grade corresponding to that of lieutenant (Metropolitan police), one first sergeant, five sergeants with grade corresponding to that of sergeant (Metropolitan police), and 54 privates, all of whom shall have served three years to be with grade corresponding to private, class 3 (Metropolitan police); all of whom shall have served one year to be with grade corresponding to private, class 2 (Metropolitan police); and all of whom shall have served less than one year to be with grade corresponding to private, class 1 (Metropolitan police).

SEC. 5. That the annual salaries of the members of the United States park police force shall be as follows: Lieutenant, $2,700; first sergeant, $2,400; sergeants, $2,300 each; privates, class 3, $2,000 each; privates, class 2, $1,800 each; privates, class 1, $1,700 each.

SEC. 6. That the members of the United States park police force shall be furnished with uniforms, means of transportation, and such other equipment as may be necessary for the proper performance of their duties, including badges, revolvers, and ammunition; the United States Army officer detailed as superintendent of the United States park police, who shall use on official business motor transportation furnished and maintained by himself, shall receive an extra compensation of not to exceed $480 per annum. Members detailed to motorcycle service shall each receive an extra compensation of $120 per annum.

SEC. 7. That under and in accordance with section 12 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes," approved September 1, 1916, as amended, members of the United States park police force shall be entitled to all the benefits of relief and retirement therein authorized upon the payment by each member into the policemen and firemen's relief fund, District of Columbia, of an amount equal to 1½ per cent of the total basic salary received by him since September 1, 1916, as a member of such United States park police force, and as a watchman of the United States in any public square or reservation in the District of Columbia: *Provided*, That a member of the United States park police force, to be designated by the officer in charge of public buildings and grounds, shall be a member of the police and firemen's retirement and relief board in all cases of relief and retirement of members of the United States park police force and of the White House police force: *Provided further*, That on and after July 1, 1924, appropriation to pay relief and other allowances authorized by said section 12 of the act of September 1, 1916, shall be paid 60 per cent from the revenues of the District of Columbia and 40 per cent from the revenues of the United States: *And provided further*, That on and after July 1, 1924, the rate of deduction from the monthly salary of members of the Metropolitan police force, United States park police, and the White House police force shall be 2½ per cent: *And provided further*, That such monthly deductions and other moneys now authorized by law to be credited to the policemen and firemen's relief fund shall continue to be so credited.

SEC. 8. That the refund provided for in section 11 of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, as amended, shall be paid to all members of the United States park police force, who, on the date on which the provisions of this act become effective are entitled to such refund, by reason of contributions previously made by them to the civil service retirement fund.

SEC. 9. That the officer in charge of public buildings and grounds, in his discretion, may appoint special policemen, without compensation, for duty in connection with the policing of the public parks and other reservations under his jurisdiction within the District of Columbia, such special policemen to have the same powers and perform the same duties as the United States park police and the Metropolitan police of said District of Columbia, and to be subject to such regulations as the Chief of Engineers may prescribe: *Provided*, That the jurisdiction and police power of such special policemen shall be restricted to the public parks and other reservations under the control of the officer in charge of public buildings and grounds.

SEC. 10. That the salaries herein provided for shall be payable on and after July 1, 1924.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia."

RECESS

The PRESIDENT pro tempore (at 11 o'clock p. m.). Under the unanimous-consent agreement the Senate will stand in recess until to-morrow at 12 o'clock.

HOUSE OF REPRESENTATIVES

THURSDAY, *May 15, 1924*

The House met at 12 o'clock noon.

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

Our Father in heaven, for Thy name's sake hear us. We ask that our hearts be fashioned for the purest music and our minds fixed for the noblest thoughts. May they chant a silent and thankful refrain in grateful memory of Thy love, so amazing and so divine. Do Thou bestow rich blessings of comfort and happiness upon every citizen of our country, and bless every effort and institution that promotes peace and good will among all men. Be with us in our memories and in our anticipations. When the shades of this evening gather and we tarry alone with our thoughts, may we thank God for the day. Amen.

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

SWEARING IN OF A MEMBER

Mr. O'CONNOR of Louisiana. Mr. Speaker, I present my colleague, Mr. J. ZACH SPEARING, elected on April 22, 1924, from the second congressional district of Louisiana, to succeed the late H. Garland Dupré. He desires to take the oath of office.

Mr. SPEARING appeared at the bar of the House and took the oath of office.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8350) making appropriations for the Departments of State and Justice and for the Judiciary and for the Departments of Commerce and Labor for the fiscal year ending June 30, 1925, and for other purposes, had further insisted upon its amendments Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 19, 21, 22, and 23, had asked for further conference with the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. JONES of Washington, Mr. CURTIS, Mr. LODGE, Mr. OVERMAN, and Mr. HARRIS be the conferees on the part of the Senate.

IMMIGRATION OF ALIENS INTO THE UNITED STATES—CONFERENCE REPORT

Mr. JOHNSON of Washington. Mr. Speaker, I call up the conference report upon the bill H. R. 7995, to limit the immigration of aliens into the United States, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Washington calls up the conference report upon the immigration bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, can we not agree upon some time?

Mr. JOHNSON of Washington. I shall use as little time as possible, and I shall be glad to grant to others in opposition to the bill the same amount of time that I used in favor of the bill.

Mr. SABATH. And the gentleman would not care to agree upon any particular time?

Mr. JOHNSON of Washington. I want to keep the entire debate within the hour permitted by the rules.

Mr. SABATH. Will the gentleman yield me 30 minutes?

Mr. JOHNSON of Washington. I shall yield the gentleman at first 15 minutes, as soon as I have used 15 minutes. We will get along all right, I think.

Mr. SABATH. There are two gentlemen who have asked me for time, who are entitled to a little time. It is not that I desire to yield the time to them, but if the gentleman from Washington will yield them time, it will be quite satisfactory.

Mr. JOHNSON of Washington. If the gentleman would yield his right to the 15 minutes, then I shall be glad to yield such time as I can, but there can not be more than 30 minutes yielded on that side.

Mr. SABATH. Fifteen minutes to me, and then the gentleman from Washington will take care of these other two gentlemen?

Mr. JOHNSON of Washington. I shall yield the gentleman from Illinois 10 minutes and take care of each of the other gentlemen with 5 minutes.

Mr. SABATH. I fear that would not be satisfactory.

Mr. JOHNSON of Washington. Then 15 minutes.

Mr. RAKER. Mr. Speaker, reserving the right to object, will the gentleman from Washington give me 10 minutes?

Mr. JOHNSON of Washington. I am afraid that I have not the time to yield.

Mr. RAKER. I feel that the House ought to know, and I thought to take at least 10 minutes to present the seaman proposition, if there be any objection made.

Mr. JOHNSON of Washington. I thought that I would take care of that. I shall yield the gentleman about seven minutes.

The SPEAKER. Is there objection to the request of the gentleman from Washington that the statement be read in lieu of the report?

Mr. BROWNE of Wisconsin. Mr. Speaker, reserving the right to object, may I have five minutes?

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

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

The conference report and statement are as follows:

CONFERENCE REPORT

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

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

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

"IMMIGRATION VISAS

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

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

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

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

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

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

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

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

"DEFINITION OF 'IMMIGRANT.'

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

"NONQUOTA IMMIGRANTS

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

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

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

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

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

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

"QUOTA IMMIGRANTS

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

"REFERENCES WITHIN QUOTAS

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

"(1) To a quota immigrant who is the unmarried child under 21 years of age, the father, the mother, the husband, or the

wife, of a citizen of the United States who is 21 years of age or over; and

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

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

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

"APPLICATION FOR IMMIGRATION VISA

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

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

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

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

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

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

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

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

"NONQUOTA IMMIGRATION VISAS

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

"ISSUANCE OF IMMIGRATION VISAS TO RELATIVES

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

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

"(c) The petition shall be made under oath administered by any individual having power to administer oaths, if executed in the United States, but, if executed outside the United States, administered by a consular officer. The petition shall be supported by any documentary evidence required by regulations prescribed under this act. Application may be made in the same petition for admission of more than one individual.

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

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

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

"PERMIT TO REENTER UNITED STATES AFTER TEMPORARY ABSENCE

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

and shall be accompanied by two copies of the applicant's photograph.

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

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

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

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

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

"NUMERICAL LIMITATIONS

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

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

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

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

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

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

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

"NATIONALITY

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

"(b) The Secretary of State, the Secretary of Commerce, and the Secretary of Labor, jointly, shall, as soon as feasible after the enactment of this act, prepare a statement showing the number of individuals of the various nationalities resident in continental United States as determined by the United States census of 1890, which statement shall be the population basis for the purposes of subdivision (a) of section 11. In the case of a country recognized by the United States, but for which a separate enumeration was not made in the census of 1890, the number of individuals born in such country and resident in continental United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of subdivision (a) of section 11 as having been determined by the United States census of 1890. In the case of a colony or dependency existing before 1890, but for which a separate enumeration was not made in the census of 1890, and which was not included in the enumeration for the country to which such colony or dependency belonged, or in the case of territory administered under a protectorate, the number of individuals born in such colony, dependency, or territory, and resident in continental United States in 1890, as estimated by such officials jointly, shall be considered for the purposes of subdivision (a) of section 11 as having been determined by the United States census of 1890 to have been born in the country to which such colony or dependency belonged or which administers such protectorate.

"(c) In case of changes in political boundaries in foreign countries occurring subsequent to 1890 and resulting in the creation of new countries, the governments of which are recognized by the United States, or in the establishment of self-governing dominions, or in the transfer of territory from one country to another, such transfer being recognized by the United States, or in the surrender by one country of territory the transfer of which to another country has not been recognized by the United States, or in the administration of territories under mandates, (1) such officials, jointly, shall estimate the number of individuals resident in continental United States in 1890 who were born within the area included in such new countries or self-governing dominions or in such territory so transferred or surrendered or administered under a mandate, and revise (for the purposes of subdivision (a) of section 11) the population basis as to each country involved in such change of political boundary, and (2) if such changes in political

boundaries occur after the determination provided for in subdivision (c) of section 11 has been proclaimed, such officials, jointly, shall revise such determinations, but only so far as necessary to allot the quotas among the countries involved in such change of political boundary. For the purpose of such revision and for the purpose of determining the nationality of an immigrant, (A) aliens born in the area included in any such new country or self-governing dominion shall be considered as having been born in such country or dominion, and aliens born in any territory so transferred shall be considered as having been born in the country to which such territory was transferred, and (B) territory so surrendered or administered under a mandate shall be treated as a separate country. Such treatment of territory administered under a mandate shall not constitute consent by the United States to the proposed mandate where the United States has not consented in a treaty to the administration of the territory by a mandatory power.

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

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

"EXCLUSION FROM UNITED STATES

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

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

"(c) No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a nonquota immigrant under the provisions of subdivision (b), (d), or (e) if section 4, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3.

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

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

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

"DEPORTATION

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

"MAINTENANCE OF EXEMPT STATUS

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

"PENALTY FOR ILLEGAL TRANSPORTATION

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

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

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

"ENTRY FROM FOREIGN CONTIGUOUS TERRITORY

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

he was brought to such territory by a transportation company which has submitted to and complied with all the requirements of this act, or that he entered, or has resided in, such territory more than two years prior to the time of his application for admission to the United States.

"UNUSED IMMIGRATION VISAS

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

"ALIEN SEAMEN

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

"SEC. 20. (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman (which inspection in all cases shall include a personal physical examination by the medical examiners), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Secretary of Labor to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

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

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

"(d) Section 32 of the immigration act of 1917 is repealed, but shall remain in force as to all vessels, their owners, agents, consignees, and masters, and as to all seamen, arriving in the United States prior to the enactment of this act.

"PREPARATION OF DOCUMENTS

"SEC. 21. (a) Permits issued under section 10 shall be printed on distinctive safety paper and shall be prepared and issued under regulations prescribed under this act.

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

"OFFENSES IN CONNECTION WITH DOCUMENTS

"SEC. 22. (a) Any person who knowingly (1) forges, counterfeits, alters, or falsely makes any immigration visa or permit, or (2) utters, uses, attempts to use, possesses, obtains, accepts, or receives any immigration visa or permit, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or who, except under direction of the Secretary of Labor or other proper officer, knowingly (3) possesses any blank permit, (4) engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of permits, (5) makes any print, photograph, or impression in the likeness of any immigration visa or permit, or (6) has in his possession a distinctive paper which has been adopted by the Secretary of Labor for the printing of immigration visas or permits, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both.

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

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

"BURDEN OF PROOF

"SEC. 23. Whenever any alien attempts to enter the United States the burden of proof shall be upon such alien to establish that he is not subject to exclusion under any provision of the immigration laws; and in any deportation proceeding against any alien the burden of proof shall be upon such alien to show that he entered the United States lawfully, and the time, place, and manner of such entry into the United States, but in presenting such proof he shall be entitled to the production of his immigration visa, if any, or of other documents concerning such entry, in the custody of the Department of Labor.

"RULES AND REGULATIONS

"SEC. 24. The Commissioner General, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this act; but all such rules and regulations, in so far as they relate to the administration of this act by consular officers, shall be prescribed by the Secretary of State on the recommendation of the Secretary of Labor.

"ACT TO BE IN ADDITION TO IMMIGRATION LAWS

"SEC. 25. The provisions of this act are in addition to and not in substitution for the provisions of the immigration laws, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws, not inapplicable, shall apply to and be enforced in connection with the provisions of this act. An alien, although admissible under the provisions of this act, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this act, and an alien, although admissible under the provisions of the immigration laws other than this act, shall not be admitted to the United States if he is excluded by any provision of this act.

"STEAMSHIP FINES UNDER 1917 ACT

"SEC. 26. Section 9 of the immigration act of 1917 is amended to read as follows:

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

tion 3 of this act, and if it shall appear to the satisfaction of the Secretary of Labor that any alien so brought to the United States was so afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $250, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien for whose account assessed. It shall also be unlawful for any such person to bring to any port of the United States any alien who is excluded by the provisions of section 3 of this act because unable to read, or who is excluded by the terms of section 3 of this act as a native of that portion of the continent of Asia and the islands adjacent thereto described in said section, and if it shall appear to the satisfaction of the Secretary of Labor that these disabilities might have been detected by the exercise of reasonable precaution prior to the departure of such aliens from a foreign port, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000, and in addition a sum equal to that paid by such alien for his transportation from the initial point of departure, indicated in his ticket, to the port of arrival, for each and every violation of this provision, such latter sum to be delivered by the collector of customs to the alien on whose account assessed.

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

"SEC. 27. Section 10 of the immigration act of 1917 is amended to read as follows:

"'SEC. 10. (a) That it shall be the duty of every person, including owners, masters, officers, and agents of vessels of transportation lines, or international bridges or toll roads, other than railway lines which may enter into a contract as provided in section 23, bringing an alien to, or providing a means for an alien to come to, the United States, to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers. Any such person, owner, master, officer, or agent who fails to comply with the foregoing requirements shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine in each case of not less than $200 nor more than $1,000, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; or, if in the opinion of the Secretary of Labor it is impracticable or inconvenient to prosecute the person, owner, master, officer, or agent of any such vessel, such person, owner, master, officer, or agent shall be liable to a penalty of $1,000, which shall be a lien upon the vessel whose owner, master, officer, or agent violates the provisions of this section, and such vessel shall be libeled therefor in the appropriate United States court.

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

"GENERAL DEFINITIONS

"SEC. 28. As used in this act—

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

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

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

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

"(e) The term 'consular officer' means any consular or diplomatic officer of the United States designated, under regulations prescribed under this act, for the purpose of issuing immigration visas under this act. In case of the Canal Zone and the insular possessions of the United States the term 'consular officer' (except as used in section 24) means an officer designated by the President, or by his authority, for the purpose of issuing immigration visas under this act;

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

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

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

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

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

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

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

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

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

"AUTHORIZATION OF APPROPRIATION

"SEC. 29. The appropriation of such sums as may be necessary for the enforcement of this act is hereby authorized.

"ACT OF MAY 19, 1921

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

"TIME OF TAKING EFFECT

"SEC 31. (a) Sections 2, 8, 13, 14, 15, and 16, and subdivision (f) of section 11 shall take effect on July 1, 1924, except that immigration visas and permits may be issued prior to that date, which shall not be valid for admission to the United States before July 1, 1924. In the case of quota immigrants of any nationality, the number of immigration visas to be issued prior to July 1, 1924, shall not be in excess of 10 per cent of the quota for such nationality, and the number of immigration visas so issued shall be deducted from the number which may be issued during the month of July, 1924. In the case of immigration visas issued before July 1, 1924, the four-month period referred to in subdivision (c) of section 2 shall begin to run on July 1, 1924, instead of at the time of the issuance of the immigration visa.

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

"(c) If any alien arrives in the United States before July 1, 1924, his right to admission shall be determined without regard to the provisions of this act, except section 23.

"SAVING CLAUSE IN EVENT OF UNCONSTITUTIONALITY

"SEC. 32. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

And the Senate agree to the same.

DAVID A. REED,
HENRY W. KEYES,
WM. J. HARRIS,
Managers on the part of the Senate.

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

STATEMENT

The managers on the part of the House at the second conference on the disagreeing votes on the Senate amendment to H. R. 7995, a bill to limit the immigration of aliens into the United States, submit the following written statement, explaining matters agreed upon by the conference committee and recommended in the text of the conference report. Section 13 has been amended in accordance with the instructions of the House.

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

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

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

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

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

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

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

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

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

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

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

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

A new paragraph is added to section 21 (p. 34) as follows:

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

The alien seamen's provisions of the House bill are reduced somewhat, and the "landing card" provisions are eliminated.

Paragraph (c) of section 13, page 23 (the exclusion section), reads as follows:

(c) No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a nonquota immigrant under the provisions of subdivision (b), (d), or (e) of section 4, or (2) is the wife, or the unmarried child under 18 years of age, of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3.

This paragraph becomes effective July 1, 1924, under the provisions of section 31.

This is the text of the original House bill, and in accord with the instructions of the House to its conferees.

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

Mr. JOHNSON of Washington. Mr. Speaker, after a reasonable time for debate on some of the disputed items of the immigration bill, I shall move to concur in the conference report, which represents some yielding on the part of both Senate and House, with the result that the restriction bill is more restrictive than when it went from the House.

The immigration bill, if enacted into law, will go into effect July 1. I regret that we could not agree upon a plan by which the sections affecting Japanese immigration might have been deferred a few months, inasmuch as the number of Japanese who could have come in as immigrants would have been but 10 per month. The proposal did not contemplate the making of an immigration treaty, nor did it pave the way for another agreement. I wish that I could make that clear.

Members of Congress, of course, know that the original proposition which reached the Senate and House conferees, that the so-called exclusion clause be deferred some 20 months, with a proviso that if a treaty could be negotiated the exclusion clause should not go into effect, was never at any time before either House or Senate. It was offered for recognized and necessary diplomatic reasons. It was rejected by the conferees. That ended it.

The next proposal, that the exclusion clause be deferred until March 1, 1925—eight months—during which time the President might negotiate for the end of the agreement, was rejected by the House. I believe that the mere matter of date made no difference, and the Democratic leader, the gentleman from Tennessee [Mr. GARRETT], agrees with me on that. But it was the fear that the House might by its act be opening the way for another long line of misunderstanding as to treaties and agreements, and to a degree forfeiting its right to participate in the handling of the immigration question, that led to the failure of that proposal.

All agree that we can not settle the Japanese problem by letting Japan write or defer the writing of our immigration laws.

Mr. Speaker, we have had immigration troubles with both China and Japan. Our troubles with China, beginning with our first treaty, extended for 50 years, and resulted in six treaties, two of which were broken by this country, and two or three of which were abrogated by China. Those troubles resulted in two presidential vetoes; resulted in the establishment of two commissions by Congress to investigate matters; resulted in numerous massacres and in the authorization by Congress of payments of two large sums to China for assaults upon their people here. In all, 10 acts of Congress in reference to Chinese exclusion were passed, prior to the final Chinese exclusion act, a section of which recognizes and revives a part of an immigration treaty of 1880. In the opinion of your committee the clauses of the bill now before you correct that situation, which relates to students.

Then, Mr. Speaker, we have had 17 years of misunderstanding with Japan under the gentlemen's agreement. In view of all this, I think one may readily predict that neither the present Senate nor any future Senate will ever ratify a treaty relating wholly to immigration. It is safe to assume that the public will never countenance another gentlemen's agreement with any nation in the world.

In this connection I ask unanimous consent to extend my remarks in the RECORD at a later date by inserting a résumé of the laws, treaties, and agreements relating solely to immigration with countries of the Far East.

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

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, the vote of the other day was not an assault upon Japan. It certainly was not

a reflection on the President of the United States, Mr. Coolidge, and I am sure that Congress does not desire to criticize the Secretary of State, Mr. Hughes, for his efforts to handle in the most diplomatic way the ever-increasing problems of the Far East.

Japan must be consoled with the fact that we are treating that nation much better than China was treated. We broke treaty after treaty with China, particularly through the Scott law of 1888 and the Geary law of 1902. Senator Dawes of Massachusetts said of the Scott act (Fiftieth Congress):

> The law was a rank and unblushing repudiation of every treaty obligation—a violation such as the United States would not dare to commit toward any warlike nation of Europe.

But, as I said the other day, this immigration bill is drawn with due regard to all of the treaties of the United States with the nations of the world. The only thing that has been in the way has been the gentlemen's agreement. Under this bill it is ended July 1. Several thousand Japanese will enter the United States before that date. Your conferees did not accept the proposal of the Senate that the exclusion clause should be effective on enactment of the law. That would have left these incoming Japanese helpless on the high seas.

Some Japanese statesmen are alarmed as to the future of the Japanese now here and in Hawaii. They need not be. The United States has progressed a long way since it massacred the Chinese at Rock Springs and stoned them elsewhere. Many Japanese are here, and they become simply a part of the many complex problems that the United States has brought upon itself through its carelessness and laxity with regard to immigration, both from Europe and Asia.

Many nations have protested against this particular bill, and others will protest, but we propose to greatly restrict immigration from all nevertheless. We recognize Japan as one of the great powers. I presume that Japan will go on with her desire and her effort to extend her zone of influence in the Orient. I am sure that Japan will realize our necessity for this legislation.

Mr. WEFALD. Will the gentleman yield?

Mr. JOHNSON of Washington. I am sorry, but I can not. I assume the United States will go on with its well-defined policies in the Far East—pacific and helpful policies. I am sure that trade and commerce will go on as before.

Mr. Speaker, we respect all nations, but we propose to control immigration to the United States. We propose to restrict immigration; we propose to exclude, and we propose further to deport all of those aliens who defy our laws or who endanger our Government. [Applause.]

All of these things are demanded by a majority, I think, in every congressional district except a dozen or two.

President Coolidge has spoken publicly in favor of restriction and in favor of exclusion. I think that is well understood. The recent proposal of the President, as presented by me to this House a week ago, did not propose to compromise the sovereignty of this Nation.

No nation can compromise its sovereignty. His proposal did give a slight extension of time for the ending of an agreement that many believe has arisen almost to the dignity of a treaty. It is, of course, not a treaty. A slight extension may have been—would have been—a better plan. But that incident has passed. It should not jeopardize this important bill here or elsewhere. I firmly believe now that it will not. [Applause.]

Mr. Speaker, a short time ago I had the privilege of addressing the Daughters of the American Revolution assembled in annual congress in Washington. I said then that it had been the pride of our country that on great national issues the Congress of the United States always has abandoned party lines and risen to patriotic heights. I believe that Congress will always do so. I believe that this moment is one of the great occasions that demands that Congress rise far above party. In fact, party divisions have never occurred with respect to immigration legislation. I believe your votes today, gentlemen of the House, will have greater effect and do more for the welfare of the United States now, 50 years from now, and for all time, than any of us can now see or any legislation we may conceive. Gentlemen, I thank you. [Applause.] I reserve the remainder of my time.

The SPEAKER. To whom does the gentleman yield?

Mr. JOHNSON of Washington. I yield 15 minutes to the gentleman from Illinois [Mr. SABATH].

The SPEAKER. The gentleman from Illinois is recognized for 15 minutes. The gentleman from Washington has used seven minutes.

Mr. SABATH. Mr. Speaker and gentlemen, when the time comes, which will be within one hour, I shall move to recommit the conference report with the following instruction: To strike out the national-origin scheme that has been voted down by the House and inserted by the conferees. I shall also in my motion move that we include as the nonquota immigrants the parents of American citizens over 55 years of age, the wives and children of declarants who have resided here over two years, and also the wives and children under 18 years of age of ex-service men. I will also include in that motion a proviso to strike out the alien-seamen provision and insert in lieu thereof two new sections which have the approval of all those whose sympathies are with the seamen of America and the world.

Mr. Speaker and gentlemen, many of you remember what occurred in 1921, immediately after the first quota bill was passed. Within six months thereafter numerous civic, patriotic, and communal organizations in our country appealed to Congress to amend the inhumane, barbarous, and harsh provisions contained in the bill. Within one year two resolutions had to be passed to eliminate those inhumane provisions which caused tremendous hardship to the unfortunate immigrants who were otherwise qualified in every way for admission.

Mr. Speaker and gentlemen, I am satisfied that this bill will create, if enacted, more hardships than the act of 1921 or the act of 1922 which we were obliged by the force of public opinion to amend twice within one year. I agree with the gentleman from Washington [Mr. JOHNSON] that we should restrict. I have always stood ready and willing, same as he, to deport every alien who defied our Government or deliberately violated our laws.

There is no contest on that proposition. As I stated before, I have repeatedly voted to include in the immigration laws some of the most stringent provisions as to deportation and regulation.

I approve of many of the provisions in the present law. I helped to draft them in the 1917 act, and I approve of every provision that will properly safeguard the interests of our common country. I concede that we have the absolute right and the power to legislate and to pass any restrictive measure, it matters not how harsh or discriminatory it may be. The gentleman from Washington [Mr. JOHNSON] also lays great stress that we should not permit any foreign nation to dictate to us, and I would be the last man who would be willing to yield to any foreign nation the control of our immigration policy, but notwithstanding his oft-repeated statements and proclamations and that of some of his colleagues, I can not refrain from saying that their statements in view of what is transpiring as to the controlling of our policy by other nations must be qualified and in the future they should say, "We resent interference on the part of any other nation except Great Britain." Mr. Speaker, it seems to me that we not only permit Great Britain to dictate our immigration policy, but I regret exceedingly that she has been dictating our foreign policy, our naval policy, our merchant-marine policy, and only a few days ago she made representations as to our inland-waterways policy.

I must return to my explanation of the motion to recommit. Anyone who studies this bill must come to the incontestible conclusion that we are being dictated to by Great Britain in this legislation. For weeks on the floor of this House you have been made to believe that this is only a Japanese proposition. Why, gentlemen, half a dozen European nations have made representations and objected to some of the clearly discriminatory provisions of this bill, and I have not seen or heard where the President or anyone here paid considerable attention to those objections. But though we may not pay any attention to the objection of any foreign nation, should we not pay some heed before we deliberately insult over thirty million American citizens who are declared by this bill of being of inferior stock and origin?

