Mr. NYE. Then, Mr. President, I should like to inquire if there is any possibility this afternoon of fixing a time for a vote upon the national-origins resolution?

Mr. HEFLIN. I myself would object to that, Mr. President.

RECESS

Mr. WATSON. Mr. President, believing that the conference report on the farm relief bill would be discussed all day to-day, and after a conference with the Senator from Oregon and the Senator from Arkansas about it, understanding that a vote would probably be taken to-morrow by unanimous consent, I informed a number of Senators who came and asked me as to the situation that no vote of any kind would be taken to-day. Many Senators want to attend the laying of the corner stone of the new Department of Commerce Building, which is to take place at 4 o'clock this afternoon. With the understanding I have, I think the course for us to pursue is to take a recess; and I now move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and (at 2 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, June 11, 1929, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, *June 10, 1929*

The House met at 12 o'clock noon.

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

O God of love and Father of mercies, Thou alone canst multiply our strength and usefulness many, many times. We seek Thy guidance and help, that we may appreciate the unrecognized blessings of life. Beside every fountain of bitterness Thou dost unveil some star of hope, and in the hour when courage runs low Thou art nigh. Give us sustaining wills to trust Thee, love moral truths, and skill to interpret and enforce them. Bless us with the glow of happiness that comes from a sense of Thy approval. Thou art truth! Thou art infinite truth. O God, may we be followers of that truth that shall stand in the judgment morning and not be ashamed. Through Jesus Christ our Saviour. Amen.

The Journal of the proceedings of Saturday 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 without amendment bills and joint resolutions of the House of the following titles:

H. R. 3548. An act to continue, during the fiscal year 1930, Federal aid in rehabilitating farm lands in the areas devastated by floods in 1927;

H. R. 3600. An act to amend section 5 of an act entitled "An act authorizing Maynard D. Smith, his heirs, successors, and assigns, to construct, maintain, and operate a bridge across the St. Clair River at or near Port Huron, Mich.," approved March 2, 1929, and being Public Act No. 923 of the Seventieth Congress;

H. R. 3663. An act making appropriations for the payment of certain judgments rendered against the Government by various United States courts;

H. J. Res. 73. Joint resolution to amend the act entitled "An act to incorporate the American Hospital of Paris," approved January 30, 1913;

H. J. Res. 83. Joint resolution to make available funds for carrying into effect the public resolution of February 20, 1929, as amended, concerning the cessions of certain islands of the Samoan group to the United States;

H. J. Res. 86. Joint resolution making an appropriation for the International Red Cross and Prisoners of War Conference at Geneva, Switzerland, in 1929;

H. J. Res. 88. Joint resolution making an additional appropriation for the extension to the post-office building at Corinth, Miss.;

H. J. Res. 91. Joint resolution to provide for the payment of certain expenses of the United States Pulaski Sesquicentennial Commission; and

H. J. Res. 93. Joint resolution amending an appropriation for a consolidated school at Belcourt, within the Turtle Mountain Indian Reservation, N. Dak.

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

S. 1453. An act to extend the times for commencing and completing the construction of certain bridges, and for other purposes.

SWEARING IN OF MEMBER

Mr. WALLACE H. WHITE, Jr., of the second district of Maine, appeared at the bar of the House and took the oath of office prescribed by law.

STATUE OF WADE HAMPTON

Mr. BEERS. Mr. Speaker, I offer a privileged resolution from the Committee on Printing.

The SPEAKER. The gentleman from Pennsylvania offers a resolution, which the Clerk will report.

The Clerk read as follows:

Senate Concurrent Resolution 13

Resolved by the Senate (the House of Representatives concurring), That there be printed with illustrations and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall upon the acceptance of the statue of Wade Hampton presented by the State of South Carolina, 5,000 copies, of which 1,000 shall be for the use of the Senate and 2,500 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of South Carolina. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer and shall procure suitable illustrations to be bound with these proceedings.

Mr. BEERS. Mr. Speaker, I move the adoption of the resolution.

The resolution was agreed to.

INTERNATIONAL COOPERATION BY THE UNITED STATES

Mr. HULL of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a memorandum showing the extent and nature of international cooperation by our Government in the promotion of health, communication, international law, and numerous other methods of international cooperation.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. HULL of Tennessee. Mr. Speaker, I desire to insert the following:

AMERICAN COOPERATION WITH THE LEAGUE OF NATIONS

[The capacity in which the following Americans acted is shown in each instance by the numbers in the right-hand column: 1=official representatives of the Government. 2=representatives of the Government acting in unofficial capacity or as observers. 3=individual acting on invitation of the league.]

HEALTH

1920—April	Conference to plan health committee, Dr. Rupert Blue, former United States Surgeon General.	3
1921—Aug. 25-29; Oct. 20-22.	Provisional health committee, Dr. C. E. A. Winslow, representing League of Red Cross Societies.	3
Dec. 12-14	Conference on sero and serological tests, Dr. Rupert Blue, United States Public Health Service.	3
1922	Provisional health committee—	
	Dr. Hugh S. Cumming, Director United States Public Health Service.	3
	Dr. Josephine Baker	3
	Committee to establish permanent health organization, Dr. Hugh S. Cumming.	3
	Subcommittee on inspection of vessels in port, Dr. Hugh S. Cumming.	3
1922—September	Subcommittee on antitetanus and antidiphtheria sera, Dr. George McCoy, director of Hygienic Laboratory, Washington.	3
November	General conference on antipneumococcus and antidysentery sera, Doctor Wadsworth, Rockefeller Institute.	3
1923—January (Russia)	Provisional health committee epidemics commission, Dr. Hane Zinsser, Harvard Medical School.	3
May 26-Jan. 6	Provisional health committee, Dr. Hugh S. Cumming	3
July 19-21	Conference on standardization of biological remedies:	
	Prof. John J. Abel, Johns Hopkins University	3
	Dr. Carl Voegtlin, Hygienic Laboratory, Washington.	3
	Mission of inquiry in Far East, Dr. Howard F. Smith, of Manila, designated by United States Public Health Service.	3
November (Copenhagen).	Meeting of delegates from various State serological institutes:	
	Dr. C. Armstrong, Hygienic Laboratory, Washington.	3
	Dr. R. E. Dyer, Hygienic Laboratory, Washington	3
1924—Feb. 11-21; Sept. 29-Oct. 4.	Permanent Health Committee:	
	Dr. Hugh S. Cumming	3
	Dr. Alice Hamilton, Harvard Medical School	3
	Subcommittee on education in hygiene and social medicine, Dr. William H. Welch.	3
May 24	Commission on quarantine clearance of ships, Dr. Hugh S. Cumming.	3
	Committee of experts to determine death rates, Prof. Edwin B. Wilson.	3
	Committee on age and sex classification for determination of vital statistics, Dr. Raymond Pearl, Johns Hopkins University.	
	Committee on tabulation of primary causes of death, Dr. William H. Davis, Bureau of the Census.	3

1925—Aug. 31–Sept. 3	Conference on Biological Standardization:	
	Prof. C. W. Edmunds, University of Michigan	3
	Prof. Reid Hunt, Harvard Medical School	3
	Dr. Carl Voegtlin	3
Oct. 8–14	Health committee, Dr. Alice Hamilton	3
August	Collective studies of medical statistics, Dr. William H. Davis, Bureau of the Census.	3
March	Malarial commission, Dr. Samuel Taylor Darling, Rockefeller Foundation (corresponding member).	3
April	Commission on tuberculosis mortality, Dr. Hugh S. Cumming.	3
1926—Apr. 26–May 1	Health committee, Dr. Hugh S. Cumming	3
September	Conference of health experts on infant welfare, Dr. Taliaferro Clark, United States Public Health Service.	3
1927	Health committee:	
	Dr. C. E. A. Winslow	3
	Dr. Alice Hamilton	3
1927—January	Conference of health experts on infant welfare, Dr. Taliaferro Clark.	3
April	International rabies conference:	
	Dr. Taliaferro Clark	3
	Dr. Atherton Seidell, United States Public Health Service.	3
	Dr. C. A. Shore, director State laboratory of hygiene of North Carolina.	3
1928—Apr. 30–May 5	Health committee:	
	Dr. Hugh S. Cumming	3
	Dr. C. E. A. Winslow	3
June 25–29	Malarial commission:	
	Doctor Maxey, United States Public Health Service	3
	Doctor Bailey	3
	Doctor Boyd	3
	Doctor Collins	3
	Doctor Ferrell	3
	Doctor Hackett	3
	Doctor Strode	3
	Doctor Taylor, Rockefeller Foundation	3
Oct. 8	Meeting of experts on treatment of syphilis, Dr. J. H. Stokes, University of Pennsylvania.	3

SOCIAL AND HUMANITARIAN—OPIUM

1921—May 2–5	Permanent advisory committee, Mrs. Hamilton Wright, assessor.	3
1922—Apr. 19–29	Permanent advisory committee, Mrs. Hamilton Wright, assessor.	3
1923—Jan. 8–14; May 24–June 5; January, May.	Advisory committee:	
	Mrs. Hamilton Wright, assessor	3
	Dr. Rupert Blue, former Surgeon General	2
	Stephen G. Porter, chairman House Committee on Foreign Affairs.	2
	Bishop Charles H. Brent; Dr. Rupert Blue	2
	Edwin L. Neville, Department of State	2
September	Assembly, fifth committee. (Same delegation as above.)	
1924—Aug. 4–14	Advisory committee:	
	Mrs. Hamilton Wright, assessor	3
	Edwin L. Neville	2
Mar. 6–10; April (Paris).	Preparatory committee for opium conferences:	
	Edwin L. Neville	1
	Second opium conference:	
	Hon. Stephen G. Porter	1
	Bishop C. H. Brent	1
	Dr. Rupert Blue	1
	Edwin L. Neville	1
	Edmond F. Erk, clerk of House Committee on Foreign Affairs.	1
1925—Aug. 24–31	Advisory committee, S. Pinkney Tuck, consul at Geneva	2
1926—May 23–June 8	Advisory committee:	
	Col. Arthur Woods, assessor	3
	S. Pinkney Tuck	2
	Commission of inquiry in Persia:	
	Frederick A. Delano	3
	Archibald McLeish	3
1927—January	Advisory committee:	
	Stanley Woodward, vice consul at Geneva	2
	Col. Arthur Woods, former police commissioner of New York City, assessor.	3
March	Council:	
	Col. Daniel W. MacCormack, technical adviser to Persian Government.	3
1928—Apr. 12–27	Advisory committee:	
	Kenneth Caldwell, assistant chief, Division of Far Eastern Affairs, Department of State.	2
	S. Pinkney Tuck	2

TRAFFIC IN WOMEN AND CHILDREN

1923—Mar. 22–27	Permanent advisory committee, Miss Grace Abbott, Department of Labor.	2
1924—April, Oct. 3–6	Special body of experts on inquiry into traffic in women and children:	
	Col. William F. Snow, director American Social Hygiene Association.	3
	Maj. Bascom Johnson, Bureau of Social Hygiene, New York.	3
1925—May 20	Permanent advisory committee, Miss Grace Abbott	2
	Advisory committee on protection of children, Maj. Bascom Johnson.	3
1926—Mar. 22, Apr. 1	Advisory committee on child welfare, Miss Julia Lathrop, assessor.	3
1927	Advisory committee on child welfare, Miss Julia Lathrop, assessor.	3
	Special body of experts:	
	Dr. William Snow	3
	Mr. Bascom Johnson	3
1928—Mar. 12–24	Advisory committee on child welfare:	
	Bascom Johnson, assessor	3
	L. W. Carris, American Association for the Prevention of Blindness.	3

PROTECTION OF WOMEN AND CHILDREN IN THE NEAR EAST

1921	Commission of inquiry, Miss Emma D. Cushman	3
	League of Nations neutral house, Constantinople, Miss Caris E. Mills, director.	3

SUPPRESSION OF OBSCENE PUBLICATIONS

1923	International Conference for the Suppression of Traffic in Obscene Publications:	
1923—Aug. 31–Sept. 12	Alexander R. Magruder, American Legation at Berne	2
	Prof. Manley O. Hudson, Harvard Law School, legal adviser.	3

INTERNATIONAL RELIEF UNION

1925—May 25–28; June 27–29.	Preparatory committee of experts, Col. Robert E. Olds, European delegate of the American Red Cross during the war.	3
1926—Nov. 3–4	Preparatory committee of experts, Col. Ernest P. Bicknell, vice chairman of the American Red Cross.	3
1927	Conference for the formation of the International Relief Union, T. B. Kittredge, secretary-general of the League of Red Cross Societies.	3
1928—Feb. 23–24	Preparatory committee of experts, T. B. Kittredge	3

REFUGEES

1922	Committee for the repatriation of Russian refugees:	
	Maj. C. Claflin Davis, American Red Cross	3
	A. C. Ringland, American Relief Administration	3
1923	Inquiry concerning Greek loan:	
	Fred C. Dolbeare, American delegation to Lausanne Conference.	2
	Col. James A. Logan, American unofficial representative on Reparations Commission.	2
1923	President Greek Refugee Settlement Commission:	
	Henry Morgenthau, former minister to Turkey	3
1924	Charles P. Howland	3
1926	Charles B. Eddy	3

FINANCE

1920	Brussels Financial Conference:	
	Roland W. Boyden, unofficial representative of United States on Reparations Commission.	2
	Keith McLeod	2
	Col. R. H. Hess	2
	Thomas Shaw	2
1922	Financial reconstruction of Austria: Nelson J. Jay (Morgan, Hayes & Co., trustee for loan).	3
1924	Financial reconstruction of Hungary:	
	Jeremiah Smith, jr., High Commissioner	3
	Royall Tyler	3
1923—April	Committee of experts on double taxation:	
	Prof. Thomas S. Adams, president of the American Economic Association.	1
	Mitchell B. Carroll, chief of tax section, Department of Commerce.	1
	Miss Annabel Matthews, Treasury Department	1
1928—Feb. 27; May 30–June 4.	Financial committee:	
	Jeremiah Smith, jr.	3
	Roland W. Boyden	3
Oct. 22	Meeting on double taxation:	
	Prof. Thomas S. Adams	1
	Mitchell B. Carroll	1
	Miss Annabel Matthews	1

ECONOMIC

1920	Committee to report on international organization of statistical work, Dr. Royal Meeker.	3
1922	Committee on statistical questions, Dr. Royal Meeker	3
1926—Apr. 26, May 1	Preparatory committee for the international economic conference:	
	Hon. David Houston, former Secretary of the Treasury, former Secretary of Agriculture.	2
	Dr. Arthur W. Gilbert, commissioner of agriculture for Massachusetts.	2
	Prof. Allyn Young, Harvard University	2
Nov. 15–19	Dr. A. W. Gilbert	2
	Dr. Thomas W. Page	2
December	Meeting of experts on bills of lading, Ralph Dawson, International Chamber of Commerce.	3
1927—May	International economic conference:	
	Roland W. Boyden, former observer on Reparations Commission.	3
	Basil Miles, International Chamber of Commerce	3
	Edward E. Hunt, International Committee for Scientific Organization of Labor.	3
	Arthur Bullard, liaison with American press	3
	Henry M. Robinson, president First National Bank of Los Angeles.	2
	Norman H. Davis, former Undersecretary of State	2
	John W. O'Leary, president United States Chamber of Commerce.	2
	Alonso E. Taylor, director food research institute, Leland Stanford University.	2
	Julius Klein, Department of Commerce	2
	Dr. Arthur N. Young, economic adviser, Department of State.	2
	Dr. E. Dana Durand, Department of Commerce	2
	Grosvenor Jones, Department of Commerce	2
	Dr. Louis Domeratsky, Department of Commerce	2
	E. W. Camp, Treasury Department	2
	Asher Hobson, permanent American delegate to International Institute of Agriculture, Rome.	2
	Dr. Percy W. Bidwell, United States Tariff Commission.	2
	Henry Chalmers, Department of Commerce	2
	John P. Frey, American Federation of Labor	2
	S. Pinckney Tuck, consul at Geneva	2
January	Committee of legal experts on arbitral awards, Benjamin W. Conner, president American Chamber of Commerce in France.	3
October, November.	Conference on abolition of import and export prohibitions and restrictions:	
	Hon. Hugh H. Wilson, minister to Switzerland	1
	H. Lawrence Groves, commercial attaché at Vienna	1
	Charles E. Lyon, commercial attaché at Berne	1
	H. F. Weiley, Treasury Department	1
	Percy W. Bidwell, European representative of the Tariff Commission.	1
	S. Pinckney Tuck	1

1928—July 3	Second conference on abolition of import and export prohibitions and restrictions:	
	Hon. Hugh R. Wilson	1
	Percy W. Bidwell	1
	Charles E. Lyon	1
	Jay Pierrepont Moffat, secretary legation at Berne	1
	S. Pinckney Tuck	1
May 14-19	Economic consultative committee:	
	Alonso E. Taylor, director food research institute, Leland Stanford University.	3
	Prof. Asher Hobson, International Council of Scientific Agriculture.	3
	Professor Willetts, University of Pennsylvania	3
	Roland W. Boyden, International Chamber of Commerce.	3
Mar. 26-30	Economic committee, Lucius Eastman, chairman of Merchants Association, New York City.	3
1928—Nov. 26	International conference on economic statistics:	
	E. Dana Durand, Department of Commerce	1
	James F. Dewhurst, Federal Reserve Bank of Philadelphia.	1
	Asher Hobson, International Institute of Agriculture	1
	Elbridge D. Rand, consul at Geneva, secretary	1
	TRANSIT AND COMMUNICATIONS	
1923—November	Second general conference on transit and communications:	
	Lewis W. Haskell, American consul at Geneva	2
	Basil Miles, International Chamber of Commerce	3
1925—August	Report on navigation of Danube and Rhine:	
	Walker D. Hines, former Director General of United States Railroad Administration.	3
	Maj. Brehon B. Somervell, United States Army	3
1927—August	Third general conference on transit and communications:	
	Hon. Hugh R. Wilson, American minister to Switzerland.	1
	Chauncey G. Parker, counsel of United States Shipping Board.	1
	Norman F. Titus, Department of Commerce	1
1923—November	Simplification of customs formalities:	
	Lewis W. Haskell, American consul at Geneva	2
	Henry Chalmers, chief Bureau of Foreign and Domestic Commerce.	2
	Gilbert Hirsch, United States Tariff Commission	2
	C. B. Wait, customs attaché at London	2
	H. J. Weiley, United States Customs Service	2
	Edgar Carolan, International General Electric Co	3
	Edward L. Bacher	3
	Everit B. Terhune, United States Chamber of Commerce.	3
1925—May 19-20	Subcommittee on reform of the calendar, Willis H. Booth, Guaranty Trust Co.	3
	International Hydrographic Bureau (since October, 1921, under direction of the league), Vice Admiral Albert P. Niblack, United States Navy, retired.	
	DISARMAMENT	
	LIMITATION OF ARMAMENTS	
1926—May 18; Sept. 26-27.	Preparatory commission for the disarmament conference:	
	Hugh S. Gibson, minister to Switzerland	1
	Allen W. Dulles, Department of State	1
	Dorsey W. Richardson, Department of State	1
	Maj. Gen. Dennis E. Nolan, War Department	1
	Brig. Gen. H. A. Smith, War Department	1
	Maj. George V. Strong, War Department	1
	Rear Admiral Hilary P. Jones, Navy Department	1
	Rear Admiral Andrew T. Long, Navy Department	1
	Capt. Adolphus Andrews, Navy Department	1
	Alan F. Winslow, legation at Berne	1
	Subcommission A of the preparatory commission:	
May 28-July 16	Maj. Gen. Dennis E. Nolan	1
	Brig. Gen. H. A. Smith	1
	Maj. G. V. Strong	1
	Maj. B. K. Yount	1
	Rear Admiral H. P. Jones	1
	Rear Admiral A. T. Long	1
	Capt. Adolphus Andrews	1
	Alan F. Winslow	1
Aug. 2-Sept. 9	Maj. Gen. Dennis E. Nolan	1
	Maj. H. V. Strong	1
Sept. 27	Rear Admiral H. P. Jones	1
Nov. 5	Capt. Adolphus Andrews	1
	Alan F. Winslow	1
	Subcommission B:	
May 26	Allen W. Dulles	1
Sept. 27	Hon. Hugh S. Gibson	1
Nov. 29-30	J. Theodore Marriner, legation at Berne	1
	Joint commission:	
1926	Dr. J. E. Zanetti, National Research Council	3
	Preparatory commission:	
1927—March	Hon. Hugh S. Gibson, ambassador at Brussels	1
	J. Theodore Marriner	1
	George A. Gordon, legation at Budapest	1
	S. Pinckney Tuck	1
	Maj. Gen. Dennis E. Nolan	1
	Col. J. W. Dewitt	1
	Maj. G. V. Strong	1
	Rear Admiral Hilary P. Jones	1
	Rear Admiral Andrew T. Long	1
	Commander H. C. Train	1
Nov. 30-Dec. 3	Hon. Hugh R. Wilson, minister to Switzerland	1
	George A. Gordon	1
	J. Pierrepont Moffat, legation at Berne	1
	S. Pinckney Tuck	1
1928—Mar. 15-24	Hon. Hugh S. Gibson	1
	Hon. Hugh R. Wilson	1
	Maj. George V. Strong	1
	Maj. J. C. Gruby	1
	Rear Admiral Andrew T. Long	1
	Commander Harold C. Train	1
	S. Pinckney Tuck	1
	TRAFFIC IN ARMS	
1924—Feb. 4-7	Temporary mixed commission:	
	Joseph C. Grew, minister to Switzerland	2
March	First subcommittee:	
	Alan F. Winslow, legation at Berne	2
July	Hugh S. Gibson, minister to Switzerland	2
1925—May 4-June 17	International conference on the control of the traffic in arms:	
	Theodore E. Burton, Congress	1
	Hugh S. Gibson	1
	Rear Admiral Andrew T. Long, General Board of the Navy.	1
	Allen W. Dulles, Chief of Division of Near Eastern Affairs, Department of State.	1
	Brig. Gen. C. H. Ruggles, Assistant Chief of Ordnance.	1
1925—May 4-June 17	International conference on the control of the traffic in arms—Continued.	
	C. E. Herring, commercial attaché, Berlin	1
	Maj. George V. Strong	1
	Commander A. F. Leary	1
	Alan F. Winslow	1
	PRIVATE MANUFACTURE OF ARMS	
1927	Special commission on the private manufacture of arms, Hugh S. Gibson.	1
	Subcommittee, Hugh S. Gibson	1
1927—February	Committee of experts on civil aviation, H. F. Guggenheim, president David Guggenheim fund for promotion of aeronautics.	2
1928—Aug. 27	Special commission on the private manufacture of arms:	
	Hon. Hugh R. Wilson, minister to Switzerland	1
	Elbridge D. Rand, consul at Geneva	1
	Maj. Barton K. Yount, assistant military air attaché, embassy at Paris.	1
Dec. 5	Special commission on the private manufacture of arms:	
	Hon. Hugh R. Wilson	1
	Elbridge D. Rand	1
	INTERNATIONAL LAW	
1925—Apr. 1-8; 1926—Jan. 12-19; 1927—March; 1928—June 20-28.	Committee for the progressive codification of international law, George W. Wickersham, ex-Attorney General of the United States.	3
1925	Conference on legal aid, Reginald H. Smith, secretary of the national committee on legal aid.	3
	POLITICAL	
1920	Committee of rapporteurs on Aaland Island dispute, Abram I. Elkus, ex-ambassador to Turkey.	1
1921	Upper Silesia boundary, David Hunter Miller, ex-legal adviser to the American Commission to Negotiate Peace.	3
1924	Memel Commission:	
	Norman H. Davis (president), ex-Undersecretary of State.	3
	Mr. Arthur Bullard	3
	INTELLECTUAL COOPERATION	
	International committee on intellectual cooperation:	
1922—Aug. 1-5	Prof. George Ellery Hale, chairman National Research Council.	3
	Prof. Robert A. Millikan, California Technical Institute.	3
1923—July 26-Aug. 22	Col. John Wigmore, dean of law school, Northwestern University.	3
	Prof. Paul Perigord	3
Dec. 5-8	Dr. Waldo G. Leland, Carnegie Institute	3
	Dr. Algernon Coleman, director of American University Union in Europe.	3
	Subcommittee on interuniversity relations, Dr. Algernon Coleman.	3
1924—January	International committee, Prof. Robert A. Millikan	3
July 25-9	Subcommittee on interuniversity relations, subcommittee on bibliography:	
	Professor Schramm, Cornell University	3
	Dr. Algernon Coleman	3
Apr. 29-May 3	Expert committee on international exchange of publications, H. W. Dorsey, Smithsonian Institution.	3
1925—May 11-15; July 27-30.	International committee:	
	Mr. Carrington Lancaster	3
	Dr. Vernon Kellogg	3
July	Subcommittee on bibliography, J. David Thompson, former chief of division of documents, Library of Congress.	3
1926—July 26-29	International committee, Dr. Bernon Kellogg	3
1927	International committee, J. David Thompson	3
	Committee of experts on coordination of libraries, William Warner Bishop, American Library Association.	3
1928—Apr. 17-18	Meeting of directors of National University offices:	
	Dr. Stephen P. Duggan, director of International Educational Institute.	3
	Prof. C. Vibbert	3
July 9-11	Subcommittee on university relations, Dr. Stuart Chapin, Minnesota University.	3
	International committee, Dr. Stephen P. Duggan	3
	MISCELLANEOUS	
1927—June	Committee on the suppression of counterfeit coinage, W. H. Moran, Chief of Secret Service of the Treasury Department.	2
	PRESS	
1926—August	Committee of news agencies:	
	Elmer Roberts, Associated Press	3
	Roy W. Howard, United Press	3

1927—January	Committee of journalists, Paul Scott Mowrer, Chicago Daily News.	3
August	Press conference:	
	Kent Cooper	3
	Joseph E. Sharkey, Associated Press	3
	Karl A. Bicknell	3
	E. L. Keen	3
	E. J. Bing, United Press	3
	M. Koenigsberg	3
	David M. Church	3
	James T. Williams	3
	Robert J. Prew, International News Service	3
	Frederick T. Birchall	3
	Edwin L. James, New York Times	3
	Robert P. Scrips	3
	George B. Parker	3
	Thomas L. Sidlo, Scripps-Howard newspapers	3

EXTENSION OF REMARKS

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the speech delivered over the radio Saturday evening on reapportionment by the junior Senator from Michigan [Mr. VANDENBERG].

Mr. BROWNING. Mr. Speaker, reserving the right to object, and I shall not object, I wonder if the gentleman would object to my coupling with his request the request that the speech of the gentleman from Mississippi [Mr. RANKIN] may follow that in the RECORD?

Mr. WOODRUFF. I have not the slightest objection to that, Mr. Speaker.

Mr. BROWNING. Then I make that request, Mr. Speaker.

The SPEAKER. Is there objection to either request?

There was no objection.

REAPPORTIONMENT—SPEECH OF SENATOR ARTHUR H. VANDENBERG

Mr. WOODRUFF. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a speech over the radio Saturday evening, June 8, 1929, by the junior Senator from Michigan [Mr. VANDENBERG] upon the subject of reapportionment.

Senator VANDENBERG's speech in full follows:

The word "reapportionment" probably sounds academic and colorless and uninteresting to unfamiliar ears. But within it, when adequately understood, is embraced the prime vitality of the representative institutions of American government. The word describes the process through which each State gets its constitutional share of Representatives in Congress and of presidential electors. Such a process is the well spring from which flows the control of our constitutional democracy. Nothing could be more fundamentally important. Therefore honest reapportionment, pursuant to the Constitution's mandate and formula, concerns every prudent citizen who thinks straight enough to realize that the Constitution's preservation is prerequisite to the Republic's perpetuation.

CHARGES POLITICAL SELFISHNESS

From 1790 to 1910 there was a census every 10 years and a reapportionment based upon the resultant enumeration of the American people, as ordered by the first article in the Constitution. It was the clearly expressed purpose of the framers of the Constitution that the House of Representatives thus should accurately reflect the changing trends of our population. Those who now expediently quibble about the intentions of the fathers are answered convincingly by the unbroken record of 120 years—from Washington to Taft—during which no Congress ever permitted more than two years to intervene between each decennial census and its sequent reapportionment. For more than a century this basic function was scrupulously protected. There were no detours from the great main highway of constitutional good faith.

