficult, if not impossible, to retrace our steps. [Applause.]

One instance of a deadlock or the failure to organize this House might plunge this country into a very serious emergency. So, Mr. Chairman, as long as such a proposal remains in this resolution or in any resolution requiring that the vote for President be canvassed by a new Congress, I shall oppose it. Under the present existing system we have Congress already organized, the Speaker is elected, the House is organized in all its committees, and we are ready to act. The country would have confidence in the action of such a Congress when taken; but if we met here with the Presidency depending upon it, no one knows what might happen. Let us not take chances in connection with a matter involving so much danger. [Applause and cries of "Vote!"]

Mr. DENISON rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. DENISON. I wish to speak in opposition to the amendment.

Mr. LAGUARDIA. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LAGUARDIA. Has the Chair ruled that this amendment is not divisible?

The CHAIRMAN. No demand to that effect has been made.

Mr. LAGUARDIA. I now demand that it be separated.

The CHAIRMAN. In the opinion of the Chair, while the amendment may contain to a certain extent propositions which

are divisible, the whole proposition is so nearly one single substantive proposition that the Chair does not consider that a clear-cut division may be made, and the Chair so holds.

Mr. LAGUARDIA. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from New York [Mr. LAGUARDIA] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the decision of the Chair was sustained as the judgment of the committee.

Mr. DENISON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The debate on this amendment has been exhausted. If the gentleman from Illinois desires to make a pro forma amendment, the Chair will recognize him.

Mr. DENISON. I have not spoken on this amendment heretofore, and I will not take up the five minutes. I merely want to call attention to the fact that there may be something unconstitutional about the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

I have listened to the debate on this resolution with a great deal of interest. I have tried to be content with listening rather than speaking. The gentleman from Tennessee has offered a very interesting amendment to the resolution, and I have arisen to submit an inquiry to the gentleman from Tennessee, and other Members of the House, as to whether or not he may have some doubt about the validity of the amendment he proposes?

Mr. GARRETT of Tennessee. In what respect?

Mr. DENISON. In this respect: The Constitution provided that it may be amended by submitting the proposal to legislatures or to conventions. The gentleman from Tennessee is proposing a third method. His amendment imposes a condition upon the constitutional provisions. Now, however desirable that may be, the question in my own mind is whether or not we can do that.

If we can put that condition on the constitutional provision why can we not put on any number of conditions? For instance, why can we not provide that it must be submitted to the State legislatures, all the members of one branch of which have been elected after its submission in an election in which this question is voted on? Or why may we not attach other conditions? For example, why not provide that it shall be submitted to the legislatures of the States, all the members of at least one branch of which have been elected at an election held under certain conditions, or on certain dates, or under certain safeguards, or at an election in which the proposed amendment is submitted for a referendum? I am asking this question in all seriousness.

I think the question which the gentleman from Tennessee has raised is a very interesting one, and I think it may be a desirable condition to attach to any proposed constitutional amendment. But it is not in the Constitution, and even when we are amending the Constitution it must be done in a constitutional way.

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

Mr. DENISON. Yes.

Mr. MOORE of Virginia. I am going to ask the gentleman a question: What would you do in a State where the State law provides that the State senate shall be elected, one-half at one time and one-half at another time? You would find it impossible to enforce this provision, and it would become a nullity.

Mr. DENISON. The gentleman from Virginia is entirely correct. The Constitution is just as plain as it could be. It provides for the submission of proposed amendments to the State legislatures. I doubt if we can properly attach any conditions or limitations to the submission. So I seriously doubt the validity of the amendment offered by the gentleman from Tennessee.

Mr. HASTINGS. And would it not postpone action for four years in a great many States where the legislatures are elected only once in four years?

Mr. DENISON. It would, of course.

Mr. GARRETT of Tennessee. If the gentleman from Illinois will permit me to answer that question I will say no.

Mr. DENISON. Gentlemen, I have been undecided whether I would vote for this resolution or not. I have listened to the debate in order to get all the information I could. When Congress submitted the amendment providing for the election of Senators by a direct vote of the people, a most serious mistake was made which can perhaps never be remedied. Therefore, I approach all proposed constitutional amendments with more or less doubt and even fear. So I have decided not to support the pending resolution.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAMSEYER. Mr. Chairman, I rise to support the amendment just offered by the gentleman from Tennessee [Mr. GARRETT]. This amendment provides that the proposed amendment to the Constitution, commonly known as the Norris-White constitutional amendment, first, shall be inoperative unless ratified by the legislatures of three-fourths of the several States within seven years from the date of submission by Congress to the States and, second, the act of ratification shall be by legislatures, the entire membership of at least one branch of which shall have been elected after such date of submission.

The first clause of the pending Garrett amendment is in substance a part of the eighteenth amendment to the Constitution and has been held by the Supreme Court of the United States to be a reasonable limitation in Dillon *v.* Gloss (256 U. S. 368). On page 376 the court says:

> Whether a definite period for ratification shall be fixed so that all may know what it is and speculation on what is a reasonable time may be avoided, is, in our opinion, a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification.

In this same decision after quoting Article V of the Constitution and discussing the two modes of ratification, to wit:

> by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as one or the other mode of ratification may be proposed by Congress—

The Supreme Court says on page 374:

> Thus the people of the United States, by whom the Constitution was ordained and established, have made it a condition to amending that instrument that the amendment be submitted to representative assemblies in the several States and be ratified in three-fourths of them. The plain meaning of this is (a) that all amendments must have the sanction of the people of the United States, the original fountain of power, acting through representative assemblies; and (b) that ratification by these assemblies in three-fourths of the States shall be taken as a decisive expression of the people's will and be binding on all.

I can not take up more time to discuss this case. I commend a careful reading of this case to the Members of the House. In this connection I wish to call your attention to another instructive case of Hawke *v.* Smith (253 U. S. 221), in which was held unconstitutional a provision in the Ohio constitution requiring a referendum on the action of the general assembly ratifying any proposed amendment to the Constitution of the United States. The Supreme Court in this case, after discussing the meaning of Article V of the Constitution, says on pages 226 and 227:

> The method of ratification is left to the choice of Congress. Both methods of ratification, by legislatures or conventions, call for action by deliberative assemblages representative of the people, which it was assumed would voice the will of the people.

The first clause of the pending amendment imposes a time limitation of seven years on one end of the ratification process, which has been held constitutional by the Supreme Court; and the second clause of the pending amendment imposes a time limitation on the other end of the ratification process by way of a stay or delay until the entire membership of at least one branch of the State legislatures shall have been elected after such date of submission, which latter clause has not been passed on by the Supreme Court.

The limitation in the first clause is—

> a matter of detail which Congress may determine as an incident to its power to designate the mode of ratification.

The mode of ratification may be either—

> by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof.

Congress must determine the mode of ratification and in that determination is limited to one of two modes prescribed in Article V of the Constitution. As an incident to its power to designate the mode of ratification, Congress may prescribe that if a proposed constitutional amendment is not ratified within seven years after the date of submission it shall be inoperative.

In order to assure the assent of the people of the United States, "the original fountain of power," to a proposed constitutional amendment and to prevent hasty, ill-considered, and at times hysterical action on the part of the State legislatures, why is not the delay imposed in the second clause "a matter of detail which Congress may determine as an incident of its power to designate the mode of ratification" in order to make more certain legislatures that "would voice the will of the people" and give "a decisive expression of the people's will"?

This second clause under consideration in no way violates any provision of Article V of the Constitution. It is sound and sensible. It is conducive to an orderly consideration of the constitutional amendment submitted by Congress to the States. It is a reasonable limitation or regulation to give the people of the States an opportunity to become advised in what way it is proposed to change their fundamental law. It brings the proposed constitutional amendment before the people for discussion and consideration and gives a reasonable time in which the legislatures can learn that "decisive expression of the people's will." It simply tends to make more certain that the legislatures of the several States shall "voice the will of the people" and "that all amendments must have the sanction of the people of the United States, the original fountain of power."

The difference between the two clauses is: The first clause inhibits action on the part of the legislatures after a designated time and the second clause inhibits action on the part of the legislatures before a designated time. The object of the first clause is to prohibit action on the part of legislatures after the proposal has gone out of the people's minds, while the object of the second clause is to prohibit action on the part of legislatures before the proposal has entered the people's minds.

Mr. Chairman, in conclusion permit me to call attention to some data of historic interest in connection with constitutional amendments. To date there have been 24 amendments proposed to the Constitution of the United States, and 19 of these have been ratified by the legislatures of three-fourths of the States. Some of these 19 amendments were ratified within a single year after their proposal and all within four years. Of the 5 amendments that have not yet been ratified by the requisite number of States, 2 were proposed in 1789, 1 was proposed in 1810, 1 in 1861, and 1 in 1924. I think a fair and reasonable conclusion from the discussion in Dillon *v.* Gloss, supra, is that further action by the State legislatures to ratify the outstanding amendments, except the one proposed in 1924, would be declared to be invalid by the Supreme Court.

Mr. Chairman, bearing on this discussion, I submit for printing in the RECORD the following very interesting contribution from Jameson on Constitutional Conventions (4th ed.), section 585, to wit:

585. VI. Two further questions may be considered: 1. When Congress has submitted amendments to the States, can it recall them? And 2. How long are amendments thus submitted open to adoption or rejection by the States?

1. The first question must, we think, receive a negative answer. When Congress has submitted amendments, at the time deemed by itself or its constituents to be desirable, to concede to that body the power of afterwards recalling them would be to give to it that of definitively rejecting such amendments, since the recall would withdraw them from the consideration of the States and thus render their adoption impossible. However this may be, it is enough to justify a negative answer to say that the Federal Constitution, from which alone Congress derives its power to submit amendments to the States, does not provide for recalling them upon any event or condition; and that the power to recall can not be considered as involved in that to submit as necessary to its complete execution. It therefore can not exist.

2. The same consideration will, perhaps, furnish the answer to the second question. The Constitution gives to Congress the power to submit amendments to the States—that is, either to the State legislatures or to conventions called by the States for this purpose, but there it stops. No power is granted to prescribe conditions as to the time within which the amendments are to be ratified, and hence to do so would be to transcend the power given. The practice of Congress in such cases has always conformed to the implied limitations of the Constitution. It has contented itself with proposing amendments, to become valid as parts of the Constitution, according to the terms of that instrument. It is, therefore, possible, though hardly probable, that an amendment once proposed is always open to adoption by the nonacting or nonratifying States.

The better opinion would seem to be that an alteration of the Constitution proposed to-day has relation to the sentiment and the felt needs of to-day, and that if not ratified early while that sentiment may fairly be supposed to exist it ought to be regarded as waived and not again to be voted upon unless a second time proposed by Congress.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 187, noes 23.

So the amendment was agreed to.

Mr. CARTWRIGHT. Mr. Chairman, if nothing further were to be accomplished by this amendment than to do away with the absurdity of electing Members to Congress 13 months before they are allowed to become full-fledged Congressmen, that alone would be enough to justify prompt action on our part. Whatever justification there may have been for this delay in the early days when the average rate of travel was 5 or 6 miles an hour, there is none to-day, when the average rate of travel is 40 to 60 miles an hour. Almost everything is moving almost ten times faster to-day than it was 150 years ago. In times like these it is travesty on responsible democratic government to choose Representatives to serve the people in the transaction of business of vital importance and then not allow them to begin that service for more than a year. Imagine a housewife engaging a cook to begin work more than a year hence. Imagine a farmer buying seed, or work animals, or farming implements, of which he was to make no use for more than a year. Imagine a corporation electing directors to do nothing but watch other directors transact the business of the concern for upwards of a year. That kind of absurdity is reserved solely for this great deliberative body, in which the best current thought of our people ought to find expression. Nowhere except in the United States are the elected representatives of the people put into a political morgue and kept there for over a year before they can take action. In England the popular will may assert itself through the House of Commons almost instantly.

But this amendment aims to do much more than put an end to this absurdity in modern democratic government. Its main purpose is to free Congress from the dead hand of the so-called "lame duck." These "lame ducks," of whom there are often 10 or more in the Senate, and 30 or more in the House, with a greatly lessened sense of responsibility to the people by whom they have been rejected, often hold the balance of power in both Houses, and so have it within their power to decide matters of the greatest importance affecting the welfare of the whole Nation. It is idle to deny that these "lame ducks" have time and again been influenced by expectations of favors to come from the White House.

The "lame duck" flourishes during the so-called short session of Congress. It is also during this session that the filibuster flourishes. It is also during this short session that the undemocratic cloture is made use of to jam measures through Congress without adequate debate or understanding. The proposed amendment does away with the short session. By so doing it increases from 50 to 100 per cent the chances of legislation being given the fullest possible consideration and being decided by Representatives who look directly to the people, and nowhere else, for their reward.

There is another sense in which Congress would be relieved of the dead hand by this amendment. Each Congress would organize itself. At present the dying Congress provides by caucuses the officers and organization for the newly elected Congress. A dead Congress seeks to control the vital machinery of a Congress that is yet to come into being. The proposed amendment would put a stop to that vicious, undemocratic practice.

The proposed amendment has received the approval of the American Bar Association and of a great many farm, labor, and women's organizations. The press throughout the whole country is for it. I do not know of any body or group that is openly against it. It seems to me that the devil's advocate himself would find it hard to make out a case against it. [Applause.]

Mr. WHITE of Kansas. Mr. Chairman, I ask the courtesy of the committee to proceed for two minutes. I wish to congratulate the committee upon the wonderful tranquillity that has characterized this debate. I want to say that I listened to the eulogies spoken of the gentleman from Virginia, my good friend, and of our beloved leader on this side, with which I fully agree. I want to say further with regard to the leader himself that I believe he can be wrong with better grace than any man I have ever known in my life. [Laughter and applause.]

Mr. TILSON. Mr. Chairman, does not the rule provide that upon the completion of the reading of the resolution the committee shall automatically rise?

The CHAIRMAN. The reading of the resolution having been completed, the committee now rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEHLBACH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration Senate Joint Resolution 47, proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress and fixing the time of the assembling of Congress, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

Mr. TILSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TILSON. Is this the formal submission of the amendment to the Senate resolution?

The SPEAKER. As the Chair understands, this is the formal submission of the amendment, but not of the resolution itself. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the resolution.

Mr. TILSON. Mr. Speaker, is it not necessary to have a yea-and-nay vote on a resolution proposing a constitutional amendment?

The SPEAKER. There is no rule which provides for a yea-and-nay vote, and the Chair will quote from the Manual, section 224:

Ayes and nays not required to pass a resolution amending the Constitution.

The question is on the passage of the resolution.

Mr. GIFFORD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 209, nays 157, answered "present" 2, not voting 66, as follows:

[Roll No. 44]

YEAS—209

Abernethy	Drewry	Kelly	Rankin
Adkins	Edwards	Kemp	Rayburn
Almon	England	Kent	Reed, Ark.
Andresen	Englebright	Kerr	Reid, Ill.
Arnold	Eslick	Ketcham	Robinson, Iowa
Auf der Heide	Evans, Calif.	King	Rubey
Ayres	Evans, Mont.	Kopp	Rutherford
Barbour	Fisher	Korrell	Sanders, Tex.
Bell	Fitzpatrick	Kvale	Sandlin
Black, N. Y.	Fletcher	LaGuardia	Schaefer
Black, Tex.	Frear	Lampert	Schneider
Blanton	Free	Lanham	Sears, Nebr.
Bohn	Freeman	Lankford	Selvig
Bowman	Frothingham	Lea	Shallenberger
Box	Fullbright	Linthicum	Simmons
Brand, Ga.	Fulmer	Lozier	Sinclair
Brand, Ohio	Furlow	Luce	Sinnott
Briggs	Gambrill	McClintic	Sirovich
Browne	Garber	McKeown	Somers, N. Y.
Browning	Garner, Tex.	McLaughlin	Spearing
Buchanan	Garrett, Tenn.	McLeod	Sproul, Kans.
Burtness	Garrett, Tex.	McReynolds	Stedman
Burton	Gifford	McSweeney	Steele
Busby	Gilbert	Maas	Stobbs
Byrns	Goodwin	Major, Ill.	Strong, Kans.
Canfield	Gregory	Major, Mo.	Sumners, Tex.
Cannon	Green, Fla.	Manlove	Swank
Carss	Green, Iowa	Mapes	Swing
Carter	Greenwood	Martin, La.	Tarver
Cartwright	Guyer	Michaelson	Tatgenhorst
Casey	Hall, N. Dak.	Michener	Taylor, Colo.
Celler	Hammer	Mooney	Thurston
Chase	Hastings	Moorman	Timberlake
Clague	Haugen	Morehead	Underwood
Clancy	Hill, Ala.	Morgan	Vincent, Mich.
Cochran, Mo.	Hill, Wash.	Morrow	Vinson, Ga.
Cochran, Pa.	Hoch	Nelson, Me.	Vinson, Ky.
Collier	Holaday	Nelson, Mo.	Weaver
Collins	Hooper	Nelson, Wis.	Welch, Calif.
Colton	Hope	Newton	White, Kans.
Connery	Howard, Nebr.	Norton, Nebr.	Whitehead
Cooper, Wis.	Howard, Okla.	O'Connor, La.	Whittington
Cox	Huddleston	Oldfield	Williams, Mo.
Crisp	Hudson	Oliver, N. Y.	Williamson
Crosser	Hudspeth	Palmisano	Wilson, La.
Dallinger	Hull, Tenn.	Peavey	Winter
Davey	James	Peery	Wolverton
Davis	Jeffers	Perkins	Woodruff
Dickinson, Iowa	Jenkins	Porter	Wright
Dickinson, Mo.	Johnson, Okla.	Pou	Zihlman
Doughton	Johnson, Tex.	Quin	
Douglass, Mass.	Jones	Rainey	
Dowell	Kading	Ramseyer	

NAYS—157

Ackerman	Connolly, Pa.	Gibson	Leatherwood
Aldrich	Cooper, Ohio	Glynn	Leavitt
Allgood	Corning	Golder	Lehlbach
Andrew	Crowther	Goldsborough	Letts
Aswell	Cullen	Griest	Lindsay
Bacharach	Curry	Hadley	Lowrey
Bachmann	Davenport	Hale	Lyon
Bacon	Deal	Hall, Ind.	McDuffie
Beedy	Denison	Hardy	McMillan
Beers	Dominick	Hare	McSwain
Bland	Douglas, Ariz.	Hawley	MacGregor
Bloom	Doutrich	Hersey	Madden
Bowles	Drane	Hickey	Mansfield
Bowling	Driver	Hoffman	Mead
Boylan	Dyer	Hogg	Merritt
Brigham	Eaton	Houston, Del.	Miller
Britten	Elliott	Hughes	Monast
Bulwinkle	Estep	Hull, Wm. E.	Montague
Burdick	Faust	Johnson, Ill.	Moore, Ky.
Carew	Fenn	Johnson, Wash.	Moore, N. J.
Carley	Fitzgerald, W. T.	Kahn	Moore, Va.
Chapman	Fort	Kearns	Morin
Chindblom	Foss	Kincheloe	Murphy
Clarke	French	Knutson	Niedringhaus
Cohen	Gardner, Ind.	Kurtz	Norton, N. J.
Cole, Iowa	Gasque	Langley	O'Brien
O'Connell	Romjue	Thatcher	Watres
Oliver, Ala.	Rowbottom	Thompson	Watson
Palmer	Seger	Tillman	Weller
Parker	Shreve	Tilson	Welsh, Pa.
Parks	Smith	Tinkham	White, Me.
Prall	Speaks	Treadway	Williams, Ill.
Pratt	Sproul, Ill.	Tucker	Wingo
Purnell	Steagall	Underhill	Woodrum
Ragon	Stevenson	Updike	Wurzbach
Ransley	Sullivan	Vestal	Wyant
Reece	Summers, Wash.	Wainwright	Yon
Reed, N. Y.	Swick	Ware	
Robsion, Ky.	Taber	Warren	
Rogers	Temple	Wason	

ANSWERED "PRESENT"—2

Stalker	Williams, Tex.