Let me say right here I do not wish that we should do anything which might bring about unfriendly relations with any nation.

But why does not Congress and the President take into consideration European countries outside of Great Britain?

Now, when this bill was recently on the floor the gentleman from Washington [Mr. JOHNSON], as well as all the other proponents of this legislation, stated to you that in view of the liberal exemption in the nonquota provision, the 1890 per cent basis, which I designated as discriminatory, would be adjusted, and that the newer immigration will derive a certain benefit out of the nonquota provision. At that time the husbands and the wives and the fathers and the mothers and children of American citizens were exempt from the quota provision.

Now, what did the conferees of the House do? Did they stand by the House bill? No. The first chance that they had they yielded to the Senate and eliminated the provision that

exempted the fathers and parents and husbands of American citizens.

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

Mr. SABATH. Yes; I yield to the gentleman.

Mr. WATKINS. In section 6, did they not give the preference in the nonquota to children and wives?

Mr. SABATH. I know what that will amount to. It will amount to absolutely nothing. And right here I want to say that the gentleman from Oregon himself, the gentleman from Washington [Mr. JOHNSON], and every other gentleman who introduced an immigration bill had a clause in his bill exempting from the quota the wives and children of ex-service men and of those who declared their intention to become American citizens.

Some of you, gentlemen, are laboring under the impression, I take it, that because of the exemption in the nonquota conditions will be equalized. When you take into consideration the provision of the so-called Reed scheme, the national-origin scheme, and figure it out according to the best tables which have been furnished, you will find the following results:

	Present law	2 per cent, 1890	Origin scheme
Belgium	1,563	509	260
Czechoslovakia	14,357	1,873	1,320
Denmark	5,619	2,782	1,092
France	5,729	3,878	2,763
Norway	12,205	6,453	2,433
Poland	30,979	8,872	4,509
Rumania	7,419	631	386
Spain	912	124	141
Sweden	20,042	9,561	3,707
Yugoslavia	6,426	735	602
Germany	67,607	50,129	22,018
Great Britain	77,342	62,458	91,111
Russia	24,405	1,792	4,002
Austria	7,342	990	1,840
Italy	42,057	3,889	5,878

You will note that the quota of Great Britain will be increased to 91,000, not taking into consideration the large number that may come in through and from Canada. I maintain that it is manifestly unfair, unjust, and discriminatory. I am of the opinion that within a short space of time when this bill goes into effect, you gentlemen will agree with me in the views I am expressing here. You will eventually reach the same conclusion that I am justified in my deductions, as I was right in 1921 and in 1922, something which many of you now concede.

Now, as to the wives and children of the ex-service men and the wives and children and parents of American citizens, the American Federation of Labor has recommended that we should exempt the wives and children and parents from the quota. You gentlemen who always maintain that the American Federation of Labor recommends fair legislation and say you are willing to follow it, should in all fairness follow it now. I know I have been willing, and I am now.

Mr. Quinn, the head of the American Legion, and his aid, who appeared before the committee, recommended and advocated that we should exempt the wives and children of ex-service men and that we should permit them to come outside of the quota. Notwithstanding their recommendation, and knowing how the membership has been led astray by false statements, false statistics, and false reports, I presume you are going to ignore the recommendation of that great champion of labor, Samuel Gompers, and his organization, as well as the recommendation and appeal that has been made to you by Mr. Quinn, of the American Legion. You have the votes and you can do it, but before I conclude, gentlemen, I appeal to you, to your sense of reason and conscience. You will not endanger the bill by sending it back and asking that the conferees embody these exemptions. It will not increase the number of arrivals to any very large extent. I do not think the number of wives, children, and fathers and mothers will number, in the first year, more than 15,000 or 20,000, and gradually the number will be reduced, especially in view of the fact that you have cut down the immigration to such small numbers, 160,000. I therefore feel that 10,000 mothers and fathers of American citizens and the wives and children of ex-service men will do no harm to our institutions. I am of the opinion and firmly believe that humanity and justice demand that this bill be sent back and that the conferees be instructed to embody in the bill the provision which the bill originally contained when it left the House.

Now, there is also the additional motion as to the alien-seamen provision. Sections 19 and 20, as amended in the bill, will, to my mind, nullify section 4 of the La Follette Seamen's Act. For those reasons I believe, gentlemen, if you desire to be fair and just, though you believe in restricted immigration, that you should send this bill back with the instructions I have indicated, as otherwise the seamen's rights will be restricted and subject them to the absolute control of the masters of vessels.

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

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

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

Mr. WEFALD. Mr. Speaker, I can say that I do not like to take the floor at this time, because I was one of those who whole-heartedly supported the immigration bill at the time it was before the House, and I fully realize the position that the chairman of the committee is in to-day. But I can not let this occasion go by without entering my protest. I can not support this bill in its present form, and I am going to vote for the motion made by the gentleman from Illinois [Mr. SABATH] to recommit.

To my mind, the heart of the immigration bill was the 1890 census, 2 per cent of the 1890 census, which we adopted as the quota basis. I agreed with the gentleman from Washington [Mr. JOHNSON] in his opening statement, when he said that, in making this immigration bill, we proposed to restrict immigration from all countries. If that had been carried out, I think no man in this House to-day would raise his voice against the bill at this time; but I find that is not the case.

As the bill will stand, under the national-origin scheme, which will go into effect on July 1, 1927, I find that two-thirds of all the immigrants coming into this country will come to us from Great Britain and Ireland. Under the present law Great Britain and Ireland could send to this country 77,342 immigrants. As the bill stood when it left the House they would be able to send 62,458, but when the national-origin scheme goes into effect in 1927 they will be able to send to this country 91,111 immigrants out of a total quota of 150,000. Now, I say it is not fair. I say it was breaking faith with us when the conference committee agreed to this most insidious scheme which the Senate conferees had written into the bill.

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

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

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

Mr. WEFALD. Mr. Speaker, this bill is little short of a farce as it now stands. Section 6, dealing with preferences within quotas, says that, among others, preferences shall be given to quota immigrants who are skilled in agriculture; and then the bill goes right ahead and cuts off immigration from those countries where agricultural laborers could come from. I submit the table that has been used all through this discussion showing quotas as they are under the present law, as the bill that we passed in the House on April 12 left them, and as they will be if the conference report is adopted and the bill as it now stands will become a law:

Quotas

Nationality or country	Present law	2 per cent of 1890 with minimum of 100	National origins under the 150,000 limit proviso
Albania	288	100	100
Armenia	230	100	100
Austria	7,342	990	1,840
Belgium	1,563	509	260
Bulgaria	302	100	100
Czechoslovakia	14,357	1,873	1,320
Danzig	301	223	100
Denmark	5,619	2,782	1,092
Esthonia	1,348	102	221
Finland	3,921	145	498
Fiume	71	100	100
France	5,729	3,878	2,763
Germany	67,607	50,129	22,018
Great Britain and Ireland	77,342	62,458	91,111
Greece	3,063	100	536
Hungary	5,747	488	1,259
Iceland	75	100	100
Italy	42,057	3,889	5,878
Latvia	1,540	117	253
Lithuania	2,622	302	444
Luxemburg	97	100	100
Netherlands	3,002	1,637	2,669
Norway	12,205	6,453	2,433

Quotas—Continued

Nationality or country	Present law	2 per cent of 1890 with minimum of 100	National origins under the 150,000 limit proviso
Poland	30,979	5,982	4,509
Portugal	2,465	474	275
Rumania	7,419	631	385
Russia	24,405	1,792	4,002
Spain	912	124	141
Sweden	20,042	9,561	3,707
Switzerland	3,752	2,081	781
Yugoslavia	6,426	735	602
Other Europe	86	125	100
Palestine	57	100	100
Syria	882	100	102
Turkey	2,654	100	119
Other Asia	92	100	100
Africa	104	100	100
Egypt	18	100	100
Atlantic Islands	121	100	136
Australia	279	120	100
New Zealand	80	100	100
Total	357,801	161,990	150,903

I submit a table setting out in detail the nationalities whose quotas will be increased under the conference bill and the increase to each individual nationality:

Increase of quotas

Nationality	Johnson bill, 2 per cent 1890 census	Conference bill	Increase over Johnson bill
Austria	990	1,840	950
Finland	145	498	353
Greece	100	536	436
Hungary	488	1,259	771
Italy	3,889	5,878	1,989
Latvia	117	253	136
Lithuania	302	444	142
Netherlands	1,637	2,669	1,032
Russia	1,792	4,002	2,210
Spain	124	141	17
Syria	100	162	62
Turkey	100	119	19
Atlantic Islands	100	134	34
Esthonia	102	221	119
Total increase for these countries			8,270
Great Britain and Ireland	62,458	91,111	28,653
Total increase			36,923

I also submit a table showing nationalities whose quotas will be decreased under the conference bill:

Nationality	Johnson bill, 2 per cent 1890 census	Conference bill	Decrease under conference bill
Belgium	599	269	249
Czechoslovakia	1,873	1,320	553
Denmark	2,782	1,092	1,690
France	3,878	2,763	1,115
Germany	50,129	22,018	28,111
Norway	6,453	2,433	4,020
Poland	8,872	4,509	4,363
Portugal	474	275	199
Rumania	631	386	245
Sweden	9,561	3,707	5,854
Yugoslavia	735	602	133
Australia	120	100	20
Switzerland	2,081	781	1,300
Total decrease			47,852

Among the nationalities whose quotas will be increased, only Finland, Latvia, Lithuania, and The Netherlands would send us any agricultural workers, and the increase for these countries in the conference bill over the Johnson bill will only be 1,263.

The immigration from Great Britain and Ireland will bring only a very small percentage of agriculturally trained persons or persons who would be apt to take up agricultural pursuits.

Most of the countries whose quotas are cut down by the conference bill would send a great percentage of agricultural workers. Denmark, Germany, Norway, Sweden, and Switzerland have in the past sent us a preponderating percentage of farmers; yet the quotas from these countries have been reduced 40,975.

I shall proceed to prove the truth of these statements by the census records for the year 1920.

According to this census relating to foreign-born white farmers and farm acreage and value owned and operated by them, I find the following to be the fact: That farmers born in the following countries owned and operated farms to the values as follows:

England	$384,492,414
Scotland	162,473,851
Wales	37,675,623
Ireland	308,442,116
Total for Great Britain and Ireland	893,084,004
Norway	878,081,731
Sweden	978,605,102
Denmark	547,475,863
Switzerland	225,299,776
Germany	2,520,600,623

These figures will show clearly what nationalities have sent us our farmers. Norway has sent us farmers that own within $15,002,273 in farm values of what those born in England, Scotland, Wales, and Ireland own, and those born in Sweden own farm values to the extent of $85,521,098 more than those who come from Great Britain and Ireland during the same period. Yet the immigration quota from Great Britain and Ireland is increased under this bill by 28,653 and that of Norway cut down 4,020 and that of Sweden 5,854.

Farmers born in Germany own and operate farm values to the amount of about three times that of all those born in Great Britain and Ireland, yet the German quota is decreased 28,111 and that of Great Britain and Ireland increased 28,653.

I bring out these facts not because I have any but the highest regard for the people of the British Isles, nor am I actuated by any racial feelings; but the conference bill has cut the Johnson bill all to pieces for the purpose of improving it, to keep out immigrants that would drift into the cities and turn the tide of immigration onto the farm. In fact, the preference for farmer immigrants is so pronounced that one-half of our whole immigration is expected to go onto the farm.

The House managers have surrendered all along the line. They have either been weak kneed or they were not sincere when the Johnson bill was debated and passed in the House.

Every imaginable scheme for a quota basis was proposed during the discussions in the House. Two per cent of 1890, 2 per cent of 1910, 2 per cent of 1920 census, as well as 2 per cent of an average of the 1890, 1900, 1910, and 1920 censuses were proposed and all voted down except what became the heart of the Johnson bill, 2 per cent of the 1890 census. All through the debate the demand resounded that we would go back to the census that gave us the best immigration, the immigration that went onto the farm, the immigration that built our empire.

After having fought off all assaults on the 2 per cent of 1890 quota basis of the Johnson bill in the House, why did the House managers surrender and accept 1 per cent of the 1920 census as a quota basis after July 1, 1927?

What protection will these be in this immigration bill for labor?

The quota from countries with mostly nonagricultural immigration has been increased by 36,923, while the quotas from countries that would send mostly agricultural immigrants has been reduced by 47,852. This will result in the conference bill under its July 1, 1927, provision throwing about 40,000 more immigrants into our cities to compete with labor than would the Johnson bill with its 2 per cent of the 1890 census quota basis.

The Steel Trust barons, the meat packers, the mine owners, and those that act for them and speak for them will hail this bill as a good law.

Perhaps also Anglo-Saxon jingoes will hail it as a piece of patriotic legislation, but labor will find out that it is the most cunningly worked-out scheme to make it swallow a bitter dose of medicine and make it think it likes it. I supported the Johnson bill in many provisions that many men thought were too drastic. I was satisfied to have every immigrant prove that he was a good, moral person and fit to take up the duties of citizenship before we let him in. I stood for the drastic provisions in regard to deportations. But I can not sit idly by and see this nefarious scheme of big business slipped over on the people.

The seamen's provisions in this bill are so rank that they are beyond comprehension, but I shall not discuss that now. Under this bill we nearly shut out those who have proven that they make the best citizens, those with the highest percentage of literacy and the lowest percentage of crime, the strongest, the most capable, the purest Nordics.

We leave provisions in this bill that will rend families asunder, yet we take high moral ground when we do so.

The crux of the whole thing is that we give the barons of industry 40,000 more cheap laborers than the Johnson bill would have given them. It was time wasted to discuss the immigration bill in the House when it was finally written in conference and ratified without debate.

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. DICKSTEIN].

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

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

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

Mr. DICKSTEIN. Mr. Speaker and Members of the House, I was in great hopes that when this conferees' report came before the House last Friday some effort would be made by my good friends from California to restore in the bill the provision pertaining to the nonquota proposition, consisting of fathers and mothers, but it seems to me much politics has been played before the conference committee, and it was a question of bargain; it was a question of giving up everything that this House stood for when this bill came before the House for deliberation. They voted out almost everything which made the bill humane, because they were promised that if they would take out the nonquota provision for the fathers and mothers and insert in the conference report the new origin scheme after July 1, 1927, the managers of the conference would support the Japanese question, and because California wanted to be satisfied as to the removal of the Japs they agreed to the conferees' demand, which now practically destroys the whole bill and the whole of the legislation.

Now, some of you might sneer and some of you might laugh, but I tell you, my friends, that some day you will be called upon to account for your action to-day, when you go to an American citizen who has been in this country for many years and tell that American citizen that, although he has not seen his mother for 15 years, she does not come within the nonquota class because the exemption which would unite families has been removed by the legislators of the American Congress, the greatest Congress of the world, who have written into the law a provision which makes it impossible for him to bring in his mother. Now, gentlemen, that poor woman might be all alone in the world; that poor woman might be friendless over in Europe, and the only child she might have is her boy, a loyal citizen of the United States, who seeks to bring her into this country. Yet by this legislation you are going to tell that citizen, "Your mother will have to stay over there until some time, somewhere, and in some way the quota might be opened to bring in your mother." Gentlemen, if you call that humane legislation, then I do not know what humane legislation is; and I think you ought to think it over again, from the standpoint of the very argument you have made on the floor of this House that the sentiment of the Government is to legislate for the American people; and I say to you that you are not legislating for the American people nor expressing the sentiment of your constituency nor the sentiment of the Government when you attempt to keep away the parents from the child, whose aim and ambition is to bring to this country of ours, where they can be protected in their last stages of life.

Mr. WATKINS. Will the gentleman yield?

Mr. DICKSTEIN. No; my time is limited. Gentlemen, I am not arguing with you if you want to restrict immigration. The majority of the people rule and the majority of this House has expressed its sentiment that there should be restricted immigration, and was evidenced when this bill left the House and went to conference; not that I agreed with the policy or with the manner in which you are attempting to restrict immigration or the attempt to fix quotas, but when you attempt to play around with the nonquota, which would simply unite the families which have been here for many years, the families of citizens who have been loyal, who have been faithful, who have been honorable, and who are a credit to the United States, when you tell them that they can not have their fathers and mothers come into this country, I do not think, gentlemen, you are passing proper legislation, which would meet with the general favor of the American people amongst your own constituents.

I know my friend from Oregon [Mr. WATKINS] might tell me that they are getting a preference. Well, gentlemen, that preference is nothing but camouflage, because if you will study the proposed conference report you will find it simply gives you 50 per cent of the quota allotted to the country based upon the 1890 census, so that if a nation has 1,000 of a quota she can allot 500 of that number to the preference class, and the agriculturists, their wives, and their minor children can consume that 50 per cent. Now, who is going to be the judge of the preference?

Palestine under the present law gets 57. Under the 2 per cent of 1890 census she gets only a minimum of 100. Under the origin scheme she gets 100. Only 50 would be entitled to be placed in the preference class beginning with the new July 1 quota. The consul may visé 50 agriculturists under this preference, which would practically and completely deprive a citizen who may have his father and mother, or both, in Palestine to come to join him in this country. It would discriminate against him by bringing in his own people, and this argument applies not only to Palestine but to almost every other nation except Great Britain and Germany, because their quotas are so large that there may be good chances for preferences to be recognized and allowed. Is it fair to say that preferences may be given to one part of Europe more than to another? Is it fair to say that because the father and mother of a citizen live in one part of Europe they can more easily join their children; or is it fair to say that because they happen to live in another part of Europe whose quota is almost nought, that they must be discriminated against because that particular country has so small a quota that only a handful can come in? It does not require much argument to understand the situation, and surely no argument can be presented against the statements I make, because these are facts, not inferences that I make.

We were confronted with them at the beginning of the new immigration law, which is to be a permanent policy of the United States, with no powers vested in any commission to relieve the hardships that we are confronted with at this stage of the enactment of the permanent policy of the Government.

Until this time I have not yet heard any explanation by the members of the conference or the managers as to why the origin scheme was incorporated in the conference report and have not yet heard the reason why the father and mother was removed from the nonquota class. Is it a secret? Is it something that no one is entitled to know? Are not we entitled to know something about this legislation? Is this a star-chamber proceeding and should not the committee constituting the conferees of this House at least justify their action in allowing the managers to remove from the House bill the most humane provision, as a result of which it permitted this House to support the bill along the lines indicated?

The day is not far away when some of your own constituents will call upon you to bring about the admission of their fathers and mothers, when you will have to be honorable enough and tell your constituents, American citizens who are entitled to every privilege America can afford them, that you, their Representative, were the cause of removing from the bill the nonquota relative, namely, the father and mother, thereby depriving them from bringing into this country their relatives under the preference allowed which may and may not be given.

Now that you have restored your Japanese question in the conference report, you are simply deserting all the other provisions of the House bill. Is that what you call legislating for the American people? I do not think so nor do you. Is it because you gained your point to exclude the Japanese that you are satisfied and now disregard other cries from all parts of the country which demand the uniting of families of the white races?

I therefore hope, Mr. Speaker and Members of the House, that you will practice what you preach and support the motion which will be made by the gentleman from Illinois [Mr. SABATH] to recommit the bill for further amendments so that we may restore the very thing that we hold so dear to us—our mother. [Applause.]

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

Mr. JOHNSON of Washington. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. BROWNE].

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

Mr BROWNE of Wisconsin. Mr. Speaker, I have voted for this immigration bill and am in favor of the general provisions of it, but there are several inconsistencies in it which I think ought to be remedied and the bill recommitted back to the committee on the motion of the gentleman from Illinois [Mr. SABATH].

Section 3 of this bill defines an immigrant as meaning "any alien departing from any place outside the United States destined for the United States." Then it goes on and makes six exceptions that are excepted from the operation of this

immigration bill. The fifth exception is the one I wish to call the attention of the House to. It provides as follows:

A bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman.

Thus a bona fide alien seaman is excepted from the operation of this law. That was the intention of the framers of this bill, and they put it clearly and unmistakably in one of the first provisions, section 3 of the bill.

Section 19 of the bill is clearly in conflict with the provision of the bill I have just quoted, and according to my interpretation of it section 19 repeals quite a portion of the seamen's act which was passed by the Sixty-third Congress in 1916 and which is regarded as very wholesome legislation.

There was considerable criticism of the seamen's act. It was tested out in the court but was sustained, and yet with all the talk in the newspapers and the propaganda against the seamen's act there has not been an amendment even proposed that has ever been discussed in the House or in the Senate. So there is a pretty strong presumption that a law that has been on our statute books for eight years and has been attacked only in the newspapers must be a pretty wholesome and good law.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BROWNE of Wisconsin. I want to finish my statement first.

Mr. JOHNSON of Washington. I will yield the gentleman an additional minute. I want to set the gentleman right on the charge that we are interfering in any way with the La Follette Act.

Mr. BROWNE of Wisconsin. One of the purposes of the seamen's act was to give the seamen some liberty. They were absolutely under servitude before that act.

I want now to show you what this bill as proposed here today does. Section 19 provides as follows:

No alien seaman excluded from admission into the United States, etc., shall be permitted to land in the United States, except for medical treatment or pursuant to such regulations as the Secretary of Labor may prescribe for ultimate departure or deportation from the United States.

Under our existing laws there is no opportunity for alien seamen to violate our immigration laws and I never have heard of any abuse or any complaint that alien seamen were getting over here in any large numbers or violating the law.

I want to call your attention to the exact wording of section 19:

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

An alien seaman can not get off his ship except for medical treatment, and as he can get medical treatment on his ship with the ship doctor he, as a matter of fact, can not leave his ship. If he does not like his job, if his contract is violated, if he is subject to any indignity, no matter what, he can not leave the ship. He is a prisoner. The La Follette Seamen's Act was passed to remedy just such abuses to liberate the seamen. This bill in my opinion makes a slave of the seamen.

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

Mr. JOHNSON of Washington. I yield the gentleman one minute more to ask a question. I want to make it just as clear as I can that the provision the gentleman has just read only applies to those who can not enter the United States, such as anarchists and others who are in the excludable classes of section 3 of the act of 1917.

Mr. BROWNE of Wisconsin. I would like to ask the gentleman whether anarchists can come in now?

Mr. JOHNSON of Washington. No.

Mr. BROWNE of Wisconsin. Then what is the purpose of this section 19? It prevents any seaman from getting off his vessel in the United States.

Mr. JOHNSON of Washington. Oh, no; only if he is excludable.

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

Mr. BROWNE of Wisconsin. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection? [After a pause]. The Chair hears none.

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

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

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

Mr. WILSON of Louisiana. Mr. Speaker, I make the same request.

Mr. BOX. I ask permission also to extend my remarks, Mr. Speaker.

The SPEAKER. Is there objection to any of these requests? [After a pause]. The Chair hears none.

Mr. RAKER. I stand for this conference report. It should be adopted. I want to state to the House that I have been advised and requested by the members of the Committee on Immigration—except the two distinguished gentlemen who originally voted against the bill—to state to the House that they and their friends shall vote down any motion to recommit and shall vote for the conference report that is now before the House. I am in full accord with my colleagues who signed the majority report on the immigration bill. Nothing has occurred to cause any of us to change our views therein expressed.

The only thing I will have time to discuss now is the question of alien seamen, and I will have to state that as briefly and as rapidly as I can.

I want to say to you, gentlemen of the House, from a study of the question and from an investigation with the men who have been assisting as expert draftsmen with the Department of Labor and with all concerned, having just discussed it with the Department of Labor this morning, there can be no question, and I say to you unhesitatingly, that the provisions of the present bill do not in the slightest way repeal or modify the seamen's act.

Mr. SABATH. Why are those two sections in there then?

Mr. RAKER. I decline to yield, if the gentleman please.

Section 3 of the bill as it now stands, subdivision 5, does not include a seaman as an immigrant, and therefore the seaman can come to the country under that provision identically as he can come under the act of 1917.

Section 19, to which the gentleman referred in regard to seamen, is the provision of section 18 of the original bill, and I say unquestionably to the Members of the House that the language of section 18—now section 19 of the bill—is the same as section 32 of the immigration act of 1917, with this exception: In the former act of 1917 the act describes the treaties and various laws. This act says "immigration laws," and "immigration laws" in the definitions are described and they are identically the same.

Under the act of 1917, section 32, a vessel entering a port of the United States could unload her seamen on board, diseased and otherwise, unless a written notice was given it, and the consequence was they unloaded them by wholesale before the immigration officer could inspect them. The district attorney of New York stated that, and on investigation we found that if we required the vessel to keep on board the seamen until examination was made, then those that were admissible would be permitted to enter and those that were not would not land or enter. So under the provisions of section 20 of the present bill it provides that no vessel shall be permitted to land any seamen until examination has been made by the Health Service and the Bureau of Immigration for the purpose of ultimately determining who shall land. If he does, if he lets them steal away, if any officer connives with them and they get off the steamship, he is fined $1,000. So every man will be on board when the examination is made, and if the seamen under the law is not diseased, he will be permitted to land. That is a wholesome provision.

Mr. SABATH. Has not the gentleman insisted heretofore that the seamen's act should be amended to include a provision making it possible for the vessel to unload 50 seamen?

Mr. RAKER. No. I want to say that I never asked to repeal the seamen's act; I never during the five months of the consideration of the bill asked or requested that the seamen's act be amended. The thing I did, and the record will show it, was to make the immigration workable as to seamen—protect the seaman—and at the same time protect the United States and make the steamship companies obey the law. I have produced letters from the Secretary of State, the Secretary of Commerce, and the Secretary of Labor, which have been printed, and they said if the provisions of sections 18, 19, and 20, as originally passed by the House, had added to them two other provisions the law would be practically perfect. It would work, and work well. It would keep out those who were not entitled to enter and make the steamship companies abide by the law. Then we have these two provisions: (e)

Vessels entering the United States can take out as many seamen, excluding the dead, if any, and those who are in the hospital, as it brought in. That is simple, just, and equitable, but the great steamship companies, with all their power, were able apparently to keep out of this legislation these provisions, notwithstanding their real value, and that the seamen and their friends wanted it in; (f) that the steamship company or a vessel flying the English flag had on board 50 sailors—40 English, 5 French, and 5 Singhalese, or Japanese, or Chinese—that that vessel would be fined $1,000 for each one it brought in; and that these five men ineligible to enter would be taken from the vessel, their expenses paid, and sent back to the port from which they came or to their own country at the expense of the vessel. Is there anybody that says that that is not fair to the seamen? Is there anybody that says their country would object?

Mr. SABATH. I never opposed that.

Mr. RAKER. Why, the gentleman in conference voted to strike out the first part of the seamen's bill, which I will call attention to now. Talk about a motion to recommit—when a man votes in conference to strike out the very crux, the very heart of the law which gives the seamen the right of consideration!