Then commenced an amazing interlude of entrenched political selfishness and of flagrant and contemptuous nullification. There has been no reapportionment since 1911. The census of 1920 never has been reflected in a reassignment of Representatives in Congress and, correspondingly, of presidential electors. The House twice initiated the necessary legislation—once in 1921 and again in the winter of 1928. But the Senate stolidly declined to face its constitutional obligation. It strangled the first House bill in a committee pigeonhole. It killed the second in the windstorm or a perverse Senate filibuster. As a result four Congresses and two Presidents since 1920 have been chosen on a distorted and anticonstitutional basis. According to 1930 census estimates, this decade of trespass and default now produces 23 misplaced seats in the House of Representatives, 23 misplaced votes in the presidential Electoral College, and 32,000,000 defaulted persons who are robbed of the spokesmanship which the Constitution promised and intends. This element of progressive fraud taints the entire legislative and administrative structure.

SEES UNITED STATES TRANQUILLITY THREATENED

Surely it can not be gainsaid—in the face of such alarming exhibits—that reapportionment is of paramount concern, not only to the integrity of the Constitution but also to a just sense of elementary American fair play and good sportsmanship. Nay, more: The perpetuation of such outrage might, in its lengthened shadow, threaten the tranquillity of the Nation. It is not to be wholly forgotten in this connection that the Republic was born in the travail of a war which responded to the significant shibboleth that "taxation without representation is tyranny." It always was tyranny. It always will be tyranny. It is tyranny to-day. Yet that precise tyranny has been recklessly inflicted upon great American constituencies ever since 1920.

The magnified imposition may be personified by a single comparison. There are to-day approximately as many people in one Michigan congressional district, having one Congressman, as there are in the whole State of Mississippi, with eight Congressmen. California likewise has one congressional district equally as large. Such contemplations outrage every tenet of constitutional justice. It must seem almost unbelievable to the casual observer that Congress should have declined to rectify such glaring discrepancies. Yet Congress has thus refused for eight sterile, contemptuous years, and large elements in Congress are continuing this very month to embrace every possible recourse which once more may checkmate reapportionment in 1930.

Ah, they do not meet the issue thus squarely. They profess great sympathy with these disfranchised constituencies and they join the lamentations over ugly nullification since 1920. But the only reapportionment law which they ever seem to favor is some law which is not pending before Congress. The pending proposal is always wrong. They keep the word of promise to the ear and break it to the hope.

Last December—if I may be pardoned a personal word—I announced on the floor of the Senate that since a census has but one constitutional purpose—namely, to provide a reapportionment base—I should do my utmost to prevent a 1930 census unless it could carry within itself the guaranty of a corresponding 1930 reapportionment. Thus the 1930 census law was held back, and thus census and reapportionment are linked together in the bill which now approaches a climax in the present extra session—a climax supported by the logical and patriotic recommendation of President Hoover that the issue is so emergent as to demand this extra-session verdict. At last Article I of the Constitution—first in import as well as in number—gets its belated day in court.

WOULD CURE REAPPORTIONMENT FAULTS

This pending bill aspires permanently to cure all reapportionment defaults in each decennium hereafter. It parallels and authenticates the Constitution for keeps. It provides that when the 1930 census, and each subsequent census, is completed, the President shall report the result to Congress. He shall also report a table showing how the existing sized House (now 435 Members) would be reapportioned by the method used at the last preceding apportionment. If Congress thereupon fails to pass its own reapportionment law, then the table reported by the President becomes automatically effective. Thus the country would be assured that the 1930 census will be validated in a constitutional apportionment. Thus, indeed, action would be guaranteed in every subsequent decade. Congressional inertia no longer could cheat this fundamental constitutional purpose. Such an obstructive, destructive privilege does not rightfully belong to Congress. Congress must be the servant—not the master—of the Constitution. Otherwise we live in an elective despotism and constitutional democracy is dead. Otherwise the ax is laid to the root of the tree of representative government.

Opposition to this bill has come chiefly from States which would lose Representatives if there were a reapportionment. Because I decline to question the motives of my able colleagues in the opposition, I prefer to look upon this as just a strange coincidence. Yet it might reflect a perfectly understandable human emotion. At any rate it would be easier to understand than have been some of the arguments and efforts marshaled in the hostile debate.

It has been urged, for example, that we propose an untoward delegation of power to the President. With entire respect for the good conscience of those who urge this view, yet I am bound to testify that we delegate nothing except a ministerial problem in arithmetic—a problem to which there can be but one answer. There is no actual delegation of any "power" whatsoever—within a rational meaning of that word.

PAYS TRIBUTE TO SENATORS

Again, it has been urged that we should not count aliens. Yet aliens have been counted in every previous reapportionment, and the Constitution requires their inclusion when it calls for a count of "the whole number of persons" in each State. The greatest constitutional lawyers in the Senate—such as Senator BORAH on the Republican side and Senator WALSH of Montana on the Democratic side—declare the inclusion of aliens to be mandatory. Yet all such considerations have been swept aside by those who once more would defeat this latest effort to force a just recognition of representative rights. No expedient has been ignored in the long-time effort to hamper and harass this undertaking.

In spite of bitter opposition, this bill passed the Senate on May 29. I pause to pay my tribute of particular respect to 14 Senators from States which may lose Representatives under the terms of this bill, and on the basis of the 1930 census, yet who, in the face of a constitutional duty, courageously recorded themselves in favor of this insurance policy upon the Constitution's life. I refer to Senators HALE and GOULD, of Maine; WALSH and GILLETT, of Massachusetts; COPELAND and WAGNER, of New York; WATSON and ROBINSON, of Indiana; CAPPER

and ALLEN, of Kansas; REED, of Pennsylvania; SACKETT, of Kentucky; NORRIS, of Nebraska; and PATTERSON, of Missouri.

In all, 17 States seem destined to lose one or more Representatives in 1930, and 11 States seem destined to gain. It is unfortunate that there must be losses. But until the population is static apportionment can not be static—unless the Constitution succumb to paralysis. The real question is not the petty transfer of a few seats in Congress. The real question is whether Congress itself shall preserve constitutional integrity.

The House passed this bill in somewhat amended form on June 5.

The legislation now hangs in conference between the two Chambers. The prospect is for final action in both Chambers during the week to come. If this bill finally joins the statutes, the fateful jeopardy involved in the persistent failure of all reapportionment for eight years past will permanently end. The Constitution once more will mean what it says. Our representative democracy will rest more firmly upon sound foundations.

REAPPORTIONMENT—SPEECH OF REPRESENTATIVE JOHN E. RANKIN

Mr. BROWNING. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include a speech over the radio Saturday evening, June 8, 1929, delivered by Hon. JOHN E. RANKIN of Mississippi, upon the subject of reapportionment in debate with Senator VANDENBERG, of Michigan.

The speech is as follows:

Ladies and gentlemen of the radio audience, so much misinformation has been disseminated throughout the country relative to the so-called reapportionment bill which was recently railroaded through the House and is now in conference, that I have come to-night, in response to an invitation on the part of the Washington Star, to try to correct some of the erroneous impressions which this propaganda has made, and to refute some of the charges that have been leveled at those Members of the House of Representatives who have been trying to preserve one of the most sacred principles of our American institutions, that of maintaining an independent Legislature unhampered by Executive control.

The advocates of the census reapportionment bill recently passed by the House and the Senate have charged that those of us who opposed it were nullifying the Constitution of the United States. That charge is not true. We are in favor of reapportionment, but we first want an accurate census to base it on.

The proponents of this measure contend that it is mandatory under the Constitution that we reapportion after every census. I do not agree with them. But if their contention is correct, they are the violators of the Constitution themselves. For the bill which they propose does not attempt to reapportion Congress under the census of 1920, as their alleged constitutional mandate would require, but provides for a reapportionment under the census of 1930 and delegates the power to make the reapportionment to the President of the United States.

This concentration of power into the hands of the Chief Executive is one of the greatest steps toward the centralization of governmental powers into the hands of the President ever taken in this country, and surrenders one of the sacred principles of legislative government for which our forbears have fought for a thousand years. Those of us who do not believe that the Constitution requires that reapportionment be made after every census have declined to support reapportionment based on the 1920 census for the reason that it was inaccurate, and reapportionment under it would have greatly discriminated against the agricultural States.

That census was taken at a time when we were just emerging from the World War, when many of our boys were away in the service, and great numbers of our farming people were concentrated into the large congested centers and engaged in those industrial activities incident to the war. Besides, it was taken in the wintertime, when a vast number of our farming people were not to be found at home, when the roads were bad, when it was pouring down rain throughout the Southern States, and when many of the Northern and Western States were wrapped in a shroud of snow.

It was also taken at the peak of high prices, when it was found impossible to secure men to go out and count the country people for the small compensation paid.

As a result a great number of the agricultural States of the South and West—such as Kentucky, Kansas, Nebraska, Indiana, Iowa, Mississippi, and Missouri—would have had part of their representation taken away from them and transferred to the large congested centers of the East, with large alien populations, if reapportionment had been made under that census.

When this bill finally came before the House last week and an attempt was made to eliminate aliens from the count, or even to take a census of the aliens who are in the United States unlawfully, it met with the most strenuous resistance on the part of Representatives from those localities where these aliens are largely to be found.

The Tinkham amendment to cut down southern representation under the fourteenth and fifteenth amendments was merely a vindictive thrust at the South for its stand on immigration and would have had no practical effect even if left in the bill. It was adopted by a combination of eastern Republicans and Tammany Democrats.

It must have been humiliating to President Hoover, and it ought to have been humiliating to him, after the treatment which he received last year south of the Potomac River, to see the leaders of his party taking this insulting jibe at the South, aided and abetted by the representatives of Tammany, whose candidate last year received the only appreciable majorities given him in the Southern States.

Southern Representatives and southern Senators took their political lives in their hands to support the offspring of Tammany in 1928, and in doing so many of our best men in both the House and the Senate went down to their political graves in the greatest landslide this country has seen for more than a hundred years.

The pettiness of this fling at the South renders it the more inexcusable. Congress has no right to interfere with the representation of the Southern States on account of the fourteenth and fifteenth amendments. The Supreme Court of the United States in the Civil Rights case in 1883, at page 3 (109 U. S.), says:

"Until some State law has been passed or some State action through its officers or agents has been taken adverse to the rights of citizens sought to be protected by the fourteenth amendment, no legislation of the United States under said amendment nor any proceeding under such legislation can be called into activity, for the prohibitions of the amendment are against State laws and acts done under State authority."

In other words, until the State passes a law violating the fourteenth amendment, its penalties can not be invoked. Senator BORAH, of Idaho, said in a speech in the Senate a year or two ago that he had recently examined the laws and constitutions of all the Southern States and had failed to find where a single one of them violated either the fourteenth amendment or the fifteenth amendment.

But even if it should violate the fourteenth amendment, Congress would not be called upon to act, for the Supreme Court would hold it null and void under the fifteenth amendment, which provides that no such law shall be passed.

The Hon. James G. Blaine, the Republican leader for years and who was Speaker of the House of Representatives at the time the fifteenth amendment was adopted, in his Twenty Years of Congress says:

"Its prime object was to correct the wrongs which might be enacted in the South, and the correction proposed was direct and unmistakable, viz, that the Nation would exclude the negro from the basis of apportionment wherever the State should exclude him from the right of suffrage.

"When, therefore, the Nation by subsequent change in its Constitution declared that the State shall not exclude the negro from the right of suffrage, it neutralized and surrendered the contingent right before held to exclude him from the basis of apportionment. Congress is thus plainly deprived by the fifteenth amendment of certain powers over the provisions of the fourteenth amendment. Before the adoption of the fifteenth amendment, if a State should exclude the negro from suffrage, the next step would be for Congress to exclude the negro from the basis of apportionment. After the adoption of the fifteenth amendment, if a State should exclude the negro from suffrage, the next step would be for the Supreme Court to declare that the act was unconstitutional, and therefore null and void."

Thus it will be plainly seen that Congress has no right to interfere with the representation of the Southern States on account of alleged violations of the fourteenth amendment to the Constitution.

This thrust was simply made to gratify the vindictiveness of certain politicians toward the South, because, forsooth, her Representatives joined with those from other sections of the country in an attempt to save America for Americans.

The fight began over an amendment providing for taking the census of the aliens who are in the United States unlawfully. The main controversy arose over the motion to exclude aliens from the count in the reapportionment of representation in the House. It was contended by those opposing the motion that the word "persons" in the Constitution included aliens, and that Congress was powerless to exclude them from the count in making the reapportionment. But our contention was that since it is a Constitution adopted by and for the people of the United States the word "persons" referred to American persons and that Congress had the power to exclude aliens from the count in making its reapportionment.

There are more than 5,600,000 aliens in the United States who have never taken out their first papers. Under the present apportionment they are allotted about 20 or 25 Congressmen, which under a new apportionment would have to be taken away from the agricultural States with their old-line American stocks. Surely the framers of the Constitution did not contemplate such a situation or intend that the Constitution should be so construed.

It is estimated that there are more than 3,000,000 aliens in this country now unlawfully. They are also counted and given between 12 and 15 Representatives in the American Congress, which are in turn taken away from the agricultural States of the South and Middle West and rural New England. Could the framers of the Constitu-

tion, by the wildest stretch of imagination, have contemplated that Representatives would be taken away from States composed exclusively, or almost exclusively, of American citizens, and given to these alien interlopers who are in our country without our consent, against our will, and subject to be deported at any time they are caught?

They come from the riff-raff of the Old World. From them are recruited the gunmen and the gangsters. They not only come in violation of our laws but bring with them a contempt for American institutions. Yet the alien influence is so strong in this Capitol that we are not only prevented from excluding them from the count in apportioning Representatives but we are not able to secure the passage of a law forcing them to register in order that we may deport them or drive them out of the country.

Listen to this: It was stated at Geneva the other day that between 60,000 and 75,000 undesirable aliens are bootlegged into the United States annually as seamen; that many come in from the ports of Bremen, Amsterdam, and Antwerp alone. And I understand the reports of the Secretary of Labor show that many of them are brought in on American vessels. Think of that! American vessels even bootlegging into this country a class of undesirables that will be a burden upon this country, which burden will be passed on down to your children and your children's children for generations yet to come.

Yet this administration not only refuses to exclude those undesirable, unwelcome aliens from the count but proposes to give them representation in Congress by taking it away from the old, settled agricultural States with the largest percentages of old-line American inhabitants.

But the battle is not over. This question is now an issue, and will be until it is settled, in practically every congressional district in the United States. The American people are determined to know who is going to run this country. This is a movement to save America for Americans. It was contended on the floor of the House that the Supreme Court would hold this amendment unconstitutional, which, to me, seemed absurd.

I realize that the Supreme Court of the United States has gone a long way at times in construing various portions of the Constitution, but it will never go so far as to say that it is our duty to give aliens representation in the American Congress or to give representation in that august body or in the Electoral College to men who have come to our shores in violation of law and who have no right to remain on American soil.

FARM RELIEF AND THE TARIFF

Mr. PALMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of agriculture and the tariff.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the subject of agriculture and the tariff. Is there objection?

There was no objection.

Mr. PALMER. Mr. Speaker, in obedience to the call of the President of the United States, the Congressmen of the various States have assembled in Washington for the specific purpose of enacting agricultural or farm relief and to enact a tariff bill. This step has been taken to carry out the policies and promises that were advocated in the last election. Of the 37,000,000 people who voted on November 6, 1928, 21,000,000 voiced their approval of the policies of Herbert Hoover.

In the first place, I want to compliment the Committee on Agriculture for the able and valuable services they have rendered in securing expert information from farmers, stockmen, farm organizations, cooperative associations, and every agency that would throw any light on farm problems, not only in the United States but throughout the world.

Mr. HAUGEN, the chairman, is to be highly commended for what he did in framing this farm bill. As we all know, it is very difficult to find a remedy for all the ills that have come to the farmers in the last few years. I wish to say, however, that the bill as written will be of great value to the agricultural districts of the United States, and will go a long way in stabilizing the prices of farm products, thereby stimulating the farming industry.

It has been the attempt of this Congress to restore agriculture to a degree of prosperity on a basis with that of other industries.

The $500,000,000 made available by the Congress to be administrated by the Federal farm board will evidently put the wheels of agricultural industry in motion. This money is to be loaned to cooperative marketing associations of the various industries. This $500,000,000 is a nominal sum when one thinks of the production from agricultural and other resources amounting to more than $90,000,000,000 each year in the United States.

In my judgment the coming slogan will be: "From the city back to the farm." Young men who battled against the adversities of the farm and finally sought a more prosperous industry or occupation are now given a new hope and may return to the soil feeling that the results of their labor will equal that of any other industry. I am, therefore, predicting an era of prosperity.

The farm bill, like every other new law that has been enacted, is an experiment; and while it may not be in every particular as I would have written it, it will serve its purpose in aiding the farmer, I firmly believe.

The domestic products protected against foreign importation under the new tariff bill H. R. 2667, which, in my judgment, will prove to be one of the greatest tariff bills that has ever been enacted, will add new markets. I am reliably informed that during the year 1928 foreign agricultural products were imported into this country over the walls of our present protective laws to such an extent that it would require more than 14,000,000 acres of American land to grow them, which deprived thousands of American workmen of employment. What would become of the American laborer and American products if they were not protected?

At this time I want to congratulate the Ways and Means Committee, and Mr. HAWLEY, the author of the bill, for the splendid and systematic work they performed. I am informed that they had before their committee more than 1,100 witnesses, all representing the various industries of the United States. The hearings alone extended for some 45 days. The committee labored continuously for more than five months gathering information upon the administrative questions, customs practices, the past history of goods and commodities entering foreign trade as exports and imports, where and how produced, import values, sales prices, costs, labor, distribution, and the possibilities of increased production in the United States and foreign countries.

Every American citizen is directly interested in protective tariff. The free trader tells us that the consumer pays the tariff. That, as you know, is not true, for the reason that every man in the United States can manufacture and sell all kinds of articles and goods and the tariff in no way affects him. Who pays the tariff? The foreigner who imports his products through our ports into the United States. He must compete with American products and American labor by paying a tariff that will as nearly as possible make his cost equal to the cost of our production and labor.

In this tariff bill has been placed an adequate protection upon all articles produced in the United States. My district is about half and half agricultural and industrial, with an extensive dairy, poultry, and fruit production. The new tariff bill provides adequate protection upon these articles, as well as upon the articles vital to all other sections of the United States. I might here give a few of the new tariff rates:

Wool	pound	$0.34
Butter	do	.14
Milk	gallon	.05
Cream	do	.48
Eggs	dozen	.10
Tomatoes	pound	.03
Lambs	head	3.00
Veal	pound	.06
Lard	do	.03
Corn	bushel	.25
Hides	per cent	10
Leather	do	12½

This tariff serves to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and, above everything else, to protect American labor.

THE EXCLUSION OF ALIENS IN THE CENSUS

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

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. BECK. It was a matter of great regret to me that I was not present during the debate and at the time the vote was taken upon the question of census and apportionment.

I had accepted an invitation some months ago to address the members of the Georgia bar, and that must explain my absence. I regret this doubly because it denied me the opportunity of making a reply to the argument that was made on May 1 last by the gentleman from the tenth district of Virginia, Mr. HENRY ST. GEORGE TUCKER, who contended that under the Constitution aliens were excluded from the decennial enumeration and were not "persons" within the meaning of Article I, section 2, of the Constitution.

I have a great respect for Mr. TUCKER's attainments as a constitutional lawyer, and when he favors the House with an expression of his views upon any question of constitutional law he is not only entitled to the careful hearing he had, but if his conclusions seem to any of us erroneous, it seems to me that his very distinction as a constitutional lawyer requires that any reply that can be made should be made. So I have

prepared a reply to show the contrary contention, namely, that the Constitution did intend to include aliens within the word "persons," and for that purpose I have gone into the history of the pertinent provision in the Constitution and traced it back to the Articles of Confederation. It seems to me that if the history of the clause, in its gradual evolution from the Articles of Confederation until its final adoption by the Constitutional Convention, is taken into consideration, the conclusion is irresistible, on the historical argument alone, that the Constitution did intend to include under the name "persons" all human beings, with the exception of Indians not taxed and negro slaves to the extent of the proportion which the Constitution provides.

As I have given some time and thought to the matter, I shall ask unanimous consent of the House to revise and extend my remarks, so that any Member of the House who may care to hear the other side of the controversy from that presented by the distinguished gentleman from Virginia may have that opportunity.

I ask the privilege, Mr. Speaker.

Mr. RANKIN. Reserving the right to object, and, of course, I shall not object, since the distinguished gentleman from Pennsylvania [Mr. BECK] presented one of the ablest arguments ever heard in this House some time ago against the tendency toward abdicating legislative power into the hands of the President, emphasizing that one of the great principles of representative government for which our forebears have fought for a thousand years is that of maintaining an independent Legislature, free from Executive control, I wonder if the gentleman from Pennsylvania in his extension of remarks would also discuss the advisability of our abdication in this bill and placing in the hands of the President of the United States the right to reapportion Congress, which belongs to the Congress itself, and the danger of continuing the delegation of legislative power to the Chief Executive. I wonder if the gentleman would do this.

Mr. BECK. I will give the suggestion of the gentleman from Mississippi my most careful and conscientious consideration. [Laughter.]

If the House will pardon me, I will answer the gentleman with a story. Disraeli was once asked by a member of the House of Commons if Russia took a certain course, naming it, what action Her Majesty's Government would take. The question was clearly one that should not have been asked. I do not mean that the question of the gentleman from Mississippi should not have been asked. To the great surprise of everyone Disraeli rose and said:

> In my judgment the question of the honorable member is one, in view of the delicate relations between Russia and England, that he should not have asked, but, as he has asked, I propose to give it frank answer, and so answering I say, if Russia takes this course Her Majesty's Government will give it its most careful consideration.

[Laughter.]

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

There was no objection.

Mr. BECK. Mr. Speaker, ladies and gentlemen of the House, I listened to the address of the distinguished gentleman from Virginia with pleasure, as I always do when he addresses the House, and if he failed to convince me of the soundness of his contention, it was not due to any lack of respect on my part for his ability as a student of the Constitution or because he failed to say anything that could be said in support of his contention. The gentleman from Virginia holds a high and very deserved place in this House as an interpreter of the Constitution. He has brought to the great subject the researches of a lifetime and his auditors have the added satisfaction that any view that he expresses is not actuated by any ulterior or partisan motive but is dictated by his lifelong loyalty to the Constitution.

If I understood his argument correctly, he was, as he says, "driven to the conclusion" that the framers of the Constitution did not intend, when they used the word "persons," in Article I, section 2, of the Constitution, to include aliens. The title of his address, as given in the CONGRESSIONAL RECORD, might suggest a narrower contention that the framers of the Constitution did not intend either to include or exclude aliens but left it to the discretion of the Congress in making the enumeration.

While this latter contention could, in my judgment, be more plausibly supported, yet I doubt whether the gentleman from Virginia intended to suggest it, for he had been a zealous student of Madison's Debates, and they have doubtless satisfied him, as they must any careful reader, that, whatever else they intended, the framers of the Constitution did not intend to leave the time and the method of enumeration to the discretion of Congress. It was first suggested in the convention of 1787 that it should be left to Congress, but the wise men of the convention speedily saw that this would admit of the same legislative jugglery as the States practice when they so gerrymander districts as to give to one party a wholly disproportionate representation. They rejected the idea of leaving the precise method of the enumeration to the discretion of Congress and required that it be made in a specific way every 10 years.

Notwithstanding the title of his address, I think the gentleman from Virginia will agree with me that the framers of the Constitution intended to either include or exclude aliens from the enumeration, and the only question that seems to admit of discussion is the nature of their decision.

The gentleman from Virginia tells us that he is "driven to the conclusion" that they did not intend to include aliens. I am driven to the conclusion that they did, and I should not regard the question at this late day in the history of the Republic as even debatable, were it not that the gentleman from Virginia has given to his contention which he confesses is "novel," the great authority of his name. Indeed, the fact that it is a novel contention, 140 years after the Constitution became operative, in itself refutes his contention. Undoubtedly, questions may arise in the interpretation of the Constitution, even at this late day, which are novel, although the occasions must necessarily be few. I remember, as Solicitor General, arguing one question as to whether the clause of the Constitution, which prohibits any preference to any port, included the ports of a Territory. This question had never been raised and, in the nature of the case, it could not well be raised until there were Territories that had ports of entry and until Congress sought to discriminate against them.

When, however, a "novel" question has reference to a matter which has arisen every 10 years in the practical workings of the Government and it is clear that, during a period of over 140 years, a uniform construction has been adopted, then it can be fairly said that that construction of the Constitution has been definitely determined by usage and can not at this late day be reasonably questioned. Our Constitution was in its creation an evolution and it has remained an evolution ever since. Its development is due to formal amendment; to usage, which we call practical construction, and to formal judicial interpretation. Of amendments there are few; of judicial decisions there are many, but, far exceeding in importance either amendments or judicial decisions, the practical interpretation of the Constitution by those who conduct the machinery of the Government has always had the most persuasive force.

May I refer to a case which I had the privilege of arguing in the Supreme Court. It was unquestionably one of the greatest cases of this generation in determining the form of our Government. It was the so-called removal-from-office case, in which the question was again raised whether the President had the power to remove any official whom he had appointed by and with the advice and consent of the Senate. It was true that the Constitution nowhere vested in express language any power to remove in the President, and it was equally true that very eminent men, at different periods of our country's history, had from time to time suggested a doubt as to whether the power of the President was drawn from his appointing power, which he shared with the Senate, or from his general executive power to see that the laws were faithfully executed. The case was finally decided in the great decision of Chief Justice Taft in Myers *v.* United States (272 U. S.), and it is significant that the Chief Justice rested his decision in large part upon the fact that, in the First Congress of the United States, in which were many men who had sat in the Constitutional Convention, a decision was then reached after prolonged debate that the President's power to remove was a part of the executive power vested in him by the Constitution and that Congress could not either impair or destroy it.

Similarly, in this case it can not be questioned that, in every previous enumeration, in apportioning Members of the House of Representatives aliens have been included in the basis of representation, and if the gentleman from Virginia is correct, then this Nation from the beginning has never been properly organized and there has been no true basis of representation. All of us will shrink from such a conclusion.

It is significant in this connection that another distinguished Member of this House—I refer to the gentleman from the fourth district of Kansas—while himself desiring to exclude aliens from the enumeration, has been unable to concur in the conclusion of Mr. TUCKER that the Constitution already works such exclusion. On February 13 last, the gentleman from Kansas [Mr. HOCH] made a very able argument in support of a proposed constitutional amendment which would work such exclusion, and his argument clearly accepted as an unassailable fact that the Constitution in its present form requires the inclusion of aliens. His views are the more important because he had reached the conclusion that the time had come to exclude aliens from the

enumeration, and it is fair to assume that if he could have construed the Constitution differently he would have done so.

Before passing to a closer discussion of the question, I want to notice two false premises upon which, it seems to me, the argument to which I am replying was based.

The first is that there were no aliens in the United States when the Constitution was adopted and that the question, therefore, had no serious consideration. Three or four times in the course of his address our colleague from Virginia reiterated this statement. Indeed, in his peroration, he said, "Why put in aliens when they were not here? There were not any aliens here; I mean practically none, of course."

The second premise of his argument was the statement that to include aliens was to give them an undue influence in the Government and that it was essential that they should be excluded to prevent such undue influence. Our friend from Virginia linked the presence of aliens in this country to "a splinter in the hand, a cinder in the eye; indeed, any foreign substance in the human body is liable to create irritation, friction, distress, and swelling, and so forth." He continued that any other interpretation would "admit aliens to a large influence in the Government of the United States," and as an illustration of his theory he stated that if two districts had each 500,000 people and one of them consisted wholly of American citizens and the other was equally divided between citizens and aliens, that the latter "would have double power over the other district."

I challenge the soundness of both premises. They seem to me without justification in fact.

Taking his first premise, long before the Constitution was adopted, there had already set in a great tide of immigration to this country. Especially in the Middle States there were many aliens. When the Constitution was adopted aliens were very welcome in this country. It was then recognized that its future greatness would depend to some extent upon migration to this country. The American people were then not as sensitive about aliens as they are now, for they all recognized that all of them were the descendants of men who were once aliens. One of the counts against George III in the Declaration of Independence was this:

> He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners and refusing to pass others to encourage their migration hither.

In many of the Colonies there were the most liberal provisions with respect to aliens. Thus in Massachusetts no length of residence was required and in others only an oath of allegiance, while in others any permanent residence qualified a man to vote if he was a freeholder.

Pennsylvania especially had a heterogeneous population. Its chief city was then the true cosmopolitan city of the country. Recognizing the existence of many aliens in America, the naturalization laws of Pennsylvania were so liberal that any alien who had resided in Pennsylvania for one year and owned real estate was made ipso facto a citizen and accorded all the rights of such. The Constitution itself recognizes the necessity of naturalization in more than one passage.

Thus the framers of the Constitution could not have been ignorant of the fact that there were then many aliens in the United States and that many more were to come, and it is a plausible conjecture that, because they were truly a part of the population, subject to the laws of the country, they used the word "persons" in describing whom should be enumerated.