NOT VOTING—66

Allen	Connally, Tex.	Igoe	O'Connor, N. Y.
Anthony	Crail	Irwin	Quayle
Arentz	Cramton	Jacobstein	Rathbone
Bankhead	Darrow	Johnson, Ind.	Sabath
Beck, Pa.	Dempsey	Johnson, S. Dak.	Sanders, N. Y.
Beck, Wis.	De Rouen	Kendall	Sears, Fla.
Begg	Dickstein	Kiess	Snell
Berger	Doyle	Kindred	Strong, Pa.
Boies	Fish	Kunz	Strother
Buckbee	Fitzgerald, Roy G.	Larsen	Sweet
Bushong	Gallivan	Leech	Taylor, Tenn.
Butler	Graham	McFadden	White, Colo.
Campbell	Griffin	Magrady	Wilson, Miss.
Chalmers	Hall, Ill.	Martin, Mass.	Wood
Christopherson	Hancock	Menges	Yates
Cole, Md.	Harrison	Milligan	
Combs	Hull, Morton D.	Moore, Ohio	

So (two-thirds having failed to vote in favor thereof) the joint resolution was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Johnson of South Dakota and Mr. Begg (for) with Mr. Harrison (against).

Mr. Rathbone and Mr. Christopherson (for) with Mr. Sanders of New York (against).

Mr. Combs and Mr. Stalker (for) with Mr. Snell (against).

Mr. Fish and Mr. Jacobstein (for) with Mr. Anthony (against).

Mr. Cole of Maryland and Mr. De Rouen (for) with Mr. Buckbee (against).

Mr. Williams of Texas and Mr. Hancock (for) with Mr. Sweet (against).

Mr. Taylor of Tennessee and Mr. Berger (for) with Mr. Bankhead (against).

Mr. Beck of Wisconsin and Mr. Gallivan (for) with Mr. Wood (against).

Until further notice:

Mr. Kiess with Mr. Sears of Florida.
Mr. Yates with Mr. Larsen.
Mr. Martin of Massachusetts with Mr. Sabath.
Mr. McFadden with Mr. Kunz.
Mr. Butler with Mr. Connally of Texas.
Mr. Campbell with Mr. Doyle.
Mr. Cramton with Mr. Griffin.
Mr. Strong of Pennsylvania with Mr. Igoe.
Mr. Moore of Ohio with Mr. Kindred.
Mr. Dempsey with Mr. Milligan.
Mr. Beck of Pennsylvania with Mr. Quayle.
Mr. Darrow with Mr. White of Colorado.
Mr. Magrady with Mr. O'Connor of New York.
Mr. Arentz with Mr. Dickstein.
Mr. Graham with Mr. Wilson of Mississippi.

Mr. DOUGLASS of Massachusetts. Mr. Speaker, my colleague, the gentleman from Massachusetts [Mr. GALLIVAN], is absent on account of a sore throat. If present, he would vote "aye."

Mr. WILLIAMS of Texas. Mr. Speaker, I am paired in favor of the bill. I therefore desire to withdraw my vote and answer "present."

Mr. CHAPMAN. Mr. Speaker, my colleague, the gentleman from Missouri [Mr. MILLIGAN], is absent on account of illness. If present he would vote "no."

Mr. STALKER. Mr. Speaker, I voted "aye." I am paired with my colleague, the gentleman from New York [Mr. SNELL]. I therefore withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

On motion of Mr. TILSON, a motion to reconsider the vote by which the joint resolution was rejected was laid on the table.

A similar House joint resolution was laid on the table.

ANNIVERSARY OF THE BATTLE BETWEEN THE "MONITOR" AND "MERRIMAC"

Mr. LINDSAY. 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 New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, 66 years ago there occurred the historic battle between the *Merrimac* and the *Monitor*, which was epochal in its effect on naval operations and construction of the future. The Confederate cruiser *Merrimac* had been converted into a crude but highly effective "ironclad" ship. Ironclad is perhaps a very accurate description, for this

was a wooden vessel whose sides had been clad in iron over her timbers.

On March 8 the *Merrimac* alone attacked five Union frigates. The concerted broadsides of the northern ships left the *Merrimac* unharmed. She continued to fire until the five frigates were sunk, 250 men being killed. The effect of this victory was most disheartening to the North. It opened a way for attack on Washington by shell fire and placed the coast cities of the North in a precarious position.

Then on the following morning there appeared to oppose the victorious *Merrimac*, the most absurd-looking craft imaginable, the now famous *Monitor*. In the engagement that followed the armor of the *Merrimac* was damaged, several of her heavy guns put out of action, her hull damaged, and many of the crew killed and injured. The *Merrimac* was compelled to withdraw and never again appeared in action.

I shall not enlarge on this remarkable event, as I believe some of my colleagues will wish to speak later, and I do not wish to anticipate their remarks in any way. I simply wish to recall that the *Monitor* was built in Greenpoint, Long Island, which historic territory I have the honor to represent in Congress. Greenpoint is a remarkable section. Its inhabitants are unanimous in their devotion to their locality. They are interested in public affairs and politics from childhood. Men, women, and children follow events closely. It would cheer the hearts of those who observe the vote slacking elsewhere to note the voting in Greenpoint. Every citizen votes in the election there. It is not surprising that this energy enabled the builders of the *Monitor* to complete their task in 100 days, a record for shipbuilding. And within a month after launching, Greenpoint's *Monitor* had saved naval supremacy for the North.

FARM RELIEF

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech which I made over the radio on farm relief legislation.

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

There was no objection.

Mr. SANDERS of Texas. Mr. Speaker and gentlemen of the House, I avail myself of the privilege granted to me by the House by printing in the RECORD an address delivered by me over the radio in Washington on the evening of March 7, 1928, on farm-relief legislation:

In discussing agricultural legislation, the first question which presents itself is that of the importance of agriculture. The national industrial conference board said of it: "The position of agriculture is of vital concern to all the people of the United States, not only for to-day but for all the future as well. It involves the national security, the racial character, the economic welfare, and social progress of our people. The development of sound, far-sighted national policies in respect to agriculture is, therefore, one of the most important problems before the country to-day. As our industries rely so greatly upon agriculture for their basic materials, industry has a direct interest in the maintenance of an adequate and well-proportioned agricultural production, unless we are to become dependent upon foreign countries, not only for the food supply of our industrial workers but for many industrial materials." Thomas Jefferson in his writings, in discussing the great industries of the country, placed agriculture first and stated in substance that it was a duty of the Government to tide it over adverse conditions.

The second question is: Is there an agricultural problem? Since 1900 agriculture has been slowing up in comparison with all other industries. All other industries have been so organized that they have shifted the heaviest burdens upon the farmers until their average earnings in 1926 were $627 per year—that is to say, that was the average income to the farmer for that year. Since 1882 the cost of producing agricultural products has been more than the wholesale prices of these products, and the farm indebtedness has grown from four billion in 1910 to twelve billion in 1920, and it has steadily increased since 1920. Many farmers are losing their farms and all the savings which they have accumulated. Business stagnation and bankruptcy abound.

The losses which the farmers of the country have suffered during the last seven years have been enormous. According to official bulletins recently issued by the Department of Agriculture during the fiscal year of 1926–27, there was an average decline of 4 per cent in farmland value for the whole country, while in some sections of the corn and cotton belt the decline reached 10 per cent. The 4 per cent average decline made a total decline from 1920 of 30 per cent. This means, expressing it in terms of dollars, $18,900,000,000 from the valuation of $63,000,000,000 placed on the value of farm lands in 1920. One reason for this is the deflation policy which the Republican Party put into effect in 1920. The other is the protective policy of the present and preceding Republican administration which has forced the farmer to sell at world prices while he was forced to buy his supplies at inflated prices in a protected market. While farm lands have been depreciating and prices of farm products have been steadily going down, the farmer's taxes have been going up by leaps and bounds. From 1921 to 1926 his land value was depreciating 30 per cent, and his taxes had increased 98 per cent. In the fiscal year of 1926 and 1927, 1,020,000 persons left the farm. During that time 131,000 farms were disposed of at forced sale and 40,000 sold at administrators and executors' sales, making a total of 171,000 sold "under the hammer." Counting 5 persons as the average number to a family, there were 855,000 men, women, and children dispossessed of their farm homes during that year. One hundred and sixty-three thousand other farms were sold voluntarily during that year because the farms were not profitable and the farmers could not support their families on them. The people of this Nation are fed and clothed by the farmers, and agriculture ought to have the sympathetic consideration of this Congress and ought to be given the same governmental concern as the railroads, manufacturers, and industries. This demand for agricultural legislation is increasing all the time, and it is presenting an issue which will be with us until it is settled, and settled right. This agricultural distress is not temporary. We suffered a loss of between three hundred million and four hundred million dollars on the crops of 1926, to say nothing of the enormous loss on the crops of last year. No other industry has ever been left to endure its hardships alone.

Banking has been assisted by the Federal reserve system. Manufacturing has had tariff protection for 100 years. Railroads have been given such legislation as allows a fair return on their investments. Labor has been helped and assisted by the Adamson eight hour law and the immigration laws. Hence the farmer has a right to demand that his industry shall be given at least an equal consideration by our Government, whose powers have been employed to help and shelter all other industries. Farmers have not now the power, nor are they likely to acquire it through voluntary action, to control their surplus crops, and the Government must come to their assistance if this Republic is to survive—if our population is not soon to be divided into a large industrial class on the one hand and peasantry and poverty and want and misery on the other. The net income of the average farmer in 1926 shrank 20 per cent over 1925. The total net revenue from agriculture, according to figures of the Bureau of Economics for the year 1926, including that from products consumed on the farms, amounted to $853 for each farm family. If we allow 4½ per cent interest on the capital investment, then the average income to the farmer was $627 per year. How are you going to keep him on the farm under such conditions? How are you going to make farm life attractive to him? How are you going to maintain churches and schools in rural communities with an annual farm income of things raised and consumed at home at only $627 per year? The reports from this Government bureau show that the total invested farm values the last calendar year declined one and one-half billion dollars. This presents a situation which is serious and can not be ignored. It demands a far-reaching remedy, and those who treat it lightly are enemies to the farmers and to the country. We should make it possible for agriculture to attain an economic equality with industries and labor in the domestic market; that the farmer be given an equal opportunity to enjoy the fruits of his labor, as do his fellow men in all other lines of endeavor. Both of our great political parties recognized this farm problem in 1920, and both of them incorporated planks in their national platforms of that year, dealing with this problem and promising relief. In the election which followed in the fall of 1920 Harding was elected President by a 7,000,000 plurality vote, and both the Houses were overwhelmingly Republican.

The Republicans in their platform of 1920 made the following pledge to the American farmer: "The farmer is the backbone of the Nation. National greatness and economic independence demand a population distributed between industry and the farm, and sharing on equal terms the prosperity which is wholly dependent upon the efforts of both. Neither can prosper at the expense of the other without inviting joint disaster. The crux of the present agricultural condition lies in prices, labor, and credit. The Republican Party believes that this condition can be improved by practical and adequate farm representation in the appointment of governmental officials and commissions; the scientific study of agricultural prices and farm production costs at home and abroad, with a view to reducing the frequency of abnormal fluctuations; the uncensored publication of such reports; the authorization of associations for the extension of personal credit; a national inquiry on the coordination of rail, water, and motor transportation with adequate facilities for receiving, handling, and marketing food; the encouragement of our export trade; an end to unnecessary price fixing and ill-considered efforts arbitrarily to reduce prices of farm products which invariably results to the disadvantage both of producer and consumer; and the encouragement of the production and importation of fertilizing material and of its extensive use." Why did they not redeem this pledge? They had the power to redeem it. They had the President and a large majority in both Houses of Congress. The reason they did not redeem it is evidently because they

did not have the inclination or they did not have the ability. I am charitable enough to permit them to classify themselves under these two heads as they may desire, but personally I think they properly come under both. In fact they admitted their ignorance of the problem by appointing a Commission of Agricultural Inquiry. This commission spent much time and money and when it made its report but few of them read it and those who did did not understand it. This was their "scientific study" promised in their platform. That Congress, the Sixty-seventh Congress, was in session many months, with several special sessions, and nothing was done to redeem that platform pledge. Drunk with power, they felt that it would be safe to neglect the farmer another time just as he has always been neglected. Not only did they refuse to redeem their pledge to assist agriculture, but they enacted the Fordney-McCumber tariff law, which more largely contributed to the farmers' enslavement.

In the campaign of 1924 they made another pledge to the American farmer, which pledge is as follows: "In dealing with agriculture the Republican Party recognizes that we are faced with a fundamental national problem, and that the prosperity and welfare of the Nation as a whole is dependent upon the prosperity and welfare of our agricultural population. We recognize that agricultural activities are struggling with adverse conditions that have brought deep distress. We pledge the party to take whatever steps are necessary to bring back a balanced condition between agriculture, industry, and labor." Notwithstanding the fact that they still had the President and a majority in both the Houses, they again failed to redeem their pledge. The Sixty-ninth Congress passed the McNary-Haugen bill, which was fought by many Republicans and vetoed by a Republican President. This bill's purpose was to stabilize the prices of farm products by removing the surplus from the domestic market. The administration did not want the farm prices stabilized. It wanted to keep the farmer in bondage. I am mentioning these facts because it is conceded by both Democrats and Republicans that our Government is by parties and all acknowledge party responsibility. These facts, therefore, show that, in so far as agricultural legislation is concerned, the Republicans have been weighed in the balance and found wanting. This Congress has been in session three months, and yet nothing has been done for agriculture. The Agricultural Committee of the House, composed of 21 members, a majority of whom are Republicans, have been dillydallying and no bill reported.

The enemies of real agricultural legislation are now trying to defeat legislation in behalf of the farmer by saying that they must not pass any legislation that the President will veto. Why delegate legislative authority to the President? It is a duty of Congress to pass such legislation as it may deem best, irrespective of the President, who has never been known to be on a farm except at picture-taking time and campaign time. If the President wants to veto legislation which the Congress in its wisdom may see fit to pass, let him take the responsibility.

When President Coolidge left South Dakota last summer he stopped at Brookings, S. Dak., and dedicated the Lincoln Memorial Library at South Dakota State College, an agricultural college. The people naturally expected him on such an occasion, and especially after having spent the summer among farmers, to say something about the greatest of all problems confronting the Nation—the agricultural problem. But instead of speaking on that subject, and suggesting some relief, he talked about the spiritual side of life. The spiritual side of life is very important, but you can not reach the spiritual life of man when he is hungry. As long as he is hungry he is going to be thinking about getting something to eat to maintain his physical well-being. This has always been true. We are constituted that way. The President proved that Lincoln was interested in agriculture. We all knew that all the time. We appreciate Lincoln's interest in agriculture, but Lincoln is dead. What we would like now to have is to have our President interested in agriculture, and to tell us how he stands on the Republican platform which recognizes the agricultural problem and which promises relief. After he had laboriously proved Lincoln's interest in agriculture, he quoted Lincoln as follows: "No other human occupation opens so wide a field for a profitable and agreeable combination of labor with cultivated thought as agriculture." He failed to tell them that while Lincoln's statement was true when it was uttered, that it is true now. That the people on the farms are getting poorer and that every year witnesses many farms being sold for taxes. It is well for the President to talk about the past and refer to the sweet by-and-by, but what we want to know something about is the nasty now-and-now. We want to know how to get by. Many farmers have not paid last year's taxes nor the interest on their mortgages. Doubtless the farmers who heard the President on that occasion felt like the doughboy during the World War. An Army welfare worker seized the opportunity offered by a halt in the march of an American division toward the battle lines to deliver an address to a group of Infantry soldiers. He expanded on the nobility of the allied cause, and he was about to mount to even greater heights of eloquence and punch the eternal blue, when a footsore, weary, and hungry doughboy broke up the meeting by shouting, "At's fine—but when do we eat?"

"Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay;
Princes and lords may flourish or may fade;
A breath can make them as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed, can never be supplied."

Congress could also help the farmer by prohibiting gambling in cotton futures. From all over the country comes the demand from the farms that this pernicious practice should be stopped. Recently there was testimony given before the Judiciary Committee of the House by Arthur Marsh, former president of the New York Cotton Exchange, showing how the cotton exchanges attempt to control and do control the cotton market.

"The two firms Marsh named were Anderson, Clayton & Co., of Houston, Tex., and George H. McFadden & Bros., of Philadelphia. He alleged that they concentrated on the New York Exchange a reserve supply of what he said was inferior cotton, ranging from 185,000 to 200,000 bales, and then sold it to traders who, when unable to sell it to spinners, had to place their other holdings on the market. This acted to depress prices on all markets of the country," he charged, adding that the two concerns were able to control the market during the depression.

"Marsh, together with Jacob M. Gilbert, a New York attorney and son-in-law of Justice Brandeis, of the Supreme Court, urged approval by the subcommittee of the Rankin bill, which would make market manipulations a violation of the Sherman antitrust law."