I will extend my remarks under the authority heretofore given me by the House.

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

JAPANESE EXCLUSION

Mr. RAKER. Mr. Speaker and gentlemen, when a candidate for Congress in the fall of 1910 I prepared a statement explaining my position on the then important questions facing the voters at the election to be held in November of that year. I stated in detail my views and followed with an enumeration of important matters I was in favor of.

The statement made was:

I am therefore in favor of—

* * * * * * *

20. An exclusion law excluding from the United States and Territories all Asiatics except certified merchants, students, and travelers.

* * * * * * *

Having been elected at the November, 1910, election I came on to Washington early in 1911. In the spring of 1911, President Taft called an extra session of Congress, and at that session I introduced my first Asiatic exclusion bill on August 11, 1911, Sixty-second Congress, first session, being House bill 13500.

In the Sixty-third Congress, first session, on April 7, 1913, House bill 102 was introduced. This was a very full and comprehensive bill to exclude Asiatics, which included Japanese.

I constantly kept this legislation before the Committee on Immigration and Naturalization of the House, the Congress, and the country. Reintroducing it each Congress thereafter, the last being House bill 113, Sixty-eighth Congress, first session.

In 1917 we were able to assist in placing on the immigration bill that finally passed both Houses a provision excluding the Hindoos. We tried to have Japanese placed in the same barred zone, but in this we failed.

Have been a member of the House Committee on Immigration and Naturalization continually since 1913. Helped to write and pass the immigration act of February 5, 1917, and all immigration and naturalization laws since 1913.

On June 27, 1922—Sixty-seventh Congress, second session—I introduced H. R. 12193. The bill was the first ever introduced in Congress carrying the provision that "no alien ineligible to citizenship should be admitted to the United States."

The provisions of H. R. 12193 on this question read as follows:

That no alien ineligible to citizenship under the laws of the United States shall be admitted to the United States. (Subdivision 2 of section 2.)

Later in the Sixty-seventh Congress, fourth session, the chairman, on February 9, 1923, introduced a bill, H. R. 14273, on immigration, but it provided that—subdivision (b), section 12—

(b) An immigrant not eligible to citizenship shall not be admitted to the United States unless such immigrant (1) is admissible as a nonquota immigrant under the provisions of subdivision (c), (e), or (h) of section 4; or (2) is the wife or unmarried minor child of an immigrant admissible under such subdivision (e), and is accompanying or following to join him.

On February 15, 1923, the House Committee on Immigration reported to the House S. 4092 by striking out all after the enacting clause and inserting an entirely new immigration bill as one amendment. Subdivision (b) of section 12 of this amendment to S. 4092 carried a provision that—

An immigrant not eligible to citizenship shall not be admitted to the United States * * *.

This is the first time any bill from a committee carrying this or similar provision excluding aliens ineligible to citizenship was ever reported to either House of Congress.

While we helped to secure this subdivision (b) of section 12 on this amendment it was never entirely satisfactory to us. I always wanted it in the language of subdivision 2 of section 2 of H. R. 12193, and reading—

No alien ineligible to citizenship shall be admitted to the United States.

By reason of the rush during the closing months of the Sixty-seventh Congress S. 4092, with this House amendment, died a natural death on the calendar.

On the opening of the Sixty-eighth Congress, first session, on December 5, 1923, I introduced H. R. 5. Subdivision (b) of section 12 of that bill reads as follows:

No alien ineligible to citizenship under the laws of the United States shall be admitted to the United States unless such alien (1) is admissible as a nonquota immigrant under the provisions of subdivisions (e) or (h) of section 4; or (2) is the wife or unmarried minor child, under 16 years of age, of an immigrant admissible under such subdivision (e) and is accompanying or following to join him; or (3) is an individual specified in subdivisions (1), (2), (3), or (4) of section 3 of this act.

Subdivision (e) of section 4, specified in section 12 above, is:

(e) An immigrant who continuously for at least two years immediately preceding the time of his application for admission to the United States has been, and who seeks to enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, professor of a college or seminary, or member of any recognized learned profession.

Subdivisions (1), (2), (3), and (4) of section 3, specified in section 12 above, are:

(1) A Government official, his family, attendants, servants, and employees;

(2) An alien visiting the United States as a tourist or temporarily for business or pleasure;

(3) An alien in continuous transit through the United States; and

(4) An alien lawfully admitted to the United States who later goes in transit from one part of the United States to another through foreign contiguous territory.

H. R. 101, Sixty-eighth Congress, first session, on December 5, 1923, was introduced by Mr. JOHNSON, of Washington, chairman of the Committee on Immigration and Naturalization of the House.

Subdivision (b) of section 12 of this bill H. R. 101 is as follows:

(b) An immigrant not eligible to citizenship shall not be admitted to the United States unless such immigrant (1) is admissible as a nonquota immigrant under the provisions of subdivision (b), (d), or (g) of section 4, or (2) is the wife or unmarried minor child of an immigrant admissible under such subdivision (d), and is accompanying or following to join him.

Public hearings were had on H. R. 5, H. R. 101, and H. R. 561 during December, 1923, and January, 1924. Thereupon the committee took the proposed legislation up for the purpose of reporting same to the House.

H. R. 101 was taken as the basis for consideration, though H. R. 5 and H. R. 101 were in many respects practically the same, the chairman's bill always being considered in preference to other bills on the same subject. The whole subject of immigration was fully considered, and the chairman on behalf of the committee introduced H. R. 6540 on February 1, 1924, which was reported to the House on February 9, 1924. During the consideration of H. R. 101, subdivision (b) of section 12 of H. R. 5 was substituted for subdivision (b) of section 12 of H. R. 101.

Thus H. R. 6540, as introduced and as reported out by the committee, carried the provisions of subdivision (b) of section 12 of H. R. 5. After further consideration and deliberation the chairman, for and on behalf of the committee, introduced H. R. 7995 on March 17, 1924. This was done to perfect the bill and avoid consideration of many amendments while the bill would be under consideration by the House. On March 24 the committee reported H. R. 7995 to the House.

H. R. 7995, with one amendment, finally passed the House on April 12, 1924, and on April 18, 1924, passed the Senate with an amendment striking out all after the enacting clause of the House bill, H. R. 7995, and inserting the Senate bill, S. 2576, as one amendment. See CONGRESSIONAL RECORD, pages 6645 to 6649, April 18, 1924.

The Senate bill, S. 2576, never carried any provision relative to the exclusion of aliens ineligible to citizenship. This bill was reported to the Senate by the Senate Committee on Immigration on March 27, 1924. No bill had been introduced in the Senate containing any provisions like those of subdivision (b) of section 12 of H. R. 5 and the bills H. R. 6540 and H. R. 7995 at any time.

In the Senate, on April 2, 1924, a proposed amendment by the Senator from California [Mr. SHORTRIDGE] was presented to S. 2576, which proposed amendment was in the language of subdivision (b) of section 12 of H. R. 7995—H. R. 5 and H. R. 6540. This proposed Senate amendment was then ordered to lie on the table and to be printed.

But on April 15 an amendment was presented in the Senate to S. 2576, which amendment as agreed to was in the same language as that carried in the House bills. On adopting this amendment on April 15, 1924—see CONGRESSIONAL RECORD, page 6377—after the amendment had been presented by Senator REED of Pennsylvania and read by the Clerk the following occurred:

Mr. ROBINSON. Does the Senator say that this is identical with the provision in the bill passed by the House?

Mr. REED of Pennsylvania. It is identical in its effect. It avoids a duplication of words, but in effect it is exactly the same. * * *

The amendment of Senator REED was agreed to.

The House bill, H. R. 7995, with the Senate amendment, went to conference. The conferees agreed to the provision of the House bill in the language as it passed the House—subdivision (b) of section 12 of H. R. 7995—which conference report having finally been approved by the two Houses and approved by the President is now the law.

I have set out the history of this provision of the immigration act of 1924, as it relates to Japanese exclusion, to the end that the record might be kept straight and, at the same time, easy of access.

Have not gone into the many other admirable features of the immigration act of 1924, upon which I have given every aid and assistance. The Committee on Immigration of the House, to a man, gave their best efforts, and this combined labor, to my way of thinking, has produced a humane and workable piece of legislation, which was much needed to meet the serious impending situation. It is not perfect by any means, though it represented the composite judgment of the committee and thereafter received the sanction of both Houses.

When it is put in actual practice and operation, no doubt there will develop questions overlooked or some inserted that should not have been, but on the whole it is a step, and a big one, in the right direction. Corrections, if any, when, and if necessary, can be made by Congress hereafter by way of amendment.

ALIEN SEAMEN

Mr. Speaker and gentlemen of the House, it is my intention to discuss the provisions of the immigration act of 1924 as it relates to alien seamen. The discussion will go to the preparation of this legislation in relation to what should have gone into the bill, what did go in as it left the committee, and finally the elimination of certain provisions and as the report came from the conferees, which conference report was adopted by the two Houses and the bill approved by the President.

I presented to the Committee on Immigration and Naturalization of the House a communication from Mr. Andrew Furuseth of date December 29, 1923, which was printed as part of the hearings (see statement of Mr. Furuseth before the committee hearings, vol. ser. 1–A, pp. 152–179; also vol. ser. 2–A, pp. 1110–1148, of the 68th Cong., 1st. sess.), which statement is as follows:

DECEMBER 29, 1923.

Hon. JOHN E. RAKER,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: On December 3, 1923, the Secretary of Labor called a conference in his office for the purpose of consultation about an immigration bill which was then being prepared in the department. Invited to this conference were Mr. Gompers, Mr. Morrison, president and secretary, respectively, of the American Federation of Labor, and other representatives of other labor organizations, including myself.

The eighteenth section of that bill dealt with seamen and gave to the Secretary of Labor the power to hold seamen coming into the ports of the United States on the vessels on which they serve, unless they could furnish such bond as the Secretary of Labor may prescribe.

The twentieth section provided for the reestablishment of a landing card, which, of course, includes a registration of cards issued. Realizing that the Secretary of Labor ultimately would be compelled to demand bonds from every seaman before he was granted shore leave, I protested, because it would repeal the freedom clauses of the seamen's act, impose upon the seamen an undue and unusual hardship, and largely fail of its stated purpose.

After some discussion it became apparent that the conference, as such, could reach no agreement upon the subject, the Secretary of Labor taking one position and practically the entire conference taking the other. The Secretary then appointed a committee of three, consisting of Mr. Gompers, Mr. Wallace, and myself. This committee was to draft a substitute to be submitted to the Secretary of Labor within the next three days.

The substitute and a short statement of reasons therefor were submitted to the Secretary of Labor on the third day, were tentatively rejected by him, but referred to the attorney drafting the bill for further consideration. The reasons for the substitute submitted to the Secretary of Labor were as follows:

REASONS FOR THE SUBSTITUTE

"On behalf of the seamen we respectfully submit the following as a substitute for or amendment to section 18 of the draft dealing with seamen submitted and discussed at the meeting held in the Secretary of Labor's office in the afternoon of December 3, 1923.

"It was generally understood that the purpose of the sections submitted was to keep out of the United States, so far as possible, any persons who might come as seamen and as seamen get on shore, notwithstanding the fact that they are excluded from the United States by law, treaty, or otherwise.

"The second purpose was to prevent seamen eligible to citizenship and coming to the United States from leaving and mingling in the population in violation of the general immigration laws.

"Third. That it was not intended to repeal that part of the seamen's act which, while it was passed in the interest of seamen, was even more so enacted for the purpose of equalizing the wage cost of American and foreign vessels and thus give to the United States an equal opportunity in the ocean carrying trade.

"The section as proposed, and for which this is a substitute, deals with the seaman who does not initiate and is not the first cause of the persistent violation of law about which there is so much just complaint. The owner of the vessel may under existing law or proposed draft legally bring excluded persons into the harbors of the United States, and the real penalties are not visited upon the first cause—the owner or the vessel—which has its origin in self-interest and a desire to evade or violate the law, but the real force of the proposed law is placed upon the seaman, who, when he shipped, in many instances knew not that the vessel was coming to the United States.

"The vessel hires the cheapest and for the purposes of the owner and officers thereof the most effective men that he or they can find. If he or they be interested in smuggling Chinese or other excluded persons from Cuba or from the West India Islands into the United States, or narcotics from any ports, he or they will naturally choose those who are most expert as smugglers and who can best be depended upon to keep silent and accept the penalty without exposing either the owner of the ship or the officers of the ship, and without the knowledge of the latter no serious amount of smuggling can ever be carried on. The seamen from the Mediterranean countries are the best trained and most expert smugglers amongst European seamen and most likely to keep silent, and they are therefore preferred.

"On the Pacific the owner or the officers will for the same purposes act in the same way, and they will, so far as they can, employ Chinese, and, second, Filipinos. There is ample proof that wherever Chinese are employed on the Pacific smuggling of Chinese and narcotics is carried on, and it makes no difference whether the vessel is a private one or belongs to the Emergency Fleet Corporation. The smuggling by the Filipinos is largely narcotics or alcoholic beverages. The penalty of $1,000 imposed upon the owner for permitting a seaman to escape is of doubtful validity. As a criminal statute, it would be strictly construed and collusion would very likely have to be proven, and such collusion would be as difficult to prove as it is now to prove, that the masters or other officers of the vessel know anything about the smuggling that is now daily taking place. When it is seriously intended that the laws shall be obeyed the lawmakers, at least in the past, sought to make evasion more expensive than obedience, thus enlisting in the executions of the law the self-interest of anyone who might be tempted to evade or violate it.

"The shipowner brings the seaman into our ports. The seaman seeks an opportunity here, as elsewhere, to go on shore; and no nation, except for the purposes of quarantine, has so far passed

any law to prohibit shore leave. When it has been prevented by the master of a ship, such prevention has invariably been evaded or violated in spite of criminal statutes and treaties of arrest, detention, and return of seamen. It is, therefore, reasonable to presume that laws or rules which could not be effectively executed, even in war time, when such laws or rules were based upon national safety, will be more extensively violated when based on immigration laws. The laws must, therefore, be so drawn as to put the responsibility upon the shipowner and the ship who bring excluded persons, except on vessels of their own nationality, and to so regulate the landing of seamen not specifically excluded as will permit the seamen to come on shore unless he be brought with the purpose above indicated, in which case the vessel must be made responsible and pay for deportation.

"That the United States can adopt such laws can not be questioned, because the Supreme Court of the United States has decided that the United States may forbid foreign vessels to come into its ports for any reason and therefore may make rules under which such ships may come. The same court has decided further that at least for the purposes of immigration and the crews the ship is not a part of the soil of the nation whose flag it is flying."

The substitute is as follows:

SUBSTITUTE

"Any alien person eligible to citizenship in the United States coming to any port of the United States as a bona fide seaman employed as part of the crew of any vessel shall be permitted to land in the United States temporarily either under the act entitled 'An act to provide for the treatment in hospital of diseased alien seamen,' approved December 26, 1920, or in pursuit of his calling. Such seaman shall be examined by order of the officer in charge of immigration, and if found temporarily admissible either for hospital treatment or in pursuit of his calling, he shall be furnished with a landing certificate as provided in section 20 of this act.

"*Provided*, First, that no vessel the crew of which were engaged without the jurisdiction of the United States, and which is bound to a foreign port or place, shall be permitted to depart from any port in the United States unless such vessel has a crew at least equal in number with the crew which such vessel had on her arrival.

"Second. That it is hereby made unlawful for any vessel to come to a port of the United States, except in distress, with a crew which under the laws of the United States is not permitted to depart on the same vessel from any port of the United States, and such crew or such members thereof shall be taken into custody by the immigration officer in charge and shall be deported as passengers on some other vessel to the place of their shipment at the expense of the vessel by which brought, and such vessel shall not be given clearance until this proviso is complied with.

"Third. That the Commissioner General of Immigration shall cause each member of the crew of any vessel arriving in any port of the United States from any foreign port or place to be examined, and shall cause a report to be made to the collector of customs and to the Bureau of Immigration; if the examining officer finds that such crew fails to comply with the requirements of section 13 of the seamen's act (Stat. L. * * *), he shall instruct the master to keep the members of such crew or such members thereof on board of such vessel awaiting further instructions, and he shall at once specifically report such findings and instructions to the Bureau of Immigration and to the collector of customs, who shall refuse clearance of such vessel pending final investigation and action by order of the Commissioner General of Immigration, as provided in the foregoing proviso.

"Fourth. It is hereby made unlawful for any vessel to bring, except in distress, any person ineligible to citizenship in the United States, into any port of the United States, as a seaman unless he be a national of the country whose flag the vessel flies. Any such person so brought shall be taken into custody by the immigration officer in charge and shall be deported as a passenger on some other vessel, either to the place of his shipment or to the country of which he is a national at the expense of the vessel by which brought, and such vessel shall not be given clearance until such provisio is complied with."

The substitute, together with the short statement above given, was later submitted to the legislative conference committee of the American Federation of Labor, where the action and report of the committee was indorsed. Nearly all of the immigration bills submitted or in process of preparation were reported to the conference as containing a provision for bonding of seamen. It was realized that the shipowners would make a special point of employing excluded persons wherever such would be convenient; that the bonding would have to be made general; that no bona fide seamen could put up the bonds required; and that the bonding provision would only be complied with by those who were using the navigation laws for the purpose of violating the immigration laws. For these reasons the conference adopted the following resolution:

"It is the sense of this conference that we insist upon the inclusion of the substitute offered by the committee in any immigration bill; also that we will do everything possible to prevent adoption of any legislation that will compel the seamen to put up bonds before being permitted to land."

In accordance with your suggestion this report, the action thereon, and some further reasons for this action are hereby submitted to you.

ARE SUCH LAWS NEEDED

The answer is that the immigration and exclusion laws are systematically and persistently violated. The maritime law gives to the seaman the right to come on shore "in pursuit of his calling" and assumes that he will ship out again. Once on shore he may change his mind about going to sea again. He may change his status and then vanish in the population. Those who desire to come to this country and who would be stopped at the gate can in this way come in. Those who want to import excluded persons can in this way bring them into the country, and the smuggling of excluded persons is as remunerative as other smuggling. It is generally understood that $1,000 is paid by the Chinese for being landed in the United States in such a way that he can at once mingle with others of his kind; and when we know that vessels manned with Chinese are constantly going away with from 10 to 40 or even 50 men less in the crew than they had on arrival we must realize that we are here dealing with a temptation to shipowners and to officers of vessels that is great enough to tempt the shipowners as well as the officers. Again, vessels coming from Europe have on one trip to this country left behind them from 50 to 150 persons, a great many of whom would have been refused admission if coming as regular immigrants. It does, therefore, appear that something ought to be done if we are serious in our immigration and exclusion policy.

ARE SUCH LAWS JUSTIFIED

As against those who have no desire to gather wealth by violating our laws, this proposal certainly can not be said to be harsh. The vessel is obligated to take away as many persons in her crew as she brings. In all nations there are either laws or regulations prescribing a minimum crew for the safety of life and property. The vessel can not leave home ports without this minimum number, but they can take as many more as the master or owner may determine. If in the judgment of the master or owner it is necessary for the safety of life and property to have a certain number in the crew coming west from Europe or east from the Orient, it certainly follows that the same number is needed to go back over the same waters; and no nation can justly complain because we insist that the laws of that particular nation and the judgment of the shipowner as to the number needed is enforced by this country.

One result is increased safety at sea, the other is that our population is not increased. But it is said that such vessels may bring such men as are for one reason or another excluded and take away those that are already admitted and must, therefore, be more desirable. This objection, though much overestimated, is met by the two provisos which forbid vessels to come into our ports, except in distress, with certain crews or certain persons in their crews unless they be citizens or subjects of the country to which the vessel belongs. The penalty is that the persons so brought shall be taken in charge by immigration officers and shall be sent out of this country at the expense of the vessel by which brought. The cost will be so considerable that the shipowners will take care not to violate our laws. There will be less temptation to smuggle. The risk of loss will be too great; but why not let the vessels come with anybody whom they may select and then see to it that the seamen are kept on board?

First, because it is a cruelty which we would be the only nation to perpetrate. No nation denies "shore leave" to seamen on visiting vessels except for the purpose of quarantine or in time of war. Quarantine is of short duration and is not often violated; but we know from the late war that it is practically impossible to enforce the denial of shore leave even in times of war. Desertions were plentiful even with the precautions then taken. Second, because it would reestablish involuntary servitude within the jurisdiction of the United States. Third, because it would reestablish the differential in the wage cost of operating American and foreign vessels. Fourth, because the penalties would be visited upon the innocent to the exclusion of the guilty and at the same time be to a considerable extent ineffective. The three reasons first mentioned may, or should be, accepted as self-evident, but the fourth needs some statement of facts to make it easily seen by readers who are not seamen or acquainted with sea life.

When a seaman joins a vessel he subscribes to a contract called shipping articles, in which it is stated that he is to go in the vessel to a named port and thence to any port or place within certain boundaries north and south and to return to some port in the country to which the vessel belongs. The seaman does not know what coun-

tries he is to visit during the time of his employment. He is not particularly interested unless the vessel is going to some place that is known to be especially sickly, and such contingency is usually taken care of in the law. If he knew that he is going to the United States, where shore leave is forbidden, he would very likely refuse unless forced by starvation. The shipowner knows where he is going to send his vessel and he can, therefore, act accordingly when hiring the crew. If he sends his vessel to the United States with a forbidden crew or forbidden persons in his crew, he does so in violation of our law, and he is the guilty party against whom the law in decency ought to be directed.

Our immigration and exclusion laws are based upon the principle that to be permitted to come to the United States is a privilege which we extend to some and forbid to others. If John Doe, the shipowner, desires to come to the United States, he knows that he must obtain a passport, to be visaed by the American consul. If he desires to send his son here to study or for travel and pleasure, he knows that the son must be provided with a guaranty that the boy will not alter his status; and yet he, the shipowner, may send any or all of his vessels—1, 2, 20, or 50—here into our ports with subjects or citizens of some other nation and specifically excluded from the United States. Surely there is no logic in such legislation, nor can there be said to be sincerity in it. He or his son may not come, except upon specific permission, but he is permitted to bring within the jurisdiction of the United States hundreds or thousands—more or less of men—of excluded men whom he chooses to employ on his vessels; however, with the condition that those vessels are to be turned into prisons for his bondsmen here within our jurisdiction, so that the unfortunates who happen to be on his vessels may not come on shore to mingle with our population. Such legislation might not be held unconstitutional, because of the Supreme Court decision in Robertson against Baldwin, but surely would be indecent, both because it is direct inhumanity and because it would punish the innocent with imprisonment and let the guilty go free to pocket the proceeds arising out of the transaction.

But then it may be held to be contrary to the thirteenth amendment to the Constitution of the United States. The Supreme Court has held that the jurisdiction of the United States begins 3 miles offshore and that a foreign vessel inside of the 3-mile limit comes within the American law—that she is subject to penalties—if she has rum on board, even if the rum be under seal. A foreign vessel brings rum into the jurisdiction of the United States and seals it up, so that it may be kept on board while within the jurisdiction and again used after the vessel is again at sea, and the court says that is an offense against the sovereignty of this country; another vessel brings an excluded person into the jurisdiction, keeps him under arrest, turning the vessel into a private prison, and holds him a prisoner until the vessel is again at sea. One is tempted to ask if this be not the worst offense, since it violates not only the thirteenth amendment but also the exclusive right to imprison and punish. And the imprisonment would not be for any actual violation of law but to prevent a possible violation. Much water has gone over the dam since the Robertson against Baldwin decision was handed down and Congress has abolished the laws and treaties under which the decision was made. Are we sure that the court may not now distinguish between seamen at sea under the common hazard and seamen in port? The constitutionality could surely be questioned and the decision might be all the worse for the ship. But let us suppose that the seaman should stow away a bottle of rum in his kit or on his person. What would then be the result? Arrest, imprisonment on shore, and finally deportation at the expense of the United States.

AS TO FOREIGN NATIONS

It has already been suggested that they can not justly complain, because we would play no favorites and would only be helping them by seeing that their own laws are obeyed while in our jurisdiction; but again Great Britain takes control to see that no vessel leaves her ports undermanned. She determines the minimum crew on her own vessels and then applies that law to foreign vessels. She has boarding officers who, upon complaints, visit any vessel; and if the law is about to be violated, the vessel is held until the law is complied with.

THE SACREDNESS OF VESSEL PROPERTY

One might express some wonder about what there is about a vessel that is so sacred that the owner is to be permitted to violate the laws of this country or that the laws must be so made as to make it easy for him to violate them with impunity. Are we so eager to see foreign vessels in our ports that we must give them special privileges in order that they may come here? Or is this law that makes the vessel in an American port into a prison to apply to American vessels as well as to foreign ones? If this be the case, then the purpose is easily understood. In that case it is just an effort to man the American vessels with orientals to be hired in the Orient under the act of 1884; but this would be a death sentence of the American hope of sea power. No self-respecting American would sail under such laws.

The idea to place seamen under bonds began in the newspapers as a part of the propaganda against the seamen's act. The failure to enforce the seamen's act and to make regulations which the Department of Commerce and the Department of Labor have a right to make made it easy and safe to use one law against the other to bring both into disrepute and to prepare the public mind for such legislation as would, at least ostensibly, enforce the immigration laws. It was easy, therefore, to suggest a remedy for violation of the immigration laws which at the same time would repeal the seamen's act.

When this is brought to the attention of the promoters of the bonding idea they suggest as an alternative that the whole question of seamen be left out of the proposed immigration legislation. If that was the only reasonable and decent alternative and the only way in which the immigration laws could be made effective, the seamen would not seriously complain; but the evil so justly complained of would continue and continue to grow. Why this should be done when there is another alternative which is justifiable, human, and decent seems rather difficult to understand.

Feeling sure that these suggestions and the substitute will be given serious attention by the members of the committee and of Congress, I beg to remain,

Most respectfully,

ANDREW FURUSETH.

Proper and adequate inspection of aliens arriving as seamen at ports of the United States is required under the provisions of sections 18, 19, and 20 of the bill.

Enforcement of the sections (secs. 32, 33, and 34) of the immigration act of 1917 respecting alien seamen has been one of the most difficult tasks confronting the Immigration Service. In fact, due to a weakness in section 32, there has been no proper enforcement for several years. The flaw was that the shipmaster, although required to detain inadmissible seamen, could not be punished for failure to detain unless it was shown that he had notice in writing so to do. Notice in writing anterior to the breach of responsibility to detain was physically impossible.

Requirement of a landing card for every alien seaman is made a feature of this phase of the bill. All the rights of seamen under the La Follette Act are protected. Sections 32, 33, and 34 of the immigration act of 1917 are repealed.

Section 3 of H. R. 7995 defines an immigrant and excepts an alien seaman from such definition, namely:

DEFINITION OF "IMMIGRANT"

SEC. 3. When used in this act the term "immigrant" means any alien departing from any place outside the United States, destined for the United States, except * * * (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman.