Equally without foundation is the second premise that to include aliens in the population is to give them an undue influence in the councils of the Nation, for that ignores the basic theory of representative government. Aliens are human beings, and as such have rights in any country in which they are domiciled, not only under the principles of natural justice but also by the provisions of the Constitution itself. Aliens help to create the wealth of our Nation; they are subject to its laws and must comply with all its demands of taxation.

The gentleman from Virginia suggested that if all the people of the United States could be called in a town meeting to determine upon questions of common interest aliens would naturally be denied a right to vote. That may be true, but, nevertheless, those who did vote would necessarily act for the common benefit of all the inhabitants, who would be obliged to respect the laws thus enacted. As such a town meeting is impossible, we have adopted the principle of representative government, and while only citizens can vote for such representatives such fact is not inconsistent with both the moral and political obligation of the representatives to act in the common interests of all, as all, whether citizens or not, are affected by such laws and are obliged to obey them. Aliens, therefore, who have become part of our household and who have cast their lots permanently with ours, and who presumably have a wish to become citizens when permitted to do so, have a just right to be represented, although they can not select the representatives, and the framers of the Constitution recognized this when they included them in the enumeration.

The only exception to this fundamental rule of public justice was the nontaxed Indians and the slaves. The former were regarded as sui generis and the right of the latter to be represented, even though they were regarded as property, was recognized by the Constitution by enumerating them to the extent of three-fifths of their number. Why include slaves and exclude alien freemen?

Not only was the argument of my friend from Virginia defective in its fundamental premises, but his method of construing the Constitution was, it seems to me, too narrow. His is the textual method of taking the words of the instrument and trying to determine the true meaning from the words themselves. The Constitution can never be adequately construed by this method and my friend's argument demonstrates the fact, for he himself shows that the word "persons" has been used in the Constitution in 27 different places and that it does not always have the same meaning in any one place. This is probably true. It certainly illustrates the fact that to determine what the framers meant by the word "persons" in Article I, section 2, you must consider not only the text of the Constitution, but also the debates in the Federal Convention and the historic background of that great document. It is therefore a singular fact that my friend from Virginia makes no reference to the debates in the Constitutional Convention and none whatever to the historic controversy between the great and the little States as to the basis of representation, and yet it can not be denied that Article I, section 2, was the final outcome of a controversy which began in the First Continental Congress and which became the greatest source of controversy in the Federal Convention itself.

When that controversy is recalled it seems clear and would be indisputable, but for Mr. TUCKER'S argument, that the word "persons" did include all human beings except those who were specifically excluded from Article I, section 2, and it will not be disputed that there is no express exclusion of aliens from the "persons" to be enumerated.

Words are always an imperfect medium of thought. As Justice Holmes once said, they are but the "skin of a thought." Nearly all the great controversies of history have turned upon the meaning of words, because no words can ever be used that fully express the meaning of those who employ them. Indeed, the meaning of words may often depend upon the inflection of the voice. The sardonic Disraeli was wont to reply to those who sent him the gift of a book, "I shall lose no time in reading your book," and to others he would reply, "I am lying under a sense of obligation to you for the gift of your book." Here the same words are susceptible of two precisely opposite meanings.

For this reason, the textual method of weighing the meaning of a general expression, like "persons," while it must be the first step in any discussion of meaning, is only the first step. To ascertain the true meaning, it is obligatory that we put ourselves in the mental attitude of those who used the words, and to do so we must understand the subject matter of their discussion and the purpose of the debate.

I therefore shall invite your attention in a brief reference to the genesis of Article I, section 2, and I think you will then see that, with the exception of negro slaves and of nontaxed Indians, it was the clear intention to enumerate the entire population, without respect to whether a given person was a full-fledged citizen or only, as an alien, a potential citizen.

Article I, section 2, was the culmination of a long-standing controversy between the Colonies, each of which had become by the act of revolution an independent and fully sovereign nation. The First Continental Congress constituted a provisional government of the most informal character. It was little more than a conference of newly created independent States for the purposes of common defense. It was the "United States" in embryo. It exercised many of the rights of a sovereign power and, among others, issued currency to pay the expenses of the new Government. The obligation to redeem such currency was distributed among the thirteen Colonies by apportioning to each a quota, for which each was individually responsible. Thereafter the expenses of the Government were largely met by requisitions, addressed to each State, but each State reserved the right to honor or dishonor the requisition as it seemed proper.

As to the method of estimating the quota, the Continental Congress had first suggested that it be based upon real-estate holdings, and for this purpose the Congress of 1783 had required the States to make returns of their lands, buildings, and inhabitants. Anticipating that this would not result satisfactorily, they recommended to the constituent States that the

quota be based upon the number of inhabitants. (Journals of Congress, VIII, p. 129.) The difficulty of either method was due to the fact that, in the first place, there was no satisfactory method of estimating the value of taxable real estate, and, on the other hand, there was no authoritative census of the inhabitants.

The result might easily be anticipated. At first some States honored the requisition, and others disregarded it or were tardy in their payment; and as the financial affairs of the inchoate Government went from bad to worse, finally none of the States fully met the requisitions of the Government. This led to very great dissatisfaction, for each State had an equal voice in the new Government, and the injustice of allowing a State which contributed little or nothing to the national expenses or to the recruiting of the armies the same voice as a State which measurably met its share of the common burden soon became the source of great discontent.

Shortly after the Declaration of Independence attempts were made to put the form of the Government into more definite shape, and as a result the so-called Articles of Confederation were proposed in 1777 and tardily adopted in 1781. Under these articles each State was represented in Congress by not less than two nor more than seven Members, but each State was entitled to only one vote. Article VIII provided:

> All charges of war and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

This was the first attempt to have an equitable apportionment of expenses, although the relative power of each State in the new Government remained the same, and the cause of the grievance was thereby in no respect removed.

I need not detail the terrible breakdown of the new Government under the Articles of Confederation. Congress attempted to apportion the expenses of government upon the value of the lands in each State, but, as to the costs of the Army and Navy, it was agreed by Article IX that Congress had power—

> to make requisitions from each State for its quota in proportion to the number of white inhabitants in each State.

In this lay the germ of Article I, section 2, of the Constitution. The "white inhabitants," which excluded the Indians and the negroes, were taken as the basis of the quotas, because it was found impracticable to value the taxable real estate and it was believed that the number of white inhabitants would be a fair measure of the relative wealth of the various States.

This method of apportionment proved a complete failure, not because it was not sound in theory but because the conditions of poverty and the general demoralization that followed the treaty of peace made it impossible to carry out any such plan. For example, the Government made a requisition upon the States to raise $8,000,000, and only $400,000 was actually contributed. The receipts of the confederation in the last 14 months of its existence were less than $400,000. It was the so-called "critical period" of our history, and the new Nation nearly died at its birth.

The result of this financial chaos and the conflicting commercial regulations was the calling of the great Federal convention of 1787. The great problem that confronted that convention was due to the facts that I have recited. It confronted far more than the raising of revenue. It involved a question of political justice. Long before the convention met there were two opposite schools of thought in conflict. The one prevailed in the smaller States and the other in the larger. The small States were morbidly conscious of their new dignity as a nation and insisted upon absolute equality between the States that formed the Union. The larger States had a deep sense of the injustice of allowing each of the thirteen Colonies an equal voice when they differed so greatly in wealth and population and contributed so disproportionately to the common fund.

The sense of this injustice was manifested in the First Continental Congress and, as the war progressed and contributions of money and men by the different States varied not merely proportionately but in varying degrees of loyalty to the common cause, the unfairness of allowing a State, which contributed few men and less money the same vote as a State which taxed its resources of treasure and men to the utmost became more glaring. Therefore the great problem of the Federal Convention of 1787 was to reach an adjustment that would satisfy the pride of the little States, as sovereign nations, and the just demands of the larger States that political power should be proportioned to political burdens. Virginia and Pennsylvania were the two largest States, and before the convention met their delegates had met in caucus and formulated what was subsequently called the "Virginia plan." The second section of that plan provided:

> *Resolved, therefore,* That the rights of suffrage in the National Legislature ought to be apportioned to the quotas of contributions or to the number of free inhabitants, as the one or the other rule may seem best in different cases.

This plan, which was our Constitution in embryo, was bitterly assailed in an angry debate of many weeks by the delegates from the little States, which, in turn, submitted the so-called "New Jersey plan," but even that plan made the following provision in section 3:

> *Resolved,* That whenever requisitions shall be necessary, instead of the rule for making requisitions mentioned in the Articles of Confederation, the United States in Congress be authorized to make such requisitions in proportion to the whole number of white and other free inhabitants of every age, sex, and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes.

It will thus be noted that in the Articles of Confederation and in both the Virginia plan and the New Jersey plan the apportionment was to be based upon the population in language so general as not to exclude aliens. It was a numbering of the people without respect to whether they were citizens or aliens and only the New Jersey plan made the exception of Indians not paying taxes and of three-fifths of the slaves. The Indians were excluded because they were regarded as nomadic, wild tribes, and in no true sense a part of the population, and the real dispute was as to the slaves, which the Northern States claimed could not be regarded as inhabitants, because they were regarded by their owners as property, while the slave-holding States insisted upon their being included in the enumeration. The three-fifths rule, as proposed in the New Jersey plan, which was put forth by the smaller States, was in the nature of a compromise.

I need hardly remind the House of the great discussion, lasting many weeks, with which the convention began and which related wholly to the question whether the States should be represented in both Houses of Congress on an equality or in proportion to their wealth or numbers. It resulted in a grave crisis, which nearly disrupted the convention, but the first and great compromise of the convention was finally reached through the influence of Doctor Franklin, whereby the principle of equality of right was recognized in the Senate and the equity of proportional representation was to be recognized in the constitution of the lower branch of Congress.

After this compromise had been adopted the debate then began as to the basis of representation in this House, and the only question was as to the method of allotment.

When the debate had been concluded the convention, sitting as a Committee of the Whole, on the 13th day of June made their report, and section 7 provided that—

> The rights of suffrage in the first branch of the National Legislature (the House of Representatives) ought not to be according to the rule established in the Articles of Confederation but according to some equitable ratio of representation, namely, in proportion to the whole number of white and other free citizens and inhabitants of every age, sex, and condition, including those bound to servitude for a term of years and three-fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in each State.

It will hardly be questioned that aliens were included in the comprehensive expression, "white and other free citizens and inhabitants of every age, sex, and condition."

Unable to agree upon equality in the Senate, the report of the Committee of the Whole was referred to a compromise committee, and that committee reported in favor of equality in the Senate and proportionate representation in the House and recommended that property, as well as persons, ought to be taken into account in order to obtain a just index of the relative rank of the States. This was on the insistence of the larger States, which apprehended a shifting of the population to the West and South, which would ultimately subject the larger States, which would have the greater wealth, to the oppressive demands of the smaller States, and time has verified this prediction. Therefore, the method of apportionment was again recommitted to five members, who proposed a scheme whereby the first House of Representatives should consist of 56 Members, who were to be distributed among the States upon

an estimate of their population, but authorized the Legislature, as future circumstances might require, to increase the number of Representatives and distribute them among the States upon a compound ratio of their wealth and the number of their inhabitants, and this was adopted.

It was then proposed that the first Congress should consist of 36 Members from States which held few or no slaves and 29 from the slave-holding States, and this was objectionable to the latter. Accordingly, a counterproposition was made to return to the principle of numbers alone and to provide a periodical census to adjust the shifting of their population or wealth, and to gain this provision for the future it was agreed to count the slaves on the basis of three-fifths of their numbers.

The subject was long and earnestly debated, and while I have no time to quote from the debates, which would be very illuminating, the fact remains that at no time during the debates was it suggested for a moment that aliens were not to be included among the inhabitants. The culmination of the debate came when the Northern States, speaking through Gouverneur Morris, agreed to accept the principle of the three-fifths rule, provided that direct taxation should be in proportion to representation. It was thought that this would result in an equitable balance, for if the slave-holding States had an undue advantage by the inclusion of three-fifths of the slaves, who were regarded as property, yet they would bear a correspondingly greater burden in the apportionment of direct taxes.

Accordingly a new resolution was referred to a committee of detail, which provided that the first Congress should consist of 65 Members, but that—

> * * * the Legislature of the United States shall possess authority to regulate the number of Representatives in any of the foregoing cases upon the principle of their number of inhabitants, according to the provisions hereafter mentioned, namely, provided always, that representation ought to be proportioned according to direct taxation.

It then provided for a census to be taken within 6 years from the first Congress and thereafter every 10 years "of all of the inhabitants of the United States."

The committee of detail, after considering this proposition, reported that there should be one Representative for every 40,000 inhabitants, but another effort was made to exclude the slaves from the enumeration and the debate broke out afresh. The principle of a three-fifths allotment to the slave inhabitants was, however, retained and suffered no change when the draft of the Constitution was again referred to the committee of style and that committee reported the Constitution in its present form, which provided:

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to servitude for a term of years, and excluding Indians not taxed, three-fifths of all other persons.

It is further provided:

> The number of Representatives shall not exceed 1 for every 40,000 people.

This remained unchanged, with the exception that Washington, as presiding officer, then broke his silence by expressing a wish that the number of Representatives should not exceed 1 for every 30,000, instead of 40,000, as theretofore, and this was adopted.

I apologize to the House for this very lengthy statement of the genesis of Article I, section 2, but if there be any who are inclined to support the thesis of the gentleman from Virginia, that the framers did not intend to include aliens in the enumeration, then this lengthy explanation will not be in vain, for it seems to me conclusive that when they deliberately used the expression "persons" in their method of enumeration, they used it in the comprehensive sense of all human beings who were inhabitants of the several States, except in so far as they expressly excluded persons who were Indians not taxed and slaves, the latter being enumerated on a purely artificial basis of three-fifths of their numbers.

It is clear that the framers never intended to leave the matter to the discretion of Congress. They compromised their differences by establishing a hard and fast rule, and they reaffirmed this when they adopted the fourteenth amendment, whereby it was provided that—

> Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

To argue that the Congress could at this late day arbitrarily exclude aliens from the enumeration would be a very dangerous step, and happily the Congress has refused to take it. If the Congress can exclude any class of inhabitants, it is difficult to understand where the destruction of the constitutional provision would stop. We have seen in the last nine years that even the positive mandate of the Constitution that there should be a reapportionment every decennial census has been violated. In my judgment, the two most fatal blows which have been struck against our form of government in recent years are the willful refusal for so many years to reapportion on the basis of the Constitution and the asserted right of the Senate to exclude a Senator who has been duly elected because, in its judgment, the State which accredited him had made an unwise choice. That either proposition could be seriously entertained makes one despair of the permanence of a written form of government.

I hope I owe the House no apology for this discussion of a question which for the time being may seem academic.

Can the discussion of any constitutional principle be academic? Certainly the subject assumes a gravely practical character when we reflect upon the wreckage of those portions of the Constitution, which were the basis of the great compact. Macaulay imagined a New Zealander of a later age who, standing upon a broken arch of London Bridge, would survey the ruins of the historic edifices of London, but a New Zealander who would study our Constitution as the fathers designed it and as it now exists would see in the subject matter of this discussion a greater wreckage.

Little is now left of the great compromise of the fathers. The sovereign States were to be represented in the Senate by representatives of their own choice. To-day the accepted doctrine is that the States only nominate Senators and that their final choice must be "with the advice and consent of the Senate." Such Senators were to be selected by the State legislatures. They are now elected in a popular election. Taxation was to go hand in hand with apportionment, but under the sixteenth amendment the larger part of the taxes have been levied for nine years past without apportionment among the several States and without regard to a decennial census or enumeration.

As a result the theory of equitable representation in proportion to the burdens of government, which was the great objective of the fathers, has been impaired.

"Can such things be and overcome us as a summer cloud without our special wonder?"

APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

Mr. CHINDBLOM. Mr. Speaker, I call up the conference report on the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Illinois calls up the conference report on the bill S. 312, the census and apportionment bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2, 6, 11, 13, and 14.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 5, 12, 15, and 16, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "1st day of July in the year 1929 and every tenth year thereafter"; and the House agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "12 months from the beginning of the enumeration"; and the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the House amendment insert the following: " : *Provided further*, That in making any appointments under this act to positions in the District of Colum-

bia or elsewhere, preference shall be given to persons discharged under honorable conditions from the military or naval forces of the United States who served in such forces during time of war and were disabled in the line of duty, to their widows, and to their wives if the husband is not qualified to hold such positions"; and the House agree to the same.

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following: "without regard to the civil service laws or the classification act of 1923, as amended"; and the House agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: Omit the matter proposed to be stricken out and the matter proposed to be inserted by the House amendment; and the House agree to the same.

Amendment numbered 10: That the Senate recede from its disagreement to the amendment of the House numbered 10, and agree to the same with an amendment as follows: Omit the matter proposed to be stricken out by the House amendment and in lieu thereof insert the following: "to unemployment" and a comma; and the House agree to the same.

CARL R. CHINDBLOM,
E. HART FENN,
CLARENCE J. MCLEOD,
Managers on the part of the House.

W. L. JONES,
HIRAM W. JOHNSON,
A. H. VANDENBERG,
DUNCAN U. FLETCHER,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses, and to provide for apportionment of Representatives in Congress, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: The Senate bill provided for a census of radio sets. The House amendment struck out this provision; and the Senate recedes.

On amendment No. 2: The Senate bill provided for the taking of the census in the year 1929 and every 10 years thereafter. The House amendment changed "1929" to "1930"; and the House recedes.

On amendment No. 3: The Senate bill provided for the beginning of the 3-year decennial census period on the 1st of July next preceding the census provided for in section 1. The House amendment changed this date to the 1st day of January, 1930, and every tenth year thereafter. The Senate recedes with an amendment making the date the 1st day of July, 1929, and every tenth year thereafter.

On amendment No. 4: The Senate bill provided that the tabulation of population should be completed within 12 months. The House amendment changed this to six months from the beginning of the enumeration. The Senate recedes with an amendment requiring the completion within 12 months from the beginning of the enumeration.

On amendment No. 5: The Senate bill provided for appointment by the Director of the Census of temporary employees in the District of Columbia for the taking of the census, with compensation not to exceed the compensation received by other civil-service employees engaged in like or comparable service. The House amendment struck out this limitation on the compensation and the Senate recedes.

On amendments Nos. 6, 7, and 8: The Senate bill provided—by the language proposed to be stricken out by amendment No. 6—that in the case of appointments in the executive branch of the Government in the District of Columbia or elsewhere, preference should be given to honorably discharged soldiers, sailors, marines, and their widows, and to wives of injured soldiers, sailors, marines if the husband was not qualified to hold the position. The Senate bill further provided—by the language proposed to be stricken out by amendment No. 7—that in making all appointments necessary to the taking of the census, preference should be given to American citizens and ex-service men and women. The Senate bill further provided—by the language proposed to be stricken out by amendment No. 8—that, in appointments to the field service for taking the census, appointments should be made subject to the civil service laws and that direct preference should be given to disabled veterans of wars in which the United States has been engaged.

The House, by amendments Nos. 6 and 7, proposes to strike out the first two of these provisions, and by amendment No. 8 proposes to strike out the third provision and to insert in lieu thereof the requirement that appointments in the field service should be made without reference to the civil service, but that preference should be given to disabled veterans of wars in which the United States has been engaged, and wives of disabled soldiers, sailors, and marines if the husband is not qualified for appointment.

The House recedes on amendment No. 6, which merely restates existing law, and the Senate recedes on amendments Nos. 7 and 8 with amendments providing:

(1) That in making any appointments under this act to positions in the District of Columbia or elsewhere first preference shall be given to honorably discharged United States veterans disabled in the line of duty during any war, to their widows, and to their wives if the husbands are not qualified for appointment; and

(2) That appointments to the field service under the act shall be without reference to civil service laws.

On amendment No. 9: The Senate bill provided that employees of the departments and independent offices of the Government may be employed and compensated for field work in connection with the fifteenth census, but that when so employed shall not be paid in the aggregate a greater compensation than they would receive for service in the positions held by them. The House amendment strikes out this limitation and inserts a provision that when so employed they shall not be subject to the provisions of section 1765 of the Revised Statutes or section 6 of the act of May 10, 1916, as amended by the act of August 29, 1916, which prohibit a person holding one position from receiving pay beyond a prescribed limit under another appointment or pay in addition to regular compensation unless authorized by law. The Senate recedes with an amendment omitting the limitation of the Senate bill and also the matter inserted by the House amendment, the latter being omitted as surplusage, since the Senate bill already provides that these employees, as well as officers and enlisted men engaged in enumerations at military posts, may be "employed and compensated" for census work.

On amendment No. 10: The Senate bill provided that the fifteenth and subsequent censuses should be restricted to population, agriculture, irrigation, drainage, distribution, unemployment, radio sets, and mines. The House amendment struck out of this list unemployment and radio sets. The Senate recedes with an amendment restoring the word "unemployment" to the list.

On amendment No. 11: The Senate bill provided that the census of population and agriculture should be taken as of the 1st day of November. The House amendment changed this to the 1st day of May; and the House recedes.

On amendment No. 12: The Senate bill provided a fine of not exceeding $1,000 for persons offering or rendering any information or suggestion to any census employee engaged in enumeration of population with unlawful intent to cause an inaccurate enumeration. The House amendment provided, as an alternative penalty, imprisonment for not exceeding one year, or both; and the Senate recedes.

On amendments Nos. 13 and 14: The Senate bill provided for the taking of the census of agriculture and livestock in 1934 and every 10 years thereafter, the census to be taken as of the 1st day of November. The House amendment changed the beginning year to 1935 and the month to January; and the House recedes.

On amendment No. 15: This is a clerical amendment; and the Senate recedes.

On amendment No. 16: Section 22 of the Senate bill provided for the method of reapportioning the House under the fifteenth and subsequent decennial censuses. The House amendment strikes out the entire section and inserts a new section covering the same matter. The only differences (other than clerical amendments) are as follows:

(1) The Senate bill provided that the statement to be transmitted by the President to the Congress should contain an apportionment of the "existing number" of Representatives made by apportioning such number among the States according to their numbers as ascertained under the census "by the method used in the last preceding apportionment and also by the method of equal proportions." The corresponding portion of the House amendment provides that the statement should contain the number of Representatives to which each State would be entitled under an apportionment of the "then existing number" of

Representatives made in each of the following manners: By the method used in the last preceding apportionment, by the method known as the method of major fractions, and by the method known as the method of equal proportions.

(2) The Senate bill provided that if the Congress to which the President's statement is transmitted fails to pass a reapportionment law, then each State shall be entitled to the number of Representatives shown in the statement, based on the method used in the last apportionment, until an apportionment law is enacted or a subsequent statement is submitted. The corresponding provision of the House amendment provides that the apportionment shall remain in effect until the taking effect of a reapportionment under this act or subsequent statute.

The Senate recedes on this amendment.

CARL R. CHINDBLOM,
E. HART FENN,
CLARENCE J. MCLEOD,
Managers on the part of the House.

Mr. CHINDBLOM. Mr. Speaker, this is a complete report from the committee on conference with reference to the census and apportionment bill (S. 312). On the part of the House, three managers signed the report as well as the statement. Two of the managers, the gentleman from Mississippi [Mr. RANKIN] and the gentleman from Missouri [Mr. LOZIER], did not sign either of the documents. Therefore they did not concur in the conference report.

Mr. RANKIN. Will the gentleman yield? Let us have some agreement as to time.

Mr. CHINDBLOM. I will say that there is one hour of debate, and, of course, I shall yield to gentlemen on the other side.

Mr. RANKIN. Will the gentleman from Illinois yield to me one-half the time, and I will yield to Members on both sides who are opposed to the conference report?

Mr. CHINDBLOM. I see no objection to that. I shall yield one-half of the time, reserving the right to control the time at the end of the hour to move the previous question. In the meantime, Mr. Speaker, I yield one-half of the available time to the gentleman from Mississippi [Mr. RANKIN].

Mr. GREEN. Will the gentleman from Illinois yield time to those who are in favor of the report?

Mr. CHINDBLOM. I shall try to take care of all as nearly as I can.

Mr. Speaker, there were three main points in difference between the two Houses. The first was that relating to the time for taking the census or enumeration. The second was that relating to the provision in the Senate bill under which persons employed in the field work for taking the census were to be selected under civil service laws but without regard to the classification act of 1923. The third point of difference was with reference to two subjects of enumeration, the House having stricken out the item "radio sets" and there being some question as to the result of the action of the House on the subject of "unemployment." I will say as to the latter matter that the Senate conferees receded on the matter of taking the enumeration of radio sets.

With reference to unemployment, while there was some difference of opinion on the subject itself among the House conferees, we took the view that the term "unemployment" having been left in the bill in the first section and stricken out in a later section—section 4—together with "radio sets," there was a serious question whether the subject of including unemployment as a part of the enumeration was a matter of adjustment between the two Houses. The House conferees therefore agreed, the subject of unemployment having been retained by the House in the first section, that it was consistent to restore it in the subsequent section.

With reference to the civil-service provision the House by a very large vote, in fact it seemed to the present Speaker almost a unanimous vote—and he was in a position to observe the situation—the House struck out the provision in the Senate bill, putting the field employees for the census under the civil service.

When the conferees met we found that we wanted some more information from the Bureau of the Census, and we called in Doctor Steuart and Doctor Hill, of the Census Bureau. They gave us very valuable information. They were very closely interrogated by the conferees, particularly with reference to the time for taking the census, and the civil-service provisions or the effect of the civil-service provisions.

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

Mr. CHINDBLOM. I am very anxious not to lose much time. What is the gentleman's question?

Mr. COLLIER. It is not my purpose to ask an impertinent question, but I want to know if the House conferees seriously contended and held out until the last minute on differences in respect to the time of taking the census in the two bills? In other words, whether the House conferees fought as hard as they could and held out as long as they could on that proposition of taking the census in May, which was put into the bill by so tremendous a majority on the part of the House.

Mr. CHINDBLOM. Mr. Speaker, the conferees first convened at 10 o'clock on Saturday morning. We continued our deliberations until 12 o'clock. We met again at 3 o'clock and adjourned at 5 o'clock, and practically all of the time in debate and discussion between the conferees was devoted to that particular subject of the time for taking the census. In addition, the gentlemen representing the Bureau of the Census were closely interrogated upon that subject and gave valuable information, which, I think, had some influence with the conferees.

With reference to the civil-service provision, there has been serious criticism of the action of the House in striking out that provision. That criticism has come from respectable sources. I have seen it in some newspaper editorials, for whose views I have a very high regard. I think there is misapprehension as to what this bill really would do in the matter of placing the employees under the civil service. There will be about 575 supervisors and probably a little larger number of assistant supervisors. The supervisors will take about $2,000 each, and probably serve about 8 or 10 months; we do not know positively. The assistant supervisors will earn about $150 for about three months' work. The special agents will not exceed 1,000 in number, and they will do exactly the same work that is done by the enumerators, the supervisors, and the assistant supervisors. They will be used to go out and check up and complete and expedite the work where it lags and where it has been inefficiently done. Most of them will earn from five to six dollars a day for the time they work, and some will be paid upon the piece-price basis. Their probable earnings will be $125 each. There will be 100,000 enumerators, and in the urban districts they will work about two weeks in taking the census and in the rural districts about four weeks. The average earnings of these enumerators will be $125 each. There will be 100,000 of them, to be selected throughout the country in the various districts where they take the census, so that the Civil Service Commission would have to hold an examination for some one in every one of these enumertion districts. Each enumerator will count about 2,000 people. There are, altogether, about 80,000 political subdivisions in the United States in which the enumeration will be made. The Census Bureau already has on hand 40,000 applications for these positions of enumerators. The Census Bureau has prepared all of the necessary papers for holding an examination of its own. Every applicant is required to fill out for himself a census blank or form with reference to himself and also to answer questions relating to the instructions and to certify that he has read them and understands them. The chances are that the Civil Service Commission could not hold any different examination from that, and the chances are also that there would have to be a substantial agreement that the Civil Service Commission would accept the work of the Census Bureau. Therefore, while I am entirely committed personally to the civil-service system in the Federal Government, I think that the action of the House was eminently proper, and it was sustained by the action of the conferees.