While many bills have been introduced in this and preceding Congresses, seeking to prevent gambling in cotton futures, none of them have ever been reported by the Agriculture Committee of either the House or the Senate. The House Committee on Agriculture has not even gone so far as to hold hearings on these bills. It is time farmers all over the country should take concerted action if they are to be given the assistance which they deserve. Would a person pay $226,000 for a seat on the New York Cotton Exchange unless it was a highly profitable business? And their profit comes at the expense of the farmer.

The President of the United States could materially assist the farmers by asking Secretary Jardine to retire from the Cabinet. Secretary Jardine is not only incompetent for the place, but he throws the weight of his official influence against the farmers. We who come from the cotton-producing States have not forgotten last September, when a message went out from the Agricultural Department to the New Orleans Cotton Exchange, predicting a downward trend in cotton prices, caused the market to immediately decline about $6 per bale on cotton, which cost the South many millions of dollars and at the same time had a demoralizing effect throughout the Nation. At that time I protested to Secretary Jardine and to the President of the United States, asking him to remove Jardine. That it was a serious blunder and that the President recognized it is evidenced by the fact that it caused the longest session of the Cabinet which has been held since Mr. Coolidge has been President, and at the adjournment of the Cabinet meeting the newspapers quoted the President as saying that he "regarded as hazardous predictions of price trends by the Department of Agriculture." And then the surprise came when the newspapers quoted the President as saying that he was going to leave the entire matter with the Agriculture Department. From every section of the cotton-producing States came a storm of protest against this unlawful, unjust, and unwarranted action, and yet the President took no action to have Mr. Jardine retire. The Dallas News in its issue of September 17, 1927, had the following to say about this prediction by the Department of Agriculture:

"The rumor that cotton was going down and that somebody or other in the Department of Agriculture had said so resulted in the serious embarrassment of many traders in cotton. Some of them may well have been brought to extreme distress by it. And there were undoubtedly many cotton farmers who parted with their cotton on the spot market at a disadvantage in consequence of the trend of quotations.

"The explanation of how it all came about is incomplete. It appears almost lame. The Associated Press on the day following the occurrence sought out the office from which the 'announcement' was supposed to have come, and learned that the chief of the bureau was absent from his desk. His assistant, the acting chief, was gone. In fact, nobody was there to explain except the publicity man for the bureau. And he rolled up his sleeves and did as good a job of explanation as he could.

"His opening statement was, as the Associated Press paraphrased it, that the declaration complained of 'was contained in a publication of limited circulation intended primarily for economists and field agents.' The date of that publication is not given, but it is stated that it was almost identical with a cotton-price review published a month ago. His third item of information was that the price prediction was not issued as a regular press release.

"From this it appears to have been a reiteration of a prediction of price made 30 days ago. Although it was the repetition, rather than the original guess, which gained attention and caused a drop in the market, it is not the repetition so much as the practice of price pre-

diction itself which seems objectionable. While it is a fact that economists and statisticians have toyed at times with mathematical means of predicting price trends in the cotton market, it is also a fact that the weather and the weevil and the cotton planter of the American farmer have made these theoretical results look altogether silly. If this is what the bureau has been attempting, it ought to discontinue operations in that direction at once.

"The Department of Agriculture is trying to help the farmer, but in a number of its ramifications it is performing unnecessary labors to the hurt of the farmer, rather than otherwise. Of course, in price predicting the guess might be for an unwarranted rise next time, so that the farmer would temporarily gain, just as he has temporarily lost. But guesswork about cotton can not long be an aid to agriculture. If the farm needs any guessing, the farmer can do his own guessing. He has had enough practice to be at least as shrewd at it as any group of swivel-chair specialists in a Washington bureau."

The fact is that every time ginners' reports and other information has come out to show a small cotton crop Mr. Jardine has always had a statement to counteract the effect of such facts and to bear the cotton market. He has done this so often that he is known to cotton raisers as "Beardine." As long as we are handicapped with "Jardine" or "Beardine," and the failure and refusal of a Republican Congress to carry out its platform demands for the relief of agriculture, we are left helpless for the present; but knowing the temper of the American people, their desire for fair play, this fight will go on until the question is settled and settled right. In the language of old—

"I never could believe that Providence had sent a few men into the world, ready booted and spurred to ride, and millions ready saddled and bridled to be ridden."

REREFERENCE OF A BILL

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to change the reference of the bill S. 1218 from the War Claims Committee to the Committee on Claims. Both chairmen have agreed to the reference.

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

There was no objection.

CERTAIN AMENDMENTS TO THE CONSTITUTION

Mr. TILSON. Mr. Speaker, there are a number of requests for permission to extend remarks in the RECORD. I have been requested to ask, and I now ask, that all Members of the House may have the right to extend their own remarks in the RECORD, for not to exceed five legislative days, on the subject of the proposed constitutional amendment that has just been rejected.

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

There was no objection.

Mr. MAJOR of Illinois. Mr. Speaker and Members of the House, this resolution, generally designated as the Norris resolution, which has to do with the beginning of the congressional and presidential term, is in my opinion one of the most important questions to be considered by Congress during the present decade. By its provisions some very material and vital parts of our governmental machinery are to be changed. The people of this Republic have been slow and hesitant in changing and adding to the fundamental law of the land. Proof of this assertion is found in the fact that there have really been only nine amendments added to the Constitution in a period of a century and a half. This reluctance to change the basic law is not to be criticized, but rather a subject of commendation. It should not be changed for light and transient reasons, but only when it will either inure to the certain benefit or welfare of the people, or will enable the Government to function more readily and responsively to their desires.

The original Constitution provides that the President and Vice President should hold office for four years, Members of the Senate for six years, and that Members of the House be elected every second year. It was also originally provided that Congress assemble at least once in each year and that such meeting be had on the first Monday in December. Strange as it may seem, and contrary no doubt to prevalent opinion among those who have not investigated the subject, the Constitution did not fix the time of the commencement of either the presidential or congressional terms. A resolution was passed by the Congress of the Confederation, fixing the first Wednesday in March, 1789, to begin proceedings under the Constitution, and as that time fell on the 4th day of March, and as the Constitution fixed the length of the terms, they have since commenced and expired on that date.

If the authors of the Constitution had tried deliberately to pick the worst time for the annual meeting of Congress, they could not have succeeded better than by fixing the date as they did. There can be little question, I think, but what this date was fixed more as a matter of chance than as deliberate judgment of those in authority as to the most convenient and best time for the commencement of these terms. In theory it is a governmental monstrosity; in practice, undemocratic; and has produced a situation inimical to the best interests of the people and a handicap to their chosen Representatives.

The ridiculous situation which this system presents is best illustrated by a practical example which is applicable in every congressional district in the United States. Assume, for instance, that Bill Jones defeated Bill Smith at the regular election in November, 1926, for a seat in this body.

The old Congress did not expire until March 4, 1927, and Smith continued to be a Member until that time. Jones then took the oath of office (by mail perhaps) and commenced to draw his salary. However, unless the President had called Congress into extraordinary session, which he did not do, and which rarely happens, Jones, the newly elected Member found there was no session of Congress for him to attend until the first Monday in December, 1927, a period of 13 months after his election. In the meantime, Smith, the defeated candidate, represented his district, or perhaps it would be more appropriate to say he misrepresented it, during the short session which convened on the first Monday in December, 1926. When Jones came to Washington in December, 1927, to attend his first session, there was only four months, if he is from Illinois, and only a few months if from any other State, depending upon the time of the primary in the State he comes from, prior to the time when his successor was to be nominated. In other words, before Congressman Jones had laid his eyes on the Capitol Dome for the first time he must announce either his intention to retire or his candidacy for reelection. In the latter event, if he has an opponent for renomination, he is confronted with the problem of either deserting his post here and returning to his district to engage in the campaign, or remaining here under circumstances not conducive to the rendition of service comparable with his ability. He may answer roll calls, his voice is here, but his thoughts are back home. This quite obviously is not fair to either the Representative or to the people whose servant he is.

Another illustration of the absurdity of our existing system is found in an election contest. Assume that Bill Smith decides to contest the election of Bill Jones, who defeated him on the face of the returns, and who has been issued a certificate of election. He can not institute contest proceedings in any forum except here in the House. He could not file his petition for contest until the new Congress assembled 13 months after the election. The matter then would have been referred to the proper election contest committee, which, if the contest was not too complicated, would be expected in the ordinary course to make a report in time for the House to pass upon the same before it adjourns, perhaps 18 or 20 months after the election, and only shortly before it is time to elect a new Member. If the House decides the contest in favor of Smith, his term has almost expired before he is seated, and the district has been represented by Jones, who the House now decides was not elected, and the Government is compelled to pay both men their salaries as Representatives of the same district.

As heretofore suggested, under our present system Congress convenes on the first Monday in December of each year. It takes several days to organize, make committee assignments, and set the legislative machinery in motion. By the time that is accomplished, it is time to adjourn for the holiday recess; so little, if anything, can hope to be accomplished before the new year. Under this proposed plan Congress is to meet annually on the 4th day of January.

Under the proposed plan, as under the present plan, there will be two regular sessions of Congress during each two-year term, but under the former plan both sessions will be held between elections, while under the latter or present plan one session is held before the election and one after. In other words, under our system at present, a Member who is a candidate for reelection has only served one session, and that under difficulties, heretofore suggested, when he asks his district to return him. This is quite unfair to the Member himself, as well as his constituents. As now proposed, both sessions will have been served and the Members' record, good or bad, will have been made. The voters of his district can then intelligently determine whether his record merits a continuation of their confidence.

I have directed my remarks to the resolution as it affects the Members of the House, but the same logic, although perhaps to a less degree, is applicable to the situation as it affects the commencement of presidential terms. In the latter case there is a period of four months between the election and the inauguration of the President, which is entirely too long. It is a situation calculated to produce a period of stagnation in governmental activities. The people may have expressed a desire for a radical change in governmental policies, and yet the person who is elected President is not permitted to assume his office for four

months. In the meantime, the outgoing administration, which perhaps has been repudiated in the election, out of deference to the incoming administration, if for no other reason, is quite likely to do nothing.

History presents a striking illustration of the evil of this system in the period which followed Lincoln's first election. Elected in November, 1860, he could not take the oath of office and assume the reins of government until March 4, 1861. If he had been at the helm during those four months, his genius for conciliation might have prevented the formation of the Confederacy, and it is well within the bounds of possibility that the terrible Civil War could have been averted. As it was, South Carolina seceded in November, 1860, and with six other States sent delegates to a Confederate convention at Montgomery, Ala., in February, 1861. Meanwhile, the Government was drifting helplessly in the conflicting currents, with President Buchanan, whose party had been repudiated at the polls, at its helm. He did not, like Lincoln, have a mandate to deal with secession. Indeed, his only mandate was to get out, and for four months of the most critical character he was unable to either get out or to deal vigorously and authoritatively with the greatest crisis in our history. Before Lincoln stepped in, the Confederacy was formed and the terrible conflict was on.

When the Government was formed there no doubt was reason for having a considerable space of time between election and the date when the newly elected President and Congress should take office. In those days it took weeks and perhaps months to learn the results of an election, and even longer for the newly elected officers to travel from their homes to the Capital. My understanding is that the Congressional Cemetery was originally laid out largely as a burial place for governmental officials who died while serving their country here in Washington. In the early period they were too far from home to be returned. Among those interred in that cemetery are 13 Senators and 60 Members of the House.

This is merely an illustration of how conditions have changed so far as they are affected by time and distance. Now, the results of elections are known within a few hours after the polls close, and with the modern facilities of transportation the newly elected officers can travel from any part of the United States to Washington in a few days. Another reason which no longer exists is that the Constitution originally provided for the election of Senators by the legislatures of various States, which generally did not meet until after the first of the year, and oftentimes late in the spring following the election of Members of the House and the President; but since this has been changed so that Senators are now elected at the same time as Members of the House and the President.

The first two sections of the resolution now before the House are as follows:

SECTION 1. The terms of the President and Vice President shall end at noon on the 24th day of January, and the terms of Senators and Representatives at noon on the 4th day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

SEC. 2. The Congress shall assemble at least once in every year. In each odd-numbered year such meeting shall be on the 4th day of January unless they shall by law appoint a different day. In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

These sections of this resolution are substantially the same as the ones contained in the resolution which has recently passed the Senate, with the exception of section 2, which is a wide departure from the Senate provision and which, in my opinion, would detract immeasurably from the merits of the matter in question. Section 2 of the Senate resolution reads as follows:

The Congress shall assemble at least once in every two years, and such meeting shall begin at noon on the 2d day of January unless they shall by law appoint a different day.

The most urgent reason for this proposed change in the Constitution is to rid us of the so-called "lame duck" session, which permits Congress to legislate after many of its Members have been defeated, and who are not as responsive to the desires and wishes of the people as they otherwise might be. The resolution before us, like the one which passed the Senate, remedies this situation.

The next reason in importance which demands this change is to rid us of the short session of the Congress. At present the short session ends at noon on the 4th day of March following the election. In other words, when the hands of the clock point straight up on that day Congress is adjourned by operation of law, whether its work is complete or not, and experience has shown that this has produced an undesirable legislative condition, and one which usually ends in confusion. In the closing days of such a session, bad laws get through, meritorious proposals are defeated, and many matters of importance are not even considered on account of this situation, and the result is dissatisfaction, not only on the part of Members of Congress, but on the part of the people generally. As is said in the report submitted by the Judiciary Committee of the Senate:

Jokers sometimes get on the statutes because Members do not have an opportunity, for the want of time, to give them proper consideration. Mistakes of a serious nature creep into all kinds of statutes which often nullify the real intent of the lawmakers, and the result is disappointment throughout the country. Such a congested condition in the National Legislature can not bring about good results. However diligent and industrious Members of Congress may be, it is a physical impossibility for them to do good work. Moreover, it enables a few Members of Congress to arbitrarily prevent the passage of laws simply by the consumption of time.

An ideal situation is created for a filibuster, as a few Members, or even one Member can, when they know that Congress is to adjourn at a certain hour, consume the entire time by talking, which they would not do, and perhaps could not do if a date for adjournment was not fixed by law. It is, therefore, in view of past experience, rather remarkable that the committee would report this resolution providing:

In each even-numbered year such meeting shall be on the 4th day of January, and the session shall not continue after noon on the 4th day of May.

A limitation is placed upon this session which makes it only a slight improvement over our present system. In other words, it creates a situation only a little bit better than one which is admittedly bad. This feature of the resolution is especially remarkable in view of the fact that it passed the Senate without limitation on either session on February 13, 1923, again on the 14th day of March, 1924, again on the 15th day of February, 1926, and again on the 4th day of January of the present year, with not to exceed six votes against it on either occasion. It also was reported from the committee of this House on the 22d day of February, 1923, on the 15th day of April, 1924, and again on the 24th day of February, 1926, and on each of these occasions the proposed resolution contained no limitation upon the length of either session. What has produced this sudden change which caused the committee to include such a limitation in this present resolution? The committee report accompanying the resolution makes no explanation except one that is based upon the convenience of the members. The argument seems to be that this limitation will enable Members in campaign years to get away from Washington in time to conduct their campaigns for reelection. Surely in view of our past experience this is a matter far too important to be determined by any such considerations. There are forces in this country no doubt who desire all possible limitations upon the powers of Congress. Their interests are not the interests of the people. To say that Congress must adjourn at a certain hour, regardless of its desires or wishes, is the equivalent of saying that it does not possess the judgment or discretion to know when it should adjourn. I do not subscribe to such theory. Congress should be able and should be left free to determine when its sessions shall adjourn. I am opposed to this limitation and hope the resolution will pass the House with it eliminated.

Sections 3 and 4 of the resolution are meritorious. They confer upon the House the power of electing a President, whenever the right of choice devolves upon it, after the time fixed for the beginning of his term in the event it should not be able to choose a President before that time. Congress is also given power to provide for the case of death of both the President and Vice President elect. The present Constitution makes no provision for such contingencies, and conditions might arise where such lack of authority would cause a very embarrassing situation.

The important thing, however, vitally important to the welfare of the Republic is to abolish the lame-duck session, eliminate the short session, and provide for the commencement of congressional and presidential terms at a time after the election not so remote that the voice of the people will have been spoken in vain.

Mr. PRALL. Mr. Speaker, I have listened very attentively and patiently to many of my colleagues during two long days of debate, many of whom are in favor of again amending the Constitution, and to others in opposition. After listening to the interesting, instructive, and illuminating addresses upon the subject, I am reminded that after all it is a good old Constitution. It is beyond question the greatest document ever conceived by man for the proper government of a great Nation.

It has successfully carried us through peace times and war times—through times of prosperity and adversity.

During its 139 years of existence many proposals to change its wise and far-seeing provisions have been attempted, and with few exceptions these attempts have failed, all of which goes to prove that the representatives of the people still have faith in the wisdom of our forefathers who conceived it. It is no wonder we hesitate to change its provisions when all about us we find constantly changing chaotic conditions in other governments.

Some have said we already have amended our Constitution, and that is true. One notable amendment, won after nearly a century of effort, which has merited the commendation of the country, was the nineteenth, and which ended suffrage discrimination by extending to women the right to vote. That amendment has proven universally satisfactory and popular, but not so much can be said of the eighteenth. The latter has taken from the pockets of the taxpayers millions of dollars in money; it has been productive of graft, perjury, and other unlawful acts, including that of murder, in its attempted enforcement. The anticipated benefits did not materialize. The object sought has signally failed. The Constitution was amended in a vain attempt to force prohibition. The people want "temperance," not "prohibition." So it is apparent that mistakes may be and have been made by tinkering with the Constitution.

It has been well said in this debate that in attempting to amend the Constitution it should not be done hastily. In legislating for more than a hundred million people, conservative and deliberate rather than hasty consideration should be the rule. Snap judgment and haste should have no place in this body. One of the chief concerns of every Representative should be to discourage rather than encourage the ambitions of those who are ever ready to shoot holes through the Constitution. You may depend upon it, there is a far greater demand for a repeal of the Volstead law than is evidenced in the proposed amendment now before us.

As incredible as it may seem, there are those who would amend the Constitution to the end that the power now vested in the Supreme Court of the United States would be destroyed, by the reenactment by this House of any law which might have been declared unconstitutional by that court. What a fatal legislative mistake it would be if such an atrocious amendment should carry.

Some who favor this amendment are apprehensive lest the so-called lame ducks, upon retiring or meeting defeat in the elections, would prove a menace, or, perhaps, be no longer interested in the work of Congress. In view of what has been said on this floor, we need have no concern about that.

Men who have served in this body are not of the type who lose their patriotism or love of country. They are men who would not under any circumstances advocate or support unwise or vicious legislation because of their voluntary or enforced retirement by failure to win the elections.