For purposes of comparison, the new paragraphs affecting alien seamen and the paragraphs of the 1917 act to be repealed are printed in parallel columns:

ALIEN SEAMEN PROVISIONS, IMMIGRATION ACT OF 1917	ALIEN SEAMEN PROVISIONS OF H. R. 8510
SEC. 32. That no alien excluded from admission into the United States by any law, convention, or treaty of the United States, regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed by the Secretary of Labor providing for the ultimate removal or deportation of such alien from the United States, and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board any such alien after notice in writing by the immigration officer in charge at the port of arrival, and to deport such alien, if required by such immigration officer or by the Secretary of Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding $1,000, for which sum the said vessel shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.	SEC. 18. No alien seaman excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Secretary may prescribe for the ultimate departure, removal, or deportation of such alien from the United States. SEC. 19. (a) Upon the arrival (after the expiration of four months after the enactment of this act) of any vessel in the United States, it shall be the duty of the owner, agent, charterer, consignee, or master thereof to deliver to the immigration officer in charge at the port of arrival, in respect of each alien seaman employed on such vessel, a landing card in triplicate, stating the position such alien holds in the ship's company, when and where he was shipped or engaged, and whether he is to be paid off and discharged at the port of arrival, and such other information as may be by regulations

ALIEN SEAMEN PROVISIONS, IMMIGRATION ACT OF 1917—contd.

SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place, he shall be allowed to land for the purpose of so reshipping, under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law, convention, or treaty from remaining permanently in the United States, and may be paid off, discharged, and permitted to remove his effects anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action be given by the master or the seaman himself to the principal immigration officer in charge at the port of arrival.

SEC. 34. That any alien seaman who shall land in a port of the United States contrary to the provisions of this act shall be deemed to be unlawfully in the United States, and shall, at any time within three years thereafter, upon the warrant of the Secretary of Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

ALIEN SEAMEN PROVISIONS OF H. R. 6540—continued

prescribed, and having permanently attached thereto a photograph of such alien.

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

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

(d) An alien seaman who departs from the United States temporarily at frequent intervals in the pursuit of his calling may be admitted to the United States, under such regulations as may be prescribed, without the requirement of a landing card in respect of each entry into the United States.

Paragraph (e) describes form of landing cards.

Paragraph (f) relates to fines.

SEC. 20. (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman, and delivered to him a landing card (in cases where a landing card is required), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Secretary to do so shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the

ALIEN SEAMEN PROVISIONS, IMMIGRATION ACT OF 1917—contd.

ALIEN SEAMEN PROVISIONS OF H. R. 6540—continued

payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

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

Paragraph (c) is a repealing clause.)

AMENDMENTS PROPOSED BY ANDREW FURUSETH AFTER H. R. 7995 HAD GONE TO THE FLOOR OF THE HOUSE

On page 26 of House bill, line 9, insert the word "which" between the words "card" and "shall." Strike out the period after the word "valid" and insert "for sixty days unless extended because of sickness or litigation."

On page 28 of House bill strike out after the word "required," beginning with "or," on line 3, to and including the word "so," on line 6.

The alien seaman provision as finally reported out by the House committee, on H. R. 7995, and as it passed the House, is in the following language, namely:

ALIEN SEAMEN

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

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

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

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

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

(e) Landing cards shall be printed on distinctive safety paper prepared and issued, under regulations prescribed under this act, at the expense of the owner, agent, consignee, charterer, or master of the vessel. The Secretary of Labor, with the cooperation of the Secretary

of State, shall provide a means of obtaining blank landing cards outside the United States.

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

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

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

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

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

AMENDMENT OFFERED BY SENATOR KING DURING CONSIDERATION OF THE IMMIGRATION BILL IN THE SENATE, CALENDAR DAY, APRIL 18, 1924

[CONGRESSIONAL RECORD, p. 6858, Sixty-eighth Congress, first session]

SEC. 16. (a) Every alien employed on board of any vessel arriving in the United States from any place outside thereof shall be examined by an immigrant inspector to determine whether or not (1) he is a bona fide seaman, and (2) he is an alien of the class described in subdivision (f), section 17, hereof; and by a surgeon of the United States Public Health Service to determine (3) whether or not he is suffering with any of the disabilities or diseases specified in section 35 of the immigration act of 1917.

(b) If it is found that such alien is not a bona fide seaman he shall be regarded as an immigrant, and the various provisions of this act and of the immigration laws applicable to immigrants shall be enforced in his case. From a decision holding such alien not to be a bona fide seaman the alien shall be entitled to appeal to the Secretary; and on the question of his admissibility as an immigrant he shall be entitled to appeal to the Secretary, except where exclusion is based upon grounds nonappealable under the immigration laws. If found inadmissible, such alien shall be deported, as a passenger, on a vessel other than that by which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

(c) If it is found that such alien is subject to exclusion under subdivision (f) of section 17 hereof, the inspector shall order the master to hold such alien on board pending the receipt of further instructions.

(d) If it is found that, although a bona fide seaman, such alien is afflicted with any of the disabilities or diseases specified in section 35 of the immigration act of 1917, disposition shall be made of his case in accordance with the provisions of the act approved December, 1920, entitled "An act to provide for the treatment in hospital of diseased alien seamen."

SEC. 17. (a) Upon the arrival—after the expiration of four months after the enactment of this act—of any vessel in the United States, it shall be the duty of the owner, agent, charterer, consignee, or master thereof to deliver to the immigration officer in charge at the port of arrival, in respect of each alien seaman employed on such vessel, a landing card in duplicate, containing such seaman's name, age, nationality, personal description, and the capacity in which employed, and having permanently attached thereto a photograph of such seaman.

(b) If such alien employee is found upon examination not to be subject to detention or exclusion under any of the provisions of section 16 hereof, he shall be permitted temporarily to land during the stay of the vessel in port or for the purpose of reshipping on board any other vessel bound to a place outside the United States, and the immigration officer shall cause a fingerprint of the alien to be placed upon each copy of the landing card. Thereupon one copy of the landing card shall be delivered to said seaman, and the other copy shall be filed in the archives of the immigration office at the port of arrival and properly indexed for future reference.

(c) If such a temporarily landed alien seaman remains in the United States without reshipping foreign for a period in excess of 60 days, such circumstance shall constitute prima facie evidence of abandonment of calling and becoming an immigrant, and such alien shall thereupon be taken into custody by immigration officials and examined as though he were an immigrant applying for admission; and unless such alien shows either that he has not abandoned his calling but is still a bona fide seaman, or that he is in all respects admissible under this act and the immigration laws, such alien shall be deported in the manner prescribed by sections 19 and 20 of the immigration act of 1917.

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

(e) All vessels entering ports of the United States manned with crews engaged and taken on at foreign ports shall when departing from the United States ports carry a crew of at least equal number, and any such vessel which fails to comply with this requirement shall be refused clearance.

(f) No vessel shall enter a port of the United States, except in distress, having on board as a member of the crew any alien who if he were applying for admission to the United States as an immigrant laborer would be subject to exclusion under the Chinese exclusion laws, or under the sixth proviso to section 3 of the immigration act of 1917 and rule 7 of the immigration rules of February 1, 1924, or under the clause of section 3 of the immigration act of 1917 excluding by territorial limitations certain natives of Asia and of islands adjacent thereto; except that any ship of the merchant marine of any one of the countries, islands, dependencies, or colonies immigrant laborers coming from which are excluded by the said provisions of law shall be permitted to enter ports of the United States having on board in their crews aliens of said description who are natives of the particular country, island, dependency, or colony to the merchant marine of which such vessel belongs. Any alien seaman brought into a port of the United States in violation of this provision shall be excluded from admission or temporary landing and shall be deported either to the place of shipment or to the country of his nativity, as a passenger, on a vessel other than that on which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

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

COMPARATIVE PRINT, SHOWING PROVISIONS OF IMMIGRATION ACT OF 1917 AND HOUSE BILL 7995, RELATING TO ALIEN SEAMEN

ALIEN SEAMEN PROVISIONS, IMMIGRATION ACT OF 1917	ALIEN SEAMEN PROVISIONS OF H. R. 7995, AS INTRODUCED
SEC. 32. That no alien excluded from admission into the United States by any law, convention, or treaty of the United States regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment or pursuant to regulations prescribed by the Secretary of Labor providing for the	SEC. 18. No alien seamen excluded from admission into the United States under the immigration laws and employed on board any vessel arriving in the United States from any place outside thereof, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Secretary may prescribe for the ultimate departure, removal, or deportation of

ALIEN SEAMEN PROVISIONS, IMMIGRATION ACT OF 1917—contd.

ultimate removal or deportation of such alien from the United States; and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board any such alien after notice in writing by the immigration officer in charge at the port of arrival and to deport such alien, if required by such immigration officer or by the Secretary of Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding $1,000, for which sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place, he shall be allowed to land for the purpose of so reshipping under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law, convention, or treaty from remaining permanently in the United States, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action be given by the master or the seaman himself to the principal immigration officer in charge at the port of arrival.

SEC. 34. That any alien seaman who shall land in a port of the United States contrary to the provisions of this act shall be deemed to be unlawfully in the United States and shall at any time within three years thereafter, upon the warrant of the Secretary of Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States; and if not admitted, said alien seaman shall be deported at the expense of the appropriation for this act as provided in section 20 of this act.

ALIEN SEAMEN PROVISIONS OF H. R. 7995, AS INTRODUCED—contd.

SEC. 19. (a) Upon the arrival (after the expiration of four months after the enactment of this act) of any vessel in the United States, it shall be the duty of the owner, agent, charterer, consignee, or master thereof to deliver to the immigration officer in charge at the port of arrival, in respect of each alien seaman employed on such vessel, a landing card in triplicate, stating the position such alien holds in the ship's company, when and where he was shipped or engaged, and whether he is to be paid off and discharged at the port of arrival, and such other information as may be by regulations prescribed, and having permanently attached thereto a photograph of such alien.

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

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

(d) An alien seaman who departs from the United States temporarily at frequent intervals in the pursuit of his calling may be admitted to the United States, under such regulations as may be prescribed, without the requirement of a landing card in respect of each entry into the United States.

ALIEN SEAMEN PROVISIONS, IMMIGRATION ACT OF 1917—contd.

ALIEN SEAMEN PROVISIONS OF H. R. 7995, AS INTRODUCED—contd.

Paragraph (e) describes form of landing cards.

Paragraph (f) relates to fines.

SEC. 20. (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessels until the immigration officer in charge at the port of arrival has inspected such seaman and delivered to him a landing card (in cases where a landing card is required), or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Secretary to do so shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine.

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

Paragraph (c) is a repealing clause.

The following letter was submitted to Hon. ALBERT JOHNSON, chairman of the Committee on Immigration and Naturalization of the House and one of the conferees on House Resolution 7995, and considered by the conference, namely:

APRIL 28, 1924.

Hon. ALBERT JOHNSON,
Chairman Committee on Immigration,
House Office Building, Washington, D. C.

DEAR MR. CHAIRMAN: In dealing with the question of immigration no one could fail to note an effort on the part of the Department of Labor to acquire a right to hold alien seamen on board of the merchant vessels in our harbors in order to prevent the vessels from being the means of violations of the immigration and exclusion laws.

The early drafts of all the bills contained provisions under which the masters of vessels were to hold the seamen on board of the vessels and be penalized if they failed.

It evidently did not occur to the draftsmen that such legislation would be either cruel or unconstitutional. Unconstitutional for two reasons. First, because those men would be held to involuntary servitude within the jurisdiction of the United States. Second, because the vessels would be peivate prisons, and as such incompatible with the sovereignty of the United States. As it became apparent to the membership of the committees that any legislation to hold the seamen on the vessels against their will might be declared void, it was thought that it might be accomplished in some indirect manner, as in the House bill (line 25 on page 31, and lines 19, 20, 21, and 22 on page 38, conference committee print No. 1), or that it might be better to permit the coming of aliens as seamen, as in the Senate bill.

When, during the hearings on the bill, your attention was called to the real situation, you stated that to deal with the question of seamen in the effective way suggested by me might defeat the proposed legislation.

To that suggestion I answered by stating that if such was the case it would be better to leave the seamen as they are. While the seamen question is of importance the seamen will stand aside, and I would

do nothing which might endanger the bill. I have kept that promise. The situation is now altered.

There is not now any danger to the legislation, except to its effectiveness by leaving a side door open through which excluded laborers may come in as great numbers as might be desired by either the steel corporation or the steamship companies.

The census year to be used, the percentage to be admitted legally, and the Japanese exclusion are in the same language in the House and the Senate bills. The majority with which the bills passed the separate Houses is such as to make any danger from any source practically unthinkable.

There is, however, nothing in either bill that will prevent vessels of any nation from bringing excluded aliens into our ports, where they can not be kept on board for reasons given above.

There is nothing in either bill to prevent vessels from coming here with 50 or even 100 per cent of men added to their crews, to drop the extra men here as illegal immigrants and then go away with just such men as they might retain on board.

That vessels will do this, when they can collect not only immigrant fares but in some instances $1,000 per person landed in the United States, will not be denied by any man with the ordinary amount of candor and respect for the truth.

That our supply of Chinese is kept up and added to in this manner, you will not question. That immigrants are coming from Europe in this way, you have been told in such manner that you can not doubt it. Here is a side door through which the law is to be violated, and to much greater extent than in the past. You can close this door if you so desire. There are no treaties to forbid. The Bureau of Immigration has withdrawn its objections and now has notified the conferees that it now looks upon the amendments offered by Senator KING as the one effective way proposed for the real enforcement of the law. The only known parties, that are now opposed, are the steamship companies. Are they going to be permitted to stand in the way until in some dim and distant future you can pass the separate bill, of which you spoke, but the reason for which has now passed away?

Most respectfully yours,

ANDREW FURUSETH.

The following letter by Mr. Furuseth was presented to Senator REED, a conferee on H. R. 7995 on the part of the Senate, and used by the conferees, which letter and memorandum are in words following:

WASHINGTON, D. C., *May 5, 1924.*

HON. DAVID A. REED,
United States Senator, Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: From information which I have obtained it seems that the conferees on the immigration bill have tentatively agreed to sections 18, 19, and 20 of the House bill, which sections deal with the question of alien seamen in relation to immigration, without adding thereto subsections (e) and (f), as found in the amendment submitted by Senator KING.

I do most sincerely hope that no such agreement will be finally arrived at. It is a fact, not now disputed by anybody, that vessels are leaving our ports with a much smaller crew of seamen than they had on arrival. If subsection (e) is not made a part of the law, there will be nothing either in the maritime law or in the immigration law which would justify any protests on the part of our immigration authorities if a vessel coming here was to double her normal crew and leave one-half of that double crew behind her when she departs. That vessels will do this is as certain as the fact that men will do things that they are permitted to do if it is to their economic advantage.

About 165,000 immigrants will be admitted regularly. There is no reason anywhere in the law why that number can not be doubled and 330,000 brought here in violation of the spirit, but not of the letter, of the immigration law. Nothing can be more certain than that men will pay their passage, be placed on the articles of the ship, and do some work on the way over in order to ostensibly prove that they are seamen.

If subsection (f) is not adopted, there will be nothing in the law to prevent vessels coming from any foreign port or place bringing to the United States persons that are racially or territorially excluded from the United States and bringing them in such numbers as to make it worth while even to wealthy corporations. It is not now disputed by anybody that Chinese are paying $1,000 to be landed in the United States. That the same will henceforth apply to other orientals can not reasonably be questioned. The provisions for fines, as found in section 20, will have no force or effect, because the Government will have to prove collusion, and that can not be proved except in very rare instances, if at all.

But, bad as this is, it is not the worst. While the side door is left wide open to bring in all kinds of excluded people, the honest legitimate seaman is to be photographed and fingerprinted, like any convicted criminal, and the vessels are to be annoyed, subjected to delay, trouble, and expense by obtaining from the consul special papers for every alien on board and to cause him to be photographed. They are to be punished by fines for violating this provision. It will be the honest seaman that will be fingerprinted; the crook will refuse on the plea that he is not going ashore at all, and when night comes he will slip from the side and vanish. If the photographing and the fingerprinting were general, of course the seaman could not properly complain; but when the seaman is selected and put in the class with convicted crooks simply because he is a seaman and unfortunate enough to come within the jurisdiction of the United States, it is a dishonor put upon the seaman which will certainly not help the United States in getting efficient, self-respecting men or boys to serve at sea, whether they be of American or foreign parentage.

If the conferees could adopt (e) and (f), there would be no necessity for any landing card, because those specifically excluded would be picked up on the arrival of the vessel and deported. This would certainly be less annoyance to any vessel than to furnish photographs on special paper for every member of the crew, running from 20 to 700 men and women. If it be stated that it would be a hardship on the vessel to be prohibited from departing unless she had as many men in her crew as she had on arrival, I respectfully submit that that is the law dealing with American vessels, and you will find that in section 4463 of Revised Statutes, as finally amended in 1913.

I stated to the committee of the House and to the committee of the Senate that if proper workable immigration laws could not be placed in this bill the seamen would prefer to be left exactly as they are now. The adoption of the House sections does not leave the seamen as they are now. It makes at least the distinction of changing the seamen from being presumably as honest as everybody else to that of being in the class of convicted crooks. If it be true that the House provisions dealing with alien seamen are adopted or are to be adopted, it would be infinitely better to leave the bill on that question as it was adopted in the Senate.

On behalf of the seamen,
Most respectfully yours,

ANDREW FURUSETH.

Memorandum concerning changes which should be made in the seamen's sections of H. R. 7995 in order to make those sections fairly effective from the immigration standpoint and in order that this proposed law shall not result in repealing any provisions of the seamen's act.

[The print of the bill used in preparing this memorandum is conference committee print No. 6 of May 8, 1924]

As all provisions requiring the seamen to have landing cards and provisions relating to such landing cards have already been eliminated from the bill in conference through the deletion of each and every paragraph of section 20 thereof, these suggestions proceed upon the premise that the landing-card arrangement has been definitely abandoned.

Section 19 of the bill (lines 15–22, p. 29) should be stricken out, because the provisions thereof, treating alien seamen as though "excluded from admission into the United States under the immigration laws," are in direct conflict with the fifth clause of section 3 (lines 8–12, p. 5), excepting from the "definition of immigrant" any alien who is "a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman." And in order that the bill may clearly show the extent to which and the purpose for which alien seamen are to be examined there should be inserted as section 19 the following:

"(a) Every alien employed on board of any vessel arriving in the United States from any place outside thereof shall be examined by an immigrant inspector to determine whether or not (1) he is a bona fide seaman and (2) he is an alien of the class described in subdivision (f), section 20, hereof, and by a surgeon of the United States Public Health Service to determine (3) whether or not he is suffering with any of the disabilities or diseases specified in section 35 of the immigration act of 1917.

"(b) If it is found that such alien is not a bona fide seaman, he shall be regarded as an immigrant, and the various provisions of this act and of the immigration laws applicable to immigrants shall be enforced in his case. From a decision holding such alien not to be a bona fide seaman the alien shall be entitled to appeal to the Secretary, and on the question of his admissibility as an immigrant he shall be entitled to appeal to the Secretary, except where exclusion is based upon grounds nonappealable under the immigration laws. If found inadmissible, such alien shall be deported as a passenger on a vessel other than that by which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

"(c) If it is found that such alien is subject to exclusion under subdivision (d) of section 20 hereof, the inspector shall order the master to hold such alien on board pending the receipt of further instructions.

"(d) If it is found that although a bona fide seaman such alien is afflicted with any of the disabilities or diseases specified in section 35 of the immigration act of 1917, disposition shall be

made of his case in accordance with the provisions of the act approved December 26, 1920, entitled 'An act to provide for the treatment in hospital of diseased alien seamen.'"

Strike out paragraph (a) of section 21 of the bill (line 11, p. 32, to line 4, p. 33) and insert in lieu thereof the following:

"SEC. 20. (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until such alien has been inspected pursuant to paragraph (a) of section 16 hereof, or until such alien has been placed in hospital pursuant to paragraph (d) of said section, or who fails to make provision for the deportation of any alien ordered deported pursuant to paragraph (b) of said section or pursuant to paragraph (c) of said section and paragraph (d) of this section, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien in respect of whom any such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs."

Strike out paragraphs (b) and (c) of section 21 (lines 5–19, p. 33), and change the designation of what is now paragraph (d) (line 20, p. 33) to (b).

Add to section 21 of the bill (after line 5, p. 34) three paragraphs to be designated and to read as follows:

"(c) All vessels entering ports of the United States manned with crews the majority of which, exclusive of licensed officers, have been engaged and taken on at foreign ports shall when departing from the United States ports carry a crew of at least equal number, and any such vessel which fails to comply with this requirement shall be refused clearance: *Provided, however*, That such vessel shall not be required when departing to carry in the crew any person to fill the place made vacant by the death or hospitalization of any member of the incoming crew.

"(d) No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien who if he were applying for admission to the United States as an immigrant would be subject to exclusion under paragraph (c) of section 13 hereof; except that any ship of the merchant marine of any one of the countries, islands, dependencies, or colonies immigrants coming from which are excluded by the said provisions of law shall be permitted to enter ports of the United States having on board in their crews aliens of said description who are natives of the particular country, island, dependency, or colony to the merchant marine of which such vessel belongs. Any alien seaman brought into a port of the United States in violation of this provision shall be excluded from admission or temporary landing and shall be deported either to the place of shipment or to the country of his nativity as a passenger on a vessel other than that on which brought at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

"(e) If any alien seaman temporarily landed under the provisions of this act remains in the United States without shipping foreign for a period in excess of 60 days, such circumstance shall constitute prima facie evidence of abandonment of calling and becoming an immigrant, and such alien shall thereupon be taken into custody by immigration officials and examined as though he were an immigrant applying for admission; and unless such alien shows either that he has not abandoned his calling but is still a bona fide seaman, or that he is in all respects admissible under this act and the immigration laws, such alien shall be deported in the manner prescribed by sections 19 and 20 of the immigration act of 1917."

The following letter and statement by Mr. Furuseth was submitted by me to the conferees while H. R. 7995 was under consideration. It follows:

MEMORIAL ON IMMIGRATION BILL, BY ANDREW FURUSETH, ON BEHALF OF THE SEAMEN.

Section 19 places the seamen under the immigration laws. Immigration laws are defined as all acts, treaties, and conventions, including this act, dealing with immigration, exclusion, and expulsion of aliens, so that the seamen will, first, have to comply with all the provisions of the former immigration statutes, and in addition to that he must be capable of becoming a citizen of the United States under this proposed statute.

Section 21 provides that the master of a vessel must hold the seaman on board, first, until examined; second, until deported either by himself in the same ship or by order of the Secretary of Commerce in some other ship, unless the seaman shall be permitted to land. Having no immigration visé, of course he can not land in the United States under the immigration laws as they will be amended if these two sections are adopted. The failure of the master to hold the seaman to the vessel carries with it a penalty of $1,000.

Section 4 of the seamen's act was passed (1) to liberate the seamen, (2) to induce Americans to go to sea, and (3) to equalize the wage cost of foreign and American merchant vessels. It gives to the seaman the right to demand one-half of the wages earned, and if that is refused, to leave the vessel and apply to the courts for the payment of all the wages earned. This section of the seamen's act has been most seriously contested by foreign and domestic shipping companies. It finally came before the Supreme Court of the United States in the case of Dillon *v.* Strathearn (U. S. 252, p. 358). Great Britain appeared through amicus curiae. The United States was represented through the Department of Justice; and the Supreme Court unanimously held this section to be valid law.

Sections 19 and 21 of the immigration bill and section 4 of the seamen's act can not operate together, if the immigration laws and the seamen's act are both to be obeyed. If you do not desire to repeal section 4 of the seamen's act, sections 19 and 21 of this act must be deleted. The seamen were given a definite promise by the committees of both branches of Congress that no part of the seamen's act would be repealed.

Respectfully submitted.

ANDREW FURUSETH.

WASHINGTON, D. C., *May 13, 1924.*

The following letter was sent by me to Secretary of State Hughes, and his reply thereto duly received. These were presented to the conferees and by them considered. My letter and Secretary Hughes's reply are as follows:

APRIL 23, 1924.

Hon. CHARLES E. HUGHES,
Secretary of State, Washington, D. C.

MY DEAR MR. SECRETARY: I am sending you herewith a proposed amendment to sections 18 and 19 to the present pending immigration bill, H. R. 7995.

There are two provisions in the bill that I would like your opinion on, to see whether or not they are in conflict with any treaty now existing between the United States and any foreign country. The only questions really involved upon which I particularly call your attention are the provisions of subdivision (e) and (f) of the proposed amendment to section 19.

I would appreciate your reply to this at the earliest possible date, not later than Thursday evening, if possible.

I am sending this to Mr. Andrew Furuseth, whom I have requested to go over the matter with you, so that we may have a full and complete understanding on the subject. I want to know whether or not these two sections as written are workable, so far as our treaties are concerned.

Respectfully submitting the same and anticipating your early reply, believe me, I am,

Most cordially yours,

JOHN E. RAKER, M. C.

ALIEN SEAMEN PROVISIONS IN H. R. 7995 AS PASSED BY THE HOUSE, WITH SUGGESTIONS RELATING THERETO FROM THE SECRETARY OF STATE AND OTHERS—LETTER FROM THE SECRETARY OF STATE TO HON. JOHN E. RAKER, M. C.

[Received April 24, 1924.]

DEPARTMENT OF STATE,
Washington, April 24, 1924.

Hon. JOHN E. RAKER,
House of Representatives.

MY DEAR MR. RAKER: I have received your letter of April 23 asking whether, in my opinion, subdivisions (e) and (f) of the proposed amendment of section 19 of the pending immigration bill, H. R. 7995, would be in conflict with any treaty now existing between the United States and a foreign country. The proposed provisions are as follows:

"(e) All vessels entering ports of the United States manned with crews the majority of which, exclusive of licensed officers, have been engaged and taken on at foreign ports shall when departing from the United States ports carry a crew of at least equal number, and any such vessel which fails to comply with this requirement shall be refused clearance.

"(f) No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien who if he were applying for admission to the United States as an immigrant would be subject to exclusion under paragraph (b) of section 12 hereof; except that any ship of the merchant marine of any one of the countries, islands, dependencies, or colonies immigrants coming from which are excluded by the said provisions of law shall be permitted to enter ports of the United States having on board in their crews aliens of said description who are natives of the particular country, island, dependency, or

colony to the merchant marine of which such vessel belongs. Any alien seaman brought into a port of the United States in violation of this provision shall be excluded from admission or temporary landing and shall be deported either to the place of shipment or to the country of his nativity, as a passenger, on a vessel other than that on which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed."

Probably the countries which would be affected most by the proposed measures would be Great Britain, Japan, and the Netherlands.

I do not find anything in the treaty of commerce and navigation of 1852 with the Netherlands which seems to have any direct bearing upon this question.