Mr. Speaker, with reference to the time of taking the census, the Senators were very insistent on that provision in the bill. They argued it very strongly, and personally I do not believe that we would have had an agreement upon the entire bill if the House conferees had not yielded upon it. Further, during the progress of the deliberations of the committee of conference the position of the Senate became rather more convincing to the majority of the conferees than it had theretofore been. Doctor Steuart and Doctor Hill told us very explicitly that they did not believe they could finish the enumeration and have the census completed so as to be able to prepare the statement which the President is required to file with Congress in December, 1930, for the purpose of preparing the way for apportionment of Members of the House if the census were taken in May, 1930. On that point they were very explicit and conclusive. The purpose of this legislation after all is to secure an apportionment. The Constitution itself provides only for an enumeration of the population. The other things which are added in the bill as subjects for enumeration are within the power of the Congress to require and to cause to be done, but the Constitution requires only an enumeration of the population for the purpose of securing an apportionment. So when the responsible authorities told us that they did not believe that they could complete the work in time in order that the House might have information which the bill itself required in portions which were not in dispute, eventually the majority of the House conferees receded, and I

call special attention to the fact that so far as the apportionment is concerned nothing was in dispute upon that subject. We could not change that; we were bound by the provisions in the bill, and we believed it should by all means be made certain that the statement could be furnished by the Census Bureau during the first week in December in order that the House and the Senate might have material upon which to base an apportionment.

There were other differences between the two Houses in the bill, but as to all of them the Senate conferees agreed substantially to the amendments of the House. There has been some clarification here and there, especially with regard to the so-called Fish amendment in regard to disabled soldiers.

We restored the amendment which provided that all ex-service men should have preference. That is now the law. It was omitted largely because it was merely a repetition of the existing law. The conferees thought it would do no harm to repeat it, and the House conferees agreed to the Senate provision. With reference to disabled men, we found language both in the House amendment and in the Senate bill which was very peculiar. You will find it reads that—

preference shall be given to disabled veterans of wars in which the United States have been engaged.

That is in the original Senate bill, and that is also in the so-called Fish amendment. In other words, a German veteran, for example, who was engaged in a war in which the United States was engaged—because that is the language—might be construed to have the preference here. Fortunately, we found in other provisions, particularly in amendment No. 7, that we were enabled to provide new language which will cover the whole matter properly, so that now, while a general preference is given to all ex-service men and women, special preference is given to disabled ex-service men, to widows of such men, and to the wives of ex-service men where their wives are qualified to perform the work and the husbands are not.

I now yield 30 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Speaker, I will take only five minutes for myself and reserve the balance of my time.

I think the House is aware of the fact that this conference report is the culmination of one of the most unusual proceedings that this House has ever experienced of its kind. But I am not going to take up the time of the House to discuss that phase of the subject. We are going to oppose this conference report in order that we may go back, if possible, and have this date changed back to May.

I know that under pressure the Director and the officials of the Census Bureau finally changed positions and said just what some people wanted them to say with reference to the time for taking the census. But we have gone into that question thoroughly and they contended that the time to take the census would be May in order to get an accurate census of all the agricultural States. Now, they ask us to change it to November.

Do you know what that means? Instead of securing a readjustment of the population from the distortion made in the census of 1920 it will mean the loss of a Representative from Louisiana, 1 from Mississippi, 1 from Alabama, 1 from Tennessee, 2 from Kentucky, 1 from Virginia, 3 or 4 from Missouri, 1 from Kansas, 1 from Iowa, 1 from Nebraska, 1 from South Dakota, 1 from North Dakota, and 1 each from Maine and Vermont. Yet they propose to take this census in the wintertime, which will be most unfavorable to those States; in the wintertime, instead of in the spring, when you would find the farmers on their farms to a greater extent than at any other time in the year.

What goes with that representation? It will go to States with large alien populations. It goes to the large congested cities, if you please, with large alien populations.

Let me tell you gentlemen from those States that if you will reapportion your States according to the doctrine you have been preaching and voting for in the last few days you will strip the agricultural sections of those States of practically any representation at all, and I particularly refer to the State of Michigan.

How are you going to take the census of the farmers in Maine in the wintertime? I do not live in Maine, and you do not expect me to plead the cause of Maine; but when that State is under snow, how are you going to take a census of the potato growers who have been appealing here for relief? In North Dakota and in Nebraska and in the Southern States, particularly in the Cotton Belt, where the ravages of the boll weevil leave us so little cotton to pick that many of our people will be gone from their farms by November.

No, gentlemen; this is an extension of that movement here to increase the power of the large alien-congested centers of this country by reducing the number of Representatives from the agricultural sections of the United States. [Applause.]

Mr. CHINDBLOM. Mr. Speaker, I do not know how many more people there will be on our side who desire to speak. I would like to have the gentleman from Mississippi use the remainder of his 30 minutes.

Mr. RANKIN. How much time has the gentleman left?

The SPEAKER. The gentleman from Illinois has 15 minutes remaining.

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. THURSTON].

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

Mr. THURSTON. Mr. Speaker, there is just one phase of this matter to which I want to address myself at this time, and that is the date proposed for the taking of the census of persons. I want to refer to section 2 of Article I of the Constitution and one provision in that chapter. I read:

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct.

Now, we have heard a great deal here about the construction of the Constitution, and, of course, I would not attempt to stand here as a critic or as an expounder of that great instrument; but if we are to follow precedents, we know that all the prior enumerations have taken place within the respective decennial periods. In this respect, your Committee on the Census had this matter under consideration for several months last year, and in a bill presented last session, providing that the enumeration should be taken in the month of May, of course, had this provision in mind. And in the Chamber at the other end of this building a bill was written and brought in carrying the month of November, without the decennial period, so that if we gave consideration to the Constitution, as it has been construed for 130 of 140 years, we would say that it was then intended that the enumeration should be taken within a decennial period, and the 10-year period in this instance will not have elapsed until December 31, 1929; yet this bill proposes to have the enumeration taken two months prior, within the prior decennial period, and then it will be referred to as the census of 1929, instead of the census of 1930. A precedent, indeed! If we are to give fair construction to this great instrument, I believe it will be agreed that the framers thought that the full 10-year period should elapse before the enumeration was had. So if we do want to revere and give weight to precedent and sustain the clear intent of this provision of the Constitution, then we will follow the practice that has been adhered to since the formation of our Government and have the census taken in the zero year.

Now, ladies and gentlemen, this bill was prepared in the Senate without hearings, so we are not obliged to give any great weight or consideration to the deliberations that were had at the other end of the Capitol on this subject, because it was plainly apparent from the bill that was sent over here that the subject matter had not been so thoroughly considered as in this Chamber, because many important amendments were adopted to this bill when it was brought to the House.

The House Committee on the Census determined that the month of May would be the best time for this work, and their judgment was confirmed here last week when by a vote of at least 2 or 3 and possibly 4 to 1 when the Committee of the Whole again amended the bill finding that the month of May would be the best month. What situation has intervened in the meantime that would cause this House to change its position upon this subject? Surely there has been no evidence adduced or offered to this body or to the conferees that would warrant them in making that change. So I feel I am obliged to dissent from the conference report because I believe it proposes a violation of the Constitution and fixes an unsatisfactory date for this work.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. THURSTON. Yes.

Mr. WHITTINGTON. What did the hearings of the committee disclose as to enough time between May and December to take this census?

Mr. THURSTON. It was agreed by the members of the Census Bureau that were sent down to the Census Committee that the enumeration of persons could be concluded in from 30 to 60 days. Now, a great deal of confusion has been thrown into this bill because there is an enumeration of distribution and many other matters that have no direct bearing on the census portion of this bill; the testimony was undisputed before the committee that the enumeration could be had

in at least 60 days, and if that is true, there would be ample time to get it before the Congress by December 1. [Applause.]

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

Mr. RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Maine [Mr. SNOW].

Mr. SNOW. Mr. Speaker, the gentleman from Mississippi [Mr. RANKIN] has asked how a fair enumeration can be taken in Maine in November and December, and I will answer his question. A fair and accurate enumeration can not be made. Weather conditions in that State during November and December are such that a just, thorough, and complete enumeration can not then be taken. Whether this movement to change date from May 1 to November 1 is actuated by those who wish to favor the large cities at the expense of our agricultural districts, or to favor Doctor Steuart, the Director of the Census, who, by the way, also seems to have the faculty of changing his mind, I do not know and I do not care. But let me say to you in all fairness that if you pass this bill incorporating November 1 in it as the day census enumeration is to begin you will be doing a very unfair thing to my State, and I say it without any fear of contradiction.

Mr. COLE. Will the gentleman yield?

Mr. SNOW. Yes.

Mr. COLE. And to all the Northern States. It is an utter impossibility to take the census in those States in November. We tried that in 1920, in January, and it was a complete failure.

Mr. PALMER. Will the gentleman yield?

Mr. SNOW. Yes.

Mr. PALMER. I want to ask the gentleman from Maine if it is not a fact that it would discriminate against the farm classes all over the United States?

Mr. SNOW. I am not familiar with conditions in other States, and can only speak for my own State.

Mr. ROMJUE. Will the gentleman yield?

Mr. SNOW. Yes.

Mr. ROMJUE. If the bill is passed with this provision in it, would it not result in the condition that existed when they took the preceding census?

Mr. SNOW. I see no other answer to it than yes. The gentleman from Illinois [Mr. CHINDBLOM] has just stated that the conferees called in Doctor Steuart and Doctor Hill. As far as I go, I do not care if they even called in Doctor Bunyan. According to the letter read by the gentleman from Vermont [Mr. GIBSON] on the floor of the House last week, Doctor Steuart was apparently in favor of having the enumeration begin in May or June, as it has begun in all other censuses except one, and why Doctor Steuart has now changed his mind is a mystery. I realize that nothing can now be done, but I simply want to inflict myself upon this House long enough to go on record and protest against an enumeration which, to use a familiar expression of the streets, will "gyp" my State out of thousands of persons in the enumeration. [Applause.]

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

Mr. RANKIN. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. LOZIER]. [Applause.]

Mr. LOZIER. Mr. Speaker, ladies, and gentlemen of the House, in the limited time at my command I can not discuss in detail several objections to this conference report. I think a very much better census and reapportionment bill could have been written, but as the measure has passed the Senate and, as amended, has passed the House, the only problem confronting us is to reconcile the bill as it passed the Senate with the bill as it passed the House. In other words, the disagreement between the House and Senate as to the provisions of this bill must be ironed out if the measure is to become a law, and while there are a large number of very grave objections to this bill the outstanding issue is as to the date on which the census shall be taken.

I have insisted from the beginning that if the census is taken in November, or any other winter month, millions of men and women who live on the farms will be absent from their homes working in cities and industrial centers. It is a well-known fact that there are more people at home on the farms in the spring of the year than at any other time of the year, because the young men who have been working in the cities in the winter return to their farm homes in spring to begin preparations for their crops. A census taken in April or May will show a farm population many millions in excess of what would be shown by a census taken in November or any other winter month. Almost without exception, for 140 years, the census has been taken in the spring or early summer for the simple reason that more people are at home at that time than during the winter months.

On January 1, 1920, when the census was taken, millions of young men from the farms were working in industrial plants in the great cities and, of course, were not counted as a part of the population in the States where they really lived. As a result, the census of 1920 was very unfair to the agricultural population and a reapportionment based on the 1920 census would have unjustly deprived the agricultural States of about 20 Members of Congress and of about 20 votes in the Electoral College, and it can not be denied that if the next census is taken in November and December millions of men who actually live on farms will be temporarily absent in the cities working in industrial plants or temporarily employed in the great centers of wealth and population. It is of very great importance to the agricultural classes to have this census taken at a time when they will all be enumerated, which will mean that agriculture will get its just proportion of the Members of the House and votes in the Electoral College.

If this conference report is adopted and this bill becomes operative, it will deprive the great agricultural States and the agricultural classes of from 20 to 30 votes in the Electoral College and from 20 to 30 Members in the House of Representatives. There is no question in the world as to this being the effect that will follow the adoption of the conference report.

Now, I want to impress this fact upon the Representatives in this House from the great agricultural districts: That your constituents are vitally interested in having this census taken in the spring of the year; otherwise the farming classes will not be accurately enumerated and the agricultural States will have their membership in the House and their representation in the Electoral College unjustly reduced.

In my opinion, no greater calamity could befall the agricultural group than to have its population enumerated in November, at a time when millions of farmers or the members of their families are absent from the farm homes working in the great industrial cities. I have aggressively insisted on the enactment of a worth-while farm relief measure—something that will rehabilitate American agriculture and place the farmer on an equality with the other vocational groups. Congress is about to enact a farm bill. If this bill is unsatisfactory, and it is, we will have a chance to pass another one later on.

I am sure the country will be very much dissatisfied with the tariff bill that recently passed the House, because it will impose additional burdens on the farming class; but this vicious tariff bill may be repealed at an early session of Congress. This census bill in its present form will bring disaster to agriculture. The bad effects flowing from taking the census in November will be more permanent and serious to agriculture than a bad farm bill or a bad tariff bill. If this conference report on the census bill is adopted, the great agricultural States and the agricultural classes of the United States will be deprived of from 20 to 30 Representatives in Congress and from 20 to 30 votes in the Electoral College, to which they are justly entitled under a fair enumeration of population; and this loss will not be temporary, but for all time. These 20 or 30 Members of the House and these 20 or 30 votes in the Electoral College will be taken away from the agricultural classes and given to the industrial States. A census taken in November will give the cities and industrial States a big advantage over the agricultural classes for the reason that several million men who in reality live on the farms and who should be counted as a part of the farm population will be absent from the farms in November.

This is a crisis in the history of American agriculture. It is important to get an accurate census of farm products, crops, yield per acre, distribution, and so forth; but a census relating to these matters sinks into insignificance when compared with the importance of securing an accurate population census of the farming classes in the United States, because if the census is taken at a time when a considerable proportion of the farm population is temporarily absent from the farms and at work in the great cities, such an enumeration will not accurately show the farming population and the agricultural classes will thereby be deprived of a large number of Members of the House and a large number of votes in the Electoral College.

There is no reason why this census should be taken in midwinter. In many States the roads will be covered with snow and impassable. The severity of the weather will render an accurate census almost impossible. On the other hand, in a census taken in the cities and industrial districts in the winter few people would be overlooked or omitted, because it is easy to make an enumeration in the cities even in winter.

Now, why can not this census be taken in May? When the officials of the Bureau of the Census appeared before the committee of the House it was not contended by them that November was a better month than May in which to take the census, and there was no claim made that it would require 8 or 10 months to ascertain the population after the enumeration had

been made, nor was it contended that a census taken in May would be too late to enable the population to be ascertained by the time Congress meets in December following.

Please bear in mind that for the purposes of reapportionment it is not necessary to complete the entire census by the time Congress convenes in December. It is only necessary to complete the population census, and this can be done in six or seven months, because the Census Bureau will have an adequate force and the best possible equipment. The Director of the Census testified that he expects to have the enumeration of the cities completed in two weeks from the time the census starts, and the enumeration of the country districts completed within 30 days; so, according to the undisputed evidence, the Census Bureau will have from June 1 to the first week in December to check over the enumeration lists and ascertain the population. These lists will come from the census districts in sheets containing fifty names, and it will not take long to get the total, as one clerk can count several thousands of these lists in a day.

The census of 1900 was taken June 1, and in November the final revised population was announced by the Director of the Census—within about five months from the time the enumeration began. The 1910 census was taken April 15, and on December 10 the final revised population statistics were published by the Bureau of the Census. The 1920 census was taken January 1, and within a few months the population of the United States was available.

As early as June, 1920, in about five months after the 1920 census was taken, the population census of practically all the great cities of the United States was available and published.

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

Mr. LOZIER. Will the gentleman from Mississippi yield me three minutes more?

Mr. RANKIN. Mr. Speaker, I yield the gentleman from Missouri three additional minutes.

Mr. WOODRUM. Will the gentleman yield?

Mr. LOZIER. Yes; I yield to the gentleman from Virginia.

Mr. WOODRUM. As I understand, the Census Committee of the House, when they considered and reported the census bill in the last Congress, unanimously reported that the census should be taken on the May date; is that correct?

Mr. LOZIER. Yes. There was no disagreement between the Democratic and Republican members of the Census Committee as to the best date to take the census. A winter date would be very unfair to agriculture, and a spring date would be fair to all classes, whether they live in the city or country.

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

Mr. LOZIER. No; I have only a few minutes left. Gentlemen, I am tremendously interested in having the census taken in the spring of the year, because more men and women will be on the farms at that time than any part of the year. I want all the farming population to be counted. I want the agricultural States and the agricultural population counted so they may have their share of the membership of the House and their share of the electoral votes. If millions of farmers are counted in the industrial centers when they should be counted on the farm, the agricultural classes will lose representation in the House and votes in the Electoral College. By taking the census in November you are taking from 20 to 30 Members of Congress away from the farming States and giving them to the great cities and industrial States. The future of agriculture is involved in these dates. If the agricultural States lose these Members now, we will never get them back. This next census must be fair to agriculture, and those who belong to the agricultural classes should be counted when they are on the farm and not when they may be working temporarily in some factory in another State.

I appeal to the Democrats and Republicans who come from agricultural States to forget their politics for the time being and stand together in favor of having this census taken at a time when the farm people will be counted and credited to the State in which they live and not counted and credited to a State in which they may be temporarily working during the winter months. You Republicans from Indiana, Illinois, Iowa, Kansas, Nebraska, the Dakotas, and in fact every Member of this House who comes from an agricultural district should vote to have this census taken at a time that will give to the agricultural classes their true population. [Applause.]

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

Mr. RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Kentucky [Mr. GREGORY].

Mr. GREGORY. Mr. Speaker, there are many distinguished members of the Republican Party who sit in this body for whom I have the highest personal regard. They hail from that section upon which George Rogers Clark and his intrepid band of Kentucky sharpshooters stamped the genius of American ownership and American civilization. They hail from the great plains beyond the mighty Father of Waters, whose fertile yields are capable of filling the granaries of the world with foodstuffs sufficient to meet the requirements of earth's multiplied millions. They hail from the majestic Rockies, beneath whose splintered peaks and star-daring crags lie untold riches in silver and gold. They hail from the fruitful lands which fringe the sunset sea. I love them all, because their hearts are wonderfully attuned to the needs of the great toiling masses of the Nation, but more particularly to the needs of the downtrodden and oppressed farmer. My heart was thrilled when I heard their clarion demand for this special session of the Congress to enact laws and fashion legislation which would place agriculture upon a basis of economic equality with other lines of human endeavor. I sat here with bated breath and sympathetic heart as I heard these same Republican Members of the House bringing to their command all the blandishments of rhetoric and all of the persuasions of logic, plead for the rights of the farmer and denounce the provisions of the Hawley tariff bill, including the iniquitous sugar schedule. In fact, my heart was almost moved with compassion toward the gentleman from Colorado [Mr. TIMBERLAKE] as I saw him, apparently solitary and alone, fighting for the sugar interests. After hearing the gentleman from Wisconsin [Mr. FREAR] and others denounce the Great Western Sugar Co., with its Mexican and child labor, I thought that organization, which produces about 50 per cent of all of the beet sugar made in this country, was almost friendless and that it would have to be contented with a continuation of its annual earning of 45 per cent on its watered stock. But then I did not know the mind of the distinguished majority leader quite so well as the gentleman from Colorado must have understood it. Then the now famous alleged Tom, Dick, and Harry interview had not been given to the press. I thought the Tom, Dick, and Harry representatives of the plain people might vote as they had talked. But the immortal, omnipotent, and omniscient 15 Republican members of the Ways and Means Committee decreed otherwise, and these other Republicans, with good Democratic hearts but with mean Republican heads, who speak so eloquently for the farmer and who vote so consistently against his interests, heard their master's voice and the tariff bill went through with a "big whoopee."

I confess that I do not quite understand the gentlemen who hail from the sections to which I have referred. Their like can nowhere be found among human beings. Their counterpart in one respect, at least, is found in a certain disreputable bug, well known to all youthful students of "bugology." Even the distinguished majority leader, before shaking the dust of sunny Tennessee from his feet and casting his fortunes with the East, must have whiled away some of his youthful hours in observing the habits of this bug. Must I describe it? Well, its chief characteristic is that it looks in one direction while it always pushes in an opposite direction. So it is with these so-called progressive Republicans. They speak eloquently for the farmer on the hustings, in political platforms, and even in this Chamber; but when the whip is cracked above their heads, they always tumble the ball of legislative favoritism into the laps of their big city brethren.

Therefore, Mr. Speaker, I indulge in no illusions of hope with respect to the fate of the conference report on the pending census and reapportionment bill. Many of these gentlemen on the Republican side bitterly complained against the plan of robbing American farmers of seats in this body by giving to several millions of individuals who acknowledge no allegiance to the flag of our Republic, and who chant the praises of their masters in an alien tongue, representation here. But they voted for this un-American measure. By an overwhelming vote, this House decided to follow the plain mandate of the Constitution and the precedent of more than a century with reference to the year and season in which the census should be taken, namely, at the decennial period in the springtime when farmers are at home and are accessible to the enumerators. The House conferees, headed by a gentleman who was not a member of the Census Committee and who hails from the second largest city in the land, have said by this report that the census must be taken in an off year and at a time when the rural sections can not be conveniently reached, and when the great industrial centers are filled with farmer boys seeking labor until the beginning of another crop season. Is this another plan to increase urban representation in this body? Is this another scheme to further stifle the voice of the American farmer in the affairs of the Government of which he is the chief bulwark and support? Whatever may have been in the minds of the conferees, that is the effect of the conference report.

In the name of the rural sections of the Nation, I protest against the adoption of this conference report; and, unlike

many of the so-called Republican friends of the farmer, I shall take pleasure in voting against it. [Applause.]

Mr. RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD. Mr. Speaker and gentlemen of the House, I find little consolation in this conference report. This conference report is not in accord with the views expressed by this House upon two very important matters. It is not in accord with the sentiment of the House on the subject of unemployment. It is not in accord with the overwhelming majority opinion expressed in this House with reference to the time for taking the census.

I can not understand why the great agricultural interests of this country have had no consideration in the deliberation on this conference report. There is not a farmer acquainted with farm interests who does not know that the worst time in the year to take a census of farm products and those upon the farm would be in November. There is not a farmer who does not know that the best time for taking the census is in May or June.

I wish every Member of the House would hark back to the census taken in January, 1920. Everybody knows that it was a failure. That failure was attributed to its being taken in the winter, in January. Nobody could rely on it. The urban sections of the country repudiated it and took independent censuses in order that they might not suffer by reason of the unfair report made by the Census Department.

Likewise the country suffered because of the fact that it was an untrue situation with reference to conditions existing in the country, and an untrue situation with reference to the people living in the country. This report should be defeated, and the voice of this House should prevail for the reason that we are the representatives of the people of this country. We are supposed to do that which is best for the interests of the people of the country, and we should not be led astray in the discharge of that duty. I hope this conference report will be defeated. Send it back, and the conferees then, with a renewed determination on behalf of this House, will see to it that the voice of the people is carried out as was so forcibly expressed in this House. [Applause.]

Mr. CHINDBLOM. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. MCLEOD].

Mr. McLEOD. Mr. Speaker, I rise to call attention to some of the facts brought out in the discussion this morning. As a member of the conference committee I say that one of the strongest arguments used in the conference was the fact that every farm organization in the United States which is represented by any official organ took a stand strongly against the early date and advocated that of November. They stated that that is the best time for agriculture, the choicest time. Also it was suggested here a moment ago that the census might be completed if taken in May or June, or possibly back as far as April. Doctor Hill and Doctor Steuart at a conference committee meeting, when they were called to represent the Bureau of the Census, said that they have always done their best to complete the census in six months, but that it never has been done. They did not say that it was impossible but said that the completion of the census had never been accomplished in six months. Therefore they strongly advocated the November date, stating that, in their opinion, this date was by far preferable.

Mr. RANKIN. Mr. Speaker, I yield one minute to the gentleman from Washington [Mr. SUMMERS].

Mr. SUMMERS of Washington. Mr. Speaker, I ask the Members of this House from the rural districts whether they would prefer to go in November and December to the highways and the byways of the country to find the people or would they go in May, when they could drive any place? I want you gentlemen to vote the way you would do yourselves if you were going to take this census. I believe that not one man from the northern country would undertake to do the work in November, but that if he had his preference he would go in May. The Constitution of the United States says that we shall take this census every 10 years. Are we going to take it according to the Constitution, or are we going to take the census twice within this 10-year period. I am going to do as nearly as I know how what the Constitution directs instead of yielding to expediency. [Applause.]

Mr. CHINDBLOM. Mr. Speaker, I yield one minute to the gentleman from Connecticut [Mr. FENN].

Mr. FENN. Mr. Speaker, I just want to say in this connection in regard to the month of November that everyone within the sound of my voice is familiar with the fact that we vote in November. We vote for the President and we vote for other officials in November. We find it an exceptionally good time of the year to vote.

Mr. ROMJUE. And has not one of the greatest complaints been in respect to the exercise of suffrage, that half the vote does not turn out?

Mr. FENN. I never heard that. It is not true in my State.

Mr. SUMMERS of Washington. And we just go once to vote in November, instead of being at it every day for 30 days.

Mr. RANKIN. Mr. Speaker, all of the Members who voted for the apportionment bill can afford to vote for the motion to recommit that I shall offer to change this date back to May. It will not conflict with, nor will hamper in the slightest, the apportionment bill which passed the House the other day. In respect to the matter of time, if we should take the census in May or June, it has been shown that they would have ample time in which to prepare the figures for the December session of Congress, and they have always said before that they had ample time.

Let me say to you gentlemen who come from States with large cities in them, that if you take this census in November and carry out the apportionment accordingly, it will concentrate your representation into those large cities. I ask the Members from rural Illinois to listen to this: Rural Illinois, Mr. DENISON, will be flagrantly discriminated against if you take this census in the wintertime, as proposed here, and Chicago and the larger cities will benefit. Permit me to say to you gentlemen from Michigan and Wisconsin, you men representing the farmers, the agricultural people, the backbone of the country, that if this census is taken in the wintertime, and then the apportionment is carried out accordingly, it will tend to concentrate the representation from those States into those large cities, and cut down the power and the voice of your agricultural people in this House.

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

Mr. RANKIN. I yield for a question.

Mr. BROWNE. Mr. Speaker, the gentleman is absolutely mistaken.

Mr. RANKIN. I decline to yield for an argument.

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

Mr. CHINDBLOM. Mr. Speaker, every agricultural organization in the United States has advocated the taking of this census in November. [Applause.] The former Secretary of Agriculture, Mr. Jardine, not only proposed but urged that this census be taken in November.

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

Mr. CHINDBLOM. I am not going to yield until I have stated what I have to say. It is surprising that gentlemen should rise here and try to say to intelligent men and women that November is in the winter. I say to the gentleman from Iowa [Mr. COLE] that the month of November is one of the finest months of the year in Iowa, Illinois, Indiana, Michigan, and Wisconsin. [Applause.] And I do not believe there is much snow in Maine in the month of November.

Mr. SNOW. The gentleman better come up there and see.

Mr. CHINDBLOM. Of course, the thought is father to the child. Some States are going to lose representation here and I do not blame them for opposing this legislation, but let us do it upon the merit and not on subterfuge. We hold our elections in November. We make canvasses in all of the election districts in the United States in October and November.

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

Mr. CHINDBLOM. I can not yield. Before the Census Committee a representative of the Agricultural Department appeared who called attention to the fact that the Department of Agriculture had taken typical or experimental censuses in one township in every county, and they found that in the month of November there are more people upon the farms in the United States than in the month of May.

There are 2,000,000 tenant farmers in the United States who change their habitations in March and April, so that by May 1 you have an entirely new population generally on the tenanted farms.

Mr. WOOD. Mr. Speaker, will the gentleman yield there?

Mr. CHINDBLOM. Yes.

Mr. WOOD. The gentleman is mistaken about April, just as he is about May.

Mr. CHINDBLOM. I will say to the gentleman from Indiana, who complained about the retention of the word "unemployment," that he knows the rules of the House as well as any other Member. The word "unemployment" was left in this bill in the first section, and therefore it was not within the power of the conferees to omit the word "unemployment" in that section.

Mr. WOOD. Will the gentleman yield again?

Mr. CHINDBLOM. Yes.

Mr. WOOD. Then what was the purpose of having the word taken out in the second section?

Mr. CHINDBLOM. Because the gentleman himself introduced a single amendment in the Committee of the Whole to strike out both "radio sets" and "unemployment" in section 4, while in section 1 separate amendments had been offered on each of these items. That caused the confusion. If the gentleman had offered an amendment on each item there would have been no misunderstanding. The vote subsequently in the House was 189 in favor of keeping in the word "unemployment" and 188 against it. The gentleman certainly would not expect a member of the conference to come in here with a conference report that was plainly subject to a point of order.

The gentleman from Michigan [Mr. KETCHAM] spoke upon this matter during the debate and called attention to the attitude of the agricultural organizations. He said:

In my humble judgment a census taken in November will be fully as accurate from a population standpoint as a census taken in May, and from the standpoint of agriculture there can be no possible reason why anyone should prefer a census taken in May to a census taken in November.