Contrary to that idea it has been disclosed in this debate that some of the most illustrious Members of this House have at some time in their political careers failed to return here due to primary or election reversals. Included in this group are the late William McKinley, who thereafter became President of the United States; Hill, of Maryland; Lineberger, of California; the late Secretary of War Weeks, Postmaster General New, Speaker Champ Clark, and our own present Speaker, NICHOLAS LONGWORTH, have all served in this House as so-called lame ducks, but who is there to-day who will question one act of any of these gentlemen, or, in fact, of many others whom I have not mentioned, while serving the short session following the November elections and their failure to be returned?

The President already has the power to convene Congress at any time he considers the condition of the country demands it. He may call us together on the 4th of March following his inauguration. The beginning of the term of a Representative seems to be the crux of the resolution. The fact that Congress does not convene for 13 months after the elections does not mean that it could not convene if the conditions demanded it. Members of Congress assume the duties of their office on March 4, and at any time thereafter and before the following December, which is the time fixed, they may be called to convene. But I wonder if the people of the country want it convened earlier. Business is usually upset and uncertain during presidential and congressional campaigns. New issues develop in campaigns, and it is only after they are fought and won that the people of the country know what to expect. It requires time for them to settle down, to adjust their affairs to meet the conditions expected to prevail under a new incoming administration. Therefore the resolution before us is not vital. Its object can be attained at any time in the discretion of the President, and any President having the confidence of the people, as expressed by them in his election, may be trusted to convene Congress in special session when, and only when, it may be necessary. If that is true, and it is true, then why tinker with the Constitution? Leave it alone.

In the present chaotic condition as a result of the adoption of the eighteenth amendment after years of test, I am confident that had the country experienced the ridiculous efforts of enforcement before its adoption, that have become notorious since, its adoption now would be decidedly uncertain. Congress probably would rather consider the modification of its former internal revenue laws to bring about temperance, than to amend the Constitution in a fruitless effort to force prohibition.

Again reverting to the so-called lame duck, I would venture the opinion that if the entire administration, including the President and both Houses, were defeated in one election, it is not to be supposed that, having met defeat, it would attempt to pass laws in defiance of the wishes of the people who had voted it out of power. It would be its aim to rehabilitate the party and reestablish itself in the confidence of the people.

There has been no great demand for this amendment to the Constitution, and I believe the people generally are opposed to further tinkering with it.

We should be devoting our time and effort to locating the elusive and much vaunted Republican "prosperity" our brethren on the other side are talking about. We should solve the problem of unemployment. The people do not want the Constitution amended—they want work. The people do not want the Constitution amended—they want it observed as it was written; they want free speech, a free press, and religious liberty which spells tolerance and patriotism with a big "T" and a big "P."

Mr. SELVIG. Mr. Speaker and Members of the House, the resolution now before the House providing for a constitutional amendment straightening out the twists in congressional and presidential tenure is one of supreme importance to the country.

The many able arguments presented in favor of this resolution leave very little to be added. I desire at this time to state that I am in hearty accord with the purposes to be effected in changing the Constitution of the United States as provided for in the pending resolution.

The principal change involved is the abolition of the so-called "lame-duck" session of Congress. It is this part of the resolution that, in my opinion, is of the greatest importance to the country.

Let me briefly recall the provisions of the Constitution now in effect and the effect of the proposed changes. The Constitution went into operation on March 4, 1789, although ratification had been completed the previous September. It followed that the terms of Members of Congress and of Presidents, being fixed hard and fast as to duration, would always begin and end on March 4. The Constitution also provides that the regular sessions of Congress shall convene on the first Monday in December, with power reserved for Congress to appoint a different day. Members elected in November, therefore, do not take office until the following March 4. In the meanwhile, however, there will have been a session of Congress. This session, lasting from December to March 4, is known as the "lame-duck" session, because it contains Members who may have been defeated in November.

The proposed amendment would start the sessions of Congress as well as terms of Members on January 4. Members elected in November would begin serving in January. In this way the will of the people would go into action immediately, instead of being held in suspension while Members who were not re-elected through their own voluntary retirement or through being retired by will of their constituents continue to exercise authority.

Another result would be the abolition of the alternate short session. Instead of having a short session from December to March 4 every odd-numbered year, all sessions would begin in January and continue until Congress was ready to adjourn. It is clear that under this system many of the worst evils of the filibuster would disappear, since the possibility of effectively tying up Congress's business by protracted delay is good only where there is an imminent and forced adjournment.

The whole argument in favor of the adoption of this resolution can be summed up in the statement that it is not a sound principle for any session of Congress to be held after the people have expressed themselves in any election on any issue except by the new Congress and new Representatives coming into power as the result of that election.

At the present time a new Member elected in November of an even-numbered year does not enter upon his duties as a lawmaker on the floor of the House until the Congress convenes in December of the year following, although his term begins on the 4th of March following his election. Thirteen months elapse before he can take his seat. Thirteen months elapse before the will of the people who elected him can find expression through his voice and vote on the vital issues of the day.

The proposed amendment does away with this archaic system. There may have been a reason for it in the early years of the Republic when means of travel and communication were poor. But this condition no longer exists. Now, the results of a national election are known in every corner of the country within a few days, a few hours, even. Congress, if need be, could be assembled within a very few days after the election day.

The most urgent reason, as I see it, for the adoption of the resolution pending before the House involving proposed changes in the Constitution is to get rid of the "lame-duck" session, which permits Congress to legislate after many of its Members have been defeated, and who are not as responsive to the people as they otherwise might be.

I am opposed also to the limitation regarding the adjournment of Congress, which, in its original form, the resolution fixed at May 4. A fixed date should be eliminated. Congress should be able and should be left free to adjourn when it so chooses.

The debate on this resolution has been conducted on a high plane that reflects credit upon the membership of the House. Every phase of the problem has been presented and discussed. The people will welcome this discussion which throws light on one of the most important issues before them. Popular government will succeed only in the degree that administrative machinery is fashioned to give full expression to the people's needs and desires. I am in favor of this resolution because it is a step in bringing the Congress nearer to the public.

Mr. PEERY. Mr. Speaker, I have followed the debate on this resolution with much interest. I have a profound respect for the Constitution. I believe it should not be amended except for good cause shown, but I also have a profound respect for the amendments to the Constitution. New problems and changing conditions necessitate the adoption of amendments from time to time. If, in the march of progress, the necessity of changed conditions warrant amendments to the Constitution, I believe it is our duty to face the responsibility and, for good cause shown, vote amendments.

The debate has covered a wide range. Some of the opponents of the measure have referred to it in a rather light and cavalier fashion. Some one referred to it as a "quack measure." But can it be that such a resolution, the principle of which has time and again been overwhelmingly indorsed by the American Bar Association, is to be held in such light esteem? Is a measure like this, which has passed the Senate of the United States on three different occasions, to be dismissed by this body with a mere wave of the hand? I think not. The membership of the House on the Democratic side should not be forgetful of the fact that the Democratic Party in its last platform declared in favor of the proposition here involved.

The resolution has been voted down, but I remind the Congress that this will not finally dispose of this question. Like Banquo's ghost it will not down, and at no distant date in the future it will again be before the Congress for determination; and I predict that this measure, or one substantially similar thereto, will eventually pass the Congress.

Ours is a representative government. It is a democracy. It is a government "of the people, for the people, and by the people." The source of power is in the people. The people express their will through the medium of the ballot and their will should be carried into effect through their duly elected representatives. The people constitute their duly elected representatives their agents to voice their will and register their decision in matters of legislation. They may, in the same way that they create that agency, revoke the agency and repudiate the agent. All of this is done through the medium of the ballot box. When the people have so spoken and expressed their will that will should be executed with fidelity and with reasonable promptness. Under existing conditions this is not always done. The people register their will at the November election. In that election they may and do register their repudiation of the agency theretofore existing and yet, under existing conditions, the agent, notwithstanding such repudiation, continues to act as such from December to March 4 in matters of legislation vitally affecting their interest.

The argument going to the individuality of the Members of Congress who fail of reelection is beside the question. I want to believe that all Members of Congress, whether reelected or not, are honest and patriotic. In fact, I object to any aspersions upon these congressional ducks, whether lame or otherwise. I myself am joining the ranks—not of lame ducks, but of retiring ducks. And let us assume that their integrity and patriotism are above question. The fact remains that their views on public questions and proposed legislation may not accord with the views of their people, their constituents, from whom their commission comes. And if the views of a Congressman have been repudiated by his constituents he should give way to the next man whose views are supposed to reflect the will of his constituents. And so it is the underlying principle of representative government that is involved. It rises above the question of men or personality.

And I do not think that the negative argument that no harm has been done in the past by lame-duck Congresses is at all convincing. The further argument that Members who fail of reelection only comprise 12 per cent of the membership is likewise but a negative argument, an argument of degree. The question is, What is the right and proper method of carrying into effect popular and representative government?

Suppose the election should involve a concrete issue on farm relief or suppose there should be submitted a concrete issue on the question of flood control and the people in no unmistakable terms expressed their will on these issues, why should not their will be made effective with reasonable promptness? Why should the matter have to wait for a period of 13 months? Why should those whose agency has been repudiated have their power and authority to legislate to continue for a period extending from December to March?

I remind the Members of the House that the underlying principle here involved has, in substance, been adopted by practically all, if not all, of the States of the Union in their own State constitutions. In my own State of Virginia our constitution has been rewritten more than once. Our last constitution was adopted in 1902. My esteemed colleague, the gentleman from Virginia [Mr. MOORE], was a member of the last constitutional convention and rendered fine service therein. In that constitution we provided for the election of members of the house of delegates every two years. We provided that their terms should begin in the early part of the year following the November election. We wrote into the constitution a provision that the general assembly should meet on the second Wednesday of January immediately following their election and that the term of office of the governor should begin on the 1st of February. We also wrote into our constitution a provision that the session of the general assembly should be limited to 60 days, with a further provision that it might be extended for a further period of 30 days with the concurrence of three-fifths of the members.

Similar constitutional provisions have been adopted by many of the States. Practically all, if not all of them, provide for an early session of the legislature following the election.

They have thereby adopted in substance the fundamental principle underlying this resolution—namely, to provide a proper and prompt legislative arrangement for voicing the will of the people as expressed at the polls and through representatives of their choice and in sympathy with their views.

With the adoption of the Jeffers and Garrett amendments to this resolution, I am glad to vote for the resolution. I think it is in accord with Democratic principles and progressive thought.

Mr. MEAD. Mr. Speaker, I listened with great interest during all the debate on this proposed constitutional amendment and, while the discussion was both interesting and instructive and, although I favor summoning the Congress to earlier sessions, I can not vote for a resolution which endangers and makes uncertain the inauguration of a President of the United States.

The sentiment to advance the convening of the Congress to a date nearer to the time of election is very strong, but at the same time the American people are opposed to hasty action which may result in more harm than good. This resolution imperils the selection of a President and endangers its transference from one man to another. Under the present method, the Congress is organized and has sufficient time in which to count the electoral vote and announce its findings and also to elect a President, if called upon to do so. Therefore we must not disturb this system until a safer one is devised.

Under the provisions of this proposed resolution only 20 days are permitted for the organization of the House, the canvassing of the electoral vote, declaring its result to the country, and the election of a President by the House if such a procedure be necessary. This is not a safe method to adopt. The adoption of this resolution in its present form opens the door to the possibility of having the Nation without a President, and that

situation may lead to most serious consequences—even to the dangers of revolt and civil war.

Let us send this resolution back to the committee until such time as this most serious defect can be remedied. We must make the selection of the President a certainty beyond a doubt. Let us hold to that which has served us so well for so long a time until we find something better to offer in its stead.

Constitutional amendments are not as popular with the American people as they were before the infamous eighteenth amendment was thrust upon them. The loathsome taste of that amendment must be out of their mouths before they will be keen for further change in the fundamental law of the land. The eighteenth amendment with its twin monstrosity, the Volstead law, represents the greatest blunder ever accomplished in a representative democracy. It has failed miserably to bring about any material benefits promised by its advocates, but on the other hand it produced a disrespect for all law; it has been responsible for graft and corruption by Federal officers intrusted with its enforcement; and it has even incited to murder of our citizens in a useless endeavor to enforce an obnoxious law.

When the time arrives for the presentation of an amendment that will make the inauguration of a new President a certainty then I shall be ready and willing to give my aid and support to the adoption of legislation which will convene Congress at an earlier date.

Mr. O'CONNELL. Mr. Speaker, I have sat in this Chamber during the course of the debate and listened with great care and strict attention to these four Members who have favored us with their verbal opinions on both sides of this question.

At the outset let me say with every possible emphasis that after our unfortunate experiment with the lamentable eighteenth amendment I shall be very chary while having the honor of representing my great district in this House to further amend that immortal document, the Constitution of the United States, unless I am able to convince myself beyond a more than reasonable doubt that such an amendment will have a tendency to strengthen and not undermine the old Magna Charta. What effect will the passage and adoption of this resolution have is the decision I must make as we approach a final vote. One newspaper writer tells us in an editorial that—

> The debate in the House revealed an astounding lack of constitutional knowledge on the part of most of the speakers. The discussion revolved largely around the objection of lame-duck sessions, almost completely ignoring the more important changes that were proposed in the resolution. The allegation was repeatedly made that the country demanded these changes and that the Senate had four times approved them.

The facts are, this writer goes on to tell us, that the Norris resolution was changed twenty-six times in the course of debate in that body, finally passing practically by default as many Senators had no interest in the subject, expecting that this House or the legislatures of the States would effect its demise.

Says the New York Times editorial:

> At Washington constitutional amendments are always pullating. Till the country gets out of its mouth, if it ever does, the loathsome taste of the eighteenth, new articles will not be yearned for. The easy American habit of passing a law or adopting an amendment and blissfully awaiting a profound social and political regeneration from mere mechanical changes has come to be distrusted.

For more than 139 years this great document has governed our Republic. When we pause to consider that in all those years it has been amended so infrequently we can not but admire and revere the wisdom of the fathers who builded better than they knew. The constant efforts that have been made to limit the powers of the Supreme Court have been unalterably opposed and resisted, and it remains to-day the bulwark of our jurisdictional institution. We should approach with care and deliberation further amendments to the Constitution. We should keep in mind constantly the fact that we are making a law for more than 100,000,000 people, and that deliberate judgment should govern our every action. I will take my chance with those who are opposing this new dispensation in the full assurance that I am acting according to my oath of office and the dictates of my conscience and serving the best interests of my country and my constituency.

I am prepared to give my aid, my voice, and vote to any movement that will insure the early convening of a new Congress when those intrusted with the duty of presenting a resolution that will make certain the enactment of a law that will remove the ambiguities that are contained in the bill now before the House.

Mr. THOMPSON. Mr. Speaker, I was one of those who voted intentionally against the proposed constitutional amendment to remedy the so-called "lame-drake" session. In my experience, for five terms, in the House of Representatives, I have never been aware that the "lame ducks," erroneously termed, were a menace, or that harm ever came to the Nation because of so-called "lame drakes." The short session of the House, with the so-called lame drakes, always brought good and not bad legislation, because such legislation consisted almost entirely of appropriation bills. There was not time enough to enact further legislation before inauguration on the 4th of March. It was then that the session ended, and a new Congress and new administration began. Mr. McKinley, Mr. Cannon, Mr. LONGWORTH, Mr. Julius Cæsar Burrows, Mr. THEODORE BURTON, and a long line of other illustrious Congressmen have been lame ones themselves, but were frequently returned after the flurry was over, and the Nation had settled down to normalcy.

I voted premeditatedly to preserve the Constitution, in this respect, as it had been written by our fathers. I do not believe in tampering with the constituted law of the land.

I resolved some time ago never to vote for another constitutional amendment, and did not this time. It requires a two-thirds vote to pass a constitutional amendment, and does not require the signature of the President, so I regarded it as a serious vote.

The amendment was defeated by a vote of 209 for and 157 against. The debate in the House was of a lofty character, and some of the best speeches were made that I ever heard in the House. The best points were made by Mr. TUCKER, of Virginia, Mr. MOORE, of Virginia, ex-Governor MONTAGUE, of Virginia, Mr. TEMPLE, of Pennsylvania, Mr. TILSON, of Connecticut, and Mr. CROWTHER, of New York.

I feel that the sacredness of the Constitution was helped to be preserved by my vote, and I am proud of it. It was true that 209 Representatives were carried off their feet and voted for the amendment, and 157 kept their feet on the earth and voted to retain the Constitution as their fathers wrote it. Two hundred and nine votes plus 157 votes make a total of 366 votes cast, and, as it requires a two-thirds vote of all those present and voting, it caused the amendment to be defeated by 35 votes. But there are 435 Members of the House, and 68 did not vote at all. If all had been present and 68 Members had voted and been recorded for the amendment, there would have been but 277 votes for it, which would still lack the necessary two-thirds majority by 13 votes, of the entire membership. Since the Sixty-sixth Congress there has been a turnover of about 12 per cent of the Members and many of these were not defeated Members but those who voluntarily withdrew from public life.

Mr. MORROW. Mr Speaker, regarding Senate Joint Resolution 47, pertaining to the amendment of the Constitution fixing the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress, it would appear to me that no real fundamental change was attempted, which would in any manner affect the original document. True it is that the Constitution of the United States is our fundamental law; that all acts passed by Congress must conform to that Constitution. It is also true that amendments, other than those that attempt to clarify and simplify methods of convening and facilitating the orderly procedure of Congress might tend to weaken the stability of the original law.

In the joint resolution presented and which failed to pass by the required vote there was no need for fear that a law was being enacted which would cause trouble in the interpretation of elections of the future. There were those who felt that the present method suited best those in power now, and in order that their views in the present methods should prevail it was felt necessary that the amendment should fail and the present system continue.

The sticklers for the Constitution originally enacted, under which our Government was organized and has functioned for 139 years, believe that the Constitution was well thought out by the founders of the Nation and that no further amendment is needed at this time.

In opposition to this thought we have the action of the American Bar Association; men of the highest degree of intelligence and constitutional knowledge of any like body in the world; men trained and equipped to express correctly and intelligently a proper opinion upon this very important subject. By resolution they have spoken upon the subject and submitted a unanimous report. The report should have had weight with Congress; the principle of the Senate joint resolution was indorsed unanimously by the bar association. It has been said that lawyers are scholars in this line; certainly they are competent to offer suggestions and advice upon this important resolution.

What is needed in dealing with the Constitution is less of politics and more real thought in the interest of the people.