Article I of the convention of commerce and navigation of 1815 with Great Britain reads as follows:

"There shall be between the territories of the United States of America, and all the territories of His Britannic Majesty in Europe, a reciprocal liberty of commerce. The inhabitants of the two countries, respectively, shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers, in the territories aforesaid, to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories, respectively; also to hire and occupy houses and warehouses for the purposes of their commerce; and, generally, the merchants and traders of each nation, respectively, shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries, respectively."

Article I of the treaty of commerce and navigation of 1911 with Japan reads, in part, as follows:

"The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses, and ships, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established."

Article IV of the same treaty reads as follows:

"There shall be between the territories of the two high contracting parties reciprocal freedom of commerce and navigation. The citizens or subjects of each of the contracting parties, equally with the citizens or subjects of the most-favored nation, shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other which are or may be opened to foreign commerce, subject always to the laws of the country to which they thus come."

Provisions more or less similar to those quoted may be found in treaties with other countries.

Especial attention is called to the provisions in the treaties from which I have quoted relating to "reciprocal liberty of commerce" and "reciprocal freedom of commerce and navigation." It appears to me that subdivision (e) of the proposed amendment of section 19 might operate in such a way as to interfere with reciprocal freedom or liberty of commerce and to cause serious loss to British and Japanese vessels, and perhaps vessels of other countries with which the United States has commercial treaties similar to those from which I have quoted. If, for example, a seaman on a vessel coming within the provisions of subdivision (e) should die or become ill and have to be taken to a hospital, or if one or more members of the crew should desert, immediately before the scheduled time for sailing, it is quite possible that a considerable time would be required to obtain other seamen to fill their places. It is quite conceivable that a delay of several hours or of a day or more might be required to fill the quota of the crew. In the case of a large vessel a delay of an hour or more may result in a very large loss. Therefore, if the proposed provision should be adopted, it would seem desirable to amend it in such a way as to make it less rigid. Perhaps this might be done by adding a provision to the effect that the Secretary of the Treasury should have authority to give the vessel clearance where the crew loss has occurred within a specified time before the scheduled time for sailing and where such loss has not been caused by the fault of the vessel. You may wish to consult with the Secretary of the Treasury concerning this point.

As to subdivision (f), there would seem to be no conflict with commercial treaties except, perhaps, in so far as it applies to seamen subject to exclusion under the immigration act as being ineligible to naturalization and coming from overseas dominions or colonies of the country to which the vessel belongs. This objection would not be apt to arise under the convention of commerce and navigation of 1815 between the United States and Great Britain, since that convention specifically applies to commerce between the territories of the United States of America and "all the territories of His Britannic Majesty in Europe." However, the British Government might object upon the ground that the provision, as applied to Hindoos serving on British vessels plying between the United States and India, would be so unreasonable as to amount to a violation of international comity. The Japanese Government might object upon the ground that the application of this provision to Korean seamen serving on Japanese vessels would be a violation of the provisions of Articles I to IV of the treaty of commerce and navigation of 1911, quoted above. The Japanese Government might reasonably contend that the treaty provisions just mentioned guarantee the right of Japanese subjects, whether coming from Japan proper or from overseas dominions, to come to the United States for purposes of commerce and navigation, and that these provisions cover the seamen on a vessel as well as its owners and agents.

For the reasons mentioned above, it would seem desirable to have subdivision (f) amended in such a way as to avoid its application to seamen of the class mentioned coming from outlying dominions.

I am, my dear Mr. RAKER,

Sincerely yours,

CHARLES E. HUGHES.

A letter to Secretary Davis and his reply thereto are as follows:

APRIL 30, 1924.

Hon. JAMES J. DAVIS,

Secretary of Labor, Washington, D. C.

In re: H. R. 7995.

MY DEAR MR. DAVIS: I am sending you herewith a printed copy of a letter to me from Secretary of State Hughes, of date April 24, 1924.

I wish you would take H. R. 7995, sections 18, 19, and 20 of the bill as it passed the House. Then we desire to add to section 19 two new subdivisions, which are marked in the letter from Secretary Hughes as "(e)" and "(f)." While we want to leave section 19 just as it stands, the subdivisions would be changed and "(e)" and "(f)" of the Hughes letter would be then different subdivisions, but what we want to know is whether or not you can see your way clear to add to section 19 of H. R. 7995 the provisions of "(e)" and "(f)," as found in the Hughes letter of April 24, 1924, copy of which I am submitting herewith.

I hope that I may have your favorable approval of these two subdivisions.

Respectfully submitting the same, I am

Yours most truly, JOHN E. RAKER, M. C.

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington May 1, 1924.

Hon. JOHN E. RAKER,

House of Representatives, Washington, D. C.

MY DEAR MR. RAKER: In the absence of the Secretary, I have the honor to acknowledge receipt of your letter of April 30, inclosing printed copy of letter from the Secretary of State, in which you ask whether subdivision (e) and (f) of Secretary Hughes's letter can be added to section 19 of H. R. 7995.

We have given section 19 and the proposed amendments careful consideration, and this department is of the opinion that if this section and the proposed amendments, with corrections, as suggested by Secretary Hughes, are adopted it will go far toward solving many of the difficulties with which this department has been confronted in its efforts successfully to cope with the seamen's situation as it pertains to the enforcement of the immigration laws. This being true, the proposed amendments meet with the approval of this department and are highly desirable from an administrative standpoint.

Cordially and sincerely yours,

ROBE CARL WHITE,
Acting Secretary.

The following is a letter to Mr. Carson, Commissioner Bureau of Navigation, and his reply thereto, namely:

APRIL 22, 1924.

Hon. D. B. CARSON,

Commissioner Bureau of Navigation, Washington, D. C.

MY DEAR MR. COMMISSIONER: I am sending you herewith proposed amendment—sections 18 and 19—to the present pending immigration bill, H. R. 7995.

There are two provisions in the bill that I would like your opinion on to see whether or not they are, first, against the contravention of the La Follette seaman's act, and, second, whether or not they are contrary to any treaties existing between the United States and any foreign governments, and, third, whether or not they would be in contravention of the law of the sea.

I would like your reply to this at the earliest possible date, not later than Thursday noon. If there is anything that is not plain here, I would be pleased to get in consultation with you and your office upon it.

I am sending this by Mr. Andrew Furuseth, whom I have requested to go over the matter with you, so that we may have a full and complete

understanding on the matter. I want to know whether or not these two sections as written are workable, for the reasons suggested, or could there be any lawful or legal reasons why they would not be workable.

Respectfully submitting the same, I am

Yours most truly,

JOHN E. RAKER, M. C.

[Letter from the Department of Commerce received April 24, 1924]

DEPARTMENT OF COMMERCE,
BUREAU OF NAVIGATION,
Washington, April 23, 1924.

Hon. JOHN E. RAKER,
House of Representatives.

DEAR MR. RAKER: I have received your letter of the 22d instant inclosing proposed amendments of sections 18 and 19 of immigration bill, H. R. 7995. You inquire as to the bureau's opinion whether these amendments are in contravention of the seamen's act of March 4, 1915; whether they are contrary to any treaties existing between the United States and any foreign governments; and whether they are in contravention of the "law of the sea."

As I understand the proposed amendments, they are not in contravention of the seamen's act of March 4, 1915.

Whether these proposed amendments are in contravention of treaties of the United States appears to be for the consideration of the Department of State, and this bureau does not feel justified in going into that question.

The proposed addition at the end of line 11, page 25, to the effect that the immigration authorities may remove from vessels, foreign and American, any member of the crew found not to be a bona fide seaman in the opinion of the immigration officer, goes much further than any maritime law or practice with which this bureau is familiar.

The amendment which follows, identified as (e), does not appear to be in contravention of any of our navigation laws unless possibly it is contrary to the spirit of section 4400, Revised Statutes, which provides in effect that the United States is not to fix the number of crew which a foreign vessel shall carry inasmuch as section 4400 does not make 4463, Revised Statutes, as amended, applicable to foreign vessels. The bureau has not before it the law of any other maritime nation containing a similar requirement.

The amendment identified as (f), prohibiting any vessel bringing into a port of the United States an ineligible alien as a member of her crew with enumerated exceptions, extends much further than any legislation of any maritime country with which this bureau is familiar.

In making the above statements this bureau wishes it clearly understood that it is not in any sense approving or disapproving the amendments or endeavoring in any way to pass on the merits of such proposals.

Respectfully,

D. B. CARSON,
Commissioner.

The following is a letter to Mr. Jeremiah Hurley, Department of Labor, and his reply thereto, namely:

APRIL 24, 1924.

Mr. JEREMIAH HURLEY,
Department of Labor, Washington, D. C.

MY DEAR MR. HURLEY: I am sending you herewith House bill 7995 as it passed the House. I am calling your attention especially to sections 18 and 19 of said bill. First. A suggested amendment to add at the end of section 18, line 11, page 25, of the bill. Second. A new subdivision to be known as "E–1." Third. A new subdivision to be known as "F–1." These three are the controversial matters now pending.

I would like to have you make thorough and complete investigation and study of these proposed amendments separately and then collectively, and then determine whether or not either or all of them are workable and are not contrary to the seamen's act and would not be in contravention of any treaties. Further, is there any reason why such provisions should not be placed upon the immigration bill?

Kindly give this your best personal attention, preparing a written memoranda as follows:

1. Would like to have a letter from you on the subject as to your views.

2. If you can not do this, then have the above memoranda prepared so that if the conferees call you before them you will have something concrete and definite so that the conferees will have your views on the bill and suggested amendments to consider concretely and without scattering.

I am sending this letter by special messenger.

Respectfully submitting the same, I am,

Yours most truly,

JOHN E. RAKER, M. C.

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, April 26, 1924.

Hon. JOHN E. RAKER, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. RAKER: As requested in your communication of the 24th instant, I have to state that I have made a careful study of the seaman's provisions contained in bill H. R. 7995 as it passed the House, together with the proposed amendments E and F.

In this connection, I am of the opinion that the proposed amendments E and F are both practicable and feasible, and if they are added to the seaman's provisions of the bill H. R. 7995 as it passed the House and then enacted into law, can be effectively administered under regulations prescribed by the Secretary of Labor.

Very truly yours,

JEREMIAH J. HURLEY,
Special Representative (Seamen's Work).

The conferees amended the seamen's provisions of H. R. 7995—being sections 18, 19, and 20 thereof—and adopted the following amendments, which became sections 18 and 19 of the present immigration act of 1924, as follows:

ALIEN SEAMEN

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

SEC. 20. (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until the immigration officer in charge at the port of arrival has inspected such seaman—which inspection in all cases shall include a personal physical examination by the medical examiners—or who fails to detain such seaman on board after such inspection or to deport such seaman if required by such immigration officer or the Secretary of Labor to do so, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien seaman in respect of whom such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine, or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

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

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

(d) Section 32 of the immigration act of 1917 is repealed, but shall remain in force as to all vessels, their owners, agents, consignees, and masters, and as to all seamen, arriving in the United States prior to the enactment of this act.

It is unfortunate that the seamen sections—sections 18, 19, and 20 of H. R. 7995—were not adopted as they passed the House, with the two added subdivisions set out in Secretary Hughes's letter of date April 24, 1924, with the amendment thereto suggested by Mr. Hughes.

This would have made the immigration provisions as they relate to alien seamen workable and effective. Good for the seaman and for his protection. Most effective as to preventing vessels bringing in large numbers of seamen who are not in fact bona fide seamen, and then leaving our ports with 10 to 25 per cent less seamen than they brought in. Using this method to land those not otherwise entitled to enter and remain in the United States.

The last or second subdivision referred to in Secretary Hughes's letter, if adopted, would have effectively stopped up the leak of those inadmissible entering the United States as is now practiced. It would have worked.

We are hoping at the convening of Congress that the alien seamen features above referred to may again be taken up and a proper, workable, and effective amendment adopted.

If the present provisions of the immigration act of 1924, sections 19 and 20, relating to alien seamen are enforced, and a full report made on outgoing as well as incoming alien seamen provided for in subdivision (b) of section 20 of said act, we will have the necessary facts and information upon which to make proper amendment to the alien seamen law as it relates to immigration.

Mr. JOHNSON of Washington. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. OLIVER].

Mr. OLIVER of New York. Mr. Speaker and gentlemen of the House, last Monday we were informed by the gentleman from Washington that we would insult Japan if we passed the bill in its original form. The distinguished leader of the majority, the gentleman from Ohio, said that we would insult Japan and would not be acting gracefully if we passed the bill in that shape. The great keynoter of the Republican Party, the gentleman from Ohio [Mr. BURTON], informed us that it would be an absolute insult to the Government of Japan to pass this bill in its present shape. And yet on this day something has changed the insult into a decorous and most diplomatic manner of doing the thing. I wonder what brought the change about. I listened to the debate the other day and said to myself, the President has a right to be heard, he should be upheld, but none of these distinguished gentlemen who advocated the President's side on last Monday are standing up here to-day and advocating it now. You are running away from your President; you are betraying him; you are letting him flounder around without a single word of protest. This situation was created because the leaders of the Republican side were like men riding backwards in a hack. They did not see things until they were passed by.

Mr. TINCHER. Will the gentleman yield?

Mr. OLIVER of New York. I will.

Mr. TINCHER. Did the gentleman vote to sustain the President the other day?

Mr. OLIVER of New York. No; I did not vote to sustain the President.

Mr. TINCHER. The gentleman's concern about the President is very recent? [Laughter.]

Mr. OLIVER of New York. The loyalty of the gentleman from Kansas to the President is of short duration.

The gentleman was with the President on Monday, and he leaves the President on Thursday, and I say to the gentleman from Kansas [Mr. TINCHER] that he will carry any load the Republican Party votes upon him, whether it be Jesse James with a load of loot from a plundered train or a prohibitionist with a bottle of nice, fresh, spring water for a fishing trip. [Laughter.] The gentleman is a fine pack horse for the Republican Party. He does not choose the road and he does not choose the load. He is not responsible. He is just a pack horse, faithful in body and absent in mind. [Laughter]. But here we are dealing with an international situation to-day, and yet the great Republican Party leader, the keynoter himself [Mr. BURTON], is silent. The keynote that he sounds at Cleveland will not be a stirring bugle call which will send a thrill through both the rider and the charger. It will sound more like the dinner bell rung by a landlady in a boarding house. It will sound like the dinner bell ringing on the ears of the delinquent boarders, who will rush hastily to feed heartily at the festive board against the hour of their eviction. It will recall to the radio fans that fine ballad:

> There is a boarding house three miles awa;
> Where they have ham and eggs three times a day;
> And when the boarders hear the bell,
> Downstairs they rush, pell-mell
> Three times a day.

[Laughter.]

Oh, I feel sorry for the President; I feel sorry for him because he has a job that is too big for him. I feel sorry for him because he is convalescing even from his exertions as Vice President of the United States. I feel sorry for the President because he has no party and no loyalty behind him. [Applause on the Democratic side.]

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

Mr. CHINDBLOM. Mr. Speaker, it is quite amusing to find gentlemen who never voted to sustain the President upon this or any other proposition to-day shedding crocodile tears over the situation of the President. It is also very suggestive and pertinent to observe that the opposition to the conference report comes from those men in this House who never have supported restrictive immigration of any kind.

Mr. WEFALD. Not altogether.

Mr. CHINDBLOM. No; you have changed your mind because you got orders from the Seamen's Union. [Laughter.]

Mr. WEFALD. I got no orders and I take no orders. I take no orders from Wall Street or Chicago.

Mr. CHINDBLOM. But you take them now. I got the same thing in the mail this morning, just as the gentleman did; but it did not have the same effect upon me. I say this for myself: I voted last Monday to sustain the President, or, rather, to conform with what we understood to be his position in this matter. We do not know what the situation may be now. I am going to vote for this report because I am in favor of the restriction of immigration, and I am also in favor of the exclusion of Japanese immigration.

Mr. WEFALD. Because you have your orders.

Mr. CHINDBLOM. Oh, no, no.

The SPEAKER. The gentleman must not interrupt the speaker without first asking him to yield.

Mr. CHINDBLOM. The gentleman knows I have voted consistently on this proposition; but I say this for myself and without orders from anybody; if the President in his wisdom finds after this legislation has been passed that it is impossible for him, in the discharge of his duty to the Nation and in the proper consideration of our international relations, to conform his conduct to this conference report, then I shall vote again to support the President. [Applause.] We have no information to-day that that situation exists, however. International relations change within less time than five days frequently. They change in a few hours, in a few minutes. Conferences and other situations may have created a different condition to-day than we had last Monday, but those who are in favor of restriction of immigration generally, and those who are in favor of Japanese exclusion specifically, will vote for this conference report to-day, and then await the future to bring whatever change there may be in the situation hereafter.

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

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

[By unanimous consent, Mr. WATKINS was granted leave to extend his remarks in the RECORD.]

Mr. WATKINS. Mr. Speaker, the old adage, "Beware of the Greeks bearing gifts," is just as true to-day as it was when first uttered and most apropos at this time. I want you to bear in mind that the men who will vote to recommit this bill vote with the express purpose, with malice aforethought as it were, and with the intent that that action will mean the death knell of legislation of this kind. There are but three substantial changes in this bill from that which passed the House, and I shall give you those in the hope that you will vote as you did before, because those three changes are changes in the interest of restriction and consequently improve the House bill. The gentleman from California, Judge RAKER, has explained the seaman's provision and I therefore shall not consume any time on it. This act is in addition to the regular immigration law. It is not a substitution therefor. The good of the old is retained.

The first change is the nonquota provision; this bill makes it stricter than it was before. We passed a bill putting the husband, the wife, the children, and the parents in the nonquota title. This bill has eliminated the father, the mother, and the husband. They must come in under the quota section, and so the only kinfolks that can enter under the nonquota provision are the children and the wife of an American citizen. There is not a single man in this House who voted for this bill before who can object to that change, because the Senate and the House conferees have made it better from the standpoint of America, and that is the only viewpoint I entertain.

The second change is section 6, which gives a preference to kin and to agriculturists. Heretofore the bill gave no such preference. Any man who wanted to come to America who could stand the test and pass the examination could come, if he could get a visé certificate. We now say that the kin, the father, the mother, and the husband, and agricultural people shall have the preference to the extent of 50 per cent. No man in this House who represents an American constituency can oppose that change, and every man who voted for the bill as it passed the House can with more justification vote for this conference report, but those who do not want any restrictive immigration, those who only want the present law with practically no restriction whatsoever, will vote to recommit the bill.

The third change in the national-origin section, which will not take effect until July 1, 1927. To vote to recommit this

bill is to flirt with danger—that of no restriction of immigration whatever. The bill is not perfect, but it is a step forward in the interests of the United States and because of that interest challenges the support of every one of us who thinks in terms and tone of America. I urge your favorable vote. [Applause.]

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

Mr. JOHNSON of Washington. Mr. Speaker and gentlemen, the time has about expired. In reference to the alien seamen's provision, let me give you an exact statement of its purpose. It will work fairly for the United States and fairly for the sailors of the world. Seamen can not now be held on board ship even long enough to give them the medical examination necessary for the protection of the United States. We correct that situation.

It is charged that section 19 places the alien seamen under the immigration laws, and that to come ashore these seamen will have to comply with all the provisions of the immigration laws and be eligible to citizenship.

There is nothing to that charge. The provision excluding from admission aliens ineligible to citizenship by its own terms does not apply to any alien who is not an immigrant as defined in section 3. By the terms of section 3 bona fide seamen are expressly declared not to be immigrants. Therefore seamen are not prevented from landing under the Japanese-exclusion provision.

Next it is charged in a pamphlet signed by Andrew Furuseth on behalf of the seamen, that—

> Section 21 provides that the master of a vessel must hold the seaman on board, first, until examined; second, until deported either by himself in the same ship, or by order of the Secretary of Labor in some other ship, unless the seaman shall be permitted to land. Having no immigration visé, of course, he can not land in the United States under the immigration laws, as they will be amended if these two sections are adopted. The failure of the master to hold the seaman to the vessel carries with it a penalty of $1,000.

This is absolutely without foundation. The only person required to have an immigration visé is an immigrant. Section 3 expressly declares bona fide seamen not to be immigrants.

In conclusion, Mr. Speaker and gentlemen, a vote for this conference report is not a vote against the President of the United States. In bringing the report out in this form we acted in accord with the will of the House. The President in his right offered a suggestion. But the House and the Senate control immigration through law. Both House and Senate, if I may be permitted to speak plainly, are through with immigration treaties and are through with agreements. We hope the President may find a way to give proper notice of the abrogation within the very limited time given him, otherwise the burden is on Congress.

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

The question was taken.

The previous question was ordered.

Mr. JOHNSON of Washington. I move the adoption of the conference report.

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

Mr. SABATH. Mr. Speaker, I move to recommit, which motion I have sent to the Clerk's desk.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SABATH moved to recommit the bill to the committee on conference with instructions on the part of the House not to agree to the Senate amendment with amendments comprehending paragraphs (b), (c), (d), and (e) of section 11 (known as the national-origin scheme), and with further instructions not to agree to paragraph (a), section 4, and to insist in lieu thereof on the following:

"SEC. 4. (a) An immigrant who is the husband, wife, father, or mother, over 55 years of age, or unmarried child under 18 years of age of a citizen of the United States.

"(2) An immigrant who is the husband, wife, or unmarried child under 18 years of age of an alien who has been;

"(a) Legally and permanently admitted to the United States;

"(b) Who has resided continuously for at least two years within the United States;

"(c) Who has at least one year prior to July 1, 1924, filed a declaration of intention in the manner provided by law to become a citizen of the United States.

"(3) An immigrant who is the wife, unmarried child under 18 years of age, father or mother over 55 years of age of one who served in the military or naval forces of the United States at any time between April 5, 1917, and November 11, 1918, and who was not discharged under dishonorable conditions."

And with further instructions to disagree to sections 19 and 20 (known as the alien seamen's provisions) and in lieu thereof to agree on the following:

"SEC. 19. (a) Every alien employed on board of any vessel arriving in the United States from any place outside thereof shall be examined by an immigrant inspector to determine whether or not (1) he is a bona fide seaman, and (2) he is an alien of the class described in subdivision (d), section 20, hereof; and by a surgeon of the United States Public Health Service to determine (3) whether or not he is suffering with any of the disabilities or diseases specified in section 35 of the immigration act of 1917.

"(b) If it is found that such alien is not a bona fide seaman, he shall be regarded as an immigrant and the various provisions of this act and of the immigration laws applicable to immigrants shall be enforced in his case. From a decision holding such alien not to be a bona fide seaman the alien shall be entitled to appeal to the Secretary; and on the question of his admissibility as an immigrant he shall be entitled to appeal to the Secretary, except where exclusion is based upon grounds nonappealable under the immigration laws. If found inadmissible, such alien shall be deported as a passenger on a vessel other than that by which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

"(c) If it is found that such alien is subject to exclusion under subdivision (d) of section 20 hereof, the inspector shall order the master to hold such alien on board pending the receipt of further instructions.

"(d) If it is found that, although a bona fide seaman, such alien is afflicted with any of the disabilities or diseases specified in section 35 of the immigration act of 1917, disposition shall be made of his case in accordance with the provisions of the act approved December 26, 1920, entitled 'An act to provide for the treatment in hospital of diseased alien seamen.'

"SEC. 20. (a) The owner, charterer, agent, consignee, or master of any vessel arriving in the United States from any place outside thereof who fails to detain on board any alien seaman employed on such vessel until such alien has been inspected pursuant to paragraph (a) of section 19 hereof, or until such alien has been placed in hospital pursuant to paragraph (d) of said section, or who fails to make provision for the deportation of any alien ordered deported pursuant to paragraph (b) of said section or pursuant to paragraph (c) of said section and paragraph (d) of this section, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $1,000 for each alien in respect of whom any such failure occurs. No vessel shall be granted clearance pending the determination of the liability to the payment of such fine or while the fine remains unpaid, except that clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine or of a bond with sufficient surety to secure the payment thereof approved by the collector of customs.

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

"(c) All vessels entering ports of the United States manned with crews, the majority of which, exclusive of licensed officers, have been engaged and taken on at foreign ports shall, when departing from the United States ports, carry a crew of at least equal number, and any such vessel which fails to comply with this requirement shall be refused clearance: *Provided, however*, That such vessel shall not be required when departing to carry in the crew any person to fill the place made vacant by the death or hospitalization of any member of the incoming crew.

"(d) No vessel shall, unless such vessel is in distress, bring into a port of the United States as a member of her crew any alien who, if he were applying for admission to the United States as an immigrant, would be subject to exclusion under paragraph (c) of section 13 hereof, except that any ship of the merchant marine of any one of the countries, islands, dependencies, or colonies, immigrants coming from which are excluded by the said provisions of law shall be permitted to enter ports of the United States having on board in their crews aliens of said description who are natives of the particular country, island, dependency, or colony to the merchant marine of which such vessel belongs. Any alien seaman brought into a port of the United States in violation of this provision shall be excluded from admission or temporary landing and shall be deported either to

the place of shipment or to the country of his nativity as a passenger on a vessel other than that on which brought, at the expense of the vessel by which brought, and the vessel by which brought shall not be granted clearance until such expenses are paid or their payment satisfactorily guaranteed.

"(e) If any alien seaman temporarily landed under the provisions of this act remains in the United States without shipping foreign for a period in excess of 60 days, such circumstance shall constitute prima facie evidence of abandonment of calling and becoming an immigrant, and such alien shall thereupon be taken into custody by immigration officials and examined as though he were an immigrant applying for admission, and unless such alien shows either that he has not abandoned his calling but is still a bona fide seaman, or that he is in all respects admissible under this act and the immigration laws, such alien shall be deported in the manner prescribed by sections 19 and 20 of the immigration act of 1917."

Mr. JOHNSON of Washington. Mr. Speaker, I move the previous question on the motion to recommit.

Mr. BLANTON. Mr. Speaker, I make a point of order against the motion to recommit.

The SPEAKER. The gentleman will state his point of order.

Mr. BLANTON. I make the point of order, Mr. Speaker, that the motion to recommit is against the rules of the House, as it contains instructions to the conferees that are without the scope and limit of the conferees on matters which were not in conference at all; and for that reason the motion to recommit is not proper.

The SPEAKER. The Chair overrules the point of order; everything is in conference. The gentleman from Washington moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. SABATH. A division, Mr. Speaker.

The SPEAKER. The gentleman from Illinois demands a division.

The House divided; and there were—ayes 33, noes 246.

Mr. SABATH. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. There are far more than a quorum present.

Mr. SABATH. I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Twenty-nine gentlemen have arisen, not a sufficient number, and the yeas and nays are refused.

So the motion to recommit was rejected.

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

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

Mr. JOHNSON of Washington. Mr. Speaker, I join in that request.

The yeas and nays were ordered.