* * * Anyone who is at all familiar with farm conditions will certainly agree that if you go to a farmer in November who has been operating a farm for the past year you will get from him a more nearly accurate picture of his farm operations for that year than you will get from the man who occupies that farm in the succeeding May and, consequently, for the reason that I believe that that census will be very much more nearly accurate I sincerely trust that the amendment of the gentleman from Mississippi will be rejected and that the bill as passed by the Senate, where full consideration was given to this proposition, will be adopted in its stead.

In the closing minutes of my time I want to say that not only is the viewpoint expressed by the farm organizations in favor of a census in November, 1929, true, but it is also true that the Secretary of Agriculture and the former Secretary of Commerce, now President of the United States, are on record as favoring the November date for taking of the combined census of agriculture and population.

And he called attention to the fact that the agricultural organizations have uniformly advocated the adoption of the month of November, and he said that he had in his possession the recommendations of those organizations.

Mr. SIMMONS. Mr. Speaker, will the gentleman explain——

Mr. CHINDBLOM. I have not the time to yield.

The SPEAKER. The gentleman from Illinois declines to yield.

Mr. CHINDBLOM. Mr. KETCHAM, our colleague from Michigan, was formerly master of the State grange of Michigan, and I venture to say he knows whereof he speaks. He says here that May would be a better time, so far as the farmer is concerned. I do not profess to have a personal acquaintance with conditions on the farm such as others may have, but I am told that when November arrives the people can conveniently receive the census enumerators, because they have about finished up their work and have not yet begun to leave the farm for the winter.

In addition to that, people in this country who go to winter resorts are still at their homes, and those who go to summer resorts have not yet left their homes. We know the exodus occurs chiefly in the early part of the year. Of course, they begin to go in the winter, but they are not on short vacations, such as we have in the summer time. I am speaking of people who go abroad and who go to the resorts in the early spring.

Some reference has been made in this discussion to the question of constitutionality, with reference to the date for taking the census. I will dwell on that briefly.

The provision of the Constitution in section 2 of Article I is that—

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner as they shall by law direct.

The first census was taken as of the first Monday in August, 1790, and the same date was used in the censuses in 1800, 1810, and 1820. In 1830 the date was changed to June 1, and this date was continued up to and including the year 1900. In 1910 the date was changed to April 15, and in 1920 to January 1. It appears plain, therefore, that the decennial period, called in the Constitution "within every subsequent term of 10 years," actually runs from the first Monday in August, 1790, whose corresponding date would be the first Monday in August, 1930, and therefore the dates of May 1, 1930, and November 1, 1929, are exactly on a par, so far as constitutionality is concerned.

The enumeration provided by the Constitution relates exclusively to population and is clearly intended to be the basis for the apportionment of Representatives among the several States. There can be no doubt that the provision of the Constitution is complied with if the enumeration is made at such times and under such circumstances as to furnish such basis for apportionment at the time when such apportionment should be made. The first enumeration or census clearly made possible an apportionment during the life of the first Congress, which ran from March 4, 1789, to March 3, 1791. Clearly a census taken in November, 1929, will provide a basis for an apportionment during the life of the present Congress, the Seventy-first, which runs from March 4, 1929, to March 3, 1931. If by any chance an enumeration were made so late as not to make possible an apportionment based thereon during the life of the Congress directing the enumeration, it would seem that the intent of the Constitution may not have been complied with.

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

Mr. CHINDBLOM. Yes.

Mr. COLE. August 1 is a better time than November. We have never had a census taken in November.

Mr. CHINDBLOM. But this date is in accord with the bill, which provides an arrangement for the possible passage of an apportionment law by Congress at the short session. I think the very purpose of the enumeration provision in the Constitution was to secure an enumeration which would furnish a basis of apportionment during the life of the Congress following the census or enumeration, and when you have complied with that provision you have substantially complied with the requirements of the Constitution. This bill will provide the machinery by which an apportionment may be made by this Congress in the short session of the Seventy-first Congress, and if you change this plan so that it will be impossible for the Census Bureau to finish its enumeration of the population in time you may nullify the spirit, if not the letter, of the Constitution, because, even if not strictly mandatory, the requirement of the Constitution that an apportionment shall follow a census or enumeration is plainly directory and should be obeyed by the Representatives of the people.

The gentleman from Missouri [Mr. LOZIER] said that you can take the census of the population within less time than you can all of the other proposed enumerations. That is true, but the enumerators must get all of the information. By the action of the House and Senate at this time we have added two very large subjects—distribution and unemployment—which have never been the subject of enumeration heretofore. That will add more labor to the work of the enumerator than there ever has been before. The subject of unemployment particularly will cause the raising of a great many difficult questions and problems for the Census Bureau to solve. They will have to lay down the rules and methods along which that enumeration shall be made; so also with reference to distribution, the marketing processes, which subject was advocated by Secretary of Commerce Hoover, and which was put in this bill largely in response to his request.

Mr. Speaker, under the general leave to extend remarks on this bill, I will add some observations on the Tilson amendment, which was not in any wise changed by the conferees. It was discussed, however, in our deliberations as to one phase.

In the Tilson amendment, as well as in the original section 22 of the Senate bill, to which the Tilson amendment was offered as a substitute, it is provided that on the first day, or within one week thereafter, of the second regular session of the Seventy-first Congress, the President shall transmit to the Congress the result of the census enumeration and also the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census by the method used in the last preceding apportionment, no State, however, to receive less than one Member. The question has been raised whether the method used in the last apportionment, that of 1911, can be definitely ascertained. Doctor Hill stated before the conferees that the method then used was that of major fractions. In the report submitted by the House Committee on the Census on April 25, 1911, being report No. 12 of the Sixty-second Congress, first session, this language occurs:

The method of allowing one Member for each full ratio and one for each major fraction thereof was adopted by the committee. This method is easy to understand and is regarded by the committee as approaching as nearly an equitable and uniform distribution of the membership of the House among the several States as can be arrived at by other methods suggested. This method has been denominated the method of "major fractions" and is thus defined:

"The method of major fractions selects a ratio, divides this ratio into the population of the several States, and assigns an additional Representative for each major fraction, disregarding every minor fraction."

In the Senate report submitted on July 6, 1911, on the same bill in report No. 94, Sixty-second Congress, first session, the same language was used in the following portion of the report:

The method of allowing one Member for each full ratio and one for each major fraction thereof was adopted by the committee. This method is easy to understand and is regarded by the committee as approaching as nearly an equitable and uniform distribution of the membership of the House among the several States as can be arrived at by other methods suggested. This method has been denominated the method of "major fractions" and is thus defined:

"The method of major fractions selects a ratio, divides this ratio into the population of the several States, and assigns an additional Representative for each major fraction, disregarding every minor fraction."

Now, Mr. Speaker, just one word in conclusion. I am satisfied that if we want reapportionment now, the way to get it is to adopt this conference report. Notwithstanding the intimations of some gentlemen here, I went into this conference with the determination to secure the retention of as much as was possible of the action of the House, and the House succeeded in this conference in every particular except this single item of the time for taking the census, and I am satisfied the plan proposed by the conference report is workable.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

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

Mr. RANKIN. Mr. Speaker, I offer a motion to recommit.

Mr. CHINDBLOM. Mr. Speaker, I make the point of order that no motion to recommit is permissible.

Mr. RANKIN. Oh, yes, it is.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. RANKIN moves to recommit the conference report to the committee of conference, with instructions to the managers on the part of the House to hold out for the taking of the census in May, 1930, instead of November, 1929.

Mr. STAFFORD. Mr. Speaker, I make the point of order that a motion to recommit is not in order at the present time. The House must first be given an opportunity to either accept or reject the conference report. If it rejects the conference report, then a motion to recommit may be in order to instruct the conferees. The motion to recommit is virtually a motion to instruct the conferees.

Mr. CANNON. Mr. Speaker, of course, after the conference report is either voted up or down, then it is entirely too late for a motion to recommit. The motion is now in order, and if there is any question I would be glad to be heard on that point.

Mr. STAFFORD. The gentleman does not question the fact that if we voted down the conference report we could instruct the conferees to adhere?

Mr. CANNON. The pending motion carries instructions, and if offered at all must be offered before the vote is taken on agreeing to the conference report.

The motion to recommit a conference report is highly privileged and if the Chair entertains any doubt as to its privilege I would like to cite sections 5645 to 6553, inclusive, and especially a decision by Speaker GILLETT made in the first session of the Sixty-seventh Congress covering this particular form of instruction.

The SPEAKER. The Chair does not think there is any question at all that a motion to recommit is in order at this stage of the proceedings. The conferees are still in existence, and a motion to recommit can always be made after the previous question has been ordered. The question is on the motion of the gentleman from Mississippi.

Mr. GARNER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 136, not voting 132, as follows:

[Roll No. 13]

YEAS—160

Adkins	Buchanan	Cox	French
Allen	Burtness	Craddock	Fuller
Allgood	Busby	Cross	Fulmer
Almon	Butler	Davis	Gambrill
Andresen	Byrns	Dominick	Garner
Aswell	Canfield	Doughton	Garrett
Ayres	Cannon	Dowell	Gasque
Beedy	Cartwright	Eaton, Colo.	Gibson
Blackburn	Christgau	Edwards	Glover
Box	Christopherson	Elliott	Goodwin
Brand, Ohio	Clague	Eslick	Gregory
Briggs	Cole	Evans, Mont.	Guyer
Brigham	Collier	Fisher	Hall, Ill.
Browning	Cooper, Tenn.	Frear	Hall, Miss.
Hall, N. Dak.	Kopp	Pou	Speaks
Halsey	Lambertson	Quin	Sproul, Kans.
Hammer	Lankford, Ga.	Ragon	Steagall
Hare	Lankford, Va.	Rainey, Henry T.	Steele
Hastings	Leatherwood	Rankin	Strong, Kans.
Haugen	Lee, Tex.	Rayburn	Summers, Wash.
Hickey	Letts	Reed, N. Y.	Sumners, Tex.
Hill, Ala.	Lozier	Robinson, Iowa	Swanson
Hill, Wash.	Ludlow	Robsion, Ky.	Taber
Hoch	McDuffie	Romjue	Tarver
Hogg	McSwain	Rowbottom	Taylor, Colo.
Hope	Magrady	Sanders, N. Y.	Taylor, Tenn.
Hopkins	Manlove	Sanders, Tex.	Thurston
Howard	Menges	Sandlin	Tucker
Huddleston	Moore, Va.	Sears	Vestal
Hull, Tenn.	Morehead	Selvig	Vinson, Ga.
Hull, Wis.	Murphy	Shaffer, Va.	Walker
Jeffers	Nelson, Mo.	Short, Mo.	White
Johnson, Ind.	Nelson, Wis.	Shott, W. Va.	Whittington
Johnson, Nebr.	Newhall	Simmons	Williams, Tex.
Johnson, Okla.	Oldfield	Sinclair	Williamson
Johnson, Tex.	Oliver, Ala.	Sloan	Wilson
Kelly	Palmer	Smith, Idaho	Wingo
Kendall, Ky.	Parks	Smith, W. Va.	Wolverton, W. Va.
Kerr	Patman	Snow	Wood
Kincheloe	Patterson	Sparks	Woodrum

NAYS—136

Ackerman	De Priest	Johnston, Mo.	Prall
Aldrich	Douglass, Mass.	Jones, Tex.	Purnell
Arentz	Drane	Kading	Ramey, Frank M.
Bacharach	Dyer	Kahn	Ransley
Bachmann	Ellis	Kaynor	Reece
Bacon	Englebright	Kearns	Rogers
Baird	Esterly	Kiefner	Schafer, Wis.
Barbour	Evans, Calif.	Knutson	Schneider
Beck	Fenn	Lampert	Seiberling
Beers	Fitzgerald	Lea, Calif.	Shreve
Bloom	Fort	Leavitt	Simms
Bolton	Foss	Lehlbach	Snell
Bowman	Free	Linthicum	Stafford
Britten	Freeman	Luce	Stone
Browne	Garber, Va.	McClintock, Ohio	Strong, Pa.
Brumm	Glynn	McCormack, Mass.	Swick
Burdick	Green	McCormick, Ill.	Swing
Cable	Hadley	McLaughlin	Temple
Campbell, Pa.	Hale	McLeod	Thompson
Carter, Calif.	Hancock	Maas	Tilson
Carter, Wyo.	Hardy	Mapes	Timberlake
Chalmers	Hartley	Martin	Tinkham
Chindblom	Hawley	Michaelson	Underhill
Clancy	Hess	Michener	Vincent, Mich.
Clark, Md.	Hoffman	Miller	Wason
Cochran, Mo.	Holaday	Morgan	Watres
Cochran, Pa.	Hooper	Mouser	Watson
Cooke	Houston	Newton	Whitley
Cooper, Ohio	Hudson	Niedringhaus	Wigglesworth
Cooper, Wis.	Hughes	Norton	Wolverton, N. J.
Culkin	Irwin	O'Connell, R. I.	Woodruff
Dallinger	James	O'Connor, Okla.	Wyant
Darrow	Jenkins	Owen	Yates
Denison	Johnson, Wash.	Pittenger	Zihlman

NOT VOTING—132

Abernethy	Davenport	Kendall, Pa.	Perkins
Andrew	Dempsey	Ketcham	Porter
Arnold	DeRouen	Kiess	Pratt, Harcourt J.
Auf der Heide	Dickinson	Korell	Pratt, Ruth
Bankhead	Dickstein	Kunz	Pritchard
Bell	Douglas, Ariz.	Kurtz	Quayle
Black	Doutrich	Kvale	Ramseyer
Bland	Doxey	LaGuardia	Reid, Ill.
Bohn	Doyle	Langley	Rutherford
Boylan	Drewry	Lanham	Sabath
Brand, Ga.	Driver	Larsen	Seger
Brunner	Dunbar	Leech	Sirovich
Buckbee	Eaton, N. J.	Lindsay	Somers, N. Y.
Campbell, Iowa	Estep	McClintic, Okla.	Spearing
Carew	Fish	McCloskey	Sproul, Ill.
Carley	Fitzpatrick	McFadden	Stalker
Celler	Garber, Okla.	McKeown	Stedman
Chase	Gifford	McMillan	Stevenson
Clark, N. C.	Golder	McReynolds	Stobbs
Clarke, N. Y.	Goldsborough	Mansfield	Sullivan, N. Y.
Collins	Graham	Mead	Sullivan, Pa.
Coltin	Greenwood	Merritt	Thatcher
Connery	Griest	Milligan	Treadway
Connolly	Griffin	Montague	Underwood
Corning	Hall, Ind.	Mooney	Wainwright
Coyle	Hudspeth	Moore, Ohio	Warren
Crail	Hull, Morton D.	Nelson, Me.	Welch, Calif.
Cramton	Hull, William E.	O'Connell, N. Y.	Welsh, Pa.
Crisp	Igoe	O'Connor, La.	Whitehead
Crosser	Johnson, Ill.	O'Connor, N. Y.	Williams, Ill.
Crowther	Johnson, S. Dak.	Oliver, N. Y.	Wolfenden
Cullen	Jonas, N. C.	Palmisano	Wright
Curry	Kemp	Parker	Yon

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Montague (for) with Mr. Crowther (against).
Mr. Milligan (for) with Mr. Cramton (against).
Mr. Doxey (for) with Mr. Ketcham (against).
Mr. Ramseyer (for) with Mr. Crail (against).
Mr. Collins (for) with Mr. Wainwright (against).
Mr. Bankhead (for) with Mr. Curry (against).

Until further notice:

Mr. Graham with Mr. O'Connell of New York.
Mr. Parker with Mr. Sabath.
Mr. Davenport with Mr. Warren.
Mr. McFadden with Mr. Corning.
Mr. Kiess with Mr. Hudspeth.

Mr. Buckbee with Mr. Lanham.
Mr. Merritt with Mr. Yon.
Mr. Welsh of Pennsylvania with Mr. Abernethy.
Mr. Treadway with Mr. Cullen.
Mr. Porter with Mr. Wright.
Mr. Estep with Mr. Crisp.
Mr. Dickinson with Mr. McMillan.
Mr. Welch of California with Mr. Carley.
Mr. Thatcher with Mr. Mead.
Mr. Seger with Mr. Connery.
Mr. Griest with Mr. Brand of Georgia.
Mr. Wolfenden with Mr. Carew.
Mr. Perkins with Mr. Kemp.
Mr. Williams of Illinois with Mr. Spearing.
Mrs. Ruth Pratt with Mr. Somers of New York.
Mr. Sproul of Illinois with Mr. Drewry.
Mr. Fish with Mr. O'Connor of New York.
Mr. Moore of Ohio with Mr. McKeown.
Mr. Kurtz with Mr. Griffin.
Mr. Korell with Mr. Quayle.
Mr. Connolly with Mr. Driver.
Mr. Jonas of North Carolina with Mr. Dickstein.
Mr. Kvale with Mr. Lindsay.
Mr. Reid of Illinois with Mr. Celler.
Mr. Golder with Mr. McReynolds.
Mr. Stobbs with Mr. Black.
Mr. Harcourt J. Pratt with Mr. Arnold.
Mrs. Langley with Mr. Greenwood.
Mr. Johnson of Illinois with Mr. Crosser.
Mr. Andrew with Mr. Fitzpatrick.
Mr. Kunz with Mr. McCloskey.
Mr. Bohn with Mr. Oliver of New York.
Mr. Kendall of Pennsylvania with Mr. Mooney.
Mr. Leech with Mr. Mansfield.
Mr. Dempsey with Mr. Rutherford.
Mr. Sullivan of Pennsylvania with Mr. Underwood.
Mr. Hall of Indiana with Mr. Whitehead.
Mr. Stedman with Mr. Sullivan of New York.
Mr. Gifford with Mr. Stevenson.
Mr. Nelson of Maine with Mr. Doyle.
Mr. William E. Hull with Mr. Sirovich.
Mr. Chase with Mr. Bland.
Mr. Dunbar with Mr. Igoe.
Mr. Campbell of Iowa with Mr. O'Connor of Louisiana.
Mr. Eaton of New Jersey with Mr. Clark of North Carolina.
Mr. Clarke of New York with Mr. Boylan.
Mr. Doutrich with Mr. Larsen.
Mr. Pritchard with Mr. Auf der Heide.
Mr. Colton with Mr. DeRouen.
Mr. Johnson of South Dakota with Mr. Bell.
Mr. Coyle with Mr. McClintic of Oklahoma.
Mr. LaGuardia with Mr. Palmisano.
Mr. Garber of Oklahoma with Mr. Brunner.
Mr. Morton D. Hull with Mr. Goldsborough.

Mr. McCORMACK of Massachusetts. Mr. Speaker, I am informed that my colleague the gentleman from Massachusetts, Mr. CONNERY, is absent on important business concerning his district, and I ask unanimous consent that that fact may be noted in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PRITCHARD. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. PRITCHARD. I was not.

The SPEAKER. Then the gentleman does not qualify.

The result of the vote was announced as above recorded.

On motion of Mr. RANKIN, a motion to reconsider the vote by which the motion to recommit was agreed to was laid on the table.

A QUESTION OF PRIVILEGE

Mr. DENISON rose.

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

Mr. DENISON. Mr. Speaker, I rise to submit some parliamentary inquiries, but before doing so I want to speak briefly on a question of the privilege of the House. Section 364 of Jefferson's Manual reads as follows:

> It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

I read section 366 also:

> Neither House can exercise any authority over a Member or officer of the other, but should complain to the House of which he is, and leave the punishment to them.
>
> Where the complaint is of words disrespectfully spoken by a Member of another House, it is difficult to obtain punishment, because of the rules supposed necessary to be observed (as to the immediate noting down of words) for the security of Members. Therefore it is the duty of the House, and more particularly of the Speaker, to interfere immediately, and not to permit expressions to go unnoticed which may give a ground of complaint to the other House, and introduce proceedings and mutual accusations between the two Houses, which can hardly be terminated without difficulty and disorder.

Mr. Speaker, in all legislative bodies that are composed of two chambers it is fundamental, I think, that no statements should be made in either chamber referring adversely to the proceedings of the other. All applicable rules of parliamentary procedure are made for the purpose of expediting legislation, of encouraging good feeling, and preventing ill-feeling and recriminations between the two legislative bodies. If the Members of either legislative Chamber should be permitted to criticize or adversely comment on either the proceedings of the other Chamber or the statements or conduct of its Members while engaged in the performance of their official duties, legislation would often be retarded or even defeated.

So we find the parliamentary law well settled in this country, as I have just read from Mr. Jefferson's Manual, that it is improper in either House of our Congress to refer to the debate in the other, to refer to the Members of the other body by name, to adversely comment on the proceedings in the other Chamber, or in any manner to indulge in criticism of either the other Chamber or its Members.

Now, this old rule of parliamentary procedure has been up in both Houses a number of times. Since I have been a Member of this Chamber it has been almost uniformly respected by the Members and enforced by the Speaker. I have never seen or known of many very flagrant violations of this fundamental rule by Members of the House, and I wish to call attention, Mr. Speaker, briefly, because I think this is a matter that ought to be brought to the attention of all the Members of this Chamber as well as of the other Chamber, to a few instances of the application of this principle by Speakers of the House and Presidents of the Senate to show how carefully this wholesome and important rule has been guarded and enforced.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry. What is before the House? Why all this lecture?

The SPEAKER. The gentleman from Illinois [Mr. DENISON] is assuming to present a question of privilege of the House.

Mr. RANKIN. Mr. Speaker, I think we have the right to know what it is based on. Of course, we know the rules of the House, most of us, or at least we are supposed to know them; and if there has been any violation of the rules in either House we certainly are entitled to hear the indictment before the trial and the argument of counsel.

The SPEAKER. As the Chair understands the custom, questions of the privileges of the House are raised by the presenting of a resolution. The Chair has been listening to the gentleman to find out whether his remarks were introductory to the offering of a resolution.

Mr. RANKIN. I am in sympathy with the Chair in that respect. I have been listening for the same reason, and in vain.

The SPEAKER. The gentleman from Illinois will proceed.

Mr. DENISON. I was endeavoring, Mr. Speaker, to call attention to the rule and I stated that I desired to call attention to a few of the applications of it among the precedents of the House as a preliminary to a further discussion of whether or not the rule had been violated in the instances I am going to mention, and with a further view to propounding a parliamentary inquiry to the Speaker. Of course, if the Speaker thinks I should do so in advance, I will now read what I desire to call to the attention of the House.

I find, Mr. Speaker, in reading the CONGRESSIONAL RECORD of last Saturday—and I am reading these excerpts from the RECORD, Mr. Speaker, not for the purpose of criticizing anyone, or mentioning any names, because in raising this question I do not myself want to violate the rule that I have just mentioned; but in order to raise a question of the privilege of the House I have to call attention to the parts of the CONGRESSIONAL RECORD which I think are pertinent.

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

Mr. DENISON. Yes.

Mr. GARNER. As I understand, the gentleman is going to base his parliamentary inquiry and the question of privilege of the House on proceedings that were had in another body.

Mr. DENISON. Yes.

Mr. GARNER. Let me ask the gentleman whether he does not think that intensifies the situation since this body, as I understand it, has no jurisdiction of anything that has happened in another body. If this House is going to undertake to correct the RECORD or assert the privileges of the House with reference to something that happened in the other body, are you not just intensifying the situation?

Mr. DENISON. I am assuming that both Chambers will be controlled by a proper consideration of this parliamentary rule and a generous disposition to respect it if attention is called to it.

Mr. GARNER. If the gentleman will yield further, let me make this suggestion to the gentleman: If anything happens

in the House of Representatives that does not suit the membership of the other body, I know of no remedy that they have, and I know of no remedy that we may have with respect to what is said in another body, and to agitate or to discuss it to any extent, as the gentleman is doing, in my opinion, only brings on the very thing that the gentleman says ought not to happen, and that is, differences of opinion as to what may happen in one body concerning the other.

Mr. DENISON. Mr. Speaker, I prefaced my remarks by stating that I do not rise for the purpose of indulging in any criticism whatever, but if this parliamentary rule which applies to both Houses of the Congress is violated by either or is disregarded by the Members of either, one of the parliamentary inquiries I intended to propound in a few minutes, if the gentleman from Texas had not anticipated me, was to inquire as to what rights the other Chamber has in connection with the matter, and what procedure we ought to take or can take to call the matter to the attention of the other Chamber.

In this connection I merely want to read briefly from the CONGRESSIONAL RECORD, page 2565, under date of June 8:

As I understood the Senator——

Mr. GARNER. Mr. Speaker, I submit a point of order so you may determine the matter yourself. As I understand, it is a violation of the rules of the House of Representatives for any Member of this body to refer to what occurred in another body. If this is true, the gentleman from Illinois is violating the rules by referring to what occurred in another body, because he is undertaking to read it here in order to determine what the House of Representatives will do about it, if anything. This is certainly a violation of the rules of the House of Representatives, because the gentleman is referring to what has happened in another body, which is expressly prohibited by the rules.

Mr. DENISON. The rules, Mr. Speaker, do not prevent a reference to the proceedings of another body.

Mr. WINGO. Will the gentleman yield to permit me to cite him to this provision of the rule——

The SPEAKER. If the gentleman will pardon the Chair for a moment, it seems to the Chair that so far this proceeding has been quite irregular.

The attention of the House has not been called to any specific thing upon which to base a question of privilege of the House. Of course, the gentleman may propound a parliamentary inquiry any time he sees fit; but if we are proceeding now on a question of the privilege of the House, the Chair thinks his attention should be called to a specific subject and that the remedy should be offered at the same time.

It is almost the invariable custom in the House, where a question of privilege of the House is raised, to proceed by resolution.

Mr. DENISON. I do not want to take any action that is not in accordance with the rules of the House, but I want to submit this inquiry: Whether the privileges of the House are involved in any infraction of the rule which I have just read by the other body.

The SPEAKER. The Chair thinks that if a question is raised affecting the dignity of the House of Representatives or the question of comity and amity between the two bodies, it would be proper——

Mr. DENISON. That was my view, Mr. Speaker, and in order to present the matter to the House I wanted to read some extracts from last Saturday's RECORD without comment. I think they violate this rule of proper parliamentary procedure both of the House and of the Senate, and I was going to submit the matter as a parliamentary inquiry to the Speaker, and after doing so to further inquire as to what remedy the House had and what the proceedings should be.

The SPEAKER. The Chair thinks that the House may at any time, when in its opinion the Senate has violated or reflected on the dignity of the House or brought up questions that would affect the comity between the Houses, it would be in order to offer a resolution respectfully calling the attention of the Senate to the matter to which it took exception.

Mr. DENISON. It was my intention to call the attention of the House to these passages in the RECORD which I thought involved the privileges of the House and ask that it be referred to the Committee on Rules with instructions to advise the House whether the rule had been violated.

Mr. DYER. There is nothing to refer to the Committee on Rules.

Mr. GARNER. Mr. Speaker, in order that we may proceed in an orderly manner, I make the point of order that there is nothing before the House on which to base the motion that the gentleman desires to refer to the Rules Committee. Let him introduce a resolution, for there is nothing before the House at the present time.

The SPEAKER. The Chair thinks it would be in order to refer such a resolution to the Committee on Rules, but would doubt the propriety of such a course in instances like these. The Chair thinks that would go further in destroying amity between the Houses. The Chair thinks the only thing the House could do, if in its opinion certain things said in another body reflected on the dignity of the House and threatened to destroy friendly feeling between the two bodies, would be to send a resolution to the other body calling attention to that fact, and nothing more; then the other body could take such action as it saw fit.

Mr. GARNER. Until that resolution is offered I make the point of order.

The SPEAKER. The Chair thinks the gentleman's position is correct.

Mr. DENISON. May I inquire if it is proper to call the attention of the House to certain passages in the CONGRESSIONAL RECORD which I think have violated the rule?

The SPEAKER. The Chair thinks the gentleman can not call the attention of the House to such matters unless they are based on a resolution. Then it would be for the House to decide whether it desired to call the attention of the Senate to those remarks or not.

Mr. DENISON. Then, Mr. Speaker, I want to propound another parliamentary inquiry. Let me say, preliminary to my inquiry, that I think it is of supreme importance that Members of both Chambers ought to see to it that this fundamental rule against criticism of the proceedings of either House or of its Members by the Members of the other is respected and enforced. This is not a partisan question, and I regret that the leader on the other side [Mr. GARNER] is not willing to let me present the matter to the House. Of course, if there is objection, I do not want to do so.

I desire to present this parliamentary inquiry: Does the rule to which I have been referring make it improper to criticize in either Chamber the conferees that are appointed by the other Chamber on account of what they say or do in the performance of their duty as conferees? When conferees are appointed to manage the conference on the part of the respective Chambers, they are usually appointed at the request of the other Chamber and are performing the duties of their respective Chambers. They are representing their respective Chambers. If it is improper to criticize in one Chamber the actions or the words of Members of the other Chamber, I propose the inquiry to the Speaker whether or not that rule would apply to the actions and the words of the representatives of the Chambers when they are engaged in their business in the conference for which the two Houses have appointed them.