Of course, all that was sought in the resolution is not necessary. The present time for inaugurating the President is not far wrong. No doubt a date more suitable to weather conditions would be preferable; the inauguration of a President is a national affair and all people in the Nation have a direct interest in the event.

Many journey from a great distance in the country to be present at this national occasion. The entire populace of this city feel a great interest in the event and regard it as an epoch in the history of the Capital. Near-by residents of adjoining States journey to Washington on this day, and an open-air event should be held at a time when the weather will not be too severe for the people to take part therein.

The people of the Nation have been educated to the belief that a Member of Congress elected in November of one year should not wait until the first Monday of December of the succeeding year to take his seat as their representative. The people have spoken in the election; yet under existing law the Representatives does not take office until March 4 and in the short session of Congress there is recess from March 4 to the first Monday in December. As has been so repeatedly referred to during the discussion of the resolution, this is wrong, and while the original document carries this provision, and it has existed and been carried out for almost 140 years, yet the fact remains that this long wait is wrong and needless. Despite the argument of those opposing the resolution, the defeated member, or lame duck as he is known, can not have the same spirit in his work that he had previous to his defeat. Necessarily he must feel that if he has been faithful in his work, that he either had different views from those of his constituency or that they are not in accord with his. He knows further that he must seek other lines for his future career, and his thoughts are directed to that.

In my opinion, the most important point brought out in the discussion of the resolution was that voiced by the gentleman from Tennessee [Mr. BYRNS]. That is, that Members, knowing that the short session must end on March 4, can take advantage of that fact and under the rules existing necessary legislation can be prevented from passage; we had an example of this during the last Congress, when needed appropriations were kept from passage by filibustering in the other Chamber. There is seldom need for filibustering, anyway. When improper legislation is enacted it can be properly checked by a veto.

The question to be settled is the time of the qualification of the Members, and apparently can be solved by legislation by the fixing of a date for the second meeting of Congress in each session. Thus Members elected in November may qualify for such meeting and become active participants in the affairs of Government without waiting until the first Monday of December in the following year. Apparently it is possible to work out by law the change needed without in any manner affecting the question of the election and qualification of the President and Vice President of the United States. The change should, in my opinion, be accomplished.

Mr. GARDNER of Indiana. Mr. Speaker, there has been much discussion in the House on the joint resolution to amend the Constitution as set out in Senate Joint Resolution 47. Many newspapers favored the adoption of this resolution, and many Members of Congress advocated its passage for the purpose of eliminating the so-called "lame-duck" session of Congress. The Constitution, in Article I, section 4, second paragraph, provides:

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December unless they shall by law appoint a different day.

If the present so-called "lame-duck" session is a menace to the country, it can now be eliminated by the passage of a law without an amendment to the Constitution. The above provision of the Constitution has been in full force and effect for 140 years. Under that provision of the Constitution the country has prospered and has not been materially damaged. I believe a majority of the people I represent are not in favor of amending the Constitution unless there is a real demand and necessity for so doing. The more I think about amending the Constitution the more I agree with a quotation from an English statesman, expressed on the floor of the House by that able jurist, Congressman MOORE of Virginia, as follows:

> That when it is not necessary to change, it is necessary not to change.

I have a great admiration for the Constitution of the United States and am not in favor of amending the same unless there is a real demand and necessity for amending it. I see no need for amending the Constitution in order to eliminate the so-called "lame-duck" session of Congress when it can now be done by law. As to the fixing the commencement of the terms of the President and Vice President and Members of Congress, I do not see that it is very material whether the terms of these officials begin in January or whether they begin on March 4, as now provided by the Constitution. Other reasons are assigned for the adoption of this proposed amendment, but I do not think those reasons justify the amending of the Constitution. For that reason I did not vote for the passage of the resolution.

Mr. TILSON. Mr. Speaker, the debate on the Norris resolution proposing an amendment to the Constitution was a somewhat unusual one, interesting as well as instructive. It ran for three days. On the first day there was little time asked for in opposition to the resolution. The proponents had practically the entire day to explain the resolution and to give reasons why it should be adopted. As the debate progressed it became more and more apparent that the proponents were not making their case. They were unable to demonstrate the need for the change or to answer with any degree of satisfaction pertinent questions as to the probable effect of some of the provisions of the resolution. There was no concerted effort on the part of an opposition, for there was, in fact, no opposition except as it developed during the debate.

A similar resolution had passed the Senate a number of times, but generally with little or no discussion. It was generally taken for granted that as the Senate had passed it a number of times with practical unanimity it would also pass the House without difficulty. In the Sixty-ninth Congress some criticism was leveled at the leadership of the House for not allowing the resolution to come up for a vote, usually with the implied assumption that if allowed to come to a vote, it would readily pass. During the several years in which the question had been raised by the action in the Senate and the agitation of certain newspapers, little or no general interest in the House had been manifested outside of a few Members.

Much the same situation as that just described has prevailed in the present Congress, and the criticism had become even more personal than before, until, in spite of the fact that little interest had been manifested, I made up my mind that it was best to give it an early place on the program and test whether the House wished to pass it. I then began a critical study of the resolution, using such knowledge of the law as I possess, and the experience gained in more than 20 years of legislative work. The more thought I gave to the proposition the less I thought of it. I soon became convinced that it did not serve the purpose for which it was ostensibly proposed, and that it was full of danger for the future. Many other Members on both sides of the House, after studying the proposal and hearing it discussed on the floor, began to take a like view, and so the opposition grew day by day.

On the second day of the debate more time was asked in which to voice opposition to the resolution, and under the five-minute rule quite as much time was used in opposition as in favor of the resolution. The final vote, decisive as it was, probably fell far short of expressing fully the sentiments of the House at the close of the debate. Developments show that there was no genuine popular demand for the change, and that much of the manufactured agitation had been founded largely upon misapprehension of the effect of the Constitution as applied to this subject, and as to what effect such a change would necessarily have in carrying on the Government.

An analysis of the vote by which the resolution was rejected is interesting. As the question was in no wise a party question Members were entirely free to exercise their best judgment without regard to party regularity or loyalty. While the minority leader supported the resolution—with only a fair measure of his usual zeal, however—quite a number of Members on his side of the aisle, strong in debate and forceful in reasoning, opposed it. The same situation prevailed on our side of the aisle, for while the majority leader, as well as the chairman of the Appropriations Committee [Mr. MADDEN] and the chairman of the Rules Committee [Mr. SNELL], opposed it, quite a number of the very strong men on our side supported the resolution.

It is worthy of note that on the final vote only 25 per cent of the new Members voted against the resolution, which is not to be wondered at, because one of the strongest points made in favor of the resolution was that at present a new Member must wait 13 months, unless an extra session is called, before taking his seat or even the oath of office. Doubtless these 13 months seem interminable to a new Member, and if there were any practical way to eliminate this long wait it would be most desirable for their sake. It is not, however, nearly so bad as it seems to them; and after the new Member has become a veteran and looks back

upon his first term he will probably thank his lucky star that this time did intervene, so that, if possible, his people might forget many of his rash promises made while a candidate, and also that by being saved from rushing directly from the hustings to the forum he was probably saved from the chance of making a fool of himself before he had time to cool off or to get his true bearings.

The newly elected Member will also realize that the time was not lost, even the maximum time now possible, which his 13 months, because, in addition to serving his constituents in caring for their departmental work after March 4, he has time to close up his business affairs at home and properly prepare himself through travel and study to better understand and perform his strictly legislative duties when Congress convenes. Meanwhile he and the other Members elect are actually functioning in their normal between-session duties, and stand ready to legislate whenever in the judgment of the President—who was chosen by the people of all the Union—it seems for the best interests of the public. The President is not infallible; but, as I have said, he is elected by the whole country and is as deeply interested in the welfare of the entire country as anyone else could possibly be. In my judgment the country would be better off to have two comparatively short sessions of Congress, and have Congress meet at any other time only when the public interests demand it.

The resolution was naturally supported by those of that turn of mind who think that whatever is must surely be wrong and ought to be changed, and who regard all motion as progress regardless of the direction in which the movement takes place. On the other hand, it was doubtless opposed by those who take the opposite view, that whatever is is right and must not be changed. Between these extremes are included the bulk of the Membership of the House, and these were not convinced that the proposed amendment was necessary, or that if adopted it would better serve the public welfare.

The three principal reasons urged during the debate and previously in the newspapers for changing the meeting time of Congress were, first, that the time between election and the time of meeting is too long. I deny this, and give it as my best judgment that the present arrangement is the wiser and better one, whereby if the public interests demand it Congress may be brought into session at the end of four months, but if in the judgment of the President the public welfare will not be best served by an early meeting of Congress then to wait until the time now fixed in the Constitution.

The practice of foreign countries in early assembling is cited and made much of, but this is readily disposed of when it is remembered that in this respect our Government, where the legislative and executive powers are separated, is entirely different from any of those countries where the legislative and executive powers are combined so that when one ministry falls and fails to function another must promptly take its place. Who can say that this difference has not added to rather than detracted from the success achieved by our Government? The practice of foreign countries has no analogy to our own, so that arguments based upon it are without substantial foundation. It is undoubtedly true that the result of a compulsory early meeting of Congress would be that Congress would be almost continuously in session. Would the country be better off if this were the case? On the other hand, would it not be a distinct gain if the long session, so-called, might be depended upon to close not later than June 1?

The second point made against the present system is that the short second session readily lends itself to filibustering. Admitting for the sake of the argument that this is true, and that filibustering is necessarily an evil—which I shall deny—this difficulty can be readily disposed of by amending the rules of the Senate. If the prevention of filibustering is desired why should not the agitation be directed toward the application of this simple remedy rather than that of amending the Constitution? There is little danger of filibustering in the House preventing the passage of bills or the adjournment of Congress at the proper time. It might be made so in the Senate without the necessity of a constitutional amendment. Filibusters, however, are not unmixed evils and I will undertake to defend the proposition that by and large the filibusters in our history that have materially changed the course of legislation have been beneficial rather than otherwise.

The third argument, and the one upon which the entire agitation and propaganda have been based, is that Members who have not been elected to the succeeding Congress continue to sit in the short session held after the election. It is claimed that in some way or other a Congress so constituted is not responsive to the will of the people, whatever that loose phrase may mean. The truth is that a Congress does not in any material respect become less responsive to the will of the people because a few Members have failed of reelection. Such an indictment has been so often and so signally refuted that no one who has any respect whatever for himself or for the truth need longer give weight to such an argument. It was in fact abandoned during the discussion of the question in the House, because there was nothing substantial upon which to base it. The proposition can be easily defended that not only our legislators who have not chosen to be candidates, and those who failed of reelection, are as patriotic, honorable, and reliable as other Members, but it can be shown that the legislation enacted at the short sessions of Congress throughout our history ranks equally high as to quality and purpose as the legislation enacted at the first regular sessions. And it must all the while be borne in mind that all the time after four months from the date of the election the new Congress, coming directly from the people, stands ready to meet and legislate, if in the judgment of the President the public interest requires it. No one would claim that in any instance has the country suffered because the President failed to call Congress together early.

It would thus seem that the three principal pillars on which the arguments for a change in the date for the meeting of Congress are founded crumble as the light is turned upon them. Indeed, one might readily undertake to demonstrate the contrary of the three propositions: First, that the elastic period between the election and the meeting of Congress serves the purpose well and is, in fact, better than the proposed plan of constitutionally enforcing an early meeting; second, that on the whole if filibusters accomplish anything at all the result is just as apt to be beneficial as otherwise; and that even if filibustering be an unmixed evil, it can be gotten rid of by the simple process of amending the Rules of the Senate; and, third, that the "lame duck" bugaboo is not only without rhyme or reason, but that the record shows that legislation enacted at the so-called "lame duck" sessions of Congress held after the elections has been quite as wise, quite as useful, and quite as patriotic, if not better than, that enacted at sessions of Congress held immediately preceding the elections.

There is one very strong point in favor of maintaining the present arrangement whereby the outgoing President and Congress deal with the great supply bills without which the Government can not function, which should be referred to here. The Budget system which has accomplished its purpose so effectively for both economy and efficiency, has been worked out during the last seven years in harmony with our present arrangement of fiscal years and meetings of Congress. The preparation of a budget, with the appropriation and allocation of funds under it, is a complete annual cycle. The fiscal year begins July 1, and at the same time the executive departments begin preparations for submitting their estimates for the new year, which must be in the hands of the Director of the Budget by September. The Budget must be ready to submit to Congress in December. The Congress, under the present system, is fully organized and ready to deal with the Budget, the heads of executive departments who submitted the estimates are ready to explain the items touching their several departments, while the outgoing President, who is responsible for the Budget, is still in office until the appropriations based upon the Budget are made.

The Budget must be made up as I have indicated. It is almost inconceivable that a new President, and new heads of executive departments altogether unfamiliar with the Budget, should be compelled to present it to a new Congress and be expected to explain and defend its provisions, or even to assist intelligently, in translating the Budget into wise and careful appropriations. The proposed change would do much toward destroying the efficacy of the Budget system as well as the confidence of the people in this great governmental reform now so well established.

There remains one argument against the proposed change in the date of the meeting of Congress that no one has attempted to answer, and which, in my judgment, is absolutely conclusive against the proposed change. The electoral vote for President and Vice President under the new proposal must be canvassed by the new Congress within 20 days, which is the time intervening between January 4, the date fixed in the resolution for the meeting of Congress, and January 24, the proposed date for the inauguration of the new President, this period beginning just 60 days after the election. To my mind such a change would be a vital and might be a fatal mistake. It must be borne in mind that under the proposed change the House of Representatives would meet in an unorganized state. First, a Speaker must be elected. The instances in which this action has been delayed are too numerous and too well remembered in our history for anyone to ignore them. Several times it has taken weeks to elect a Speaker. When the House is somewhat evenly divided between the major parties, and party spirit runs high,

a small bloc formed for any reason would be able to prevent the election of a Speaker until its demands are met. We need only go back to the beginning of the Sixty-eighth Congress for an illustration, where, if the Presidency of the United States had been involved, a much more serious situation would have been presented.

At the beginning of a Congress, and until organized, the House of Representatives has no rules. To throw a matter upon which depends the Presidency of the United States into the House without rules would be a hazardous proceeding. Chaos might reign indefinitely. Why should we incur such a risk? Under the present system when the Congress meets after an election both bodies are thoroughly organized. The committees have been chosen and are functioning. Any action taken by either body within its proper sphere, or by the two bodies jointly, will be accepted by the people as the action of the Congress constitutionally organized and functioning. No change in the method of canvassing the electoral vote should be accepted that proposes to substitute a newly elected and unorganized body for one that is fully organized and constitutionally ready for the transaction of business.

Three times already, in our brief history, the election of a President has been thrown into the House of Representatives. In each instance the Congress in both branches was fully and completely organized, and fortunate it is for the country that such was the case. Some of these contests ran dangerously near to the time for the inauguration of the new President. If with only the speakership at stake there have been in our brief history numerous long drawn-out and bitter contests before a speaker could be elected and the organization of the House effected, what might we not expect in the future when partisan passions run high and the Presidency of the United States depends upon the outcome?

No substantial reason or purpose has been advanced for the proposed change in the meeting date of Congress that can not be met and accomplished without an amendment of the Constitution, and no sufficient reason has been given why there should be any change of date whatever. George Rothwell Brown, the brilliant columnist of the Washington Post, has accurately, though somewhat caustically, characterized the "lame duck" resolution as "the well-known quack remedy to cure the Constitution of something it isn't suffering from." The Constitution should be amended only when necessity for the change has been demonstrated, and only for the most compelling reasons. The amending clause of the Constitution itself suggests this and experience has proved it. No such reasons were made to appear during a very illuminating discussion that for three days aroused and sustained unusual interest in the House of Representatives. The proposal simply could not stand up under analysis, and so went down by a decisive vote.

Mrs. NORTON of New Jersey. Mr. Speaker, I am voting against Senate Joint Resolution 47. I have read many newspaper editorials against the resolution and some in favor of it.

Personally I am not in favor of "tinkering" with the Constitution; and evidently my constituents were not particularly interested in this amendment, as I did not receive one communication pertaining to the subject.

I read the debate in the Senate when the resolution was considered and debated by that able body, who passed it, I am told, knowing it would be defeated in the House. Three times, I understand, this amendment in many different forms has been sent to the House for consideration and three times failed to come up for action. Why? I understand many Members were afraid of it; considered it dangerous legislation; others frankly admitted it was too deep a subject to pass upon lightly; and the remaining Members' sole thought was to abolish the so-called lame-duck session.

I recall, when I was elected to Congress, I had to wait for 13 months to be sworn in office; but while I did not take the oath of office until the following December, I did carry on the duties of my office and was able to take care of my constituents in various ways.

It is difficult to foresee when the expression "lame duck" may come home. If this proposed amendment is merely to abolish this session, I fail to see why it can not be accomplished by an act of Congress rather than an amendment to the Constitution.

The Constitution, which has been in full force and effect for 140 years, provides in Article I, section 4, second paragraph:

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December unless they shall by law appoint a different day.

When it is not necessary to change the Constitution, why change it? I see no need for amending the Constitution in order to eliminate the so-called "lame-duck session."

In past experiences with amendments to the Constitution we find that some amendments have not worked very well; others poorly; and still later ones not at all.

Constitutional amendments are not popular with the American people, owing to the manner in which the infamous eighteenth amendment was put over. It has failed miserably; it has produced only a disrespect for all law.

I hail from the State of New Jersey, which helped frame the original Constitution. I do not believe in tampering with the constituted law of the land. New Jersey does not favor constitutional amendments. It has learned that it is easy to put in an amendment but almost impossible to take it out.

I have only finished my first term in Congress, and commencing a second. I do not pretend to know constitutional law; and yet, I was amazed by the lack of it when the resolution was before the House. The debate was not convincing; therefore, I feel that I have upheld the sacredness of the Constitution by my vote; and I am prepared to give my voice and vote to any movement to bring about the convening of Congress at an earlier date by law rather than an amendment to the Constitution.

Mr. HARE. Mr. Speaker and gentlemen of the House, it appears to me that the primary purpose of this resolution is to amend the Constitution so as to change the date for Congress to meet on or about the first Monday in January of each year instead of the first Monday in December and adjourn May 4, on every odd year instead of March 4, as now provided. This seems to be the main and about the only reason, because practically all the arguments are directed to this provision.