The question was taken; and there were—yeas 308, nays 62, not voting 63, as follows:

YEAS—308

Abernethy	Butler	Dominick	Gifford
Ackerman	Byrns, Tenn.	Doughton	Glatfelter
Allen	Cable	Dowell	Goldsborough
Allgood	Canfield	Drewry	Graham, Ill.
Andrew	Cannon	Driver	Graham, Pa.
Anthony	Carter	Dyer	Green, Iowa
Arnold	Chindblom	Elliott	Greene, Mass.
Aswell	Christopherson	Evans, Iowa	Greenwood
Ayres	Clague	Evans, Mont.	Griest
Bacon	Clarke, N. Y.	Fairchild	Hadley
Barbour	Cole, Iowa	Fairfield	Hammer
Beedy	Cole, Ohio	Faust	Hardy
Begg	Collier	Favrot	Harrison
Bell	Collins	Fish	Hastings
Bixler	Colton	Fisher	Haugen
Black, Tex.	Connally, Tex.	Fitzgerald	Hawes
Bland	Cook	Fleetwood	Hawley
Blanton	Cooper, Ohio	Foster	Hayden
Bowling	Cooper, Wis.	Frear	Hersey
Box	Crisp	Fredericks	Hickey
Boyce	Croll	Free	Hill, Ala.
Brand, Ga.	Crowther	French	Hill, Wash.
Brand, Ohio	Cummins	Frothingham	Hoch
Briggs	Dallinger	Fulbright	Holaday
Britten	Darrow	Fuller	Hooker
Browne, Wis.	Davey	Fulmer	Howard, Nebr.
Browning	Davis, Minn.	Garber	Hudson
Brumm	Davis, Tenn.	Gardner, Ind.	Hudspeth
Buchanan	Deal	Garner, Tex.	Hull, Iowa
Bulwinkle	Dempsey	Garrett, Tenn.	Hull, Morton D.
Burtness	Denison	Garrett, Tex.	Hull, Tenn.
Burton	Dickinson, Iowa	Gasque	Hull, William E.
Busby	Dickinson, Mo.	Gibson	Humphreys
Jeffers	McSweeney	Rankin	Swank
Johnson, Ky.	MacLafferty	Rathbone	Swing
Johnson, S. Dak.	Madden	Rayburn	Swoope
Johnson, Tex.	Magee, Pa.	Reece	Taber
Johnson, Wash.	Major, Ill.	Reed, Ark.	Taylor, Colo.
Johnson, W. Va.	Major, Mo.	Reed, N. Y.	Taylor, Tenn.
Jones	Manlove	Reid, Ill.	Taylor, W. Va.
Jost	Mansfield	Richards	Temple
Kearns	Mapes	Roach	Thatcher
Keller	Martin	Robinson, Iowa	Thomas, Ky.
Kelly	Michener	Robsion, Ky.	Thomas, Okla.
Kendall	Miller, Wash.	Rogers, Mass.	Thompson
Kent	Milligan	Romjue	Tillman
Kerr	Mills	Rubey	Timberlake
Ketcham	Montague	Salmon	Tincher
King	Moore, Ga.	Sanders, Ind.	Treadway
Kopp	Moore, Ill.	Sanders, N. Y.	Tucker
Kurtz	Moore, Ohio	Sanders, Tex.	Tydings
Lampert	Moore, Va.	Sandlin	Underwood
Lanham	Morehead	Schall	Vaile
Lankford	Morgan	Scott	Vestal
Larsen, Ga.	Morrow	Sears, Fla.	Vincent, Mich.
Larson, Minn.	Murphy	Shallenberger	Vinson, Ga.
Lazaro	Nelson, Me.	Sherwood	Wainwright
Lea, Calif.	Nelson, Wis.	Shreve	Watkins
Leatherwood	Newton, Minn.	Simmons	Watson
Leavitt	Newton, Mo.	Sinnott	Weaver
Lee, Ga.	Nolan	Sites	Wertz
Lilly	O'Connor, La.	Smith	White, Kans.
Lineberger	Oldfield	Smithwick	Williams, Ill.
Linthicum	Oliver, Ala.	Snell	Williams, Mich.
Little	Paige	Speaks	Williamson
Longworth	Parker	Spearing	Wilson, Ind.
Lowrey	Parks, Ark.	Sproul, Ill.	Wilson, La.
Lozier	Patterson	Sproul, Kans.	Wingo
Lyon	Peery	Stalker	Winslow
McClintic	Perkins	Steagall	Wolff
McDuffie	Pou	Stedman	Wood
McKenzie	Purnell	Stephens	Woodruff
McKeown	Quin	Stevenson	Woodrum
McLaughlin, Mich.	Ragon	Strong, Kans.	Wright
McLaughlin, Nebr.	Rainey	Strong, Pa.	Wurzbach
McReynolds	Raker	Summers, Wash.	Wyant
McSwain	Ramseyer	Sumners, Tex.	Zihlman

NAYS—62

Aldrich	Dickstein	McFadden	Schneider
Bacharach	Eagan	McLeod	Seger
Beck	Fenn	Magee, N. Y.	Sinclair
Berger	Freeman	Mead	Sweet
Black, N. Y.	Geran	Merritt	Tague
Bloom	Griffin	Minahan	Tilson
Boylan	Hill, Md.	Mooney	Tinkham
Buckley	Jacobstein	O'Connell, R. I.	Underhill
Carew	James	O'Connor, N. Y.	Vare
Casey	Kindred	O'Sullivan	Voigt
Celler	Knutson	Oliver, N. Y.	Watres
Claney	Kunz	Perlman	Wefald
Cleary	LaGuardia	Prall	Weller
Connery	Lindsay	Quayle	Young
Crosser	Logan	Sabath	
Cullen	Lucas	Schafer	

NOT VOTING—63

Almon	Drane	Miller, Ill.	Sears, Nebr.
Anderson	Edmonds	Moores, Ind.	Snyder
Bankhead	Funk	Morin	Stengle
Barkley	Gallivan	Morris	Sullivan
Beers	Gilbert	Mudd	Upshaw
Boies	Howard, Okla.	O'Brien	Vinson, Ky.
Browne, N. J.	Huddleston	O'Connell, N. Y.	Ward, N. Y.
Burdick	Kahn	Park, Ga.	Ward, N. C.
Byrnes, S. C.	Kiess	Peavey	Wason
Campbell	Kincheloe	Phillips	Welsh
Clark, Fla.	Kvale	Porter	White, Me.
Connolly, Pa.	Langley	Ransley	Williams, Tex.
Corning	Lehlbach	Reed, W. Va.	Wilson, Miss.
Cramton	McNulty	Rogers, N. H.	Winter
Curry	MacGregor	Rosenbloom	Yates
Doyle	Michaelson	Rouse	

So the conference report was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Curry (for) with Mr. O'Connell of New York (against).
Mr. Cramton (for) with Mr. Gallivan (against).
Mr. Rouse (for) with Mr. Corning (against).
Mr. Phillips (for) with Mr. Burdick (against).
Mr. Howard of Oklahoma (for) with Mr. McNulty (against).
Mr. Connolly of Pennsylvania (for) with Mr. Ransley (against).
Mr. Bankhead (for) with Mr. Sullivan (against).
Mr. Funk (for) with Mr. O'Brien (against).
Mr. Almon (for) with Mr. Doyle (against).
Mr. Stengle (for) with Mr. Browne of New Jersey (against).

Until further notice:

Mr. Boies with Mr. Drane.
Mr. Wason with Mr. Kincheloe.
Mr. Beers with Mr. Park of Georgia.
Mr. Kiess with Mr. Williams of Texas.
Mr. Lehlbach with Mr. Barkley.
Mr. Kahn with Mr. Clark of Florida.
Mr. White of Maine with Mr. Gilbert.
Mr. Winter with Mr. Upshaw.
Mr. MacGregor with Mr. Byrnes of South Carolina.
Mr. Campbell with Mr. Huddleston.
Mr. Morin with Mr. Kvale.
Mr. Mudd with Mr. Morris.
Mr. Michaelson with Mr. Rogers of New Hampshire.
Mr. Moores of Indiana with Mr. Peavey.
Mr. Porter with Mr. Vinson of Kentucky.
Mr. Sears of Nebraska with Mr. Ward of North Carolina.
Mr. Welsh with Mr. Wilson of Mississippi.

Mr. BEERS. Mr. Speaker, I wish to vote "aye."

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

Mr. BEERS. No; I was not. I was out.

The SPEAKER. Then the gentleman does not qualify.

The result of the vote was announced as above recorded.

On motion of Mr. JOHNSON of Washington, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

CHARGES AGAINST TWO REPRESENTATIVES IN CONGRESS

Mr. BURTON. Mr. Speaker, I desire to present the report of the select committee appointed on March 12, 1924, to investigate the charges against two Representatives in Congress, and I ask that the same be read.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the report be read. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

CHARGES AGAINST TWO REPRESENTATIVES IN CONGRESS

The select committee appointed March 12, 1924, pursuant to House Resolution 217, to investigate the statement contained in a report of a grand jury for the District Court for the Northern District of Illinois, southern division, relative to certain evidence presented to them involving the payment of money to two Members of Congress and to ascertain—

(a) Whether said "two Members of Congress" so charged are Members of the House of Representatives; and

(b) If so, to make such further investigation as may be essential to establish the truth or falsity of said allegation;

and, further, to "report to the House as promptly as possible the results of its inquiries, together with such recommendation as it may deem advisable," now submits its report, as follows:

Your committee upon mature deliberation determined that the hearings should be in executive session, but that all of the evidence should accompany the report. It was formally ascertained that the Members referred to were Representatives FREDERICK N. ZIHLMAN, of Maryland, and JOHN W. LANGLEY, of Kentucky.

It was agreed by the committee that in view of the indictment and probable immediate trial in the District of Columbia of Representative LANGLEY, the committee would first consider the Zihlman case. Since then Representative LANGLEY has been indicted, tried, convicted, and sentenced in the Federal court for the eastern district of Kentucky. It is understood that he has initiated appellate proceedings, and therefore it would seem proper that further action by the committee in respect to him be deferred for the present, it being assumed that until the final disposition of the case he will take no part whatever in any of the business of the House or its committees.

The committee has considered the Zihlman case. It has secured the testimony of all persons supposed to have any direct or indirect knowledge of the charge against him. It has examined 22 witnesses and a number of documents, and the printed record, containing some 828 pages, accompanies this report. The evidence is conflicting and sharply contradictory, and the question of the credibility of individual witnesses has frequently arisen. Taken as a whole, in the opinion of the committee the evidence does not establish the truth of the charge against Representative ZIHLMAN, and, accordingly, the committee recommends that, so far as he is concerned, no further action is required or should be taken by the House.

THEODORE E. BURTON.
FRED S. PURNELL.
EARL C. MICHENER.
OTIS WINGO.
R. WALTON MOORE.

Mr. BURTON. Mr. Speaker, I file at this time a copy of the testimony taken in the case.

The SPEAKER. The gentleman from Ohio files a copy of the testimony.

Mr. BURTON. As I understand it, this report takes its place on the calendar of the House, and no motion for adoption or rejection is in order unless called up as a privileged matter; and if such motion should be made, it is the feeling of the committee that the membership of the House should have time to examine the testimony if they so desire.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield to me?

Mr. BURTON. Yes.

Mr. WOODRUFF. I would like to ask if the report submitted by the committee is signed by the entire membership?

Mr. BURTON. It is.

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

Mr. BURTON. Yes.

Mr. MOORE of Virginia. I would like to suggest that the gentleman inform the Members of the House of the fact that copies of the evidence will be available to all the Members of the House.

Mr. BURTON. Yes.

The SPEAKER. Referred to the House Calendar.

Mr. McKEOWN. Mr. Speaker, I would like to ask the gentleman from Ohio a question. Is it the purpose of the gentleman to call this up any more?

Mr. BURTON. That must await developments. I will say further that the precedents do not sustain the position that a motion should be made to adopt or reject. I was a member of a special committee in 1904 to investigate certain matters in the Post Office Department. A majority report and a minority report were filed, but there was no motion made to adopt or reject the reports.

RENT COMMISSION

Mr. LAMPERT. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 7962) to extend for a period of two years the provisions of Title II of the food control and the District of Columbia rents act, approved October 22, 1919, as amended, with Senate amendments, and move to agree to the Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. LAMPERT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

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

Mr. BLANTON. Mr. Speaker, I did everything within the scope of parliamentary rules to prevent the passage of this bill extending the Rent Commission. But it passed. In its present shape it extends the law for only one year from May 22, 1924. If it should go to conference its provisions might be changed so as to extend the Rent Commission several years longer.

The situation is this: The author of the Rent Commission law over in the Senate now has pending there a bill to make this commission permanent, with the salaries of the personnel raised, and embracing other wasteful, extravagant provisions. If this bill should go to conference he will be one of the conferees, and in fact would preside as chairman over the conference.

Our colleague from Wisconsin [Mr. LAMPERT], who introduced this measure in the House, introduced it as extending the act only for a stated number of years and increasing personnel, salaries, and expenses, but in the RECORD he has frankly expressed himself as favoring a permanent commission. And if this bill goes to conference, he will be one of the conferees.

Our fight against this bill in the House forced it to be reframed and restricted to a mere extension of the present law for one year, without any additional personnel and without any raises in salaries, and without increased expenses.

We can stop this evil where it is by accepting the minor amendments of the Senate and in thus letting it become a law without sending it back to conference. If it should go to conference, the probabilities are that there would be five conferees in favor of continuing this Rent Commission on for several years, with increased expenses; and I would be the only conferee against the measure, and I would be outvoted, and the conferees would probably be able to get the House and Senate to adopt their report. Hence through strategy I am going to let well enough alone and accept the least of possible evils and try to keep this bill from going to conference.

Therefore I proposed to the gentleman from Ohio [Mr. BEGG] and to the gentleman from Wisconsin [Mr. LAMPERT] that if they would move to accept the Senate amendments and thus finally pass the bill as it now stands, I would not resort to any parliamentary prerogatives to delay it. And they accepted my proposals, and therefore I will vote with them to accept the Senate amendments. And thus we thereby limit the life of this unwarranted, unconstitutional Rent Commission to one year only.

The Supreme Court of the United States has already advised that it would hold this law unconstitutional. Based on such opinion, a member of the Supreme Court of the District of Columbia has indicated that he will grant an injunction against this Rent Commission from functioning. And this surely will be done. Thus our colleagues who have forced the passage of this unconstitutional measure through Congress will have the satisfaction of soon witnessing these five rent commissioners and all of their employees drawing their salaries from the Public Treasury for a whole year and having nothing whatever

to do and performing no service whatever for the pay they will receive, for the courts will not let them function. The President of the United States ought to retire them and save this money for the taxpayers of the United States.

Mr. LAMPERT. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

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

Mr. UNDERHILL. Mr. Speaker, this bill has come back from the committee on conference a little worse, if possible, than it was when it went to conference. Another branch of Congress has added legislative matter to the bill which, if a motion were made to add the same on the floor of the House, would be subject to a point of order, and the point of order would be sustained.

It seems to me that those in the House who are opposed to the general proposition that Congress shall have the power to override the decisions of the Supreme Court—those men who believe that is contrary to the traditions of our Government and to the best interests of the Nation as a whole, should, as a matter of principle, vote against this report.

It not only extends the life and the powers of the Rent Commission so far as it may govern apartment houses, but another section has been added which makes it applicable to hotels and goes even further and includes food as well as lodging. Where are you going to stop? Some of us who have to pay a high price for clothing would like to have it brought in under the provisions of this bill, in fact, every necessity of life might just as well be included, and because most luxuries nowadays are considered necessities by most of the people, we might include everything.

I did not want this report accepted without making a protest, a protest made in all sincerity, not that it affects me in any way, shape, or manner, but that the principle laid down and the policy pursued are absolutely wrong fundamentally and absolutely wrong constitutionally.

If I were a lawyer instead of a layman, I would hate to stake my reputation as a lawyer on my individual opinion in comparison with the decision practically made by the Supreme Court in this matter. You write yourselves down either as believing your opinion is supreme and superior to that of the judgment of the Supreme Court or that you approve of the proposition which will come before Congress sooner or later, backed by all the radical elements of this Nation, namely, that Congress shall have the power to supersede the Supreme Court in its decisions.

Now, that is the situation, and if you vote honestly according to your own light and your own judgment—I mean mentally honest—the responsibility is yours and not mine. As for me, a common, ordinary laymen, with more or less respect, in fact, more than less respect for the Supreme Court, I propose to vote against the proposition.

Mr. LAMPERT. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

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

Mr. TINCHER. Mr. Speaker, this proposition is a good reason and furnishes a fair example of why certain publications criticize Congress.

The first proposition contained in the conference report has been passed on by the Supreme Court of the United States, and I will not at this time discuss it. It will not be effective because the courts have enjoined the enforcement of it.

The second proposition has had no consideration whatever. However, it has been tried in a great many places, and it has brought about a raise of rates by hotels in every State where it has ever been tried. If there is any place in the world where it will not work, it is in the District of Columbia, because here the transient is more or less permanent and the hotels are constructed in a way that some of us use apartments. But every room under this will have to have the rates published, whether you use it with the bath or without the bath or whether two or three Congressmen come here in the summer time and have two rooms with a bath between. The rate will be published, and of necessity the hotel man will protect himself by publishing a high rate in the room.

I can not conceive how Congress can be disappointed when magazines criticize us if we agree to take up a proposition like this and pass it without one witness testifying before any committee, but simply because some one man in some body offered it as an amendment.

I have no interest save and except that I want to be understood as being one Member of Congress who did not vote for this kind of legislation.

Mr. BLANTON. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. BLANTON. I am sure the gentleman from Kansas would be willing to do what I am going to do, accept the lesser of two evils. If the bill goes to conference, you will have five conferees for two years and one for no year, and the two years will probably be adopted.

Mr. TINCHER. I am not going to accept any evil without a protest. I intend to vote against the acceptance of this conference report, and I shall not be mad if every publication in America condemns the act of a Congress which will take such hasty action on such important matters.

There are only two reasons advanced, and the second one has had no hearing and no one knows anything about it, and if you will investigate you will find it wrong; and the first proposition that we are adopting has been held unconstitutional by the Supreme Court and by the courts of the District.

Mr. SCHAFER. Will the gentleman yield?

Mr. TINCHER. No; I do not yield.

Mr. LAMPERT. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the committee, the only purpose of saying anything on the question of the acceptance of the bill with the Senate amendments is, perchance, there may be somebody who does not clearly understand just what this provision does.

In the first place, the House overwhelmingly passed an extension of the rent act for two years. The Senate amended that and made it one year, and the proponents of the measure are willing to accept that amendment.

Now, why accept a one-year amendment? The Supreme Court has rendered a decision that at least puts some question of doubt on its ultimate action. This doubt hinges entirely on whether or not the actual fact of an emergency is found to exist. In the Supreme Court of the District the other day, before Justice Stafford, an injunction was sought on the ground there was no emergency. Within 48 hours the Department of Justice had an attorney before that court arguing for a little extension of time to prove that an emergency exists. Let us assume it is found that no emergency exists. We are not making a spectacle of ourselves at all in extending a law which the Congress has twice overwhelmingly passed. So there is not anything to be excited about or embarrassed about in voting for an extension for one more year on the ground that perchance the Supreme Court may find that there is not any need for the law on the ground that there is no emergency.

There will be established legally whether or not there is an emergency, through the courts; and if it is established that there is an emergency, and we, on the advice of some of the opponents of this bill, refuse to recognize the fact that there is an emergency, I submit to you that we are throwing ourselves open to greater criticism than if we go ahead and extend the time one year.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BEGG. Briefly; because I only want to take one more minute.

Mr. LAGUARDIA. The gentleman does not want to leave the impression that the court has the power to decide whether there is an emergency?

Mr. BEGG. No; not entirely. The gentleman from Ohio tried to make an argument on that when the bill was before the House, and I do not want to consume the time of the House on that matter now. The court has undertaken to ascertain that fact in an injunction suit and that question will be brought up.

As to the hotel rates, there is not a thing to be alarmed at in the provision regarding the publicity of the rates charged for the rent of rooms in commercial hotels. My distinguished colleague from Toledo, General SHERWOOD, knows—and every other Ohio man knows—that every single room in the hotels of that State, when you walk into them, has hanging on the door a little card with the laws of the State of Ohio, and the card says "the rate of this room is $3.50 per day or $5 per day or $7 or $2," or whatever the rate is. Now, there is not any hardship on the hotel management in that proposition, either. If the hotel wants to charge $5 for a $2 room, the buyer of that room for the day has a right to know the rate, and he has the right to have that rate in a public place so that he does not pay that rate and the next man the next night pay $2. Therefore there is not anything to be scared about on that proposition, and I hope the House will accept the amendments and adopt the bill.

Mr. LAMPERT. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the Senate amendments.

The question was taken, and the Speaker announced that the ayes seem to have it.

Mr. UNDERHILL. Mr. Speaker, I make the point of order that there is no quorum present and ask for a roll call on the vote.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. Mr. Speaker, I make the point of order that the gentleman's point of order comes too late on the vote.

The SPEAKER. The Chair thinks not. The Chair did not notice the gentleman or he would have recognized him. The Chair assumes the gentleman was ready to make the point of order although it was after the Chair had made the announcement.

Mr. UNDERHILL. I was on my feet ready to make the point of order.

The SPEAKER. The Chair will count.

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

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Is the vote on the amendments or on adoption as amended?

The SPEAKER. On the adoption of the amendments.

Mr. GARRETT of Tennessee. Mr. Speaker, may I interrupt the count long enough to make another parliamentary inquiry?

The SPEAKER. Certainly.

Mr. GARRETT of Tennessee. Would the result of the adoption of the amendments—that would be the final vote, would it?

The SPEAKER. It would. [After counting.] One hundred and seventy-nine Members present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 287, nays 52, answered "present" 1, not voting 93, as follows:

YEAS—287

Abernethy	Driver	Kindred	Purnell
Aldrich	Eagan	King	Quayle
Allen	Elliott	Knutson	Quin
Allgood	Evans, Iowa	Kopp	Ragon
Almon	Evans, Mont.	LaGuardia	Rainey
Andrew	Fairchild	Lampert	Raker
Arnold	Fairfield	Lanham	Rankin
Ayres	Faust	Lankford	Rathbone
Bacon	Favrot	Larsen, Ga.	Rayburn
Barbour	Fenn	Larson, Minn.	Reece
Beck	Fish	Lazaro	Reed, Ark.
Beedy	Fisher	Lea, Calif.	Reid, Ill.
Beers	Fitzgerald	Leatherwood	Richards
Begg	Fleetwood	Leavitt	Roach
Bell	Foster	Lilly	Robinson, Iowa
Berger	Frear	Lindsay	Robsion, Ky.
Black, N. Y.	Freeman	Lineberger	Romjue
Black, Tex.	French	Linthicum	Rubey
Blanton	Frothingham	Logan	Sabath
Bloom	Fulbright	Longworth	Salmon
Bowling	Fuller	Lowrey	Sanders, N. Y.
Box	Fulmer	Lozier	Sanders, Tex.
Boylan	Garber	Lyon	Sandlin
Brand, Ga.	Gardner, Ind.	McClintic	Schaefer
Brand, Ohio	Garner, Tex.	McFadden	Schall
Briggs	Garrett, Tenn.	McKeown	Schneider
Britten	Garrett, Tex.	McLaughlin, Mich.	Scott
Browne, N. J.	Gasque	McLaughlin, Nebr.	Sears, Fla.
Browne, Wis.	Gibson	McLeod	Sears, Nebr.
Browning	Goldsborough	McReynolds	Shallenberger
Buchanan	Graham, Ill.	McSwain	Sherwood
Buckley	Greene, Mass.	McSweeney	Shreve
Burtness	Greenwood	Madden	Simmons
Busby	Griest	Magee, N. Y.	Sinclair
Butler	Griffin	Major, Ill.	Sinnott
Byrns, Tenn.	Hammer	Major, Mo.	Sites
Cable	Hardy	Manlove	Smith
Canfield	Harrison	Mansfield	Smithwick
Cannon	Hastings	Mapes	Snell
Carew	Haugen	Martin	Speaks
Casey	Hawes	Mead	Spearing
Celler	Hayden	Michener	Stalker
Clague	Hickey	Miller, Wash.	Steagall
Clancy	Hill, Ala.	Milligan	Stedman
Cole, Ohio	Hill, Wash.	Mills	Stephens
Collins	Holaday	Minahan	Strong, Kans.
Colton	Hooker	Montague	Strong, Pa.
Connally, Tex.	Hudson	Mooney	Summers, Wash.
Connery	Hudspeth	Moore, Ohio	Sumners, Tex.
Cook	Hull, Iowa	Moore, Va.	Swank
Cooper, Ohio	Hull, Morton D.	Morehead	Swing
Croll	Humphreys	Murphy	Tague
Crosser	Jacobstein	Nelson, Wis.	Taylor, Colo.
Cullen	James	Newton, Minn.	Taylor, Tenn
Cummings	Jeffers	Nolan	Thatcher
Dallinger	Johnson, Ky.	O'Connell, R. I.	Thomas, Ky.
Davey	Johnson, S. Dak.	O'Connor, La.	Thomas, Okla.
Davis, Minn.	Johnson, Tex.	O'Connor, N. Y.	Thompson
Davis, Tenn.	Johnson, W. Va.	O'Sullivan	Tillman
Denison	Jones	Oldfield	Timberlake
Dickinson, Iowa	Kearns	Oliver, Ala.	Tinkham
Dickinson, Mo.	Keller	Oliver, N. Y.	Underwood
Dickstein	Kelly	Paige	Vare
Dominick	Kendall	Parks, Ark.	Vestal
Doughton	Kent	Patterson	Vincent, Mich.
Dowell	Kerr	Perlman	Volgt
Drewry	Ketcham	Prall	Wainwright
Watkins	White, Kans.	Winslow	Wright
Watres	Williams, Ill.	Wolff	Wurzbach
Watson	Wilson, Ind.	Wood	Young
Wefald	Wilson, La.	Woodruff	Zihlman
Weller	Wingo	Woodrum	

NAYS—52

Ackerman	Deal	McDuffie	Sproul, Kans.
Aswell	Free	Magee, Pa.	Stevenson
Bixler	Geran	Merritt	Taber
Bland	Gifford	Miller, Ill.	Temple
Boyce	Hadley	Moore, Ill.	Tilson
Brumm	Hill, Md.	Morrow	Tincher
Bulwinkle	Hoch	Nelson, Me.	Tucker
Chindblom	Hull, William E.	Perkins	Tydings
Clarke, N. Y.	Johnson, Wash.	Pou	Underhill
Cleary	Jost	Rogers, Mass.	Weaver
Cole, Iowa	Kunz	Sanders, Ind.	Wertz
Crowther	Kurtz	Seger	Williams, Mich.
Darrow	Lace	Sproul, Ill.	Wyant

ANSWERED "PRESENT"—1

Howard, Nebr.