The SPEAKER. The Chair thinks that if reference be made to the proceedings of conferees on the part of another House which tend to reflect upon them, such reference would not be in order, but the mere discussion of the proceedings the Chair thinks would be in order.

Mr. GARNER. Mr. Speaker, under the guise of a parliamentary inquiry the gentleman from Illinois [Mr. DENISON] has undertaken to violate the rules of the House of Representatives, because he is going to refer to something that happened in another body. I insist that that is contrary to the rule.

The SPEAKER. So far the Chair thinks that the gentleman has only been inquiring as to his own rights.

Mr. GARNER. And he is now proposing to read from the CONGRESSIONAL RECORD something that occurred in the other body.

Mr. DENISON. I am not proposing to do anything of the kind. I am merely propounding a parliamentary inquiry. As I understand it, then, Mr. Speaker, this rule which makes it improper, for instance, for Members of this House in debate to refer to the proceedings of the Senate, or to language spoken by a Member of the Senate in the Senate, and to in any way criticize either the other body or its Members for their proceedings, would make it improper for Members of this Chamber to criticize the actions of the conferees of the other Chamber when engaged in the performance of their duties in conference. Am I right about that, Mr. Speaker?

Mr. RANKIN. That would not necessarily follow.

Mr. DENISON. I respectfully suggest to the gentleman from Mississippi that I am addressing my inquiry to the Speaker.

Mr. RANKIN. And I stand upon the same footing that the gentleman does, and I shall address the Speaker also and say that that would not necessarily follow. We have had the question up here where one Member of the House went out to the country and made a speech criticizing Members of the other body. That question has been threshed out here, and it is an entirely different proposition where they criticize the action of conferees and where they criticize Members of the other body acting as such.

The SPEAKER. Of course, the trouble the Chair finds himself in is upon the question whether such criticism was made. Generally speaking, all the Chair can say, until his attention is called to some specific instance, is that it is not proper for Members of either House to criticize Members of the other House, either on the floor or as members of a conference committee. Before ruling any further on the question the Chair thinks the gentleman from Illinois [Mr. DENISON] ought to introduce a resolution and call attention to the remarks of which he complains, and it will then be for the House to decide whether or not those remarks invade the rule of comity between the two Houses; and if so, the House may then send a resolution to the Senate respectfully calling the attention of the Senate to that fact.

Mr. DENISON. Mr. Speaker, I shall be very glad to do so if on further consideration I think the rule would apply to the remarks in question. I was uncertain whether or not the preparation of a resolution of that kind would itself violate this rule, and therefore, as I stated in the beginning, I propounded the parliamentary inquiry.

The SPEAKER. On the contrary, the Chair thinks that the introduction of a resolution calling the attention of the other body to certain things would not violate the rules of the House, but the Chair himself has not the slightest idea of what the gentleman is referring to, and it is impossible, therefore, for the Chair to say whether it would or would not be proper to set it forth.

Mr. DENISON. Mr. Speaker, I hope the Members will read the proceedings in the other body, as reported in the CONGRESSIONAL RECORD of last Saturday, because I think some Member ought to present to the House a resolution such as has been suggested. I think this rule has been violated by certain references not only to the House but to the House leaders and to the conferees on the part of the House; and I think, if it should be called to the attention of the other Chamber, that in a generous spirit of fairness to the Members of this Chamber and its conferees, as well as in a spirit of proper respect for this very important old fundamental rule of parliamentary procedure, it would be corrected.

Mr. UNDERHILL. Mr. Speaker, a parliamentary inquiry. Do I understand from what the gentleman from Mississippi [Mr. RANKIN] said, that the rule that applies in the House itself also applies to such remarks as a Member may make outside of the House.

The SPEAKER. Oh, not at all.

Mr. RANKIN. It is quite the contrary.

ADDRESS OF HON. JOHN J. DAVIS, SECRETARY OF LABOR

Mr. MENGES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a speech delivered by the Hon. James J. Davis at Gettysburg on the 30th day of May last.

The SPEAKER. Is there objection?

There was no objection.

The address is as follows:

MEMORIAL DAY ADDRESS

It is with a feeling of deep emotion that I stand here to-day in this Memorial Cemetery at Gettysburg. I was very much impressed in listening to the ritualistic services conducted by those few remaining survivors of the Grand Army of the Republic over the graves of their comrades. Following that came a wave of young boys and girls strewing flowers as they wended their way around the graves of our brave soldiers who died on this field. It is a picture that touched me deeply and it is a picture that no artist could paint. It is an assurance that the future of our country is safe when men are willing to die for a principle and those who come after them are eager to honor their memory and perpetuate the Nation for which they so nobly gave their lives.

As I stand here to-day on this field, sacred to the cause of human liberty, amidst these graves which bear mute witness to the terrible baptism of fire that descended nearly 6 and 60 years ago in a veritable hurricane of shot and shell upon men as brave and noble as any recorded in history, I can almost fancy that I hear the words spoken here so long ago by our martyred President bidding us to dedicate ourselves to the duty of carrying on the work for which our heroes died, "That this Nation, under God, shall have a new birth of freedom, and that the government of the people, by the people, for the people, shall not perish from the earth."

Yet while we pay due tribute to these heroic dead and take new inspiration from their "last full measure of devotion," let us not forget the living who also risked death on this field and fought the battle to victory. To those of you who stood here with musket in hand 66 years ago, what exalted feelings must come over you to-day as you see in your mind's eye the living picture of conflict and then look about you over the great country that has risen since that day when you fought to save it. To you who survived this battle we owe as great a debt as to those who perished here. Let us take the full measure of that debt and give you the full measure of our gratitude.

This is the first time, I believe, that one who represents labor in the Cabinet of a President of the United States has been called upon to speak on this spot which represents some of the holiest ground in the country. So my first thought is: What part had labor in this historic battle, and what did that battle accomplish for labor?

Labor more than played its full part at Gettysburg. The great majority of the men who fought on this field came from the ranks of the gainfully employed—from the farm, the mine, the mill, the shop, factory, and countinghouse. And what this field accomplished was to set all labor free, and with that free labor to create the greatest nation on the face of the globe, with the greatest machinery for the production of wealth that has ever been assembled.

While the Civil War still waged a great President of the United States stood here to dedicate this field as a perpetual memorial to its heroes. With the outcome of the war still in doubt, President Lincoln used that day of dedication to counsel us, in words as solemn as have ever been spoken, that we carry on to give our country a new birth of freedom. I think we may say to-day, more than 60 years afterward, that those who fought here and died here did win for this country a new birth of freedom. They did settle once and for all whether these United States should remain a union and whether human slavery should exist no more.

Indeed, as we look back over the past, we see that this battle settled more than was thought. We see now that the political and social issues then at stake were not the only issues subject to the fiery test of war. Behind the political questions then fought out was a great economic question. The question was whether in this country labor should be free or shackled and bonded. That was the underlying question forever settled here, and settled right, not only for the United States but for the world itself.

A nation may have the noblest of institutions. Politically it may be a model to all mankind. Indeed, no nation can endure unless it truly is politically sound. But neither can any nation live without labor. Without the fruits of toil it will perish. Without millions of honest workers to meet its material wants and provide comforts and happiness for all, the political virtues of a country can be only a skeleton without a body.

It is important that we have our democratic government and our equal rights to all, but it is also important that our people shall have their work, and by that work shall live their happy lives, shall have their homes, shall rear their families. The citizen must think of his government, but he must also think of his right to a livelihood. That right lies at the very basis of human existence. And it was that right to freedom of work, as much as any other issue, which was settled here on this historic field.

It seems to me appropriate, therefore, that a spokesman for labor should be heard on this holy ground. In a sense this battle was fought for the betterment of labor. The men who died here freed 3,000,000 slaves, whose descendants now number more than 10,000,000 free people. But the slavery that here was wiped from the face of the earth was not a bodily slavery only. Since this battle we have stripped away much slavery of the mind, and we shall go on to strip away more. I can not see how any American can fail to be inspired by the great advances that have already grown from the liberalizing forces set free here a generation or two ago.

It has been our habit, when Lincoln's address is read, to feel abashed before its solemnity, as if we were penitent children who had slipped away from the behests of that great and wise man. Let us read his words for once with rejoicing. I believe these dead about us have not died in vain. I believe this country has had a new birth of freedom. I believe we have dedicated ourselves to carry on the cause that was here so nobly fought for.

It seems to me time that we take a new view of the fruits that have sprung in such abundance from the sacrifices made here, fearful as they were. We have thought only of the political and social blessings secured to us on this field. Now we have a right and a duty to sum up, at last, the other great blessings risen from the men who fought here and fell.

In a little more than a year after this decisive turning point in a bloody war, our country settled back into peace and to peace-time labors. Look about you and see what these labors have brought us.

The miners and the mill hands, the farmers and the shop clerks who fought here helped to free new generations of workers from bondage to poverty. They bound together a political Union in which material opportunity and the freedom to use it became more abundant than ever before. Surely the Nation did experience here a new birth of freedom and of a new kind of freedom. It is the freedom to enjoy a richer and fuller life than any people in history have so far been privileged to live. To-day the same type of factory hand who fought here may rise and become the head of a great business organization, enriching us all with new comforts in life and paying thousands of workers the wages to enable them to enjoy those comforts. Surely that is freedom. The man who yesterday struggled and labored in obscurity may become a great scientist, opening new treasures of nature to the enjoyment and

benefit of mankind. Surely that is freedom. The boy born to early poverty and hard work may still rise to be an honored public servant of the people, even in the highest office at their disposal. That also is freedom.

The man who has risen among us from the humblest beginnings to the highest honors is not asked what are his religious beliefs, to what trade organization does he belong, or what are his racial origins. Nothing is asked of him but that he shall have those qualifications of brains and heart that entitle him to our confidence and to the responsibility that we repose in him. Surely that is freedom of a kind such that no one who died to bring us this gift can be said to have died in vain. Every worker in this country lives a richer, fuller life because these workers fought for the preservation of this land of opportunity.

I believe if the sons of toil who lie here sleeping could rise and see what the land they died to save has become they would rejoice at what has been done. But all the more reason have we who benefited so much by these self-giving patriots to come here in reverence and thank them with all our hearts. It is especially becoming for us of the State of Pennsylvania to do so. This tragic battle was fought in the very heart of Pennsylvania. Thousands of those in the battle were sons of Pennsylvania, fighting for her soil. Never shall their glory perish. We can not find words too solemn, too beautiful for their deeds. As one of the most eloquent voices that American has ever heard—the voice of a man who stood under fire on this very field—has said:

"These heroes are dead. They died for liberty; they died for us. They are at rest. They sleep in the land they made free, under the flag they rendered stainless, under the solemn pines, the sad hemlocks, the tearful willows, the embracing vines. They sleep beneath the shadows of the clouds, careless alike of sunshine or storm, each in the windowless palace of his rest. Earth may run red with other wars—they are at peace. In the midst of battles, in the roar of conflict, they found the serenity of death."

Of those who escaped the deadly missiles here only a handful are left, crowned with whitened locks and stooped in gait. But their laurels are bright as ever on their brows, and though their backs be bent, they stand before us with spirit straight and proud. But I believe if Abraham Lincoln could stand here again in this new day in which we live he would utter a new call to still a new dedication.

What really happened on this battle field 66 years ago was an economic clash. It was the conflict of a new economic area, brushing an older one aside. Men may not have known then what moved them. These new economic stirrings were like a wind, moving us without our knowing. These invisible forces are moving us to-day. We are always in the situation of watching a new era brushing out of existence an era that is old and outworn. Every day is a Gettysburg where that battle occurs. It is going on in the field of politics, in legislation. It is going on in business and industry. It is going on within our own minds. So I believe that if Lincoln could stand here to-day he would call us to a new dedication in this endless battle to be rid of old slaveries of thought and prejudice and to unite ourselves for new births of economic freedom.

After the Civil War our country went back to labor in the belief that every doubtful issue had been wisely settled once and for all. Yet in how short a time this supposedly new order had become an old one! Hardly was this Civil War concluded in peace when we fought one economic battle after the other. They were fought because we had come to a sense that a new order was due and that an old one should pass. The old order was the system of poor payment or long and hard hours for the man who toils. That is always an old order, to be outlawed as soon as possible. Yet sometimes it passes only after a struggle.

Not 10 years after the last gun had been fired in the Civil War a small economic war was fought farther north in this very State. It centered about the railroads and the steel mills, where American workers felt that a new order of rewards for their toil should come. They felt they had been slaves to poverty, and they strove for freedom. Our industrial history of that period is dotted with battles over that issue. As we look back on those troubled times we see now that the struggles of that period were as needless as the great fratricidal conflict of the Civil War. In these days of a riper experience and a cooler judgment we can look back on the Civil War and realize that reason and sober sense, if we had waited to call them into play, might have freed the slaves and kept this country whole, without the terrific cost that was paid in human life and blood. So also, we see that the same sober sense might have achieved the same results in dismissing that outworn industrial order of the seventies.

Standing here to-day, we must dedicate ourselves to peaceful abolishment of the last slavery left among us—slavery to poverty, slavery to ignorance, the slavery of intolerance. I believe that Abraham Lincoln would be especially the champion of the worker—the laboring man. I believe it was of the laboring man he was thinking when he said, "God must love them because He has created so many of them." I believe Lincoln would say, "It is well that we have these perfected political institutions, but those who live under them must be enabled to live fuller and happy lives, with the proper rewards for the toil."

Since Gettysburg was fought we have indeed made great strides toward this new freedom of opportunity, this better level of rewards for toil. The laboring man of America enjoys a life unknown to the laborer of the day of Gettysburg. But I believe we must make him even more secure in his present position. I believe Lincoln would be the first to see some of the forces that tend to endanger this position of our workers.

For one thing, we are living just now in a time when science and invention, ever seeking to lessen and save human labor, tend to throw many workers out of their old occupations and send them sometimes on a long search for new ones, with poverty ever ready to render them its slaves for a while. I believe that is one thing we must regard as an old order, to be replaced by a new and better order as soon as we can.

In that one thing alone we need a new order, such that those who employ human workers must think of their fate before installing the new mechanical slaves that will displace them. And as old wrongs always disappear in time, though sometimes not without a struggle, so I believe we shall see this one vanish. But it is an example of the new causes to which I believe we must dedicate ourselves.

While the new era of life which these warriors of Gettysburg ushered in for us so richly and amply justifies the struggle it cost, and while the American people now live this abundant life of to-day, yet nevertheless too many of our people are still insufficiently paid for their toil. Too many of us are still enslaved to a life lacking many of the things that make life worth the living. We must dedicate ourselves to an emancipation of these last remaining slaves to poverty.

We allow ourselves to be guilty, too, of grave injustices even to the best of our workers. I mean those who are dropped from employment merely because they have reached a certain age—50 years, sometimes even 40. This is scarcely the place to go into the reasons why this habit prevails among so many of our employers of labor, but only too many of the skilled and faithful in the great army of labor can testify that the practice of arbitrary discharge for age does prevail among us.

That is slavery to a mistaken principle, slavery to ignorance of plain fact. The laborer at 50 may only have come into his ripest skill, judgment, and experience. His character is settled. He has learned to love his work. All this should make him only the more valuable, the man above all others to be retained at his task and guaranteed his proper payment. Not to regard him in this light means belonging to an old order, which must pass and will pass.

These, my friends, are some of the quiet battles against ignorance and unreason that we must wage in this time of peace. We need to carry into these bloodless struggles of the working world the same heroism and inspiration so freely poured forth by those who fought on this field of Gettysburg. The battle between the right way and the wrong never ceases. Let us be sure that we fight it with the same clear vision, the same unsparing courage, that made history here on the tragic occasion we commemorate to-day. Let us see to it that every day of our lives this country of ours shall have some new birth of freedom—freedom to prosper, freedom to be happy, freedom to know what a great adventure of goodness and charity this life can be made. Let us see to it, above all, that this country remains one great community of equals, equals before the law.

No man in this land should be made to blush for any honest service he gives:

"All service ranks the same with God
With God, whose puppets, best and worst,
Are we; there is no last nor first."

That was the thought in every heart when the plain people whom Lincoln called to action shouldered their muskets and died for a principle. Here on this field of heroic struggle and sacrifice they mingled—the men of every walk of life, from every race. I am proud to pay tribute to those of my people who came here ahead of me and who now lie sleeping on this field. They, too, made the sacrifice necessary to make this country the happy and fortunate field of unlimited opportunity which it has become.

I hope the time has come when great issues will no longer need to be settled on fields of battle. The battles of the future must be battles of the intellect, between reason and unreason. Above all, we must strive for a golden age for labor, for peace and prosperity for employer and employee. It is labor that produces the bulk of the wealth of the world, and there still are workers among us too poorly paid to be at home in a prosperous land. This must not be in a country whose wealth totals up to the staggering figure of $400,000,000,000. These dead of Gettysburg never died for such things as that.

All the history that is inspiring, all the history that we love to read and remember, is the story of how brave men won freedom from some tyrant. And I believe the history of the future will be the story of how labor achieved its final freedom from the tyrants of fear and want, of defeated ambition. I believe the lesson of Gettysburg points in this direction.

ADDRESS OF GEN. HUGH L. SCOTT, RETIRED

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address delivered by Maj. Gen. Hugh L. Scott, one of the present Indian

commissioners. It has to do with the historic relation of the American Indians to the United States Government.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEAVITT. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include an address by Maj. Gen. Hugh L. Scott, United States Army, retired, a member of the Board of Indian Commissioners, broadcast for the National League of Women Voters May 28, 1929, over WEAF, New York City.

The address is as follows:

HISTORICAL RELATIONS OF THE AMERICAN INDIANS WITH THE UNITED STATES GOVERNMENT

My friends, I have been asked to speak to you a few moments about the historical relations of our Indians with the Government. This is a large subject and can not be fully treated in a few minutes.

The act of Congress of August 7, 1789, created our War Department, and among other duties assigned to it were those pertaining to Indian affairs, which remained under the jurisdiction of the United States Army until the act of March 3, 1849, created the Department of the Interior and assigned to it the Indian Bureau, whereupon the affairs of the Indian passed from military to civil control.

The Army and the Indian Service grew up together without being regularly planned—both were added to piecemeal from time to time by acts of Congress, some wise, some less so. Both services were extremely crude and inadequate from the standpoint of to-day and both were the creatures of politics. Each succeeding war improved and purified the Army, but the Indian Service never had a war.

At first the duties of the Indian Service were very simple and related mainly to the regulation of trade and intercourse in the Indian country and with the payment of annuities as compensation for land acquired from the Indians by treaty. Many of these treaties were fraudulent in every way because the Indian was ignorant of our laws and customs, unable to protect himself, as he still is, and he was not protected by his guardian, the Government. Gov. William Clark, for instance, purchased in 1819 all the land from the mouth of the Arkansas River to the Rocky Mountains, occupied by many tribes, for about $2,000 from the Quapaw Tribe, who did not own it, and our Court of Claims has not finished even yet settling with the heirs of the real owners.

Many Indian wars were brought on by the encroachments of white settlers on the lands of the Indian and by the results of the purchase by the Government of land owned by the tribe through negotiations with a few individual Indians without consent of the tribe. Reprisals would follow and the Army would be called upon by the political powers to enforce acceptance by the tribe and remove the Indian from the lands of his forefathers.

The Indians were self-supporting when first known and until the game was destroyed by the white man and the livelihood of the Indian thus taken from him. The fur companies, intrenched in political power in Washington, did much as they pleased in the Indian country, they did most of the management that was done and the morals, education, health, and welfare of the Indians received but scant attention from anybody. Whisky, smallpox, measles, and other scourges unknown to the Indian were introduced into his country and carried off many thousands of individuals and weakened whole tribes. The smallpox epidemic of 1837 was said to have been taken to the Upper Missouri on the boat of the American Fur Co., and allowed to reach the Indians by the utmost carelessness. It was reported to have caused the death of 60,000 Indians and the reduction of the Mandan Tribe to 19 families.

A single agent with headquarters at St. Louis would be appointed over five or six wild tribes, most of whom he never saw. He would take the tribal annuities up the Missouri River in the spring on the boat of the American Fur Co., issue them to the Indians at their nearest fur trading station, if they were there to receive them, otherwise throw them off without proper supervision to prevent later the selling to the Indian of his own goods. This done, the agent would return to St. Louis on the same boat, not to be seen again on the upper river for another year. These conditions continued until after the Civil War with slight improvement, and were little better when I first went to the Indian country in 1876.

The American people expected but little from the Indian Service then and got less. It was honeycombed with graft; its employees were political appointees, isolated, looked down upon, trusted by nobody, and generally despised until they were placed under civil-service rules in the time of President Cleveland, when this misprision generally disappeared. It should be obvious that such a service required but slight appropriations for its maintenance, and most of this money was absorbed in the payment of the tribal annuities.

The first great step in education was brought about by the efforts of Capt. R. H. Pratt, Tenth Cavalry, who started a school for the children of Indian prisoners of war at the military post of Carlisle Barracks, Pa., in 1879. The results of this movement awoke the conscience of the American people to their responsibility for the education of the Indian child. Since those days the great nonreservation schools of Sherman, Haskell, Chilocco, Albuquerque, Phoenix, Chemawa, etc., were slowly established, with boarding schools on the different reservations, and now Indian children attend the public schools of their district wherever possible.

Conditions have improved everywhere during the past 20 years, and more especially during the latter 8. Railways have approached the agencies, many comfortable quarters have been erected with modern conveniences, a health service is growing, with establishment of many hospitals. The American people are interesting themselves more and more in the welfare of the Indian and have enormously increased their demands for betterment. The attempted passage of the Bursum bill that got through the Senate brought out a storm of indignation from the Atlantic to the Pacific, with the formation of new societies for the defense of the Indian from spoliation. Congress is much better acquainted now with conditions and more sensitive to the demands of the people for betterment, and the appropriations have increased year by year until now, when they are higher than at any time in our history.

Notwithstanding all this, they are still inadequate. Ex-Secretary of the Interior Work reported last year that the Indian Service was "starved," as indeed it always has been. The tenure of office and pay are insecure, its employees discouraged, and the whole service is under par. Its operative system is antiquated, costly, inefficient, and unduly affected by politics. It needs reorganization, not with new people, for the vast majority are under the civil-service rules, but more efficient and of far higher quality and character than we have any right to expect under the present conditions of isolation, insecurity, discouragement, with overwork and underpay, undue political interference, and improper operative system. I must take off my hat to many of those men and women of the far places. I rejoice in the fidelity of their work under stress, and am vastly proud of their friendship.

There are forces of evil, both white and red, working to abolish the Indian Service and spoliate the Indian. This abolishment would be like throwing a baby to the wolves. The Indian will require the educating and protecting influences of the Indian Service for at least another generation before he will be able to take care of himself. But this service needs the thorough reorganization from within itself without the upheaval which was experienced by the Army after the Spanish War—a slow deliberative reorganization by its own people that gave the Regular Army the proper administrative system which enabled it to digest and take care of the millions of new, untaught men thrust into its organization suddenly by the Great War; to feed, clothe, pay, equip, train, and transport 2,000,000 men to France, place them in their proper positions at the right moments with the will to win; who by their sacrifices and achievements had much to do with the accomplishment of victory and the placing of our country in the forefront of all the nations of the earth.

Before the war this achievement was considered impossible by all the foreign nations who limited our ability to placing 300,000 men in France, and it would have been impossible if Germany had not been held by France and England while we were in preparation. Even then it would have been impossible if the Regular Army was then acting under the administrative system which was in vogue before the Spanish War. The Indian Service needs just such a deliberate, steady, reorganization by its own people without upheaval, and the friends of the Indian feel that it is near at hand.

The Indian Service has many functions identical with those of the Army. Both are operated from an office of central control in Washington; the elements are scattered over a wide extent of country. Both are administrative bureaus concerned with health, education, promulgation of orders, research, building, printing, sanitation, inspection, purchase and supply, pay and audit, transportation, etc., and both should have very nearly an identical administrative system, reorganized in the same way on modern business principles which have proved their value.

Ex-Secretary of the Interior Work brought about a most timely and constructive accomplishment in the recent survey of the Indian field service by the Institute for Government Research, which is entirely without governmental supervision.

The report of this survey is called the Meriam report, in honor of its director, Mr. Lewis Meriam. While it contains little that has not been reported by other services year after year, it has brought the facts in concrete form before the people, unaffected by politics or governmental bias. It shows that the demands of the people for betterment have increased enormously and Congress is awakening to conditions.

The Indian Service has struggled manfully to meet those demands, and has met them successfully so far as the lack of funds and a proper operative system have permitted.

Never before in all our history have conditions been so favorable for reform. The President, the Congress, and the people want it. The new Secretary and Assistant Secretary of the Interior and Commissioner of Indian Affairs are all men of highest quality, unconnected with politics, men of high position and achievement in their own communities, of independent means, inspired only by high civic consciousness and a warm desire for the welfare of the Indian. Never before have we had so many elements of Government in line at the same time, and now is the accepted time for action—the zero hour.

Let us all get behind those gentlemen and support them to the uttermost, defend them from the vicious attacks we must expect from those

who are out of sympathy with the welfare of the Indian. And we may yet see an Indian Service of which the American people may be justly proud.

THE TARIFF

The SPEAKER. The Chair recognizes, under the order of the House, the gentleman from Maryland [Mr. CLARK] for 30 minutes.

Mr. CLARK of Maryland. Mr. Speaker and ladies and gentlemen: On the 22d of May, while the tariff bill was open for general debate, time was granted by the gentlemen on the Republican side in charge of the bill to the gentleman from Pennsylvania [Mr. BECK]. After the expiration of the time granted, the House, at the suggestion of the gentleman from Texas [Mr. GARNER], granted unlimited time to the gentleman from Pennsylvania. At the expiration of his time, to my utter surprise, practically the whole House arose in approval. I have interpreted that demonstration as a proper respect for the able gentleman rather than an approval of what he said. What he did was to challenge the constitutionality and wisdom of the flexible tariff section of the Hawley tariff bill then being considered.

Mr. Speaker, I rise in support of the flexible tariff, and in doing so I support a most wholesome and established policy not only of the Federal Government but of every State in the Union; that is, the policy of administrative application of law to changing facts, upon which said law depends. Very early in our history this policy was adopted as a legislative necessity. It has been challenged and defended in a hundred cases.

The gentleman from Pennsylvania [Mr. BECK] a few days ago sought to discredit this policy, as it is proposed to apply it to the Hawley-Smoot bill of 1929. He says this policy in this bill is carried too far; that it is not within the facts, and therefore not within the ruling of the Hampton case of 1928, reported in Two hundred and seventy-sixth United States Reports, construing the flexible provision of the 1922 law, or the Fields case, reported in One hundred and forty-third United States Reports, construing countervailing-duty provisions of the McKinley law of 1890, or any other case on record. He says the bill of 1929 enlarges the President's power of revision by making theories instead of facts the basis of changes or tariff revision. From this he draws his conclusion that the alleged extension of power delegated to the President in this bill is a delegation of legislative or taxing power. At the conclusion of his speech I asked for time the next day to answer it, but the bill was not thereafter open for further general debate.

In replying now to the distinguished gentleman [Mr. BECK], it is necessary first to look at the 1922 law and the court's interpretation of it, and then compare it with the corresponding section of the Hawley bill of 1929, which he criticizes as representing an unwarranted extension or enlargement of the flexible provisions of the 1922 law.

What are the differences in the flexible provisions of these two statutes, 1922 and 1929?

1922 says presidential revision up or down must follow differences in costs of production at home and abroad, and so forth.

1929 says such revision must follow variations or differences in competitive conditions of domestic and foreign products laid down in the principal domestic markets, and so forth.

Difference in competitive conditions is the real basis of revision and the real object and purpose of investigation.

Cost of production is laid down as the general rule of revision in 1922 law, and then treated as only one element of the conditions justifying revision.

I understand this defect in stating an element of the thing to be found rather than the thing itself, needed correction, and the proposed language in the 1929 law is perfecting in substance.

Is there change of policy? There is no change of policy, only change of expression. The law providing for ascertainment of differences in costs is about the same as that which directs the finding of differences in competitive conditions, as shown by a parallel reading of the requirements for finding their competitive difference or equalizing figure.

Subsection (c) of section 315 provides—

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

Act of 1929, section 336, subsection (d):

ASCERTAINMENT OF DIFFERENCES IN CONDITIONS OF COMPETITION

In ascertaining the differences in conditions of competition between domestic articles and like or similar competitive imported articles in the principal market of the United States the President shall take into consideration, in so far as he finds it practicable and applicable; (1) costs of production of the domestic article or the price at which such article is freely offered for sale to all purchasers in the principal market of the United States in the ordinary course of trade and in the usual wholesale quantities in such market; (2) costs of production of the imported article or the price or value set forth in its invoice, or its import cost as defined in subdivision (e) of section 332; (3) other costs of the domestic article and of the imported article in so far as not considered under paragraphs (1) or (2), including (a) the cost of all containers and covering of whatever nature and other charges and expenses incident to placing the article in condition packed ready for delivery, and (b) costs of transportation; and (4) advantages granted to a foreign producer by a government, person, partnership, corporation, or association in a foreign country.