For my part I can see no real objection to changing the dates, but I do not see the necessity to amend the Constitution in order to do so, for every high-school boy in the country knows that Congress itself has the right to fix the dates on which it shall convene or adjourn. In Article I, section 4, of the Constitution we find the following:

> The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

It is clear, therefore, that Congress not only has the right, but the implied duty, by law, to fix the date when it will convene or adjourn. There is no necessity whatever to require the people of the States or the legislatures thereof to go to the trouble and expense of amending the Constitution, and possibly wait seven years for them to do it, in order to do what may be done right here in less than 30 minutes. As a matter of fact, the First Congress that met after the adoption of the Constitution did not meet in the first Monday in December, but pursuant to a resolution adopted by the Continental Congress convened on March 4. Since that date Congress has passed 17 different acts providing for the convening of Congress on dates other than the first Monday in December. My suggestion, therefore, is that the committee bring in a bill asking that a law be passed changing the dates, if necessary, and let us decide on the matter here and now, and not put the people or the legislatures of the various States to the trouble and expense of doing what we can do ourselves.

Mr. LETTS. Mr. Speaker, much of the debate on this proposed amendment to the Constitution would have been more appropriate to an original discussion of governmental methods. The fathers debated this very thing and, in their wisdom, put into the constitutional provision an exact answer to the proposition.

This proposed amendment was drawn originally to do away with the so-called "lame duck." A lame duck is a bird who has been defeated; a Member of Congress who has not been reelected. The lame duck now continues to serve after his defeat in November until the 4th day of March following. The proposed amendment would still permit him to serve after his defeat in November until January 4. If he wishes to do harm, he can do it in two months as easily as in four months.

The Constitution as written by the fathers provides that Congress shall convene on the first Monday in December in each year unless it shall determine to convene upon another or other dates. It would be simple enough, if occasion required, to regulate that matter by a simple resolution of Congress to convene in the afternoon of the 4th day of March. I have therefore sought the purpose of this proposed amendment. What is the occasion for it? What is wrong, and what is to be corrected?

Mr. Speaker, ours is a republic, not a democracy. The people rule through chosen representatives. They go to the polls in November and elect Members of the House and of the Senate. They do not demand immediate legislative action. What they want is wisdom in legislation. It is not the will of the people that their representatives should legislate as a matter of snap

judgment. They want deliberate action and desire that all matters of legislative consideration should be settled right.

The proposed amendment would not greatly hasten legislation upon important matters. As a matter of practical illustration, the whole country wants flood control, and it is the purpose of Congress to provide in a legislative way for such control. It has been found necessary, however, to make a careful and comprehensive survey of the flood area; Government engineers, congressional committees, individual Members of the House and of the Senate, and many public-spirited citizens have devoted themselves intensively to a study of this engrossing problem. We have not reached our conclusions and can not immediately do so. Legislation upon that important matter must rest upon well-understood facts. No great problem can be hastily considered if dealt with in a satisfactory manner. The proposed amendment would increase the volume of bad laws on our statute books.

Mr. Speaker, I find nothing in the present situation which justifies me in lending my support to this movement. The constitutional provision which is here assailed has served our purposes for 140 years and no harm has resulted from it. If no mischief exists, no remedy is required. I would not alter my house at great expense and inconvenience unless I were first satisfied that the house when remodeled would better meet my requirements. Reputable surgeons do not operate until a satisfactory diagnosis reveals an evil condition. Our forefathers intentionally provided that the manner of amending the Constitution should be rather difficult. It is the fundamental law of the land and should contain only fundamental principles of government suitable for a free people. To say that I, a Member of Congress, should vote for this resolution to allow the people through the various State legislatures to express their will is to express the desire to avoid my own responsibility. I believe in the political philosophy of the fathers. They intentionally provided that Congress should first be satisfied of the wisdom of a proposed amendment before it should be certified for ratification.

I think there is some desire in the minds of the people for this constitutional change, but the demand is not insistent. A Representative in Congress should respect the wishes of those he represents, but he should not be so sensitive as to allow his judgment to be swayed and to act other than honestly for himself and the country. The mariner does not discard his chart and compass every time an electrical disturbance bobbles the needle.

Mr. Speaker, my reflections bring to mind the demands for the referendum and the recall, for the recall of judges, and for the recall of judicial decisions. They remind me of the periodical, though insistent, demand for the abolition of the jury system. They cause me to recollect a recent campaign issue put out by an independent candidate for the Presidency, whereby he proposed to permit Congress to override the judicial action of the Supreme Court and thereby pass upon the constitutionality of its legislative acts, thus invading the province of the judiciary and destroying the independence of that important branch of our Government.

In my judgment, that campaign had a very wholesome effect throughout the country. It made the American people, for a time, at least, intense students of the American Constitution and of the history of its adoption. At the close of that campaign the people of this great country understood better than they had before the nature of that great document which stands as a guaranty of our liberties.

Mr. Speaker, our Government is composed of three coordinate branches. The strength of our Government depends upon how successful we may be in maintaining the independence of these various branches. Almost every proposed amendment would in some way or other destroy the independence of one of such coordinate branches of the Government. For my part, I shall resist the present attempt and all future efforts to amend the Constitution, except for impelling reasons which make it clear that an evil exists which threatens our liberties. No such claim is made by the proponents of this measure.

It would seem that Congress may, within its present powers, correct all the existing evils which have been pointed out in this debate. I will favor a resolution which will convene a new Congress in March following its election.

Some men say that the Constitution is not a sacred thing. However that may be, it is our heritage—a priceless possession. It is emblematic of America's gift to the world in the science of government. To hold it inviolate will best preserve our national traditions; to uselessly assault it is to destroy it. To destroy the Constitution is to break down the system of representative government.

Mr. COHEN. Mr. Speaker, I do not believe the American people as a whole are very strong for constitutional amendments and I think the majority of them feel that the Constitution, under which we have managed to get along wonderfully well for the past 140 years is good enough for them as it is without changing it.

I do feel the present system of convening Congress should be changed, but I do not think the amendment before us is the proper vehicle and that it might better be done by a law than an amendment.

I approve of the elected Member taking his seat before the passing of 13 months. Yet, while I was not sworn in as Representative of my district in New York until that length of time had elapsed, my office was open every day and my services at the command of my constituents during that interval, and I can truthfully say I was able to assist many of them in various matters of importance to them in the different departments and bureaus.

I think one of the most objectionable features of the amendment was the allowance of only 20 days to organize the House before passing upon the election of the President and Vice President, where in the history of Congress it has taken once three months, once a month, and a number of times it has taken a number of days to elect a Speaker and organize the House. In the event of the inability of the House to organize and to elect the President in the time specified, I feel the business of the community would be greatly upset, and it might even become a calamity.

I hope this change, which has been debated in both the House and the Senate in several Congresses, may be brought about so that the Constitution, so ably perfected by our forefathers, will, through this amendment, be changed to meet present conditions.

Mr. KADING. Mr. Speaker and Members of the House, this bill aims to amend the Constitution in the manner indicated by its title. The proposed amendment, among other matters, first provides for the correction of certain apparent defects and unsatisfactory conditions in our Constitution as it now exists, relative to the choosing of a President in the event the President elect dies after his election in November, and before his term in office begins on March 4 of the year following such election.

Another portion of the amendment is intended to do away with the present delay of a newly elected Member of Congress in participating in the first session of Congress after his election. Under the Constitution, as it is now, such new Member attends his first session of Congress—except in case of a special session—about 13 months after his election. Under the proposed amendment he would attend his first session of Congress, which would be in January, about two months after his election, thus eliminating the so-called lame-duck Member who voluntarily retires or who is defeated at an election from serving through an entire session of Congress after such voluntary retirement or failure to be reelected.

Under our Constitution all of the 435 Representatives in the House and 32 of the 96 Senators in the Senate are elected every two years. The election takes place in November, and the term of all such Representatives and one-third of the Senators begins on the 4th day of the following March. Each Representative so elected for a period of two years takes part in two sessions of Congress. The first is known as the long session and begins on the first Monday of December, 13 months after his election, and continues until about June following the beginning of such session in December preceding. The second session is known as the short session, which begins on the first Monday of December after new Members have been elected and continues to March 4 of the year following, when the term of the newly elected Member begins. The result of matters as our Constitution now is gives the outgoing Members one session of Congress after the new Congress has been elected and prevents the newly elected Congressman from participating in an actual session of Congress until about 13 months after his election. This is considered by me as unsatisfactory. The people generally are demanding an amendment of the Constitution so that the term of the newly elected Representatives and newly elected Senators will begin within a reasonable time after their election. This demand is heard on all sides, and is further reflected by newspaper reports and newspaper editorials.

Under the proposed amendment the terms of such newly elected Representatives and newly elected Senators would begin in January succeeding the November when elected, and would prevent retiring Representatives and retiring Senators from participating in the actual workings of a session of Con-

gress after their voluntary retirement or their retirement because of their constituents not reelecting them.

I desire to contribute a few brief remarks to that part of the amendment which proposes to eliminate such so-called lame-duck session of Congress, as I believe this is of great importance to the country. It is legislation demanded by the people, and if Congress does not enact such legislation now, it will sooner or later be compelled to yield to such popular demand and modernize the Constitution by amending the same in accordance with such demand. It appears very reasonable to me that it should be so amended now. No individual, no business institution, and no corporation would continue an employee for a period of 13 months in the most important affairs of his or its business after having served notice upon such employee that his services are no longer required. It would not be in the best interests of the employer, neither is it in the best interests of our great Government to continue a Representative in Congress for a period of time which will permit him to serve through an entire session of Congress after he has voluntarily decided to retire or has been repudiated by his constituents in refusing to reelect him.

Some of the gentlemen who spoke against this amendment on the floor of this House stated in substance that since the Constitution in its present form has not been amended for a period of 140 years that that is a good argument in favor of continuing the Constitution as it now is without amending the same. I do not consider such argument sound. There may have been a good reason for fixing this long period of time between the time of the election of Representatives and the time for them to come to Washington to attend the first session of Congress in the days when the chief means of travel was by ox team or "on horseback," but that reason certainly does not exist now, when we consider the great progress that has been made in the matter of traveling and the rapid means of travel that we possess and enjoy at this time.

We have made progress in all lines, and amending the Constitution as proposed is, I firmly believe, progress in the matter of modernizing the affairs of this great Government. If the Constitution is amended as proposed, each Congressman will participate in two sessions of Congress, the first beginning in January, shortly following the date of his election, and each of the two sessions of his term in Congress will continue until Congress adjourns, which usually is in May or later, and will give more time for the necessary attention of constantly increasing important legislation.

While ordinarily a great many of the Representatives in Congress are reelected, yet many times nearly the entire membership of Representatives of one party are turned out of office because of the policy represented by that particular party having been repudiated by the people, yet the old lame-duck Congress so repudiated under our Constitution as it now is, remains in charge of legislating for this great Government during an entire session of Congress before those who are elected favoring different policies are permitted to take part in the legislative affairs of our Government. This appears to me to be entirely impractical and wrong.

This Congress is in full possession of the facts in connection with the unsatisfactory condition of our Constitution in the event of a President elect dying before his term of office begins, and this Congress also has full knowledge of the demand of the people to amend the Constitution so as to eliminate the so-called lame-duck session, and I believe that this Congress should promptly meet the situation without delaying the matter and should at this session pass this joint resolution to amend the Constitution accordingly, so that the matter may be submitted for approval to the various State legislatures.

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, if I may, I wish to make an announcement. The gentleman from Minnesota [Mr. KNUTSON] is going to call up a pension bill, and, so far as I know, there is nothing else this afternoon except bills coming from that committee.

Mr. WHITE of Maine. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. WHITE of Maine. May we understand that on to-morrow the radio bill, so called, will be taken up?

Mr. TILSON. It is next in order for consideration, as I understand it. The Committee on Rules has given a special rule for the consideration of this bill, and it is expected to follow the business just finished.

Mr. BLACK of New York. Does the gentleman expect to dispose of the radio bill to-morrow?

Mr. TILSON. I can not tell the gentleman.

Mr. LEHLBACH. Mr. Speaker, I would like to ask the gentleman from Maine a question. Will the gentleman agree that after the general debate is finished the committee shall rise, and further consideration of the bill go over until Monday?

Mr. WHITE of Maine. No; I can not agree to that. Here is the situation, if I may state it: To-day is the 9th of March—to-morrow is the 10th. This legislation if it is to be passed at all should be passed and be a law by the 15th day of this month. There are differences between the Senate bill and the committee action. Those differences must be reconciled either here or reconciled in conference. I think time is the very essence of this situation, and if we do not proceed to dispose of this matter in the speediest possible way we might as well not touch it at all.

Mr. CELLER. The gentleman knows that quite a number of Members will be absent. Would not the gentleman like to have them here to vote?

Mr. WHITE of Maine. That depends on how they are going to vote. [Laughter.]

Mr. BLACK of New York. Is it the gentleman's purpose to pass the bill to-morrow?

Mr. WHITE of Maine. It is my purpose, if possible, to dispose of this matter to-morrow.

Mr. CELLER. Would not the gentleman consider the wish of some Members who wish to be absent?

Mr. WHITE of Maine. I would like exceedingly to accommodate the desire of Members, but, as I have said, this is a matter that we should act upon promptly, if we are going to act upon it at all, and I feel constrained to press the matter on the House.

Mr. CELLER. The gentleman realizes that he may not be able to get a quorum to-morrow afternoon?

Mr. WHITE of Maine. If there is no quorum, we will have to deal with that situation when it occurs.

PENSIONS AND INCREASE OF PENSIONS

Mr. KNUTSON. Mr. Speaker, I call up the bill (H. R. 10141) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and so forth, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Minnesota calls up the bill (H. R. 10141) and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

[H. R. 10141, Seventieth Congress, first session]

A bill (H. R. 10141) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Gladys R. Allen, widow of Marvin C. Allen, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of each of the sailor's minor children under 16 years of age.

The name of William O. Cooper, late of Fifth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Ernest W. Raper, late of Company H, Seventh Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $6 per month.

The name of Andrew C. Buker, late of Company H, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of Samuel L. Fiste, late of Company B, Thirty-first Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The name of Charles B. Wade, late of Eleventh Regiment United States Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Ozias D. Hogue, late of Troop K, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ambrose Hover, late of Company L, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Daniel B. Jones, late of band, Sixth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Paulinus G. Huhn, late of Company M, Thirteenth Regiment Minnesota Volunteer Infantry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Henry Henstorf, late of Company A, Eighth Regiment New York Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Martha E. Jones, dependent mother of John T. Jones, late of Company K, Fourteenth Regiment Minnesota Volunteer Infantry, war with Spain, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John M. Brown, alias John Bender, late of Company H, Thirty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month.

The name of Vonny A. McClaren, late of Battery C, Ninth Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Mathew Nicholson, late of Battery H, Fourth Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $20 per month.

The name of John J. Duffy, late of Service Battery, Twelfth Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $20 per month.

The name of Mary Eiseser, former widow of Valentine Steil, late of Battery C, First Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma R. Walters, widow of Charles R. Walters, late of Company D, Second Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary A. Pickrel, dependent mother of Charles Pickrel, late of Company G, Thirty-ninth Regiment United States Volunteer Infantry, Philippine insurrection, and pay her a pension at the rate of $20 per month.

The name of Eliza Hoag, widow of David Hoag, late of Company H, Thirty-fourth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Catherine Sansom, dependent mother of Joseph Sansom, late of Company K, Twenty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of George Bingham, late of Company C, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of James A. Butler, late of Troop B, First Regiment United States Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Edward Shaw, late of Company K, Tenth Regiment United States Infantry, and Quartermaster Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emily Donahoo, dependent mother of William Becker, late of Company A, Thirty-second Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Charles W. Nelson, late of Company I, Third Regiment Wyoming Volunteer Infantry, National Guard, border defense, and pay him a pension at the rate of $12 per month.

The name of Mamie Lewis, widow of George F. Lewis, late of the United States Marine Corps, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Rittner Rodgers, helpless and dependent son of John R. Rodgers, late of Company C, Second Regiment West Virginia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of James M. Haywood, late of Company A, Blanco County (Texas) Minute Men, Indian wars, and pay him a pension at the rate of $12 per month.

The name of John Stringer, late of Battery B, First Regiment United States Field Artillery (Ninth Battery, United States Field Artillery), Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles W. Paul, late of Company I, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving: *Provided*, That the increased rate shall not be paid to him for any period he is an inmate of a State or National soldiers' home.

The name of Charles L. Jenkins, late of Captain Orson P. Miles's company, Utah Militia Cavalry, Indian wars, and pay him a pension at the rate of $30 per month.

The name of Henry Smith, late of Company B, Twenty-second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie E. Harley, dependent mother of Daniel O'C. Harley, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah E. Bascomb, widow of Herbert C. Bascomb, late of Company B, Nineteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Marie Higgins, widow of Bert D. Higgins, late of Company G, Fiftieth Regiment Iowa Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Margaret J. Easterling, widow of James M. Easterling, late of Company C, Seventeenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month, with $2 per month additional on account of the minor children of the soldier under 16 years of age.

The name of Harold P. Waldo, late of Company B, Tenth Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $25 per month in lieu of that he is now receiving.

The name of George R. Turner, late of Troop I, Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Sabins, late of Sixth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Kate Garrity, dependent mother of Joseph P. Garrity, late of Company A, Fiftieth Regiment Iowa Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Flora E. Tyler, former widow of Samuel N. Hudson, late of Company D, Third Regiment Tennessee Volunteer Infantry, Mexican War, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of James G. Pearl, late of Company M, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Jefferson D. Flowers, dependent father of Thomas J. Flowers, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Joseph W. Ricket, late of Company M, Sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Flora Fuson, widow of William Fuson, late of Company H, Second Regiment Kentucky Volunteer Infantry, border defense, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of the soldier until it reaches the age of 16 years.

The name of William C. Daustin, late of Company G, Sixty-ninth Regiment New York Volunteer Infantry, border defense, and pay him a pension at the rate of $30 per month.

The name of Elizabeth S. Parker, widow of John F. Parker, late lieutenant commander and commander, United States Navy, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Minnie Heath, widow of William S. Heath, late of Company L, Twenty-first Regiment Kansas Volunteer Infantry, war with Spain, and pay her a pension at the rate of $30 per month, with $10 per month additional on account of Ralph Heath, the helpless child of the soldier, in lieu of that she is now receiving.

The name of Robert McConnell, helpless and dependent son of John McConnell, late of Captain Sublett's company, Powell's battalion, Missouri Mounted Infantry, Mexican War, and pay him a pension at the rate of $20 per month, the said pension to be paid to a legally appointed guardian.