NOT VOTING—93

Anderson	Edmonds	MacLafferty	Snyder
Anthony	Fredericks	Michaelson	Stengle
Bacharach	Funk	Moore, Ga.	Sullivan
Bankhead	Gallivan	Moores, Ind.	Sweet
Barkley	Gilbert	Morgan	Swoope
Boies	Glatfelter	Morin	Taylor, W. Va.
Burdick	Graham, Pa.	Morris	Treadway
Burton	Green, Iowa	Mudd	Upshaw
Byrnes, S. C.	Hawley	Newton, Mo.	Vaile
Campbell	Hersey	O'Brien	Vinson, Ga.
Carter	Howard, Okla.	O'Connell, N. Y.	Vinson, Ky.
Christopherson	Huddleston	Park, Ga.	Ward, N. C.
Clark, Fla.	Hull, Tenn.	Parker	Ward, N. Y.
Collier	Kahn	Peavey	Wason
Connolly, Pa.	Kiess	Peery	Welsh
Cooper, Wis.	Kincheloe	Phillips	White, Me.
Corning	Kvale	Porter	Williams, Tex.
Cramton	Langley	Ramseyer	Williamson
Crisp	Lee, Ga.	Ransley	Wilson, Miss.
Curry	Lehlbach	Reed, N. Y.	Winter
Dempsey	Little	Reed, W. Va.	Yates
Doyle	McKenzie	Rogers, N. H.	
Drane	McNulty	Rosenbloom	
Dyer	MacGregor	Rouse	

So the Senate amendments were agreed to.

The following pairs were announced:

Mr. Ransley with Mr. Crisp.
Mr. Treadway with Mr. Moore of Georgia.
Mr. Burdick with Mr. Hull of Tennessee.
Mr. Cramton with Mr. Taylor of West Virginia.
Mr. Graham of Pennsylvania with Mr. Doyle.
Mr. Burton with Mr. Glatfelter.
Mr. Sweet with Mr. Stengle.
Mr. Newton of Missouri with Mr. O'Brien.
Mr. Connolly of Pennsylvania with Mr. Lee of Georgia.
Mr. Anthony with Mr. Gallivan.
Mr. Swoope with Mr. Rouse.
Mr. Morgan with Mr. Peery.
Mr. Bacharach with Mr. Vinson of Georgia.
Mr. Funk with Mr. O'Connell of New York.
Mr. MacLafferty with Mr. Sullivan.
Mr. Curry with Mr. McNulty.
Mr. Phillips with Mr. Bankhead.
Mr. Ward of New York with Mr. Howard of Oklahoma.
Mr. Dyer with Mr. Corning.
Mr. Green of Iowa with Mr. Park of Georgia.
Mr. Christopherson with Mr. Collier.
Mr. Hawley with Mr. Ward of North Carolina.
Mr. Parker with Mr. Carter.

The result of the vote was announced as above recorded.

On motion of Mr. LAMPERT, a motion to reconsider the vote whereby the Senate amendments were agreed to, was laid on the table.

EXTENSION OF REMARKS

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD which I made on this bill.

The SPEAKER pro tempore (Mr. GRAHAM of Illinois in the chair). The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

THE CONFERENCE REPORT ON THE IMMIGRATION BILL

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the immigration bill.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD on the immigration bill. Is there objection?

There was no objection.

Mr. HILL of Maryland. Mr. Speaker, to-day by a vote of 308 to 62, with none voting "present," and 63 absent, the House finally passed the immigration act. I was one of the 62 who voted finally against the bill. I have already fully expressed my objections to this bill, which have caused me to vote consistently against the bill, and to vote with those who desired to support the President on the Japanese question.

I desire to call the attention of the House to the following editorial from the Sun, of Baltimore:

[From the Sun, May 11, 1924]

STAND TO YOUR GUNS, MR. PRESIDENT

Apparently, President Coolidge has been defeated in his efforts to amend the immigration bill so that the Japanese exclusion question could be taken up diplomatically and adjusted in a spirit of mutual courtesy and forbearance.

The action of the House in rejecting the proposal to extend the effective date of Japanese exclusion to March 1, 1925, seems to be conclusive. The Senate and House conferees in charge of the bill were willing to extend the date, after conferences with the President in which the facts of the problem were treated candidly, but the significance of that fact was as nothing to the House. And in the light of the House's course support of the President in the Senate, which probably would have been reluctant at best, may feel itself futile and disappear.

If, as now seems certain, the immigration bill goes to the President with the Japanese exclusion provision as originally written, the President can do no less than veto it, although it will be recognized by all that his situation will be difficult and that, in a sense, he will be confronted by an unfair political risk.

He has worked hard to put sense into the heads of Members of Congress and has failed to find enough heads that can be filled with sense. There is some doubt whether a veto would be sustained. Consequently, in asking that he veto the bill, it is asked that he pursue a policy which may have no parliamentary effect. And at the same time it may have a far-reaching political effect, for it would be likely to injure the President on the Pacific coast in the fall campaign.

That is a tough bullet for the President to chew. But the country has the right to ask him to chew it, and it will be warranted in grave disappointment if he does not do so.

The reason is this: Should Congress maintain to the end the vicious attitude it has adopted in this Japanese exclusion question, the one way in which the American people can make plain to Japan the undoubted fact that Congress does not voice intelligent American opinion is through a presidential veto. If the veto should be sustained, so much the better. But if it should be overridden there will have been a presidential demonstration of simple decency toward a great neighbor nation that, backed as it will be by the best thought of the land, may do much to reduce the evil that Congress has wrought.

Only one word is to be used in describing the almost solid line-up of the Democrats of the House against the extension desired by the President. That word is "shameful." To introduce partisanship into the treatment of this question is a sin against the Nation and against its youth. The Democrats have been complimented on their ability in this session to act as a coherent party. In the fight on Friday they prostituted that ability. The fact of prostitution is emphasized by the refusal of WALTON MOORE of Virginia, probably the ablest and soundest man on the Democratic side, to follow his party. Mr. MOORE and the handful of other Democrats who voted with the President honored themselves.

I hope the President will veto the immigration bill. If he does so veto this bill I shall vote to support his veto.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

VACATING CERTAIN STREETS AND ALLEYS

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 114) vacating certain streets and alleys and authorizing the widening and extension of Fourteenth Street, insist on the House amendments, and agree to the conference asked for by the Senate.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to take from the Speaker's table the bill S. 114, insist on the House amendments, and agree to the conference asked for by the Senate. Is there objection?

Mr. BLANTON. Reserving the right to object, the gentleman from Maryland knows that the House by an emphatic vote placed a certain amendment in this bill. I want to ask the gentleman whether or not the House may be assured that before any change is made in that action the House will have an opportunity to pass on the question.

Mr. ZIHLMAN. There are about 10 amendments to the bill.

Mr. BLANTON. I refer to the McKenzie amendment.

Mr. ZIHLMAN. There were four or five McKenzie amendments.

Mr. BLANTON. I am talking about the one that refers to the double track for street cars going through the Walter Reed Hospital.

Mr. ZIHLMAN. The gentleman from Texas will be one of the conferees.

Mr. BLANTON. I know; I have served on the conference committee, and we receded from about 60 out of 68 amendments.

Mr. ZIHLMAN. That was the gentleman's first experience; and the most of them he agreed to.

Mr. BLANTON. I agreed with those that did not conflict with what I knew the House was in favor of. But we ought to have some understanding that these matters will be brought back to the House if there is to be any change of them. It would not be treating the House right not to bring them back.

Mr. ZIHLMAN. It will, of course, come back to the House.

Mr. MURPHY. Reserving the right to object, I want to press that a little further. I would like to ask the gentleman if he will take care of that situation in conference. If they do not agree, will the gentleman bring it back and give us a chance to vote on it?

Mr. ZIHLMAN. The gentleman knows that the conferees will represent the will of the House and the conferees of the Senate will represent the will of the Senate, but before the House conferees recede we will give the House an opportunity to vote on it.

Mr. MURPHY. The gentleman says that the conferees will not recede wtihout giving the House a chance to act on it?

Mr. ZILHMAN. There is a number of amendments.

Mr. MURPHY. Oh, I refer to the one mentioned by the gentleman from Texas [Mr. BLANTON] to close the streets through Walter Reed Hospital. That is the one we are interested in. All we want is an assurance that the gentleman will give us a chance to vote on that without agreeing to it in conference.

Mr. ZILHMAN. As one of the conferees I agree that before the House recedes——

Mr. MURPHY. On that particular amendment.

Mr. ZILHMAN. That is embodied in a number of amendments.

Mr. BLANTON. It is the main car line amendment.

Mr. MURPHY. The gentleman knows exactly what we are trying to do, and we want his assurance because we know him to be an honorable gentleman.

Mr. ZILHMAN. I shall bring it back to the House for its approval.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection the Chair will appoint the following conferees: Mr. ZIHLMAN, Mr. LAMPERT, and Mr. BLANTON.

There was no objection.

IMMIGRATION

Mr. BRIGGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the immigration bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BRIGGS. Mr. Speaker, everyone giving consideration to the question has appreciated the need, particularly since the World War, for restrictive immigration legislation. Otherwise America would simply be overwhelmed with immigrants from every land desiring to escape conditions abroad. The growth of our own population and the necessity for preserving the true spirit of Americanism, as well as the traditions, institutions, and Government of our country, demand not only more care in the selection of immigrants but also require that such immigration shall be restricted to the minimum in order that the United States may not be overwhelmed and overcrowded by an unlimited number of aliens seeking to establish themselves here.

The Johnson immigration bill, for which I voted, and which I believe is the best measure obtainable at this time, provides for a 2 per cent quota based upon the census of 1890. This measure reduces the quota from 3 per cent to 2 per cent and thereby reduces the number of immigrants in any one year from 351,803 to an estimated number of 161,184, or over 50 per cent.

The Immigration Committee of the House of Representatives, which gave this question long and most serious consideration after the most extensive hearings, reported the Johnson immigration bill as a measure needed for the country and aimed not only to insure a better type of immigrant by providing as far as possible for examination and selection in the country from which the immigrant comes, but also by providing a system of certificates and consular visés of passports which will operate to prevent steamship companies bringing to America a large

number of aliens who through disease or otherwise are ineligible for admission to the United States, but who suffer great hardships and face ultimate deportation.

One of the great problems to-day facing this country is the assimilation of those who come from foreign countries to our shores—particularly is this true in the great cities and manufacturing centers of the United States—and our first duty is to provide for a proper appreciation, understanding, and adoption by them of the principles of government, history, and traditions of our country, so that they may thoroughly identify themselves with it and become true Americans in every sense of the word.

America is made up of peoples who have either emigrated themselves from various countries of the world or who are descendants of such emigrants. Out of this composite type has sprung the greatest nation in the world and a virile and strong spirit of Americanism characterized by love of country and its institutions, and a generous and considerate disposition toward all the world.

The question of the extent to which further immigration is to be sanctioned is purely a domestic question with which foreign nations have absolutely no concern whatever. It is one to be determined solely by the American people, and when that determination has been made no foreign country has just ground for complaint.

It is entirely within the right of the American people to say who shall and who shall not be admitted, and the admission of some and exclusion of others can give no just grounds for offense or constitute any basis for a claim of discrimination. Every other nation reserves to itself a similar right, and America does not challenge its existence. I am sure that the American people will never relinquish their undisputed right to determine for themselves who may or may not be admitted to the United States, for the question is too vital and rests upon rights which no foreign nation is entitled to challenge.

Mr. BOX. Mr. Speaker, those who oppose acts of Congress restricting immigration talk much about regulating this important problem by treaties or agreements. These suggestions come from several groups favoring the liberal admission of alien peoples, but I have never heard or read them from those who fear and seek to guard against the peril which arises from the migrations of all the tongues and tribes of the earth to America.

Since the Johnson bill has been pending, one writer, voicing violent opposition to the legislation, has declared that the migrations of men should be regulated by international agreements in connection with the League of Nations, or some similar agency, on the ground that immigrants are international population. It is said that the prejudices of the people of one country should not prompt them to exclude the home-seeking millions who are fleeing from the miseries of other countries. America's policy in this heretofore has been to consult the present and future interests of her own people. She has claimed and usually exercised an exclusive, unlimited right to do that. Even the moving multitudes have not been allowed to have their wishes and interests prevail over the interests of those already in America. Nor have we admitted the demand of the overcrowded countries of the Old World that they have a free hand to solve their problems of overcrowding by sending their undesirable surplus to us.

It is frequently insisted that the League of Nations should control migrating populations, helping them to secure admission into the country of their selection and protecting them from the opposition usually called prejudice which confronts them. Those who urge this proposition want a league of Europeans and Asiatic nations who are suffering from overcrowding to have power to procure the admission of migrating population to the United States, where they are trying to come. Neither President Wilson nor any other responsible American advocate of the League of Nations has favored passing to it the control of America's immigration policy. European and Asiatic nations would like to see that done. Spokesmen for their people already admitted here have urged it frequently during recent years. The suggestion will never be tolerated by the American people.

There remains, then, the question whether our immigration policy will be controlled by treaties or agreements between us and foreign countries or by Congress. Treaties regularly made by the President and ratified by the Senate are in a class apart from mere agreements made by the Executive with foreign powers without "the advice and consent of the Senate." The "gentlemen's agreement" belongs to the latter class.

Italy, in its note of September 15, 1921, to Mr. Secretary Hughes, suggested that its emigration, which, of course, is America's Italian immigration, "be made the subject of a specific agreement beforehand, as already suggested." This suggestion no doubt expresses the wish of other foreign governments. I point out two specific reasons why America's immigration policy should not be regulated by the treaty-making power.

Our experience as to the attitude of our Presidents toward this problem should warn us of the danger of passing absolute or chief control of it to him. The President's constant contact with delicate and difficult questions of our foreign relations and the necessity of maintaining cordial intercourse with foreign countries expose him and his advisers and agencies to constant pressure toward a tendency to too great liberality in immigration laws and regulations. Our people now almost unanimously agree that we have heretofore been ruinously loose in our immigration policies; but even such restrictive measures as have been adopted in the past have nearly all been enacted in the face of executive opposition. Nearly every step forward has been in spite of the President's veto.

In 1879 President Hayes vetoed the first Chinese exclusion act. In 1882 President Arthur vetoed an act suspending Chinese immigration for a period of 20 years (Immigration Commission Report, vol. 2, pp. 580–581). On March 3, 1897, President Cleveland vetoed an immigration act excluding illiterates (2 I. C. R. 573). President Taft vetoed an immigration bill in 1913 containing a restriction against the admission of illiterates (RECORD, special session 59th Cong. p. 101). In 1917 President Wilson vetoed an act excluding illiterates, but Congress passed it over his veto. The present percentage quota immigration law was first passed by the Sixty-sixth Congress, but failed because President Wilson withheld his approval. It was again passed by the Sixty-seventh Congress and later extended, both acts having been approved by President Harding, whose action on these measures was about the first approval by a President of the United States of any measure designed to reduce or strictly regulate immigration from foreign countries.

The treaty between the United States and China, called the Burlingame treaty, concluded July 28, 1868, and proclaimed February 5, 1870, volume 1, Treaties and Conventions, page 234, Article V, contains the following language:

> The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residents.

Article VI of the same treaty contains the following provision:

> Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most-favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most-favored nation. * * *

Intolerable conditions soon developed in California as the result of this treaty stipulation that Chinese had an inalienable right to immigrate to the United States and permanently reside here, but the treaty-making power failed to relieve the situation. In 1879 a bill was introduced in Congress limiting to 15 the number of Chinese who could come into the United States upon any one vessel. It was argued against this bill that it would abrogate the provisions of the Burlingame treaty. After being amended by adding a provision for the abrogation of articles 5 and 6 of that treaty, which gave to the Chinaman all privileges enjoyed by "citizens or subjects of the most-favored nations," the bill passed the House January 28, 1879, by a vote of 155 to 72, and on February 15 it passed the Senate by a small majority. On March 1, 1879, President Hayes returned it with his veto, declaring that history gave no other instance where a treaty had been abrogated by Congress, and that it was not competent to modify a treaty by cutting out certain sections; and even if it were constitutional, seeing that China would probably assent willingly to such a modification, he thought it better policy to wait for the proper course of diplomatic negotiations.

Chinese immigration continued and conditions grew worse on the Pacific coast, but Congress failed to pass that bill over the President's veto. But under the threat of congressional action the Chinese Government, in 1880, agreed to another

treaty, which was proclaimed October 5, 1881, Article I of which was as follows:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

It will be noted that this article limits the right of the United States to deal with Chinese immigration according to its will, giving it the privilege of dealing reasonably with the immigration of laborers, but forbids it to absolutely prohibit their coming, and forbids it to deal with other classes.

After the treaty of 1880 was concluded, a bill to execute certain stipulations contained therein was passed by the Senate and House. As this bill went to the President for approval it provided that within 90 days after its passage, and until 20 years thereafter, the coming of Chinese laborers should be suspended. Exception was made to Chinese laborers who were in the United States on November 17, 1880, and those who should come before the act went into effect.

Skilled Chinese laborers were specifically among those excluded, and all State or United States courts were denied the right to admit Chinese to citizenship. On April 4, 1882, President Arthur returned the bill with his veto, his principal reason for refusing to sign it being that the passage of an act prohibiting immigration for 20 years was an unreasonable suspension of immigration and consequently a breach of the treaty. The features relating to registration he also claimed served no good purpose. Subsequently a modified bill was passed by Congress, and, although containing some of the provisions objectionable to the President, he approved it on May 6, 1882. This law provided that all immigration of Chinese laborers, skilled or unskilled, should be suspended for a period of 10 years.

Conditions in California and on the Pacific coast arising from Chinese immigration had been bad before the making of the Burlingame treaty of 1868, by which the United States bound itself to recognize the inalienable right of such people to migrate and establish permanent homes in America. So aptly did the treaty-making power deal with the problem in that instance. Conditions in California and on the Pacific coast were then and soon afterwards so bad that, in 1872, California was pleading with Congress for the exclusion of the Chinese; that is, for the termination of the "inalienable right" of Chinese to come to America in tens, or even hundreds, of millions. A congressional committee was sent to California, where it found conditions very bad.

After the making of the second immigration treaty with China in 1880-81 it was soon found that that immigration treaty was unwise and the United States asked China to agree to its abrogation; but China objected and delayed, until Congress passed a drastic exclusion law, from which the President withheld his approval until he became convinced that China would not enter into a new treaty abrogating the treaty of 1880, of which the United States was by then anxious to be rid. That was the second successive failure of the treaty-making power of our Government to handle Chinese immigration in a manner which our own people would tolerate.

Another and controlling objection to the regulation of our immigration by treaties is that it would give to foreign powers a voice in that policy, whereas under the present system it is treated as a domestic question to be regulated by Congress in the constitutional way according to our own will. Even the opponents of restriction should not favor the adoption of a policy by which we would surrender our right to deal with the subject in our own way. That right once lost would be hard to regain. The permanent loss of it would be an irreparable calamity to America. As already shown, foreign countries, under the promptings of self-interest, must consent to the provisions of treaties. Under that system our immigration policy would be shaped not by the representatives of our people but partly by our treaty-making power and partly by foreign countries. If that policy should ever be generally and permanently adopted, it would entail consequences too tragic to be stated here.

The regulation of our immigration by agreements made by our Executive with foreign countries, without the approval of Congress, or without the consent and approval of the Senate, is a still greater and more dangerous departure from the American policy of treating this as a purely domestic question.

President Roosevelt's agreement with Japan, made in 1908, commonly called "the gentlemen's agreement," has now been recognized by both countries for some 15 years. Both Japan and the United States have insisted that they were living up to its terms.

The use of the word "agreements" in the immigration acts of 1920 and 1922, both passed by the two Houses of Congress and approved by the President, was a conscious and deliberate recognition of the agreement made by President Roosevelt with Japan, regulating immigration from that country to the United States. Yet that agreement was made by the President regardless of the wishes of Congress and without the consent of the Senate. It was never submitted to the Senate for ratification.

That agreement was held up to the Legislature of the State of California as a valid treaty prevailing over the will and power of that State legislative body. In a letter which President Roosevelt wrote to Speaker Stanley, of the lower house of the California Legislature, under date of February 8, 1909, protesting against certain anti-Japanese legislation then pending in that legislature, among other things, President Roosevelt said:

But such a bill as this school bill accomplishes literally nothing whatever in the line of the object aimed at and gives just cause for irritation, while, in addition, the United States Government would be obliged immediately to take action in the Federal courts to test such legislation, as we hold it to be clearly a violation of the treaty (Theodore Roosevelt—An Autobiography, pp. 416-417).

Thus President Roosevelt called this agreement, made without submission to the Senate, a "treaty" and threatened the Legislature of California with its prevailing power as a treaty, to which the Legislature of California submitted.

In my judgment that agreement has always been without legal or binding force. However, at least two Presidents have recognized it as valid, and one of them has called it a treaty. Congress has twice recognized it, and a sovereign State has submitted to it as the supreme law of the land. In addition, it has been in operation between two great countries for some 15 years, during which it has regulated the immigration from Japan to the United States. Manifestly, then, it is possible that the President might, without consulting Congress or even the Senate, inaugurate a system of immigration regulation according to his own will. Because that has been done in a very vital immigration connection and a precedent thereby set, it is more apt to be done again. Under such a system neither Congress nor the Senate would have any voice in immigration regulation. It is now being urged that the Congress is bound by it.

A member of this committee, in his study of this question, referred to several able gentlemen the brief or statement on certain phases of this problem which the writer prepared for the use of the committee. Among the gentlemen to whom this statement was referred is Hon. George W. Wickersham, formerly Attorney General of the United States, who acts as president of the National Committee on American-Japanese Relations, which has conducted an active propaganda against the pending legislation. From Mr. Wickersham's reply I quote the following:

The matter should be dealt with, it seems to me, by negotiation with these foreign countries. The agreement which might be reached through negotiation would not necessarily be a treaty but the sort of agreement which customarily is made by the executive branch of our Government, as, for example, the international postal conventions. There is quite a range of international agreements, not rising to the dignity of a treaty, respecting which throughout our history the executive government has acted without reference to the treaty-making power.

The suggestion in this connection concerning agreements which "do not rise to the dignity of" treaties probably refers to the "gentlemen's agreement" regulating immigration from Japan, made by Mr. Roosevelt, and others like it regulating the same subject which might be made by other Presidents. Not "rising to the dignity of" treaties, these "agreements" would not have to be submitted to the Senate. The "gentlemen's agreement" was not. Such agreements, if made and accepted as valid regulations of immigration and then successfully held up as bars to congressional action, would oust Congress of all control over our domestic policy concerning a problem of greatest importance. If such "agreements," not subject to the approval of the Senate, are to be permitted to control our immigration policies. President Hayes, who made the Burlingame treaty, which guaranteed the Chinese "the inalienable right"

to migrate to America, could have merely made an agreement "not rising to the dignity of" a treaty and accomplished what he then contended for. President Arthur could have likewise worked his will in avoiding a later act in restraint of Chinese immigration to America by such an agreement much better than by a veto, as he undertook to do. Presidents Cleveland, Taft, and Wilson needed only to have made such agreements and to have Congress and the American people accept them as inviolable international obligations too sacred to be touched by congressional action. Mr. Wickersham's suggestion as to "agreements not rising to the dignity of" treaties regulating immigration to the United States is very unfortunate, unless it proves fortunate as a reminder that the handling of immigration by agreement not submitted to the Senate might be resorted to again and again until it became an established policy, and Congress thereby ousted from control over the question, leaving it wholly to those who have almost, though not quite, uniformly tried to restrain the Congress elected by the people from doing the will of the Nation in protecting it, even so far as it has been protected. Control of immigration by treaties would be dangerous. Control of it by agreements between the Executive and foreign countries "not rising to the dignity of" treaties would be even more dangerous.

In the deliberate judgment of the writer, formed after full consideration of all the objections which the opponents of this legislation have urged, an opportune time has arrived for the American Congress to say with emphasis that it proposes to retain and exercise, in the protection of American interests and in obedience to the Constitution, full control over this vitally important question without consulting any foreign potentate or power.

Neither Italy, Japan, nor any other nation has any right to ask, much less to insist, that we change our method of handling this fundamentally domestic question in our own way and place ourselves where we would have to procure their consent to our regulatory, restrictive, or prohibitory immigration measures.

There has been an apparent effort to impress the country with the idea that the only question between Congress and the Executive concerning the Japanese exclusion provisions of the recent immigration act was whether the act should go into effect July 1, 1924, March 1, 1925, or at some subsequent date. Many people who thought they were keeping informed on this issue were lead to believe that the whole controversy was over this question. That was not the question at all.

The controversy was over the question whether the Congress of the United States should control immigration as required by the Constitution of the United States, or would shirk its responsibility fixed by the Constitution and let another department usurp it in violation of the purpose of the Constitution in violence to important present public interests and the equally important interests of the future. I have explained in the foregoing remarks what was involved in the proposed continuance of the present unratified and only partially published and partially known Executive agreement with Japan, called the "gentlemen's agreement," never submitted to the Senate for approval.

In order that those who wish to know may understand how this matter assumed its final status I call attention to the fact that while the House Committee on Immigration and Naturalization was shaping this legislation in committee the executive department sent to the House committee an amendment to be inserted in the bill in the following language as an exception to section 3, "an alien entitled to enter the United States under the provisions of a treaty," in such connection as would have exempted from the excluding provision of the entire law the nationals of every country with which the United States should have a treaty regulating immigration made before or after the passage of the law. By inserting such a provision in the bill as the Executive, through its State Department, sought to have inserted, Congress would have placed itself in the attitude of seeking to renounce its constitutional duty to regulate immigration from any country except such as the President might leave within the operation of the law by his failure to control it by treaty. Of course, Congress can not legally, or without gross dereliction, throw down responsibilities which the Constitution places upon it, and the executive department can not, without blameworthiness, seek to take upon itself the performance of functions which the Constitution places upon Congress. Both of these vices were involved in the suggestion made to the committee by the Executive, through the State Department. Moreover, in view of the history of the country's dealing with this vitally important question the suggestion was fraught with grave danger in addition to the violence it offered to the Constitution.

When this first suggestion, that virtually all regulation of immigration be passed to the treaty-making power, was unanimously rejected by the committee and not tolerated by the House, another amendment was sent to the conferees in the following language, to be inserted in section 12 (c) of the present bill:

* * * after the letter (b) and before the word "no" insert "on and after March 1, 1926."

On same page at the end of the paragraph strike out the period, insert a colon and insert "*Provided, however,* That the provisions of this paragraph shall not apply to the nationals of those countries with which the United States, after the enactment of this act, shall have entered into treaties, by and with the advice and consent of the Senate, for the restriction of immigration."