Thus in the act of 1922 changes of established duties may be made by Executive order to equalize differences in production costs at home and abroad.

In the pending bill such changes may be made by Executive order to equalize differences in conditions of competition between domestic and imported articles in the principal market of the United States.

Now, we all know, gentlemen, that there was no mention made of this change in the report of the committee which accompanied the bill, and the one and only purpose of this change was to clarify the language.

Mr. BECK. Will the gentleman yield?

Mr. CLARK of Maryland. Yes.

Mr. BECK. I think if the gentleman will look at the report of the Committee on Ways and Means he will ascertain that they did refer to it and recommended the change on the ground that the costs of production could not be ascertained.

Mr. CLARK of Maryland. I am very thankful to the gentleman for that correction. I looked for it but did not see it; but what the gentleman says simply confirms what I have already said. In the 1922 flexible sections there is laid down the rule of the differences in the costs of production in making Executive revisions. That rule was circumvented by importers, and it was hard to understand by those who had to apply the rules. It developed very soon in the application of those rules that really what was necessary to be determined in fixing an equalizing duty was not the difference in the cost of production at home and abroad, but the difference in competitive conditions; that the cost of production was only one element of the main thing that had to be determined, and that gave a lot of trouble and made it necessary for the committee to lay down the true fact for determination, namely, the differences in competitive conditions; and you will see that in the rules laid down for the President to follow in arriving at that determination he must take into consideration the differences in the costs of production at home and abroad.

The conclusion, therefore, can not be escaped that no real differences appear except to make the language of the act more conformable to the facts to be investigated and to make effective the equalizing or competitive policy of the bill. I can not see where the President's power is any greater under the 1929 proposal than in the 1922 act. The provision "Any other advantages or disadvantages in competition" in the 1922 act is broad enough to let in every study of competitive conditions mentioned or contemplated in the present or proposed bill. The purpose in both acts is administrative application of the competitive policy in the law to changing facts upon which this law depends. Under the Hawley law foreign circumlocution can no longer defeat investigations and reports within the policy.

Therefore, Mr. Speaker, this change of phraseology between the two acts is made not with a view of changing the fact-finding policy to a theory or rainbow-chasing policy, as has been intimated, but to clarify and emphasize the doctrine of equalization of competitive conditions underlying the entire bill. This policy was prompted by necessity and will be retained as an evolution in orderly and effective legislative procedure.

Mr. BRUMM. Will the gentleman yield?

Mr. CLARK of Maryland. Yes.

Mr. BRUMM. Does not the levying of all taxes depend upon changing conditions from year to year? All taxes of every kind depend upon changing conditions, and, that being so, would the gentleman say that the President could be authorized to levy taxes according to the changing of conditions from year to year?

Mr. CLARK of Maryland. I am stating a principle that you will find back in our law from the very beginning, and I

refer you to the Brig *Aurora* case in Seventh Cranch, which involves practically the same principle, and the Marshall Field case, in One hundred and forty-third United States Reports, a countervailing duty case, involving the construction of the McKinley Reciprocity Act of 1890.

Mr. BRUMM. But the gentleman has not answered. Does not the levying of taxes depend upon changing conditions constantly?

Mr. CLARK of Maryland. Not in the sense, if the gentleman pleases, that the law of Congress is applied to changing conditions in this matter. I do not mean, nor does Congress mean, that it is possible for the President to follow all changes in facts and to make a duty that will equalize every difference that might arise from time to time. What is attempted here is to have this matter, which needs attention at all times, taken care of in the most logical and the most common-sense way.

Do we want this matter of tariff revision brought back into this House every year?

Mr. BRUMM. Yes; if necessary.

Mr. BECK. Will the gentleman further yield?

Mr. CLARK of Maryland. I will.

Mr. BECK. If Congress passed a law to equalize conditions of competition between those who have property and those who have not, would the gentleman regard a law that gave the President of the United States the power to impose income taxes at pleasure to equalize such competition a delegation of legislative power?

Mr. CLARK of Maryland. I do not regard that, if the gentleman pleases, as an analogous case at all. I am here discussing the question of import duties based upon the competitive theory and take the position that if we want to make our law, which is supposed to involve the policy of protection, effective, we have to lodge in some governmental agency the power to apply the policy to changing conditions, especially so since the World War when economic conditions have been disturbed almost to the point of business revolution, and overnight the very conditions upon which a duty is laid might be changed.

The gentleman concedes that if the facts were ascertainable and tangible, the powers granted would be fact-finding powers, but says that when facts are not definitely ascertainable, such as differences in conditions of competition, then discretion and judgment must be exercised, and that in that instance the powers delegated and exercised are legislative.

The same argument was urged in the Hampton case and it was thrown out the window headlong. Such differences can never be fixed with exactness and it is not expected, but the policy is clear and definite and the plan is sensible and sound.

When the law and common sense are in apparent conflict the conflict is compromised or corrected on the side of common sense. Nearest proximity to fact and not 100 per cent exactness is the rule in sensible law making.

Now, the gentleman drew two conclusions of law from this flexible section of the Hawley Act, and I challenge the defensibility of both.

He says that in this legislation Congress has unconstitutionally and unwisely transferred almost absolute power of legislation to the President.

This criticism contains two independent concepts, to which I call attention:

First. He says there has been a transfer of legislative power.

Second. That this transfer is almost absolute and very portentious.

Anything transferred requires the affirmative act of the transferee to recover it. Congress has no authority to transfer any power granted to it.

It has authority to declare by statute a policy and authorize Executive or administrative adjustments necessary to conform to said policy. It has authority to delegate or commit fact-finding and law-applying power.

Is not this what Congress has done in this case—delegated fact-finding authority only, and then authorized Executive application, and so forth?

Now, why has Congress done this? Was it to avoid responsibility? Was it in sheer cowardly abrogation of its law-making prerogatives?

Mr. BECK. I will only ask one further question and then I will not trespass further upon the gentleman's time. Will not the gentleman, before he leaves this answer to my question, explain the distinction so far as the question of the transfer of legislative power between the power of the President to impose an income tax and the power of the President to levy a duty upon imports? Wherein is the distinction from the standpoint of the constitutional power of Congress to impose either class of taxes?

Mr. CLARK of Maryland. In answering the gentleman I would say that the case presented is not an analogous case.

Mr. BECK. Yes. The gentleman said that before, but in what respect is it not analogous?

Mr. CLARK of Maryland. It is not analogous because here we are dealing with import duties in which we are attempting to set up equalization figures for protective purposes.

Mr. BECK. I know, but import duties and income taxes are two different kinds of taxes, and the power of taxation is vested in the Congress. Now, in what respect is there any distinction between the two in giving the President the power to impose either?

Mr. CLARK of Maryland. I think a complete answer to the gentleman is the fact that all the way through the statutory law of this country the question of the term "tax" and the term "duty" is distinguished, and we do not refer to tax when we refer to duties.

A little further on in my speech I had intended to draw a distinction between the word "tax" and the word "duty," as used in the Constitution, and that is one of the criticisms I understand that the gentleman from Pennsylvania brings against the flexible provisions of the 1929 bill.

The gentleman does not only say that it is an attempt to delegate legislative power, he says that it is an attempt to transfer taxing power.

Now, in the case of United States *v.* 49 Demijohns (39 Fed. 402), decided in 1889, the court very carefully went into the history of these two words, duty under the Constitution and tax under the Constitution, and this is what the court said in conclusion:

> In a careful examination of the numerous instances in which the word "tax" is used throughout the entire statutes of the United States, I have failed to find where it can, with any degree of satisfaction, be applied to duties or imports.

The gentleman from Pennsylvania knows and every Member of Congress knows that it was finally adjudged necessary to make the law flexible to meet rapidly changing conditions. When the law is based on a stable set of facts the law can be rigid, but when based on facts that are shifting and changing, the law must have flexibility to make it effective and serve its purpose.

But the gentleman from Texas [Mr. GARNER] says, let Congress take care of flexibility. If competitive conditions change, let Congress change the law after determination of the facts, and so forth. Who wants to throw this fact-finding matter back into Congress?

From the beginning of our legislative history, Congress has applied this identical policy when necessity required it, or wisdom dictated it.

As said in the case of Buttfield *v.* Stranahan (192 U. S.), at page 496, arising under the tea standards act of 1897 involving the same policy:

> Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty, would, in effect, amount to declaring the plenary power vested in Congress to regulate foreign commerce could not be efficaciously exerted.

It should not be necessary to go back of the Hampton case, 1928 (276 U. S. 394), which directly validates the 1922 law on this point. The court said in part:

> The field of Congress involves all and many varieties of legislative action, and Congress has found it frequently necessary to use officers of the executive branch, within definite limits, to secure the exact effect intended by its acts of legislation, by vesting discretion in such officers to make public regulations interpreting a statute and directing the details of its execution, even to the extent of providing for penalizing a breach of such regulation.
>
> Congress may feel itself unable conveniently to determine exactly when its exercise of the legislative power should become effective, because dependent on future condition, and it may leave the determination of such time to the decision of an executive, or, as often happens in matters of State legislation, it may be left to a popular vote of the residents of a district to be affected by the legislation. While in a sense one may say that such residents are exercising legislative power, it is not an exact statement, because the power has already been exercised legislatively by the body vested with that power under the constitution, the condition of its legislation going into effect being made dependent by the legislature on the expression of the voters of a certain district. As Judge Ranney, of the Ohio Supreme Court, in Cin-

cinnati, Wilmington & Zanesville Railroad Co. *v.* Commissioners (1 Ohio St. 77, 88), said in such case:

"The true distinction, therefore, is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring an authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made." See also Myers *v.* Reading (21 Pa. St. 188, 202; Locke's Appeal, 72 Pa. St. 491, 498).

Quoting Judge Mitchell in the case of State *v.* Chicago, Milwaukee & St. Paul Railway Co. (30 Minn. 281), the Supreme Court in this Hampton case further says:

If such power is to be exercised at all, it can only be satisfactorily done by a board or commission constantly in session, whose time is exclusively given to the subject, and who, after investigation of the facts, can fix rates with reference to the peculiar circumstances of each road and each particular kind of business, and who can change or modify these rates to suit the ever-varying conditions of traffic. * * * Our legislature has gone a step further than most others and vested our commission with full power to determine what rates are equal and reasonable in each particular case. Whether this was wise or not is not for us to say; but in doing so we can not see that they have transcended their constitutional authority. They have not delegated to the commission any authority or discretion as to what the law shall be—which would not be allowable—but have merely conferred upon it an authority and discretion, to be exercised in the execution of the law, and under and in pursuance of it, which is entirely permissible. The legislature itself has passed upon the expediency of the law and what it shall be. The commission is intrusted with no authority or discretion upon these questions. (See also the language of Justices Miller and Bradley in the same case in this court. 134 U. S. 418, 459, 461, 464.)

This policy was upheld in the countervailing duty case of Field *v.* Clark (143 U. S. Repts.) arising under the McKinley Reciprocity Act of 1890; in the commission cases arising under the Interstate Commerce Commission act of 1887 and amendments thereto; in the Brig *Aurora* case (7 Cranch 382), arising under the nonintercourse act of 1809, and was applied by Congress as early as Washington's administration in 1794, when power was given the President to lay an embargo on all ships and vessels in the ports of the United States and suspend said embargo "whenever in his judgment the public safety should require it."

Counsel in the Hampton case, appearing against the flexible provision of the 1922 act, sought to distinguish the above cases as not in point, but the court held that the same principle of administrative application of law to changing facts was involved, and that this principle did not constitute delegation of legislative power. This the gentleman from Pennsylvania [Mr. BECK] is willing to concede as the court's interpretation of said act, but criticizes it as the court's pontifical absolution of congressional activities in the delegation of its taxing powers, and then proceeds to condemn the proposed 1929 revision of the flexible provision of said act as a further and constitutionally unwarranted transfer of legislative power.

Now, it was also said that the power delegated to the President was portentious and almost absolute.

Is this true? Did Congress carelessly delegate this power with no limitations? Was nothing done to give the public confidence in the fairness of the President's revisions?

Consider the limitations placed upon the President.

The gentleman from Pennsylvania [Mr. BECK] says that the pending bill gives almost absolute legislative or taxing power to the President. To this it should be sufficient to simply answer that such statement can be only an opinion of the distinguished gentleman, as it is neither a quotation nor even a strained interpretation of any part of the flexible provision section.

The fact is that the law intentionally and expressly puts the responsibility of honest ascertainment of competitive cost conditions in the principal United States markets and the enforcement of this policy upon the President, and then in subsection (e) proceeds to limit these powers to safeguard the public against possible abuse, as follows; listen to this:

1. That no proclamation can be made by the President, i. e., no increase or decrease of duty can be made until a thorough domestic and foreign competitive cost-condition investigation shall have been made by the commission and all differences in competitive conditions ascertained.

2. That the commission shall give public hearings and give reasonable public notice of same.

3. That all parties in interest shall be given reasonable opportunity to be present, to produce evidence, and be heard.

4. That after all this is done, to safeguard the public, and said proceedings have been reported to the President, he may increase or decrease the established duty within the 50 per cent minimum or maximum limit or change the classification, and not until this is done and the amount of duty needed to equalize competitive and cost conditions is determined as provided can the President exercise any duty-changing power under this proposed revision, just as under the 1922 law.

5. The President has no discretion, but is limited to the proclamation of a competitive and equalizing duty, based upon such independent investigation by public authority. This is not a changing of the law by the President but a studied and scientific application of the law.

How, therefore, can the gentleman say that this flexible-tariff section proposes to delegate almost absolute power of taxation to the President?

Now, another major criticism was hurled at this wholesome policy. The gentleman said that this flexible provision was an almost absolute transfer of taxing power.

The Constitution distinguishes between a tax and duty. Loosely, at times tariff duties are referred to as taxes. The proper and restrictive use of the word "duty" all through our statutes and the history of the tariff is that duty refers to tariffs and not to taxes. A tariff duty is not a tax.

In United States *v.* 49 Demijohns, 1889 (39 Fed. 402), the court went very carefully into the history of these two words in legislation. It concluded, as I have already indicated, by saying:

In a careful examination of the numerous instances in which the word "tax" is used throughout the entire statutes of the United States, I have failed to find one where it can, with any degree of satisfaction, be applied to duties on imports.

There is an additional reason why taxes are not contemplated in this flexible provision. Everyone knows that the whole purpose of this section is for protection through an equalizing or competitive duty. No one has mentioned tax in the whole debate. It was never in the mind of a single Congressman except, apparently, the gentleman from Pennsylvania.

The fact is that under the surface of this gentleman's effort is an evident purpose to discredit an established and most wholesome policy, one that has become necessary and indispensable in the evolution of reasonable and orderly legislation. In this effort he has the hearty cooperation of traditional and obstructive Democratic assistance. His entire argument contains nothing new, but is a repetition of Democratic thought and argument on this subject since it first arose early in the history of American legislation.

Now this is the common sense of the whole matter: In the administration of a tariff law it is obvious under shifting world-wide economic conditions that it might become necessary in pursuance of a protective policy to make some ad interim adjustments or revisions, depending upon existence or nonexistence of certain facts. This necessity was accentuated after the war, when things happened quickly, when economic conditions were unsettled and uncertain. Is the authority to find these facts and apply the law as this Congress proposes it a delegation of taxing authority? If any Member of this Congress thinks so, I ask him or her to produce a case of last resort sustaining such contention. This is old legislative practice, and just such speeches as the gentleman from Pennsylvania [Mr. BECK] has made opposing such practice are just as old. I had hoped that after the Hampton case this policy of administrative application of law to changing facts, after decades of trial and success, had obtained a status of immunity from further Democratic assault and most certainly from responsible Republican assault.

The time has come when Congress can not exercise certain powers intelligently and satisfactorily without the delegation of fact-finding and law-applying authority, and the future will have further delegations of the same character as we progress and business relationships and conditions become more complicated. This policy itself is protective and progressive in character and there is no substantial public opposition to it, and never has been. Whenever abused, it can be easily corrected.

Let me ask you this question: Does the country want railroad rate making thrown back into Congress? The principle is the same. Take the delegation of congressional power to fix railroad rates: The time came when Congress could no longer cope with railroad rate-making requirements. Rate regulation depended upon a complexity of facts pertaining to rates and practices that were shifting and changing with changed conditions. What happened? Congress said we will pass an interstate commerce act establishing the law and create a commission to administer this law. We will, as a part of this law, authorize the commission to determine the facts to which the law applies and fix the rates accordingly. It was originally held by the courts that the commission under said delegation of authority could only declare as unreasonable, rates initiated by the carriers. By the Hepburn amendment of 1906 the commission was given authority to fix maximum rates by applying the law to changed

conditions requiring rate revisions. The rates when fixed were adjudged to be tantamount to congressional enactments.

Congress had never delegated this fact-finding authority until it became necessary to protect the rights and interests of the people. This is true of the flexible tariff. The public wanted it and is satisfied with it, and the public is satisfied with the flexible tariff provisions of the pending bill. Congress will always determine its tariff policy and make its tariff laws, but Congress will more and more find it necessary to delegate the finding of facts, upon which the law depends for its successful administration, to executive or administrative agencies.

I hold in my hand a volume of 125 closely typed pages containing the cost of production facts and figures in a presidential investigation case. The subject is tomatoes, only one of thousands. And yet the gentleman from Texas [Mr. GARNER] would throw back into this Congress duty adjustments under the flexible provisions providing for the appointment of a commission of four persons to make investigations and report directly to this body for action. The public does not want any such procedure as it would be a backward step. This would involve constant tariff controversies on the floor of Congress, the result of which would be anything but orderly and efficient legislation all along the line.

What would happen if we were to bring into this Congress the complicated western, southern, and eastern freight classifications and thousands upon thousands of class and commodity rates upon our railway systems? We would not know where to start nor how to start in the direct regulation of fixing of such rates. Or suppose we were to provide that the Interstate Commerce Commission should report its findings upon all rate questions to this Congress for direct action. What would be the result? The fact is that it was hoped that the Tariff Commission would have the effect of taking the tariff out of politics entirely and eventually place it, just as railroad rates are now, in the hands of an expert commission for scientific adjustment based on declared congressional policy or law.

Can it now be said that we have delegated lawmaking power to the Interstate Commerce Commission? Have not the commission cases definitely determined this question? Concerning railroad rates, somewhat different, technically speaking, from tariff duties, we have declared the common law and have established the commission with authority to apply this law to changing facts in the establishment of rates that will yield a fair return on a fair value. But that does not alter the fact that every item of law in the Interstate Commerce Commission act and amendments thereto has been declared by Congress. When the rate is ordered by the commission it is tantamount to and becomes a part of the law, not by what the commission has done in the abstract but by the provision of the law itself. The same is true in principle with respect to the flexible provisions of the tariff law, and I am opposed to any departure from this most valuable, wholesome, wise, and necessary policy until and unless it shall be found to be unworkable as a legislative expedient.

I am just as jealous of the integrity of our Constitution as the gentleman from Pennsylvania or any other Member of the House, but whenever it is possible to reconcile the Constitution with common-sense legislation, such as this is, I believe it strengthens the Constitution in the admiration and affection of the people by favoring such reconciliation. [Applause.]

PROHIBITION ENFORCEMENT

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. SCHAFER of Wisconsin. Mr. Speaker, this morning's press carries an article describing another tragedy which indicates that the prohibition law is creating a citizenry of lawbreakers and murderers instead of law-respecting citizens.

The Associated Press report from International Falls, Minn., appeared in this morning's Washington Post, as follows:

BORDER DRY PATROL SHOOTS MAN DEAD—AUTOIST FAILS TO HALT AT ORDER AND FUSILLADE FOLLOWS; INQUIRY IS BEGUN—TWO CHILDREN IN MACHINE

INTERNATIONAL FALLS, MINN., June 9 (A. P.).—Henry Virkula, 41, Big Falls (Minn.) merchant, was shot and killed while driving home in an automobile with his wife and two children near here last night when he failed to stop at the command of border patrolmen assigned to liquor-smuggling duty.

County police who launched an investigation said there was no evidence of liquor in Virkula's automobile. Two empty bottles were found, but proved to have been medicine containers, police said.

Virkula's wife claimed her husband was shot before he had an opportunity to stop his automobile. She said the machine traveled little more than 10 feet after the command was given, when a fusillade of bullets penetrated the car.

E. J. White, appointed to the border patrol forces a few months ago, admitted firing the shots which killed Virkula. White was accompanied by E. V. Servine, also a newly appointed border-patrol man. Both officers have been temporarily suspended while the shooting is being investigated.

County Attorney David Hurlburt, of Koochiching County, declared charges will be preferred against White if a coroner's inquest, scheduled for to-morrow morning, discloses the shooting was without cause.

Virkula was shot through the neck, and death was instantaneous. The shooting occurred about 11.30 o'clock last night. The body was brought by the patrolmen to this city, where Virkula's aged parents reside. The slain man operated a confectionery at Big Falls.

The shooting was done with sawed-off shotguns. The automobile was dented with shot in about 26 places.

Superior officers of the two patrolmen said that officers have been warned to shoot only in self-defense. A report of the affair has been sent to headquarters at Grand Forks, N. Dak.

White and Servine refused to comment on the shooting.

The two patrolmen's duties consisted chiefly of watching for liquor runners from Canada. The shooting occurred about 15 miles south of the Canadian border. The men make their headquarters at International Falls, on the Canadian border.

I rise at this time to ask that the departments in charge of law enforcement in America make every effort to send these murderers to the penitentiary and thereby broadcast to every part of the Nation that peaceful and law-abiding citizens of our Republic can take an automobile trip with their family without being deliberately murdered by some inefficient law-enforcement officer who believes that the prohibition law is the only law of the land and is paramount to the laws that protect human life and prevent murders. [Applause.]

THE SENATE EXPORT DEBENTURE AMENDMENT EXPLAINED

Mr. HASTINGS. I ask unanimous consent to extend my remarks in the RECORD.

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

There was no objection.

Mr. HASTINGS. Mr. Speaker, the Senate export debenture amendment, in brief, provides that when the Federal farm board created under this farm marketing bill finds it advisable to carry out the policy as declared in section 1 of the bill, the board shall notify the Secretary of the Treasury to issue debentures or certificates to the exporters of agricultural commodities and their manufactured products to the amount of 50 per cent of the tariff on these products. There being no tariff on cotton, the amount of the certificates is fixed at 2 cents per pound, or $10 per bale.

I favor this amendment for two reasons:

First, it is optional with the farm board created by the bill as to whether it will go into effect, and, if the board finds that agricultural products can be stabilized under the other provisions of the bill, then this debenture amendment will not become operative; and it goes into effect only when the board finds it advisable and necessary to put it into effect to assist agriculture. Now, just what possible harm could that do? It gives the authority to the board to be exercised only when the board finds it necessary to accomplish the purposes as set forth in section 1 of the bill to stabilize agricultural commodities and the products processed and marketed thereunder.

Second, I favor the amendment for the reason, as I have attempted to show at length in a general speech I made on the tariff bill May 21, 1929, that the tariff is ineffective so far as those agricultural products are concerned, of which we regularly raise an exportable surplus. This amendment seeks to make the tariff effective as to those agricultural products.

Now, let us illustrate with wheat, cotton, and corn:

We regularly raise an exportable surplus of each of these products. In the calendar year 1928 we exported of wheat and its products 206,258,610 bushels. There is a tariff of 42 cents per bushel on wheat. We imported last year one-fortieth of 1 per cent of the amount of wheat we produced. The tariff therefore is ineffective as to wheat. This debenture amendment would give the exporters of wheat 50 per cent of the tariff, or 21 cents per bushel. The purchasers for export of wheat and its products would therefore not only pay to the producers of wheat the price which the foreign market justified, but in addition the 21 cents per bushel authorized by the debenture amendment.

As to cotton, we exported in 1928, 8,546,419 bales. The exporters would receive debenture certificates of 2 cents per pound,

or $10 per bale, and would, therefore, pay the cotton producers, as they do now, the price which the foreign market justifies and in addition the extra 2 cents per pound.

As to corn, the rate now carried in the pending tariff bill is 25 cents per bushel. We exported last year 25,000,000 bushels of corn. The exporters of corn would fix the price, as they do now, based upon the foreign market and in addition add the amount of the debenture certificate, which would be 12½ cents per bushel.

As to wheat, corn, and cotton, the price would be reflected back, and would increase the amount which the original producer or farmer gets for his products. At present he gets nothing because of the tariff, but he pays higher prices for everything that he buys, and to that extent contributes to the prosperity of the industrialists of the East.

Last year we received the sum of $565,501,000 collected as duties because of the tariff. Those export debenture certificates given to the exporters of agricultural products, including wheat, cotton, and corn, would be receivable at the customhouse at par value. The discount paid for these certificates by importers of other commodities would be very slight, certainly not more than 5 per cent.

Let us illustrate again with these three products. If we exported in round numbers 200,000,000 bushels of wheat and the exporters received certificates for 21 cents per bushel, the exporters in the aggregate would receive $42,000,000 in debenture certificates.

The exporters of cotton, based on the 8,500,000 bales exported, in round numbers, would receive 2 cents per pound, or $10 per bale, or $85,000,000 in debenture certificates.

As to corn, the exporters would receive 12½ cents per bushel, or approximately $3,000,000 upon the approximately 25,000,000 bushels of corn exported last year.

Add the debenture certificates as to each of these three products, and they will approximate $130,000,000; and it is estimated that debenture certificates as to the other products exported may increase this amount to approximately $140,000,000. These certificates will be received and accepted in lieu of money at the customhouse, which would reduce the amount of money received and paid into the Treasury on account of customs duties—which amounted last year to $565,501,000—by the sum of about $140,000,000, or to approximately $425,000,000. This amount will not only benefit the farmers by increasing the foreign price of agricultural products but will raise the domestic price of wheat, corn, and cotton, and the other products consumed, in our own country, because the domestic market will have to meet the foreign market plus the amount of the debenture certificates.

Last year we imported only one-fortieth of 1 per cent of all the wheat grown in this country. We imported only a very small quantity of a special kind of long staple cotton, and about one-fiftieth of 1 per cent of the amount we produced, or a negligible quantity of corn. Hence a tariff or import duty as to these products, as everyone knows, is ineffective. No one who has any respect for his mental integrity now argues in either House that a tariff is effective as to those products of which we regularly raise an exportable surplus.

During campaign years we often hear much talk of how the farmer is to be benefited by the tariff, but the argument is always in general terms and never specific; and how wheat, corn, and cotton are to be benefited is not discussed in detail. Only generalities are indulged in. Every farmer should demand of the speaker just how the producers of cotton, wheat, and corn are to be benefited. Ask him to go into details and you will embarrass him and he will change the subject.

Now this debenture certificate amendment makes the tariff effective as to those farm products of which we regularly raise an exportable surplus, and it is the only way advanced that will do it.

The tariff is effective as to manufactured articles because it raises the tariff wall against competition of foreign manufactured products brought into this country and enables our domestic manufacturers to raise the price to the consumers.

Now, this debenture amendment is an effort to make the tariff effective as to the things which the farmer raises. All Senators from the agricultural States, which are not dominated by large cities, favor the plan because they know that the tariff is not effective as to these farm products otherwise.

It is urged that the tariff makes the manufacturers in the East more prosperous and enables them to consume more farm products. On the other hand, the issuance of debenture certificates will increase the price which the farmer gets for his products and make him more prosperous and will enable him to buy and use more of the manufactured products.

With a moderate tariff there would be no necessity for the issuance of the debenture certificates, but with such an excessive tariff bill as that which recently passed the House and which is now pending in the Senate, raising the rates on practically everything which the consuming public must buy, the debenture certificate amendment will in a small measure tend to equalize the farmers with the industrialists of the East. You call it a subsidy. Well, the tariff is special privilege legislation which enables the manufacturers of the East to force the consuming public to pay a higher price for the goods which they manufacture. This is only rebating back to the farmer a small part you extract from him by special-privilege legislation.

This debenture amendment will enable the farmers to get more for the products they raise, measured by the foreign price plus the debenture certificate, and will advance the price of goods consumed in the domestic market. You can argue around it in every way you choose, but there is no doubt but what the issuance of these debenture certificates will enhance the amount which will be received by the farmers for the products which they raise.

It is urged that the producers will not receive this advanced price. Everyone knows that is not true, because the purchasers for export will pay the price justified by the foreign market, plus the amount of the debenture certificates.