The name of George William, late of Company B, Fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Matthew Page, late of Company A, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Antonia Haller, widow of Harry Haller, late of Company H, Tenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Saphrona A. Kirk, dependent mother of Henry T. Kirk, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receving.

The name of John H. Lang, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John A. Stucker, late of the Sixth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Charlie Eliton, late of One hundred and sixty-sixth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Leander Cook, late of Company C, Fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $14 per month.

The name of William C. Croley, late of Company D, First Battalion, United States Engineers, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Julia Ward, dependent mother of Michael J. Ward, late of Company C, Forty-third Regiment United States Volunteer Infantry, Philippine insurrection, and pay her a pension at the rate of $20 per month.

The name of William M. Noel, late of Company M, Ninth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Fred G. Pettigrew, late of Company G, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Margaret B. Furlow, widow of James W. Furlow, late colonel, United States Army, and pay her a pension at the rate of $40 per month, with $6 per month additional for the minor child of the officer under 16 years of age, in lieu of that she is now receiving.

The name of Isabella Powell, widow of Alford Powell, late of Company K, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Fred G. Bruhl, late of Sixth Battery, Iowa Volunteer Light Artillery, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Ella Davis, helpless and dependent child of Willis W. Davis, late of Captain Dodson's company, Lindsay's Tennessee Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month.

The name of Olympia T. Meena, widow of Stratios Meena, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month, with $6 per month additional on account of the sailor's children under 16 years of age, in lieu of that she is now receiving.

The name of Larkin B. Wilkins, late of Company B, Third Regiment Kentucky Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Lee Street, late of Battery C, Fifteenth United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of William M. Robinson, late of Company L, Second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of Cordelia Crawford, widow of Matt Crawford, late of Company C, Eighth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of William Crawford, late of Company I, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Glenn E. Koehler, helpless and dependent son of Adolph G. Koehler, late of Companies E and M, Twentieth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Samuel F. Newson, dependent father of Samuel C. Newson, late of unassigned Coast Artillery Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sallie Hager, dependent mother of Ernest Hager, late of One hundred and eighteenth Company, United States Coast Artillery Corps, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alice M. Fowler, dependent mother of Clarence E. Fowler, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Claud Martin, late of Thirty-second Company, United States Coast Artillery, Philippine insurrection, and pay him a pension at the rate of $20 per month.

The name of Andrew J. Owens, late of the One hundred and seventeenth Company, United States Coast Artillery Corps, Philippine insurrection, and pay him a pension at the rate of $20 per month.

The name of Isaac A. Chandler, late of Troop A, Fourth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $12 per month.

The name of Melda N. Jennings, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Edward D. Warner, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles A. Evans, late of Company G, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Frank W. Marsters, dependent father of George H. Marsters, alias George W. Marston, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Elem Cason, late of Company I, Third Regiment Georgia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of George T. Smith, late of Troop M, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Edward W. Reichelt, dependent and helpless child of Hans W. Reichelt, late of Company G, First Regiment Texas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month, said pension to be paid to a legally appointed guardian.

The name of James Williams, late of Headquarters Battery, Fifteenth Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lillie Ford, widow of Ralph G. Ford, late of Headquarters Troop, Third Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emilie Kutzer, dependent mother of William G. Kutzer, late of Company C, Second Regiment Texas National Guard Infantry, border defense, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles W. Anderson, late of Company H, Signal Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $90 per month in lieu of that he is now receiving.

The name of John M. Golden, late of Troop G, Third Regiment, United States Cavalry, Regular Establishment, and pay him a pension at the rate of $20 per month.

The name of C. A. Sahms, dependent father of Willie L. Sahms, late of Headquarters Company, Eighth Brigade, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Dudley J. Howell, late of Company C, Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles L. Stewart, late of the Forty-second Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Elsie M. Hayes, widow of Perley B. Hayes, late of Troop C, Second Regiment Rhode Island National Guard Cavalry, border defense, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John J. Dewey, dependent father of Edward E. Dewey, late of Company B, Eighth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of Joseph K. Moore, late of Company A, First Battalion United States Engineers, Regular Establishment, and pay him a pension at the rate of $20 per month.

The name of Lillian M. Johnson, widow of Alfred T. Johnson, late of Company M, Signal Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of each child of the soldier under 16 years of age.

The name of James E. Walker, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $8 per month.

The name of Rutherford B. H. Blazer, late of Company G, First Regiment Ohio Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Dora Wilson, dependent mother of William Wilson, late of Company B, Eighth Regiment Illinois Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Mary C. Baldwin, dependent mother of Claude E. Baldwin, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harold A. Canon, late of Company I, Thirty-first Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $8 per month.

The name of Mary Ann Donley, dependent mother of John M. Donley, late of Company M, First Regiment West Virginia Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Zelia Dixon, widow of John Dixon, late of Seventeenth Company, United States Coast Artillery Corps, Regular Establishment, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of the minor children of the soldier under 16 years of age.

The name of James H. McGlasson, late of Company I, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Elizabeth A. Hackman, widow of Frederick Hackman, alias Brooks, late of Company C, Eighth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Perry O. Buck, late of Company E, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Kate Coffee McDougal, widow of Charles J. McDougal, late commander, United States Navy, Regular Establishment, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The name of Maria J. McShane, dependent mother of Julian J. McShane, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of George C. Ezell, late of Company B, First Regiment South Carolina Volunteer Infantry, war with Spain, and pay him a pension at the rate of $25 per month.

The name of John Jensen, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Stella A. Boldon, widow of Albert T. Boldon, late of Company M, Fourth Regiment Wisconsin Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Guss Hughes, late of Troop L, Eighth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $6 per month.

The name of Harry H. Davis, late of Company K, Third Regiment Missouri Volunteer Infantry, and Signal Corps, United States Army, war with Spain, and pay him a pension at the rate of $6 per month.

The name of Edith Faulkner, dependent mother of James E. Faulkner, late of Company G, First Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Lena Stuckey, widow of Edward Stuckey, late of Battery I, Fifth Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Annie C. Lawless, widow of Joseph J. Lawless, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month, with $2 per month additional for each child of the soldier under 16 years of age.

The name of Elizabeth Newfisher, widow of Joseph Newfisher, late of Troop G, First Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John E. Quinn, late of Company B, First Regiment Nevada Volunteer Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of John Prater, late of Company K, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Swin Leadford, late of Company A, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Herman R. Robinson, late of Company K, Twelfth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Mary Schoske, widow of John Schoske, late teamster in expedition against the Sioux Indians in 1862, Indian wars, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Ida V. Brecount, dependent mother of Floyd H. Brecount, late of the United States Marine Corps, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry C. Block, late of First Lieut. Freland H. Dam's company, Minnesota Militia, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Leslie Hull, late of Company C, Sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Murray R. Marshall, late of Company A, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Edith L. Quick, widow of John Henry Quick, late of the United States Marine Corps, war with Spain, and pay her a pension at the rate of $50 per month in lieu of the compensation that she is now receiving.

The name of John J. Murphy, late of Troop B, Sixth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $25 per month.

The name of Sarah E. Wallace, former widow of Gale Nutty, late of Company E, Fifth Regiment Tennessee Infantry, Mexican War, and pay her a pension at the rate of $30 per month.

The name of William J. Kelly, late of Company I, Ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of William E. Draine, late of Battery B, Field Artillery, District of Columbia National Guard, border defense, and pay him a pension at the rate of $6 per month.

The name of Effie M. Livingston, widow of Henry L. Livingston, late of Hospital Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

This bill is a substitute for the following House bills referred to said committee:

H. R. 741. Gladys R. Allen.
H. R. 909. Ernest W. Raper.
H. R. 911. Andrey C. Buker.
H. R. 915. Samuel L. Fiste.
H. R. 978. Charles B. Wade.
H. R. 1006. Ozias D. Hogue.
H. R. 1196. Ambrose Hover.
H. R. 1197. Daniel B. Jones.
H. R. 1361. Paulinus G. Huhn.
H. R. 1362. Henry Henstorf.
H. R. 1363. Martha E. Jones.
H. R. 1364. John M. Brown.
H. R. 1365. Vonny A. McClaren.
H. R. 1407. Mathew Nicholson.
H. R. 1469. John J. Duffy.
H. R. 1519. Mary Elseser.
H. R. 1586. Emma R. Walters.
H. R. 1680. Mary A. Pickrel.
H. R. 1713. Eliza Hoag.
H. R. 1936. Catherine Sansom.
H. R. 1074. George Bingham.
H. R. 2073. James A. Butler.
H. R. 2078. Edward Shaw.
H. R. 2091. Emily Donahoo.
H. R. 2254. Charles W. Nelson.
H. R. 2307. Mamie Lewis.
H. R. 2328. John Rittner Rodgers.
H. R. 2386. John M. Haywood.
H. R. 2632. John Stringer.
H. R. 2668. Charles W. Paul.
H. R. 3036. Charles L. Jenkins.
H. R. 3121. Henry Smith.
H. R. 3132. Annie E. Harley.
H. R. 3148. Sarah E. Bascomb.
H. R. 3200. Marie Higgins.
H. R. 3285. Margaret J. Easterling.
H. R. 3369. Harold P. Waldo.
H. R. 3388. George Richard Turner.
H. R. 3432. Charles Sabins.
H. R. 3436. Kate Garrity.
H. R. 3456. Flora E. Tyler.
H. R. 3498. James C. Pearl.
H. R. 3528. Jefferson D. Flowers.
H. R. 3546. Joseph W. Ricket.
H. R. 3551. Flora Fuson.
H. R. 3717. William C. Daustin.
H. R. 3732. Elizabeth Scott Parker.
H. R. 3850. Minnie Heath.
H. R. 3875. Robert McConnell.
H. R. 3887. George Williams.
H. R. 3900. Mathew Page.
H. R. 3903. Antonio Haller.
H. R. 3996. Saphrona A. Kirk.
H. R. 4070. John Harrison Lang.
H. R. 4114. John A. Stucker.
H. R. 4234. Charlie Eliton.
H. R. 4235. Leander Cook.
H. R. 4236. William C. Croley.
H. R. 4250. Julia Ward.
H. R. 4296. William M. Noel.
H. R. 4335. Fred G. Pettigrew.
H. R. 4437. Margaret B. Furlow.
H. R. 4542. Isabella Powell.
H. R. 4578. Fred George Bruhl.
H. R. 4594. Ellen Davis.
H. R. 4613. Olympia T. Meena.
H. R. 4614. Larkin B. Wilkins.
H. R. 4665. Lee Street.
H. R. 4666. William M. Robinson.
H. R. 4668. Cordelia Crawford.
H. R. 4679. William Crawford.
H. R. 4704. Gleen E. Koehler.
H. R. 4775. Samuel F. Newson.
H. R. 4805. Sallie Hager.
H. R. 4825. Alice M. Fowler.
H. R. 4841. Claude Martin.
H. R. 4893. Andrew J. Owens.
H. R. 4894. Isaac A. Chandler.
H. R. 5015. Melda N. Jennings.
H. R. 5051. Edward D. Warner.
H. R. 5071. Charles A. Evans.
H. R. 5333. Frank W. Marsters.
H. R. 5344. Elem Cason.
H. R. 5412. George T. Smith.
H. R. 5414. Edward W. Reichelt.
H. R. 5416. James Williams.
H. R. 5419. Lillie Ford.
H. R. 5420. Emilie Kutzer.
H. R. 5421. Charles W. Anderson.
H. R. 5435. John M. Golden.
H. R. 5858. C. A. Sahms.
H. R. 5862. Dudley J. Howell.
H. R. 5863. Charles L. Stewart.
H. R. 5904. Elsie M. Hayes.
H. R. 6134. John J. Dewey.
H. R. 6196. Joseph K. Moore.
H. R. 6208. Lillian M. Johnson.
H. R. 6209. James E. Walker.
H. R. 6213. Rutherford B. H. Blazer.
H. R. 6575. Dora Wilson.
H. R. 6590. Mary C. Baldwin.
H. R. 6593. Harold A. Canon.
H. R. 6696. Mary Ann Donley.
H. R. 6816. Zelia Dixon.
H. R. 6833. James H. McGlasson.
H. R. 6872. Elizabeth A. Hackman.
H. R. 6898. Perry O. Buck.
H. R. 6921. Kate Coffee McDougall.
H. R. 6923. Marie J. McShane.
H. R. 6927. George C. Ezell.
H. R. 6956. John Jenson.
H. R. 7120. Stella A. Bolden.
H. R. 7238. Guss Hughes.
H. R. 7259. Harry H. Davis.
H. R. 7329. Edith Faulkner.
H. R. 7428. Lena Stuckey.
H. R. 7485. Anna C. Lawless.
H. R. 7531. Elizabeth Newfisher.
H. R. 7540. John E. Quinn.
H. R. 7559. John Prater.
H. R. 7704. Swin Leadford.
H. R. 7707. Herman R. Robinson.
H. R. 7761. Mary Schoske.
H. R. 7791. Ida V. Brecount.
H. R. 7818. Henry C. Block.
H. R. 7989. William Leslie Hull.
H. R. 7990. Murray R. Marshall.
H. R. 8004. Edith L. Quick.
H. R. 8062. John J. Murphy.
H. R. 8217. Sarah E. Wallace.
H. R. 8343. William J. Kelly.
H. R. 8760. William E. Draine.
H. R. 9260. Effie M. Livingston.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion by Mr. KNUTSON to reconsider the vote whereby the bill was passed was laid on the table.

WINFIELD SCOTT

Mr. KNUTSON. Mr. Speaker, I call up the bill (H. R. 4115) for the relief of Winfield Scott, and I ask unanimous consent

that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Minnesota calls up the bill H. R. 4115 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow credit to Winfield Scott in the sum of $278.14, to cover travel and expenses in the months of August and September, 1926, incurred in connection with matters pertaining to the Pension Bureau.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider, by Mr. KNUTSON, was laid on the table.

W. LAURENCE HAZARD

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 4116, for the relief of W. Laurence Hazard, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow credit to W. Laurence Hazard in the sum of $167.52, to cover travel and expenses incurred in September, 1926, in connection with investigations of matters pertaining to the Pension Bureau.

The SPEAKER. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARRIET K. CAREY

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4117) for the relief of Harriet K. Carey, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to allow credit to Harriet K. Carey in the sum of $95.02 for travel and expenses incurred in the month of September, 1926, in connection with the investigations of matters pertaining to the Pension Bureau.

The SPEAKER. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. QUAYLE, for an indefinite period, on account of illness.

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States for his approval bills of the following titles:

H. R. 9293. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Clinch River on the Sneedville-Rogersville road in Hancock County, Tenn.; and

H. R. 9843. An act to extend the times for commencing and completing the construction of a bridge across the Kanawha River in or near Henderson, W. Va., to a point opposite thereto in or near Point Pleasant, W. Va.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned until to-morrow, Saturday, March 10, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, March 10, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

Navy Department appropriation bill.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(10 a. m.)

To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States (S. 744).

To promote, encourage, and develop an American merchant marine in connection with the agricultural and industrial commerce of the United States, provide for the national defense, the transportation of foreign mails, the establishment of a merchant marine training school, and for other purposes (H. R. 2).

To amend the merchant marine act, 1920, insure a permanent passenger and cargo service in the north Atlantic, and for other purposes (H. R. 8914).

To create, develop, and maintain a privately owned American merchant marine adequate to serve trade routes essential in the movement of the industrial and agricultural products of the United States and to meet the requirements of the commerce of the United States; to provide for the transportation of the foreign mails of the United States in vessels of the United States; to provide naval and military auxiliaries; and for other purposes (H. R. 10765).

COMMITTEE ON PATENTS

(10 a. m.)

To protect trade-marks used on commerce, to authorize the registration of such trade-marks, and for other purposes (H. R. 6683).

EXECUTIVE COMMUNICATIONS, ETC.

400. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting report from the Chief of Engineers on preliminary examination and survey of San Francisco Harbor, Calif. (H. Doc. No. 196), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. SMITH: Committee on Irrigation and Reclamation. H. R. 11360. A bill to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project; without amendment (Rept. No. 865). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on Irrigation and Reclamation. S. 1186. An act to provide for the construction of the Deschutes project in Oregon, and for other purposes; without amendment (Rept. No. 866). Referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS: Committee on Immigration and Naturalization. S. 2370. An act to amend section 24 of the immigration act of 1917; without amendment (Rept. No. 867). Referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON: Committee on the District of Columbia. H. R. 6664. A bill to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes; with amendment (Rept. No. 868). 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. CARTWRIGHT: Committee on Indian Affairs. H. R. 10327. A bill for the relief of Charles J. Hunt; without amendment (Rept. No. 864). Referred to the Committee of the Whole House.

Mr. HALE: Committee on Naval Affairs. H. R. 7142. A bill for the relief of Frank E. Ridgely, deceased; with amendment (Rept. No. 869). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 11776) granting a pension to Mary A. Dibble, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 11916) to provide for the care and preservation of certain land and monuments in the Washington Parish Burial Ground (Congressional Cemetery); to the Committee on Military Affairs.

By Mr. SPROUL of Illinois: A bill (H. R. 11917) granting the consent of Congress to the county of Cook, State of Illinois, to widen, maintain, and operate the existing bridge across the Little Calumet River in Cook County, State of Illinois; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD of Oklahoma: A bill (H. R. 11918) providing for the construction of a sanatorium and hospital at Claremore, Okla., and providing an appropriation therefor; to the Committee on World War Veterans' Legislation.

By Mr. BURTON: A bill (H. R. 11919) to provide for the construction of a vessel for the Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. WAINWRIGHT: A bill (H. R. 11920) to equalize the basis for longevity pay and retirement of warrant officers of the Army; to the Committee on Military Affairs.

By Mr. WATSON: A bill (H. R. 11921) to prohibit the sending of unsolicited merchandise through the mails; to the Committee on the Post Office and Post Roads.

By Mr. BUTLER: A bill (H. R. 11922) to authorize the Secretary of the Navy to lease the United States naval destroyer and submarine base, Squantum, Mass.; to the Committee on Naval Affairs.

By Mr. GUYER: A bill (H. R. 11923) granting preference in Federal civil service employment to persons honorably discharged from the military or naval service of the United States after service in the Civil War, the Indian wars, the war with Spain, or the World War, their widows, and the wives of disabled veterans of such wars, and for other purposes; to the Committee on the Civil Service.

By Mr. KELLY: A bill (H. R. 11924) to establish a more adequate standard for admission of aliens to citizenship in the United States of America; to the Committee on Immigration and Naturalization.

By Mr. ZIHLMAN: A bill (H. R. 11925) authorizing the Commissioners of the District of Columbia to settle claims and suits against the District of Columbia; to the Committee on the District of Columbia.

By Mr. PORTER: Joint resolution (H. J. Res. 230) to provide for the membership of the United States in the American International Institute for the Protection of Childhood; to the Committee on Foreign Affairs.

By Mr. SOMERS of New York: Joint resolution (H. J. Res. 231) creating a commission to investigate the advisability of removing the navy yard now located at Brooklyn, N. Y., to a more advantageous site on the North Atlantic coast; to the Committee on Rules.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

By Mr. JACOBSTEIN: Memorial of the Legislature of the State of New York, urging Congress to pass the Cooper-Hawes bill that all prison-made goods for State or interstate be plainly marked as such; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 11926) granting a pension to Elizabeth Eldard; to the Committee on Invalid Pensions.

By Mr. CONNERY: A bill (H. R. 11927) granting a pension to Melissa Bemis; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 11928) for the payment to certain citizens damages because of loss by fire of their property in the general mess building of the Pacific Branch of the National Home for Disabled Volunteer Soldiers when said building was destroyed by fire on March 24, 1927; to the Committee on Claims.

By Mr. GOLDSBOROUGH: A bill (H. R. 11929) to carry out the provisions of the Court of Claims in the case of Martha J. Briscoe, widow of John A. Briscoe, deceased; to the Committee on War Claims.

By Mr. KEARNS: A bill (H. R. 11930) granting an increase of pension to Mary E. Hicks; to the Committee on Invalid Pensions.

By Mr. KURTZ: A bill (H. R. 11931) granting an increase of pension to Florence Bowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11932) granting an increase of pension to Kate C. Closson; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 11933) to authorize the burial with military honors of the body of Warren G. Jernegan in Arlington National Cemetery; to the Committee on Military Affairs.

By Mr. MEAD: A bill (H. R. 11934) for the relief of Lehde & Schoenhut; to the Committee on Ways and Means.

By Mr. MERRITT: A bill (H. R. 11935) granting an increase of pension to Henry M. Conlin; to the Committee on Pensions.

By Mr. PORTER (by request): A bill (H. R. 11936) for the relief of Mrs. Fanor Flores and Pedro Flores, citizens of the Republic of Nicaragua; to the Committee on Foreign Affairs.

By Mr. PURNELL: A bill (H. R. 11937) granting an increase of pension to Mary E. Massey; to the Committee on Invalid Pensions.

By Mr. OLIVER of New York: A bill (H. R. 11938) for the relief of Frank Bayer; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 11939) granting a pension to Emma Bellew; to the Committee on Invalid Pensions.

By Mr. SMITH: A bill (H. R. 11940) for the relief of C. M. Williamson, C. E. Liljenguist, Lottie Redman, D. R. Johnson, and H. N. Smith; to the Committee on Indian Affairs.

By Mr. SPEAKS: A bill (H. R. 11941) granting a pension to Caroline Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11942) granting an increase of pension to Mary Henderlick; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 11943) granting an increase of pension to Sarah Butterfield; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 11944) for the relief of Louise Smith Hopkins, Ruth Smith Hopkins, and A. Otis Birch; to the Committee on Claims.

By Mr. TINKHAM: A bill (H. R. 11945) granting a pension to Janie Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11946) granting an increase of pension to Sarah M. Law; to the Committee on Invalid Pensions.

By Mr. WARREN: A bill (H. R. 11947) granting a pension to Mrs. Kempie Belanga; to the Committee on Pensions.

PETITIONS, ETC.

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

5171. By Mr. BOYLAN: Petition of Brooklyn Chapter of Reserve Officers' Association, indorsing House bill 11683, providing for a new division in the War Department especially charged with the responsibility of promoting the training and development of activities of the Officers' Reserve Corps, the Reserve Officers' Training Corps, and the citizens' military training camps; to the Committee on Military Affairs.

5172. By Mr. BURTON: Petition of members of the Sebring Methodist Church, Sebring, Fla., protesting against the big Navy program; to the Committee on Naval Affairs.

5173. Also, resolution of the young people of the Epworth High School League of the Epworth Methodist Episcopal Church, Toledo, Ohio, strongly opposing the big Navy program; to the Committee on Naval Affairs.

5174. By Mr. COLE of Iowa: Petition of Carl Weber, of Cedar Rapids, Iowa, and 110 other signers, residents of Cedar Rapids, Iowa, protesting the passage of House bill 78, or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

5175. By Mr. CONNERY: Resolution of the Sons and Daughters of Sweden, of Lynn, Mass., protesting against the national-origins clause of the immigration law; to the Committee on Immigration and Naturalization.

5176. By Mr. CRAIL: Petition of Hollywood Lodge, No. 355, Free and Accepted Masons, of Los Angeles, Calif., for the passage of the Curtis-Reed bill for the creation of a national department of education; to the Committee on Education.

5177. By Mr. CULLEN: Letters from Brooklyn Chapter, Reserve Officers' Association, in re legislation for Reserve Officers' Corps and postal rates bill; to the Committee on Military Affairs.

5178. By Mr. DALLINGER: Petition signed by citizens of Massachusetts, in opposition to the enactment of Lankford bill (H. R. 78); to the Committee on the District of Columbia.

5179. By Mr. DEMPSEY: Petition of order of Sons of Italy in America, Niagara Falls, N. Y., urging resolution by Senator COPELAND to be passed proclaiming October 12 as Columbus day for the observance of the anniversary of the discovery of America; to the Committee on the Judiciary.

5180. By Mr. ENGLEBRIGHT: Petition of citizens of Pittville and McArthur, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

5181. Also, petition of citizens of Mount Shasta City, Calif., protesting against passage of House bill 78; to the Committee on the District of Columbia.

5182. By Mr. ESTEP: Petition of Mrs. J. D. Jackson and 93 other residents of Pittsburgh, Pa., favoring an increase in pension for the veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

5183. Also, petition of Pennsylvania State Chamber of Commerce, Harrisburg, Pa., opposing the passage by Congress of House bill 6511, introduced by Representative SIROVICH, of New York; to the Committee on Labor.

5184. Also, petition of Department of Pennsylvania, Veterans of Foreign Wars, Harrisburg, Pa., indorsing the plan of President Coolidge for an adequate United States Navy; to the Committee on Naval Affairs.

5185. Also, petition of Iron City Council, No. 171, Fraternal Patriotic Americans, Pittsburgh, Pa., urging restriction of immigration and adequate provisions to enforce the immigration laws; to the Committee on Immigration and Naturalization.

5186. Also, petition of the State executive committee of the American Legion, favoring the Navy program outlined by President Coolidge; to the Committee on Naval Affairs.

5187. By Mr. FOSS: Letter of J. E. Edwards, secretary of the Southern New England Conference, South Lancaster, Mass., together with petition of 306 residents of Leominster and Clinton, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5188. Also, wire of C. S. Munn, South Lancaster, Mass., protesting against the passage of House bill 78, known as the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5189. By Mr. JOHNSON of Washington: Petition of citizens of Aberdeen, Hoquiam, and Tacoma, Wash., protesting against the Lankford Sunday observance bill; to the Committee on the District of Columbia.

5190. By Mr. KETCHAM: Petition of 159 residents of Niles, Mich., protesting against House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5191. Also, petition of 179 residents of Berrien County, Mich., protesting against the enactment of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5192. Also, petition of 200 residents of Benton Harbor, Mich., protesting against House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5193. Also, petition of 52 residents of Eau Claire, Mich., protesting against enactment of House bill 78, or any other bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

5194. Also, petition of nine residents of Dowagiac, Mich., protesting against the enactment of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5195. Also, petition of 23 residents of Allegan County, Mich., protesting against the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5196. By Mr. KINDRED: Petition of the Brooklyn Chapter, Reserve Officers' Association of the United States, indorsing bill introduced by Congressman FRANK JAMES, of Michigan (H. R. 11683), providing for a new division in the War Department especially charged with the responsibility of promoting the training and development of activities of the Officers' Reserve Corps, the Reserve Officers' Training Corps, and the citizens' military training camps, and urging the enactment of this and identical bill (S. 3458) introduced in the Senate by Senator REED of Pennsylvania; to the Committee on Military Affairs.

5197. Also, Petition of Elmhurst Post, No. 298, American Legion, to the United States Congress, favoring a Navy second to none and an adequate merchant marine with fast merchant vessels to be used in foreign trade in times of peace and as protective fighting units in the event of war; to the Committee on Naval Affairs.

5198. By Mr. LANKFORD: Petition of Lodge No. 1, International Association of Machinists, in favor of House bill 7759, by Mr. LAGUARDIA; to the Committee on the Judiciary.

5199. Also, petition of Lodge No. 1 of the International Association of Machinists, in support of the Cooper-Hawes convict bill (H. R. 7729); to the Committee on Labor.

5200. Also, petition of the Mothers' Club of St. Paul Methodist Episcopal Church South, Washington, D. C., consisting of 37 members, urging the enactment into law of the Lankford Sunday rest bill (H. R. 78); to the Committee on the District of Columbia.

5201. By Mr. LINDSAY: Petition of National Foreign Trade Council, New York City, setting forth reasons why contentions of tobacco industry who oppose House bill 9195, known as the Cuban parcel post bill, are not well founded; to the Committee on Rules.

5202. Also, petition of Brooklyn Chapter, Reserve Officers' Association of the United States, indorsing House bill 11683, which provides for a new division of the War Department charged with the responsibility of promoting training and development of activities of Officers' Reserve Corps, the Reserve Officers' Training Corps, and the citizens' military training camps; to the Committee on Military Affairs.

5203. By Mr. MERRITT: Petition of sundry citizens of Connecticut, urging the enactment of legislation to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

5204. By Mr. MORROW: Petition of Albuquerque Chapter of Woman's Christian Temperance Union, indorsing Stalker bill (H. R. 9588) providing commensurate penalties for the large bootlegger, by Mrs. Carrie Craft, secretary; to the Committee on the Judiciary.

5205. Also, petition of Journeymen Barbers International Union of America, Local No. 501, Albuquerque, N. Mex., John Carrillo, secretary, indorsing House bill 7729 and Senate bill 1940, relating to convict-made products; to the Committee on Labor.

5206. By Mr. O'CONNELL: A statement by the merchant marine committee of the National Association of Manufacturers, New York, N. Y., with reference to the American merchant marine; to the Committee on the Merchant Marine and Fisheries.

5207. Also, petition of the Clyde Products Co., Clyde, N. Y., opposing the passage of the Capper-Cole bills; to the Committee on Agriculture.

5208. Also, petition of Brooklyn Chapter, Reserve Officers' Association of the United States, Brooklyn, N. Y., favoring the passage of House bill 11633; to the Committee on Invalid Pensions.

5209. Also, petition of the National Foreign Trade Council of New York, with reference to the Cuban parcel post bill (H. R. 9195); to the Committee on Ways and Means.

5210. Also, petition of the Supreme Council, United Sons of Alaska, opposing the passage of House bill 8284; to the Committee on the Territories.

5211. Also, petition of the New York Photo-Engravers' Union, No. 1, of New York City, favoring the passage of Senate bill 2440 and House bill 9575; to the Committee on Printing.

5212. By Mr. PARKS: Petition of citizens of Ouachita and Union Counties, Ark., against compulsory Sunday observance law (H. R. 78); to the Committee on the District of Columbia.

5213. By Mr. QUAYLE: Petition of H. D. Bob Co. (Inc.), New York City, N. Y., favoring the passage of the Hawes-Cooper bill; to the Committee on Invalid Pensions.

5214. Also, petition of Brooklyn Chapter, Reserve Officers' Association of the United States, favoring the passage of House bill 11683 and Senate bill 3458; to the Committee on Military Affairs.

5215. Also, petition of the Citizens Medical Reference Bureau, New York City, opposing the passage of House bills 8182 and 11026 for coordination of health activities and Gorgas Memorial Laboratory; to the Committee on Foreign Affairs.

5216. Also, petition of the New York Council of Churches, New York City, N. Y., opposing a large naval-building program as proposed by the Navy Department; to the Committee on Naval Affairs.

5217. Also, petition of Knights of Columbus, New York State Council, for enactment of legislation providing for full Federal

responsibility in respect to future flood-protection measures in the lower Mississippi Valley; to the Committee on Flood Control.

5218. Also, addresses submitted by the Navy Yard Retirement Association, navy yard, New York, in re retirement legislation; to the Committee on the Civil Service.

5219. Also, petition of New York Photo-Engravers' Union, No. 1, favoring the passage of House bill 9575 and Senate bill 2440; to the Committee on Printing.

5220. By Mr. SHREVE: Petition of numerous residents of Erie and Crawford Counties, Pa., protesting against the passage of the Lankford Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

5221. By Mr. SWING: Petition of citizens of Arlington, Calif., protesting against compulsory Sunday observance laws; to the Committee on the District of Columbia.

5222. By Mr. THOMPSON: Petition of citizens of Defiance and Paulding Counties, Ohio, protesting against Sunday legislation for the District of Columbia; to the Committee on the District of Columbia.

5223. Also, petition of citizens of Van Wert County, Ohio, urging the passage of a Civil War pension bill; to the Committee on Invalid Pensions.

5224. By Mr. TINKHAM: Petition of Betsy Ross Tent No. 31, Daughters of Union Veterans of Civil War, for increase in pension of all Civil War veterans and widows of Civil War veterans; to the Committee on Invalid Pensions.

5225. By Mr. WELLER: Petition of the New York State Council of the Knights of Columbus, urging full Federal responsibility in respect to future flood-protection measures in the lower Mississippi Valley; to the Committee on Flood Control.

SENATE

SATURDAY, *March 10, 1928*

(Legislative day of Tuesday, March 6, 1928)

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

The VICE PRESIDENT. The Senate resumes the consideration of the unfinished business, Senate Joint Resolution 46, and the junior Senator from Nebraska [Mr. HOWELL] is entitled to the floor.

MUSCLE SHOALS

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 46) providing for the completion of Dam No. 2 and the steam plant at nitrate plant No. 2 in the vicinity of Muscle Shoals for the manufacture and distribution of fertilizer, and for other purposes.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Edge	Kendrick	Reed, Pa.
Barkley	Edwards	Keyes	Robinson, Ark.
Bayard	Fess	King	Sheppard
Bingham	Fletcher	La Follette	Shipstead
Black	Frazier	McKellar	Shortridge
Blease	George	McLean	Simmons
Borah	Glass	McMaster	Smith
Bratton	Gooding	McNary	Smoot
Brookhart	Gould	Mayfield	Steck
Broussard	Greene	Neely	Steiwer
Bruce	Hale	Norbeck	Stephens
Capper	Harris	Norris	Swanson
Caraway	Harrison	Nye	Thomas
Copeland	Hawes	Oddie	Tydings
Couzens	Hayden	Overman	Tyson
Cutting	Heflin	Phipps	Walsh, Mass.
Dale	Howell	Pine	Walsh, Mont.
Deneen	Johnson	Pittman	Waterman
Dill	Jones	Ransdell	Wheeler

Mr. FESS. My colleague the senior Senator from Ohio [Mr. WILLIS] is absent from the Chamber on important business. I ask that this announcement may stand for the day.

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

Mr. NORRIS. Mr. President, I ask my colleague to yield while I submit a unanimous-consent request.

Mr. HOWELL. I yield for that purpose.

Mr. NORRIS. I ask unanimous consent that when the Senate completes its business to-day it shall take a recess until 12 o'clock Monday, and that, beginning at 12 o'clock Monday, all speeches on any amendment and on the joint resolution now pending shall be limited to 15 minutes, and that no Senator shall be allowed to speak more than once upon any amendment or upon the joint resolution.

The VICE PRESIDENT. Is there objection?

Mr. BLACK. Mr. President, I object to that arrangement at the present time.

Mr. HARRISON. Mr. President, I hope the Senator from Alabama will not insist upon his objection. I have been wanting to speak for some time during the discussion, and have given way to this Senator and that Senator. There is another rather important piece of legislation which is soon to be before us. It seems to me the agreement would give any Senator ample time, as it allows 30 minutes in which to speak. If we do not get some kind of an agreement we shall be here until the end of next week on the joint resolution.

Mr. McKELLAR. Mr. President, I hope, too, that the Senator from Alabama will withdraw his objection, because we have the flood relief measure coming on very soon, and it is very important to all our people. While I have wanted to speak at some length, I am perfectly willing to cut my remarks down for the occasion.

Mr. ROBINSON of Arkansas. Mr. President, I merely desire to add to what has been said that I think the time has come when some arrangement for the limitation of debate on the joint resolution should be entered into. We have had a very full discussion of the joint resolution and of some of the amendments which have been before us. I believe that nearly all Senators who desire to discuss the measure at length have already spoken. I hope the Senator from Alabama may be able to withdraw his objection.

Mr. BLACK. Mr. President, at the time I made the objection I had not seen my colleague the senior Senator from Alabama [Mr. HEFLIN]. That is the reason why I stated I objected for the present. I did not want an agreement to be reached in his absence or without my having a chance to consult with him. We have no objection.

The VICE PRESIDENT. Without objection, the unanimous-consent agreement is entered into.

The agreement was reduced to writing, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, by unanimous consent, That when the Senate concludes its business to-day it take a recess until 12 o'clock noon Monday, and that after that hour no Senator shall speak more than once nor longer than 15 minutes upon the joint resolution S. J. Res. 46, the Muscle Shoals resolution, or upon any amendment proposed thereto.

Mr. McNARY. Mr. President, a few days ago I had inserted in the RECORD a report from the Secretary of Agriculture on the pending joint resolution. This morning I have received a very brief report from the Secretary on the so-called Willis-Madden bill, which I should like to have read at the desk by the clerk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 9, 1928.

Hon. CHARLES L. McNARY,
United States Senate.

DEAR SENATOR McNARY: Your letter of January 25, inclosing a copy of S. 2786, has been received. This is a bill introduced by Mr. WILLIS "To authorize and direct the Secretary of War to execute a lease with Air Nitrates Corporation and American Cyanamid Co., and for other purposes."

I am advised that the legislation proposed in S. 2786 would not be in conflict with the financial program of the President.

Sincerely yours,

W. M. JARDINE, *Secretary.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House, having considered the joint resolution (S. J. Res. 47) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and fixing the time of the assembling of Congress, did not agree thereto, two-thirds of the Members not having voted in the affirmative.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4115. An act for the relief of Winfield Scott;

H. R. 4116. An act for the relief of W. Laurence Hazard;

H. R. 4117. An act for the relief of Harriet K. Carey; and

H. R. 10141. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.