It is urged that this will benefit those who have bought up large quantities of farm products and who are holding them for export. Unfortunately that is true. At the same time, however, it must be remembered that the passing of this tariff bill, raising the duty on manufactured articles, will enable the manufacturers of the East to raise the price on goods already manufactured and held by them.

The National Grange and other organizations composed of more than 800,000 members, have been advocating the export debenture plan for a number of years. There is no question but what it will advance the price of farm products so that the producers will receive more for them. If we are to have a higher tariff on every manufactured product which the consumers of the country must buy, then the debenture certificate is justified in making this tariff effective as to the products produced by the farmers of the country. No other way is proposed to place the producers of agricultural products on an equality with industry. Either lower the excessive tariff duties on the necessaries which the consumers buy or equalize the farmers in the way proposed by this amendment.

CENSUS—REAPPORTIONMENT—ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that the conferees on the part of the House on the census and reapportionment bill may have until midnight to-night to file their report.

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

Mr. GARNER. Reserving the right to object, may I ask the gentleman a question—what is the program for the balance of the week?

Mr. TILSON. To clean up such matters as are left and which we should attend to. Then if nothing else happens, we may enter into some sort of arrangement for 3-day recesses.

Mr. GARNER. The gentleman has no hope of anything except the gentleman's agreement in the House for recesses of three days during the summer?

Mr. TILSON. Not so far as has been developed up to this time.

Mr. GARNER. The gentleman uses an expression that covers quite a good deal of territory, when he says to consider such things as ought to be considered. I want to say to the gentleman, so that the RECORD will show it and Members can understand it, that as far as my own individual responsibility goes I am not going to give consent for the consideration of bills except those that have had committee consideration. I understand that there are two propositions before the House that have had joint committee consideration. One is completed and they have made a complete and unanimous report. The other has made a partial report upon which some action should probably be had. I am not in sympathy with the legislation, but I do not feel like taking the responsibility of refusing unanimous consent for its consideration, since it is a complete work, authorized by the Seventieth Congress and reported to the Seventy-first Congress. Outside of those two bills I hope the gentleman from Connecticut [Mr. TILSON] will take the responsibility of saying no to those gentlemen who ask for the consideration of other measures.

Mr. HASTINGS. If the minority leader would be a little more specific in reference to these two bills I think the Members on this side of the House would be very grateful.

Mr. GARNER. Mr. Speaker, I shall be very glad to state to the gentleman just what they are. In the Seventieth Congress we organized a Joint Committee on Aviation for the District of Columbia. As I understand it, that committee has

partially completed its labors. The President of the United States has sent to the Congress a budget of $500,000 in order to get options on land for an airport. That is a unanimous report, as I understand it. It is an emergency measure, according to the President's statement, and I believe it to be a fact that it will be advisable to pass this bill at this time, because it will save the Government money.

The second proposition is this: A joint committee was created by the Seventieth Congress to readjust the salaries of the employees of Congress. As I understand it, that committee has completed its work and has made a unanimous report. While I am not in sympathy with the latter legislation, I do not feel that I ought to stand in the way of its consideration since it is a completed report, and we might as well consider it one time as another.

Mr. HASTINGS. May I ask the gentleman a further question? Some of us on this side are interested in the resolution to postpone the payment by France of the $400,000,000 on August 1. That was to come up in the House for consideration I think last Wednesday, but for some reason it was not called up. We would like to know whether it is the intention to have that resolution called up for consideration before the recess?

Mr. TILSON. I do not know what the gentleman means by "before the recess."

Mr. HASTINGS. Before this agreement for 3-day recesses. As I understand the colloquy between the majority and the minority leaders there is going to be some agreement for some recessing pretty soon.

Mr. TILSON. So far as the resolution to which the gentleman from Oklahoma refers is concerned, that has been regularly reported out by one of the standing committees of the House and is ready for consideration. Of course, the gentleman from Texas [Mr. GARNER] did not mean to include this particular resolution.

Mr. GARNER. If the gentleman will pardon me, I will say this with reference to that resolution, that it will not be considered by unanimous consent, because I am opposed to it, as the gentleman knows. While I am on that may I say to the gentleman from Oklahoma [Mr. HASTINGS] and the gentleman from Connecticut [Mr. TILSON] that that resolution, in my judgment, will not be passed prior to the 1st day of July, when it must be considered by France.

Mr. TILSON. The 1st day of August is the date in question.

Mr. GARNER. Some gentlemen in another body—in fact, the Senate—have strongly intimated that that resolution would not be passed except after extended debate. I suggest to the gentleman from Connecticut [Mr. TILSON], before he undertakes to force that resolution through the House, that he consult gentlemen in another body and see whether it is necessary to put this House up against the passage of such a resolution without some hope of its becoming a law.

Mr. TILSON. I simply meant not to include this resolution in any agreement made here. As to other matters, I wish to say to the House, as I have stated to the gentleman from Texas [Mr. GARNER] on repeated occasions, that I am willing to say that, except for the major business for which we came here—which has now gone through the House and most of which is now pending in another body—only emergency matters should come up; and I have indicated upon a number of occasions what I mean by emergency matters. It does not mean legislation that must be passed in order to prevent the death of some one. It simply means that if the Government is to otherwise suffer loss, or if there is to be great inconvenience to the public in case certain legislation fails to pass, or if in some other way it appears that the public interests may suffer if certain legislation be not passed, I should regard it as an emergency.

Mr. GARNER. We might as well have some understanding about it. I think the gentleman's duty is first to take the responsibility. I wish hereafter, if he O. K's a bill, he would put his O. K. upon it and sign his name to it, so that I might know that he has already passed upon it before the matter comes to me.

Mr. TILSON. I shall try to do that, or to at least talk to the gentleman personally about it, if it is some matter that has not before been considered.

Mr. LINTHICUM. Is it the purpose of the gentleman to take up any further matters from the Committee on Agriculture?

Mr. TILSON. I do not know as to that. If any of the measures reported out by that committee can qualify under the term "emergency," as I have described it, I will at least be open to consider whether it shall receive consideration.

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

Mr. TILSON. Yes.

Mr. MAPES. I would like to ask the gentleman from Texas [Mr. GARNER] a question. The gentleman has referred to the report of the joint committee on salaries for employees in the Capitol. I have been unable to get hold of a copy of any such report. Is that report available?

Mr. GARNER. The gentleman will have to see the committee. I have not seen a copy of it, but I am told that it will increase the cost of running the Congress to the extent of about $860,000 a year. That statement has been made to me, but I will not enter an objection now. It undoubtedly will be considered later on.

Mr. MAPES. Does the gentleman know where a copy of the committee report can be had?

Mr. GARNER. I suggest that the gentleman consult the prospective chairman of the Committee on Appropriations [Mr. WOOD]. If he does that, I think he will get it.

Mr. MAPES. One of the pages has just returned from the Committee on Appropriations and told me that he was unable to get it.

Mr. LEAVITT. Mr. Speaker, I am interested to know whether this agreement which was referred to in the colloquy between the gentleman from Connecticut [Mr. TILSON] and the gentleman from Texas [Mr. GARNER] would have anything to do with a bill having to do with an emergency that is really very urgent, about which I am concerned. Of course, I understand I would have to make my case to the gentleman from Connecticut.

Mr. TILSON. I will say to the gentleman that when matters have not been considered by a committee, the gentleman would also need to go to the prospective chairman and ranking member of that committee before coming to me. In other words, it would have to be by general agreement rather than as a matter of right.

Mr. GARNER. I will say that a number of gentlemen, including the gentleman from Montana [Mr. LEAVITT], have been to my office inquiring about legislation. I suggested in each instance that they consult the ranking members of the prospective committees of the House. There is only one other condition to make. I know of only one other Democrat who is to be considered. There is a gentleman on this side, the gentleman from Indiana [Mr. LUDLOW], who wanted a resolution considered having to do with General Pulaski, and I think I would insist that be considered before I consented to other particular matters receiving consideration.

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

Mr. GARNER. Yes.

Mr. ANDRESEN. Will the gentleman propose to consider the report on the national origins?

Mr. TILSON. I can not say as to that.

Mr. ANDRESEN. Would the gentleman feel that the House should stay in session until that is disposed of?

Mr. TILSON. I can not answer that question. The action of the Senate or nonaction on the part of the Senate would determine that question.

Mr. GARNER. As I understand it, when you have completed your reports on the farm relief bill and the census bill, so far as this House is concerned, we shall have completed what we came here to do?

Mr. TILSON. Unless the Senate acts on the national origins bill, that is true.

Mr. GARNER. I understand, but does the gentleman propose that the House should remain in session for an indefinite time awaiting for the consideration of the national origins bill by the Senate? Does the gentleman propose to keep us here waiting for a decision on the part of the Senate on the repeal of the national-origins provision? I think the gentleman ought to try to accommodate the membership by hastening the consideration of things that are necessary.

Mr. TILSON. I shall be glad to do all that is possible to hasten consideration on all of these things, but the delay will not be here.

Mr. SIMMONS. I suggest that on the national-origins proposition the House should pass the same resolution that we have heretofore passed. There is no reason why we should not act on it again when we have acted twice on it heretofore.

Mr. STAFFORD. Is it the purpose of the gentleman to call back the membership of the House to vote on the national-origins proposition in the contingency that the Senate should pass it in the last week in June?

Mr. TILSON. We are here to transact the public business.

Mr. STAFFORD. That is one of the bills which the President says should be considered at this session, and yet we are not acting upon it. What is the objection to the suggestion of the gentleman from Nebraska [Mr. SIMMONS] that we should pass the same resolution that has heretofore been passed and thus

rid us of the responsibility? In my opinion, we should put it up to the other body.

Mr. TILSON. It is already pending before the other body.

Mr. STAFFORD. If the Senate postpones action upon it until the latter part of June, will this body be required to remain here to consider it?

Mr. CHINDBLOM. We should stay here as long as may be necessary to transact public business, even if it runs to July 1 or beyond July 1.

Mr. TILSON. Mr. Speaker, did I get permission for the conferees on the part of the House to file a report on the apportionment bill?

The SPEAKER. The Chair put it the second time, and there was no objection.

DEATH OF FORMER REPRESENTATIVE GODWIN, OF NORTH CAROLINA

Mr. DOUGHTON. Mr. Speaker, information has been received here of the death of Hon. Hannibal Lafayette Godwin, who represented the sixth district of North Carolina for about 12 years. I desire to make that announcement at this time.

FARM RELIEF

Mr. CANNON. Mr. Speaker, I ask unanimous consent to proceed for five minutes on the farm bill.

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

There was no objection.

Mr. CANNON. Mr. Speaker, if the predictions made by to-day's newspapers are accurate, there is every likelihood that the Senate will reject the conference report on the farm bill and insist that the House vote on the debenture plan.

That is the logical position for the Senate to take. Except in conferences on supply bills, it has always been the custom for the conferees of a House which has not voted specifically on a disputed provision to yield to the House which has voted on it or to return it to their body for further consideration and a record vote.

That is precisely the situation in which the two Houses find themselves on the farm bill. The Senate after days of debate adopted the debenture plan by a yea-and-nay vote. Their conferees are therefore specifically committed to its support. On the other hand, the House leaders have consistently refused to permit a direct vote on the debenture plan, and it is therefore incumbent on its conferees to yield or to bring it back and permit the House also to vote on it.

But the House leadership and the House conferees have been singularly stubborn on this point. They have been so emphatic in their refusal that the Senate conferees report that they finally yielded for the reason that farm legislation could not have been secured at this session of Congress if they had stood on their rights. In other words, Mr. Speaker, the House leadership and the House conferees are willing to see the bill die in conference—willing to see their campaign pledges repudiated and all hope of farm relief lost at a time when farm products are at the lowest level in the history of the Nation—rather than take a vote on the debenture plan.

Now, that is a remarkable situation. It will take only 40 minutes by the clock to call the roll of the House and see how the Members of the House stand on the debenture plan. It is the one greatest issue raised in this session of Congress called to aid the farmer. The Senate has solemnly voted for it. The President has issued two open letters on it. It has been discussed in every newspaper in the United States. It is the one thing that is delaying the farm bill promised by both parties—and at a time when wheat is selling as low as 74 cents a bushel for the first time in a decade. The Senate conferees officially announce that they will promptly recede the instant the House takes a vote on it. And yet the House leadership and the House conferees refuse to give the House that opportunity.

We are about to adjourn in the middle of the afternoon because we have no business to transact. If they will bring the bill in now and let us vote on it we can settle this matter and have the bill on the way to the White House before sundown.

Why will not they let us vote on it? Because they know the conferees do not represent the sentiment of the House. The Republicans on the committee of conference do not represent the Republicans and certainly the Democrats on the committee do not represent the Democrats of the House. They know that the majority of the Members of this House favor the adoption of some method of making the tariff as effective on farm products as it already is on industrial products. And they do not dare permit a vote which would send to the President a bill which would really redeem the promises he made during the campaign of giving agriculture economic equality with industry.

The refusal to permit Members of Congress to vote on this question is subversive of representative government. We have a right to vote on the one issue which is delaying farm relief. And the people at home have a right to know how we vote on it. Refusal to allow a vote on the debenture plan is a travesty on democratic government. But it is more than that. It is a violation of the American spirit of fair play. Never before within the memory of the oldest Member of this House have the rights of the opposition been so flagrantly disregarded as in the consideration of this bill. It began with the introduction of a rule setting aside rules of the House and giving control of all time for debate to those favoring the bill as reported. It is always the rule—and the only fair rule—to divide control of the time for debate equally between those favoring and those opposing a measure. Never before has a major bill been considered under such unfair circumstances. And when the bill came up the power was exercised despotically. A Member criticizing the bill was allowed 15 minutes or no time at all, when entire days were devoted to speeches praising the bill and opposing any change in it.

When amendments were offered to give the farmer the benefit of increased prices points of order were made and unanimous consent was refused, and every care was taken to avoid a direct vote on either the equalization fee or the debenture plan.

When the bill came over from the Senate with the debenture plan added it would have been proper under the rules of the House to have given two opportunities to vote on it in the House. But a drastic rule was brought in again setting aside the rules and sending the bill to conference without a vote on any part of it. And five conferees were appointed, every one of whom was irrevocably committed against the debenture plan, and could be relied on to deny the House a vote on it.

But the most arbitrary violation of the rules of the House came in the consideration of the conference report. It was decided to limit debate on the conference report to one hour. Ordinarily, of course, half the hour would have been controlled by those favoring the conference report and half by those opposing it. But not a minute—not one minute—was allotted to those opposed to the adoption of the report. No man who voted against the conference report was allowed to speak. And the refusal was premeditated and emphatic. It was as if in a court of justice the judge would hear the witnesses and argument of one litigant and then send the case to the jury without permitting the other side to be heard. Even a request for unanimous consent for one minute was refused.

Now, no reference to these excellent gentlemen in charge of the steam roller during the consideration of the farm bill is intended as a reflection upon them, or any of them, individually. Personally they are the finest fellows in the world, and I entertain for every one of them a sincere regard and a deep affection. They are without exception men of the highest character and of unimpeachable integrity. But officially they have shown themselves as ruthless as any pirate that ever scuttled a ship or hoisted the black flag on the Spanish Main.

One of the fundamental passions in the breast of the average American is the love of fair play, for a square deal, the preservation under all circumstances of the spirit of true sportsmanship. And yet the disregard for fair play which has characterized the passage of this bill through the House would, if by a wide stretch of the imagination it could be carried to its logical conclusion, justify a pot shot into a huddled covey of quail or the dynamiting of a pool of black bass.

I trust the Senate will again demonstrate its regard for the immemorial rules of conference and insist that the House vote on the most important question that has arisen in this session of Congress. We are sent here for precisely that purpose—to vote openly and fearlessly on the great questions affecting the welfare of the Nation, not to dodge and scuttle about like creatures of the dark through devious bypaths and underground tunnels.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. CROWTHER (at the request of Mr. HANCOCK), for five days, on account of important business.

To Mr. WAINWRIGHT, on account of important business.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 14 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 11, 1929, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARBOUR: A bill (H. R. 3820) to amend section 1 of an act entitled "An act to provide for stock-raising home-

steads," and for other purposes, approved December 29, 1916; to the Committee on the Public Lands.

By Mr. HULL of Tennessee: A bill (H. R. 3821) to amend the Federal water power act and to more clearly define and declare Federal and State water-power policy; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: A bill (H. R. 3822) to regulate interstate commerce by motor vehicles operating as common carriers of persons on the public highways; to the Committee on Interstate and Foreign Commerce.

By Mr. QUAYLE (by request): A bill (H. R. 3823) to provide a simple and sound circulating currency; to the Committee on Banking and Currency.

By Mr. SPROUL of Kansas: A bill (H. R. 3824) amending sections 7, 21, 23, 24, 25, 29, and 33 of title 2 of the national prohibition act, contained in the amended and annotated Code of Law for the District of Columbia, dated June 7, 1924, and providing certain duties for different officers of the District of Columbia, and penalties for failure to discharge those duties, defining vagrancy, and prescribing penalties within the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 3825) providing procedure for the removal of corrupt public officials, and defining certain crimes and prescribing penalties therefor in the District of Columbia; to the Committee on the Judiciary.

By Mr. WHITE: A bill (H. R. 3826) to provide for a 5-year construction and maintenance program for the United States Bureau of Fisheries; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 3827) to define more clearly the authority of consular officers of the United States in certain respects; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 3828) to amend section 4580 of the Revised Statutes of the United States respecting the liability of vessels for the care of seamen guilty of certain offenses; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 3829) to amend section 4581 of the Revised Statutes of the United States to provide more adequately for the discharge, maintenance, and repatriation of seamen in foreign ports; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 3830) relating to the carriage of goods by sea; to the Committee on the Merchant Marine and Fisheries.

By Mr. JAMES (by request of the War Department): A bill (H. R. 3831) to provide for the retirement of enlisted men of the Philippine Scouts, and for other purposes; to the Committee on Military Affairs.

By Mr. LaGUARDIA: A bill (H. R. 3832) to amend section 211 of the Criminal Code (title 18, sec. 334, of the U. S. Code of Laws) relating to mailing obscene matter and as amended exempting from the provisions thereof matter regarding sex hygiene or sex education, providing same is a medical or scientific publication or is issued or approved by an officer or department of the United States, a State or subdivision thereof; to the Committee on the Post Office and Post Roads.

By Mr. WOOD: Joint resolution (H. J. Res. 102) making an appropriation for expenses of participation by the United States in the meeting of the International Technical Consulting Committee on Radio Communications, to be held at The Hague in September, 1929; to the Committee on Appropriations.

By Mr. CARTER of California: Joint resolution (H. J. Res. 103) to ascertain which was the first heavier-than-air flying machine; to the Committee on Military Affairs.

By Mr. BRUNNER: Joint resolution (H. J. Res. 104) making June 14, commonly known as Flag Day, a legal national holiday; to the Committee on the Judiciary.

By Mr. STALKER: Joint resolution (H. J. Res. 105) to create a joint congressional committee relating to the reorganization and concentration of the agencies connected with prohibition enforcement, and for other purposes; to the Committee on Rules.

By Mr. MURPHY: Resolution (H. Res. 52) to pay the funeral expenses of Prince Robinson, late an employee of the House of Representatives; to the Committee on Accounts.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to call a convention for the purpose of proposing amendments to the United States Constitution; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 3833) for the relief of Gilbert P. Chase; to the Committee on Naval Affairs.

By Mr. BEERS: A bill (H. R. 3834) granting a pension to Susan C. Aurand; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3835) granting a pension to Gertrude K. Miller; to the Committee on Invalid Pensions.

By Mr. BOWMAN: A bill (H. R. 3836) granting a pension to Clorinda Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3837) granting a pension to Ellen Judy; to the Committee on Invalid Pensions.

By Mr. CROSSER: A bill (H. R. 3838) to authorize the President to reinstate Guy H. B. Smith, formerly captain, Fourth United States Infantry, in the Army; to the Committee on Military Affairs.

By Mr. EVANS of California: A bill (H. R. 3839) granting a pension to Mary E. Taylor; to the Committee on Invalid Pensions.

By Mr. HANCOCK: A bill (H. R. 3840) for the relief of Charles D. Shay; to the Committee on Claims.

By Mr. LEECH: A bill (H. R. 3841) for the relief of Isabelle Moody; to the Committee on Military Affairs.

By Mr. LOZIER: A bill (H. R. 3842) granting an increase of pension to Mary F. Musick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3843) granting an increase of pension to Emma Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3844) granting an increase of pension to Clarinda Briggle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3845) granting an increase of pension to Sarah A. Hawkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3846) granting an increase of pension to Mary C. Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3847) granting an increase of pension to Roxie Fellows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3848) granting an increase of pension to Christena Warner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3849) granting an increase of pension to Esther Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3850) granting an increase of pension to Martha E. Walston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3851) granting an increase of pension to Lelah A. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3852) granting a pension to Nancy A. Lynn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3853) granting a pension to Lillie Belle Engleman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3854) granting a pension to Elizabeth Stark; to the Committee on Invalid Pensions.

By Mr. MOREHEAD: A bill (H. R. 3855) granting a pension to Lydia M. Walton; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 3856) granting an increase of pension to Anna C. Curtis; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 3857) granting an increase of pension to Winifred Whitney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3858) granting an increase of pension to Evelyn L. Varnham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3859) granting a pension to Julia L. Libby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3860) granting a pension to William F. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 3861) granting a pension to Mary J. Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 3862) to remove the charge of desertion from the naval record of John C. Warren, alias John Stevens; to the Committee on Naval Affairs.

Also, a bill (H. R. 3863) for the relief of Dr. W. H. Parsons; to the Committee on War Claims.

PETITIONS, ETC.

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

645. Petition from the Maryland State and District of Columbia Federation of Labor, urging Congress to provide sufficient funds to maintain naval strength as agreed to by the Washington treaty of 1922; to the Committee on Naval Affairs.

646. Petition from the Maryland State and District of Columbia Federation of Labor, urging Congress to enact a more liberal retirement law; to the Committee on the Civil Service.

647. By Mr. BOHN: Petition of members of Charles A. Learned Post, No. 1, Department of Michigan, American Legion,

urging passage of Senate bill 1222; to the Committee on World War Veterans' Legislation.

648. By Mr. FOSS: Petition of Horace Mann and 100 other citizens of Massachusetts, protesting against any revision of the calendar; to the Committee on Foreign Affairs.

649. By Mr. HOPE: Petition signed by members and friends of the Grand Army of the Republic and Women's Relief Corps of Garden City, Kans., urging the early consideration of the Robinson bill (S. 477); to the Committee on Invalid Pensions.

650. By Mr. JENKINS: Petition signed by 60 citizens of Eureka, Ohio, urging the Congress of the United States to take immediate steps at the special session to bring to a vote a Civil War pension bill carrying rates of $72 per month for every Civil War survivor, $125 per month for every Civil War survivor requiring aid and attendance, $150 per month for veterans totally blind, and $50 per month for every Civil War widow; to the Committee on Invalid Pensions.

651. By Mr. MOREHEAD: Petition signed by more than 50 people, urging Congress to consider a bill increasing the amount of pension to Civil War veterans and their widows, as follows: $72 per month for every Civil War survivor, $125 per month for every Civil War survivor requiring aid and attendance, $150 per month for veterans totally blind, and $50 per month for every Civil War widow; to the Committee on Invalid Pensions.

652. By Mr. ROBINSON of Iowa: Petition from John T. Boylan, of Eldora, Hardin County, Iowa, which is also signed by a very large number of other citizens of Eldora, New Providence, Alden, and Hubbard, Iowa, and citizens of Hardin County, Iowa, in support of the Reed-Curtis bill, to create a department of education; to the Committee on Education.

SENATE

TUESDAY, *June 11, 1929*

(Legislative day of Tuesday, June 4, 1929)

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

Mr. JOHNSON obtained the floor.

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

The VICE PRESIDENT. Does the Senator from California yield for that purpose?

Mr. JOHNSON. I yield.

The VICE PRESIDENT. The absence of a quorum has been suggested. The clerk will call the roll.

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

Allen	Frazier	King	Shortridge
Ashurst	George	La Follette	Simmons
Barkley	Gillett	McKellar	Smith
Bingham	Glass	McMaster	Smoot
Blease	Glenn	McNary	Steck
Borah	Goff	Metcalf	Steiwer
Bratton	Goldsborough	Moses	Swanson
Brookhart	Greene	Norbeck	Thomas, Idaho
Broussard	Hale	Norris	Thomas, Okla.
Burton	Harris	Nye	Townsend
Capper	Harrison	Oddie	Trammell
Caraway	Hastings	Overman	Tydings
Connally	Hatfield	Patterson	Tyson
Copeland	Hawes	Phipps	Vandenberg
Couzens	Hayden	Pine	Wagner
Cutting	Hebert	Pittman	Walcott
Dale	Heflin	Ransdell	Walsh, Mass.
Deneen	Howell	Reed	Walsh, Mont.
Dill	Johnson	Robinson, Ark.	Warren
Edge	Jones	Sackett	Waterman
Fess	Kean	Schall	Watson
Fletcher	Keyes	Sheppard	Wheeler

Mr. LA FOLLETTE. My colleague the junior Senator from Wisconsin [Mr. BLAINE] is necessarily absent. I ask that this announcement may stand for the day.

Mr. HEFLIN. I wish to announce that my colleague [Mr. BLACK] is necessarily absent owing to illness.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

SUPREME COURT BUILDING (H. DOC. NO. 36)

The VICE PRESIDENT laid before the Senate a communication from the executive officer of the United States Supreme Court Building Commission submitting, pursuant to law, the report of that commission, together with estimates of costs and photographs relating thereto, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed with illustrations.

NATIONAL ORIGINS

The VICE PRESIDENT laid before the Senate a telegram signed by William Schaumann, secretary of the Nordic Aryan Federation, Portland, Oreg., relative to the national-origins clause of the immigration act, stating in part, "Most of the Nordics live on the European Continent, not in Great Britain, and the original homeland of the Anglo-Saxon is Germany. England and North America are but colonies, new lands of the Nordics," which was referred to the Committee on Immigration.

MEMORIAL

Mr. JONES presented a resolution of the Hollingsworth Civic Center Township Association of Washington, remonstrating against the adoption of the so-called debenture plan for farm relief, which was ordered to lie on the table.

BILLS INTRODUCED

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

By Mr. TYDINGS:

A bill (S. 1471) authorizing the President to restore Lieut. Commander William H. Porter, United States Navy, to a place on the list of lieutenant commanders of the Navy to rank next after Lieut. Commander George B. Wilson, United States Navy (with accompanying papers); to the Committee on Naval Affairs.

By Mr. CAPPER:

A bill (S. 1472) to provide, in the interest of public health, comfort, morals, safety, and welfare, for the discontinuance of the use, as dwellings, of buildings situated in the alleys of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

A bill (S. 1473) granting an increase of pension to Anna Barrett (with accompanying papers); to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 1474) granting a pension to Anna Dodge (with accompanying papers);

A bill (S. 1475) granting a pension to Dr. Charles French (with accompanying papers);

A bill (S. 1476) granting an increase of pension to Mary A. Blodgett (with an accompanying paper); and

A bill (S. 1477) granting an increase of pension to Elizabeth E. Fulton; to the Committee on Pensions.

By Mr. STECK:

A bill (S. 1478) granting a pension to Andrew E. Johnson; and

A bill (S. 1479) granting a pension to Harry Chaney Bosworth; to the Committee on Pensions.

A bill (S. 1480) for the relief of Andrew Hansen; and

A bill (S. 1481) for the relief of John F. Korbel; to the Committee on Claims.

By Mr. KEYES:

A bill (S. 1482) to provide for the construction of a building for the Supreme Court of the United States; to the Committee on Public Buildings and Grounds.

By Mr. GILLETT:

A bill (S. 1483) granting a pension to Myles McDonogh; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 1484) to extend the civil service to the Library of Congress; to the Committee on Civil Service.

By Mr. BARKLEY:

A bill (S. 1485) to reinstate Frank W. Simpson, formerly lieutenant, Coast Artillery, United States Army, as a first lieutenant in the United States Army; to the Committee on Military Affairs.

NATIONAL FOREST ROADS AND TRAILS

Mr. ODDIE introduced a bill (S. 1486) to amend the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," approved May 26, 1928, which was read twice by its title.

Mr. ODDIE. Mr. President, the bill I have just introduced provides for an increase in the annual appropriation for national forest roads from $7,500,000 to $12,500,000. It is a companion measure to the one I have already introduced at the present session relating to the building of roads on the public domain in national parks and on Indian reservations. I move that the bill I have just introduced be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

BAGGING, SACKCLOTH, ETC.

Mr. RANSDELL submitted an amendment intended to be proposed by him to House bill 2667, the tariff revision bill, which was referred to the Committee on Finance and ordered to be printed.