By this the Executive showed that, not being permitted to control immigration with all countries by treaty, it sought to control our immigration from Asiatic and Malayan countries by treaties. This was not quite as vicious as the usurpation involved in undertaking to control it by unratified and partly secret Executive agreements, but it was nevertheless vicious and dangerous in that it involved the same principle embodied in the amendment first suggested by the executive department, except that it was limited to the clause excluding immigrants from Asiatic countries. One would be stupid indeed who could not see that after that principle and precedent were established and made to control immigration from Asiatic countries it would probably be extended to all countries. The House and Senate conferees, though evidently anxious to oblige the President, were unable to bring themselves to the acceptance of that principle.

But the Executive did not stop there. The same suggestion was obscured and sugar-coated and wrapped up in the following language, which the conferees were finally induced to accept and embody in their conference report:

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

This language was so shaped that it could be distorted into three meanings, though it had but one and was intended to have but one. First, it was possible, not reasonable, for an interested political press to hold it forth as meaning only that the President desired eight additional months within which to persuade and flatter Japan into conceding graciously the right of the United States to control this domestic question in its own way, only postponing the date when the law would become effective. But it did not mean that and was not so intended. The second meaning, which, like the first, might be held forth until the general election had passed, was that this additional time should be granted; and in the meantime the President was requested to busy himself in getting rid of the "gentlemen's agreement," with the consent and approval of Japan. This version carried the idea that the gentlemen's agreement would in any event be ended and the statute now being enacted would in any event become the law on March 1, 1925; but according to this view, as stated by Chairman JOHNSON, who had been seduced into accepting it, it was meant merely to "throw a kiss at Japan," while we went ahead enacting our law in our own way, to become effective unconditionally on March 1, 1925, after we had gone through the pretense of securing Japan's consent to what, according to that view, we were determined to do regardless of her giving or withholding her consent.

But the clause did not mean that and was not intended to operate that way, though the country was to be induced to so construe it for the present. It meant something or nothing. If it meant nothing, it involved only palaver and unworthy hypocrisy on our part for the purpose of deceiving the country or temporarily deceiving and for the moment placating Japan. We must not accept the suggestion that the State Department or the President intended that. Then, thirdly, if it meant anything worthy of consideration at all, it meant to request the President to solicit Japan to agree with him on some method by which the Executive or treaty-making power and the foreign country, which is entitled to no voice in the matter, should control the question regardless of the wishes and interests of the American people as expressed in Congress. It is gratifying indeed to note that neither branch of Congress would tolerate this last suggestion any more than they would favorably consider the clause as meaning mere hypocritical palaver or "throwing a kiss at Japan." Therefore, the third effort of the Executive met the disapproval which the first two had met, and for the same good reasons.

URGENT DEFICIENCY APPROPRIATIONS, FISCAL YEAR 1924

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of the bill H. R. 9192, making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and for other purposes. Pending that I ask unanimous consent that general debate be confined to 30 minutes, 15 minutes to be controlled by the gentleman from Tennessee [Mr. BYRNS] and 15 minutes by myself.

The SPEAKER pro tempore. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of an urgent deficiency appropriation bill, and, pending that, asks unanimous consent that general debate be limited to 30 minutes, one-half to be controlled by himself and one-half by the gentleman from Tennessee [Mr. BYRNS]. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, reserving the right to object, I want to know whether I will have a chance to get into that or not. Otherwise I object.

Mr. BYRNS of Tennessee. How much time does the gentleman want?

Mr. HOWARD of Nebraska. About long enough to ask a question—about five minutes.

Mr. BYRNS of Tennessee. I do not think there will be any question about that.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Will the gentleman from Illinois give way for a moment so that the Chair may lay before the House a message from the President of the United States?

Mr. MADDEN. Certainly.

ADJUSTED COMPENSATION—VETO MESSAGE

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

Herewith is returned, without approval, H. R. 7959, a bill "to provide adjusted compensation for veterans of the World War, and for other purposes."

The bill provides a bonus for the veterans of the World War and dependents of those who fell. To certain of its beneficiaries, whose maximum benefits do not exceed $50, this bonus is to be paid immediately in cash. To each of its beneficiaries who are not to receive such immediate cash payment there is to be provided free insurance under a 20-year endowment plan. The face value of each policy will be based upon the military service, the average amount being at least $962, payable at the expiration of 20 years or at death prior thereto. After the lapse of two years the holder of a policy may borrow thereon from banks at reasonable rates of interest. If amounts so borrowed are not repaid by the veteran, the Government is obligated to pay to the banks this indebtedness, which ultimately reduces the maturity value of the policy.

An appropriation of $146,000,000 for the fiscal year 1925 will be required to provide the prorated annual cost of the insurance and to meet cash payments to those not receiving such insurance. This does not include administrative costs, which will amount to approximately $6,500,000 the first year. For the fiscal year 1926 an appropriation of $155,500,000 will be required, and the annual appropriations for the 20-year period will aggregate, according to the lowest estimate, $2,280,758,542. These and the other figures herein are from the Veterans' Bureau, but the Treasury estimates are materially more.

That part of the annual appropriation not required to meet the cash bonus or to pay policies maturing on account of death will be invested in Government bonds. The face value of the bonds thus acquired plus the interest thereon reinvested will equal during the 20-year period the maturity value of the insurance policies, aggregating at the lowest estimate $3,145,000,000.

The money spent for the acquisition of these bonds manifestly can not be spent for any other purpose, no matter how urgent our other requirements may be. In other words, we will be committing this Nation for a period of 20 years to an additional average annual appropriation of $114,000,000. This of itself should require most serious reflection, but if we are to have such commitment it should be in some form which would be in harmony with recognized principles of Government finance. The provisions of this bill are not so in harmony. Under it the Government will not have in the fund in 1945 two and a half billions of dollars. All it will have will be its own obligations, and it will owe two and a half billions of dollars cash. It will then be necessary to sell to the public this two and a half billions of bonds—a major operation in finance which may be disastrous at that time and may jeopardize the value of Federal securities then outstanding.

We have no money to bestow upon a class of people that is not taken from the whole people. Our first concern must be the Nation as a whole. This outweighs in its importance the consideration of a class, and the latter must yield to the former. The one compelling desire and demand of the people to-day, irrespective of party or class, is for tax relief. The people have labored during the last six years under a heavy tax burden. This was necessary to meet the extraordinary costs of the war. This heavy assessment has been met willingly and without complaint. We have now reached a financial condition which permits us to lighten this tax burden. If this bill becomes law, we wipe out at once almost all the progress five hard years have accomplished in reducing the national debt. If we now confer upon a class a gratuity such as is contemplated by this bill, we diminish to the extent of the expenditures involved the benefits of reduced taxes which will flow not only to this class but to the entire people. When it is considered that less than $40 a year would pay for the average policy provided by this bill, there is strong ground to assume that the veterans themselves would be better off to make that small payment and be relieved of the attendant high taxes and high living costs which such legislation would impose on them. Certainly the country would. We have hardly an economic ill to-day which can not be attributed directly or indirectly to high taxes.

The prosperity of the Nation, which is the prosperity of the people, rests primarily on reducing the existing tax burden. No other action would so encourage business. No other legislative enactment would do so much to relieve agriculture. The drastic executive campaign for economy in Government expenditures has but one purpose—that its benefits may accrue to the whole people in the form of reduction in taxes. I can not recede from this purpose. I am for the interests of the whole people. The expenditures proposed in this bill are against the interests of the whole people. I do not believe they are for the benefit of the veterans.

The running expenses of the Government for services and supplies must be met. Certain other obligations in the nature of investments for improvements and buildings are necessary and often result in a saving. The debts of the Nation must be paid. The sum of all these is a tremendous amount. At the present rate it is nearly $35 for each resident of our country, or $175 for each average family every year, and must be for some time. This bill calls for a further expenditure in the aggregate of nearly $35 for each inhabitant and lays nearly $175 more on each family, to be spread over a period of 20 years. No one supposes the effort will stop here. Already suggestions are made for a cash bonus in addition, to be paid at once. Such action logically would be encouraged if this bill becomes law. Neither the rich nor the profiteers will meet this expense. All of this enormous sum has to be earned by the people of this country through their toil. It is taken from the returns of their production. They must earn it; they must pay it. The people of this country ought not to be required by their Government to bear any such additional burden. They are not deserving of any such treatment. Our business is not to impose upon them but to protect them.

If this bill be considered as insurance, the opportunity for such a provision has already been provided. Nearly $3,000,000,000 of war risk and Government life insurance is now outstanding, and over $500,000,000 has been paid on such policies. When this provision was made in 1917 it was on the explicit understanding of the Congress that such insurance was to relieve the Government of subsequent contributions. The then Secretary of the Treasury said in relation to the proposed insurance act: "It ought to check any further attempts at service pension legislation by enabling a man now to provide against impairment through old age, total disability, or death resulting from other causes, and to give all this protection to those kindred who may be dependent upon him and who do not share in the Government compensation." This opportunity was afforded all those who entered the service. It was distinctly understood that it covered every obligation on the part of the Government. The intent of this bill now to provide free insurance lacks both a legal or moral requirement and falls into the position of a plain gratuity.

Considering this bill from the standpoint of its intrinsic merit, I see no justification for its enactment into law. We owe no bonus to able-bodied veterans of the World War. The first duty of every citizen is to the Nation. The veterans of the World War performed this first duty. To confer upon them a cash consideration or its equivalent for performing this first duty is unjustified. It is not justified when considered in the

interests of the whole people; it is not justified when considered alone on its own merits. The gratitude of the Nation to these veterans can not be expressed in dollars and cents. No way exists by which we can either equalize the burdens or give adequate financial reward to those who served the Nation in both civil and military capacities in time of war. The respect and honor of their country will rightfully be theirs forever more. But patriotism can neither be bought nor sold. It is not hire and salary. It is not material, but spiritual. It is one of the finest and highest of human virtues. To attempt to pay money for it is to offer it an unworthy indignity which cheapens, debases, and destroys it. Those who would really honor patriotism should strive to match it with an equal courage, with an equal fidelity to the welfare of their country, and an equal faith in the cause of righteousness.

I am not unmindful that this bill also embraces within its provisions the disabled of our veterans and the dependents of those who fell. To state that the disabled veterans and these dependents are entitled to this additional gratuity is to state that the Nation is not meeting its obligation to them. Such a statement can not truthfully be made. The Nation has spent more than $2,000,000,000 in behalf of disabled veterans and dependents of those who died. It is now spending for compensation, training, insurance, and hospitalization more than $400,000,000 annually. Solicitude for the disabled veterans and the dependents of those who lost their lives is the Nation's solicitude. To minister to their every need is a sacred obligation, which will be generously and gratefully met. The Nation stands ready to expend any amount needed for their proper care. But that is not the object of this bill.

America entered the World War with a higher purpose than to secure material gain. Not greed but duty was the impelling motive. Our veterans as a whole responded to that motive. They are not asking as a whole, they do not want as a whole, any money recompense. Those who do seek a money recompense for the most part, of course, prefer an immediate cash payment. We must either abandon our theory of patriotism or abandon this bill. Patriotism which is bought and paid for is not patriotism. Our country has maintained the principle that our Government is established for something higher and finer than to permit those who are charged with the responsibility of office, or any class whose favor they might seek, to get what they can out of it. Service to our country in time of war means sacrifice. It is for that reason alone that we honor and revere it. To attempt to make a money payment out of the earnings of the people to those who are physically well and financially able is to abandon one of our most cherished American ideals. The property of the people belongs to the people. To take it from them by taxation can not be justified except by urgent public necessity. Unless this principle be recognized our country is no longer secure, our people no longer free. This bill would condemn those who are weak to turn over a part of their earnings to those who are strong. Our country can not afford it. The veterans as a whole do not want it. All our American principles are opposed to it. There is no moral justification for it.

CALVIN COOLIDGE.

THE WHITE HOUSE, *May 15, 1924.*

The SPEAKER. The message is ordered printed. The questions is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. LONGWORTH. Mr. Speaker, of course every Member of the House will want an opportunity to vote on this most important matter, and in making the request I am about to make I am mindful of requests that have been made to me by gentlemen who are unable to be here before the last part of next week. I shall not press this, if there be any real objection to it. I ask unanimous consent that after the reading of the Journal on Thursday next this question be taken up and disposed of.

The SPEAKER. Is there objection?

Mr. FISH. Mr. Speaker, reserving the right to object, I think it is perfectly fair to request that there should be a postponement for a few days so that everyone might have an opportunity to vote on this important measure, but I do not think it is fair or wise to postpone the consideration of the bill beyond next Tuesday. Therefore, I ask the majority leader if he will agree to Tuesday?

Mr. LONGWORTH. I agreed with certain gentlemen that I would make the request. Of course I shall not press it if there be objection.

The SPEAKER. The gentleman from Ohio asks unanimous consent that action upon the President's veto message be taken immediately after the reading of the Journal on Thursday next. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, reserving the right to object, I did not clearly understand the majority leader when he gave his reasons for desiring the delay and I will thank him if he will make them plainer to me.

Mr. LONGWORTH. I simply stated that a number of gentlemen had informed me that it would be impossible for them to be here before next Thursday. I said to them that I would attempt to accommodate them by asking unanimous consent that this matter be taken up next Thursday. I further stated that I should not press that matter if there was real objection to it.

Mr. RANKIN. Mr. Speaker——

The SPEAKER. The gentleman from Mississippi.

Mr. HOWARD of Nebraska. But I have not finished yet.

Mr. RANKIN. I thought the gentleman had finished his question.

The SPEAKER. The Chair supposed that the gentleman from Nebraska had asked his question, and that it had been answered. If he has not, then the Chair thinks the gentleman is entitled to put the question.

Mr. HOWARD of Nebraska. I yield to the gentleman from Mississippi.

Mr. RANKIN. Mr. Speaker, reserving the right to object, I wish to ask the gentleman from Ohio [Mr. LONGWORTH] if Members will have any opportunity to speak on this proposition in the House? I will give my reason for that question: In the first place the bill was brought in here under a suspension of the rules, shutting off all amendments and practically all debate. Then the President comes out here to-day with a great long document which, to be perfectly frank, goes out of its way to offer a gratuitous insult to the ex-service men who have been demanding this adjusted compensation. [Applause.] He virtually denounces them as unpartiotic.

Unless we have an opportunity to speak for the ex-soldiers while the press carries the President's message representing the views of the predatory interests who continue to fight this measure in an insidious and unfair manner I shall object. [Cries of "Regular order!"] Then, Mr. Speaker, I object.

The SPEAKER. The gentleman from Mississippi objects.

Mr. LONGWORTH. Then, Mr. Speaker, I ask unanimous consent that on Monday next, immediately after the reading of the Journal, the matter be disposed of.

Mr. RANKIN. Mr. Speaker, I object. [Cries of "Vote!"]

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that on Monday next, immediately after the reading of the Journal, this matter be taken up and disposed of.

The SPEAKER. The Chair understands the gentleman from Mississippi to object to that request also?

Mr. RANKIN. Mr. Speaker, if we object to any extension of time, when will this proposition come to a vote?

The SPEAKER. The Chair thinks a motion would be in order to fix a date.

Mr. WATKINS. Would a motion be in order to consider the matter now?

The SPEAKER. The Chair thinks so.

Mr. WATKINS. Then I move to consider it at the present time.

The SPEAKER. The Chair has not recognized the gentleman for that purpose.

Mr. RANKIN. Mr. Speaker, I object to the request of the gentleman from Ohio.

Mr. LONGWORTH. Then, Mr. Speaker, I move that on Monday next, immediately after the reading of the Journal, this matter shall be disposed of. On that motion I move the previous question.

Mr. BLANTON. Mr. Speaker, I make the point of order against that, that the motion of the gentleman from Ohio is not in order. The only motion that would be in order would be a motion to refer it to a committee, and that has not been made.

Mr. WATKINS. Mr. Speaker, I want to offer a preferential motion.

The SPEAKER. The Chair will hear the gentleman from Texas. Has the gentleman any authority?

Mr. BLANTON. Yes; there was such a motion made to refer it in the last Congress.

The SPEAKER. But what authority?

Mr. BLANTON. To postpone it to a day certain can be done only by unanimous consent, and I cite the Chair to the precedents for the last 10 years.

The SPEAKER. Has the gentleman the authority there?

Mr. BLANTON. I have not got it in my hip pocket.

Mr. WATKINS. Mr. Speaker, I desire to offer a preferential motion.

The SPEAKER. The gentleman can not do that while a point of order is pending.

Mr. RANKIN. I want to offer an amendment to the motion.
Mr. BLANTON. You can not do that.
Mr. LONGWORTH. Before the Chair rules, I desire to modify my motion by substituting Saturday for Monday.
Mr. BLANTON. I renew my point of order.
Mr. LONGWORTH. Next Saturday, day after to-morrow——
Mr. BLANTON. I make the point of order it is not in order.
Mr. LONGWORTH. And upon that I move the previous question.
The SPEAKER. The Chair understands the gentleman from Missouri [Mr. CANNON] desires to be heard.
Mr. CANNON. Mr. Speaker, the admissibility of the motion to postpone consideration of a veto message received from the President is well established. The motion to postpone indefinitely is not admitted, but the motion to postpone to a day certain is in order and has been offered under similar circumstances at least once in every recent Congress.
If the Speaker desires citations to that effect they may be found in Volume IV of Hinds' Precedents, sections 3542 to 3547. In fact, this question was decided by the present occupant of the chair on August 18, 1919, when the gentleman from Texas, who raises the point of order, made the same point of order against this same motion under identical circumstances.
The SPEAKER. Yes; and also in September, 1919.
Mr. CANNON. That is true; and again in the Sixty-sixth Congress, when the veto of the Volstead bill was received.
The House has just listened to a presentation of one side of this question and is entitled to hear the other side. The advocates of this bill are entitled to their day in court.
The SPEAKER. There is a precedent of September 19, 1922, when Mr. Mondell moved the further consideration of the President's message be had to-morrow immediately after the reading of the Journal.
Mr. RANKIN. But there there was no point of order against that——
The SPEAKER. No.
Mr. RANKIN. As I understand it.
The SPEAKER. The Chair will hear the gentleman from Mississippi.
Mr. RANKIN. Now, Mr. Speaker, I think the Chair will find that in the case referred to, the Mondell case, there was no point of order made. This proposition is not governed altogether by the rules of the House, but it is governed largely by the Constitution, and my understanding—I have not the Constitution at my hand here and unfortunately the copy has been removed from the desk——
The SPEAKER. The Chair will read.

If he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it.

Mr. RANKIN. Now, if the Chair pleases, that means to proceed immediately to its consideration, as I understand it.
Mr. LONGWORTH. Oh, Mr. Speaker, if the gentleman had been here long enough he would not make that statement.
Mr. RANKIN. Mr. Speaker, I realize I am on the opposite side of this controversy from the gentleman from Ohio [Mr. LONGWORTH], but I insist that the gentleman from Ohio has no right to interrupt me without my permission.
The SPEAKER. The gentleman from Mississippi is correct.
Mr. RANKIN. Now, suppose the Chair should hold that the gentleman from Ohio, or anyone else, should have the right to postpone this matter from day to day or from week to week and could carry it over 30 days or six months or beyond the adjournment of this Congress, because all we need to adjourn the Congress to-morrow is a concurrent resolution of both Houses. I submit, Mr. Speaker, the very letter and spirit of the Constitution provides that when a bill having the President's veto is returned to the House we should proceed immediately to its consideration, and that the gentleman's motion is entirely out of order.
Mr. BEGG. Will the gentleman yield? Does the gentleman——
Mr. RANKIN. Further, Mr. Speaker, it has been the practice ever since the beginning of the Government when veto messages were brought to the House to proceed immediately to their consideration, unless unanimous consent was given to carry them over until a day certain.
Mr. FITZGERALD. Mr. Speaker, I want to ask the gentleman from Mississippi if there is any better speech to be made or an argument on this bill than instant action by this House?
The SPEAKER. The gentleman must confine himself to the point of order.
Mr. BEGG. I desire to ask the gentleman from Mississippi in reference to his parliamentary argument, and the question I want to ask the gentleman is, Does the gentleman contend in his argument that if we had a concurrent resolution adjourning this House at 3.30, we could not act upon it, even though there was a veto message pending?
Mr. RANKIN. Oh, that question is all out of order——
Mr. BEGG. That is all the gentleman's argument.
Mr. RANKIN. The gentleman evidently did not hear what I said.
Mr. FISH. Mr. Speaker, a parliamentary inquiry. [Cries of "Vote!"]
The SPEAKER. The gentleman from Mississippi is propounding a question as to procedure which ought to be settled.
Mr. FISH. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman from New York wishes to make a parliamentary inquiry?
Mr. LAGUARDIA. I do, too.
Mr. CLEARY. I do, too.
Mr. FISH. Will it be in order to move to amend the motion of the gentleman from Ohio to bring this matter to a vote immediately?
The SPEAKER. Why, certainly——
Mr. FISH. I wish to make that motion.
The SPEAKER. If the previous question is not ordered. Is any further debate desired?
Mr. LAGUARDIA. I desire to be heard on the point of order.
The SPEAKER. The Chair will hear the gentleman from Iowa [Mr. GREEN].
Mr. GREEN of Iowa. I call the attention of the gentleman from Mississippi [Mr. RANKIN] to the fact that what he asks for is often impossible. The Senate in such a case as this has to act first, so that in a great many cases it has been absolutely impossible for the House to act immediately after the receipt of a veto message, so that that can not be the meaning of the Constitution.
The SPEAKER. The Chair will hear the gentleman from New York [Mr. LAGUARDIA].
Mr. LAGUARDIA. Mr. Speaker, the gentleman from Ohio [Mr. LONGWORTH] moved to consider the President's veto on a day certain, whereupon the point of order was made that such a motion was not in order.
Now, then, I respectfully submit to the Speaker that the same situation arose at the time that the presidential veto was delivered to this House on the so-called Volstead Act, and the House was in a similar tangle as to the parliamentary situation and as to the propriety of the motion to fix a day certain. Whereupon the gentleman from Minnesota, Mr. Volstead, or the gentleman from Massachusetts, Mr. Walsh, withdrew his motion, and the House proceeded to vote on the question then and there. [Applause.]
Now, as was pointed out by the gentleman from Mississippi [Mr. RANKIN], it is first in order to consider a vote on the message at this time, but as I understand the situation the gentleman from Ohio [Mr. LONGWORTH] wants time to get his breath after listening to such a message.
But to get back to the point of order. If the motion now pending is in order, then it is possible for a majority to keep the House from considering a veto at any time. I submit that we should follow the precedent established at the time the Volstead Act was sent back to the House and we should proceed to a vote immediately.
The SPEAKER. The Chair will hear the gentleman from New York [Mr. CLEARY].
Mr. CLEARY. Mr. Speaker, I was going to tell the story that the gentleman from New York [Mr. LAGUARDIA] related. But it was this way: Mr. Volstead got up and asked permission to put this off to Wednesday, and it was granted by Speaker Clark. Two hours after that the prohibition men got around Volstead and said "Vote now," and then Volstead got up and asked permission of the Speaker to get up the question now. That was two hours after it was put on. That is what happened then.
Mr. CONNALLY of Texas. Mr. Speaker, I want to propound an interrogatory to the Speaker: If it is in order to postpone to a day certain, and that motion is voted down, would not, under the Constitution, the vote then revert to an immediate consideration?
The SPEAKER. The Chair thinks so if there is no other privileged motion.
Mr. CONNALLY of Texas. So that if those who want consideration voted down the motion to postpone, it would result in immediate consideration automatically?

The SPEAKER. Yes.

Mr. GARRETT of Tennessee rose.

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

Mr. GARRETT of Tennessee. Mr. Speaker, it is entirely immaterial to me, of course, whether the vote is taken immediately or later, and it is for the House to determine. But in good faith to colleagues on this side of the Chamber, some of whom are absent, I think this statement should be made.

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

Mr. GARRETT of Tennessee. Yes.

Mr. LONGWORTH. I will say to the gentleman that I made the request largely influenced by the request made to me by the gentleman from Arkansas [Mr. OLDFIELD], the whip on that side of the House, that opportunity be given to gentlemen to be present and he suggested three days' notice. That is one of the reasons why I asked postponement.

Mr. GARRETT of Tennessee. I was about to state that the gentleman from Ohio advised me several days ago—I do not recall that I made any request concerning it—but I asked him as to the procedure.

Mr. LONGWORTH. The gentleman from Arkansas [Mr. OLDFIELD] made the request.

Mr. GARRETT of Tennessee. And the gentleman advised me that there would be three days' notice, and I so advised gentlemen on this side; I advised them to that effect.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. GREEN of Iowa. I will also say that a number of gentlemen on that side spoke to me about postponing action, so that their colleagues could be advised.

Mr. FISH rose.

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

Mr. FISH. I desire to make a motion.

The SPEAKER. No motion would now be in order. The Chair thinks that the question of order is very clear.

Mr. BLANTON. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. Yes; the Chair will hear the gentleman.

Mr. BLANTON. I want to call the Speaker's attention to what happened in the Sixty-sixth Congress when the Volstead Act was passed.

The SPEAKER. That has been cited twice.

Mr. BLANTON. I know; but the Speaker will not find a single instance where a point of order has been made to a motion to postpone to a day certain and it has been overruled.

The SPEAKER. Can the gentleman cite a case?

Mr. BLANTON. There was a similar request made to postpone to a day certain on the Volstead Act.

The SPEAKER. That was not a unanimous-consent request.

Mr. BLANTON. I know. But it was stated then that an agreement had been made with New York Members to the effect that the vote would not be taken at that time.

The SPEAKER. The Chair is ready to rule.

Mr. LONGWORTH. Mr. Speaker, would any further argument be in order?

Mr. FISH. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. That would not be in order.

Mr. LONGWORTH. Does the Chair desire any further argument as to the legitimacy of this motion?

The SPEAKER. The situation seems clear to the Chair. The gentleman from Ohio [Mr. LONGWORTH] has made a motion to postpone to a day certain action on the President's veto. Now, the Constitution, as the Chair has already read, provides that "the House shall proceed to consider it." If that meant that the House should proceed immediately to vote upon it, then the action of the House for a great many years has been entirely wrong, because the House has repeatedly entertained and voted on motions to refer it to a committee and to postpone. It seems to the Chair that the language "the House shall proceed to consider it" means that the House shall immediately proceed to consider it under the rules of the House, and that the ordinary motions under the rules of the House—to refer, to commit, or to postpone to a day certain—are in order. One gentleman suggested that such a construction put it in the hands of one gentleman to determine what the House shall do; but, on the contrary, it leaves it entirely in the hands of the House. If the House does not like the motion that is made, it can vote it down and the House can have its will. It seems to the Chair that is an exact compliance with the Constitution and is also the action which allows the House entire freedom of action. So the Chair overrules the point of order.

Mr. LAGUARDIA. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LAGUARDIA. If the gentleman's motion is voted down, does that bring up the matter automatically?

The SPEAKER. If no other motion which is in order is made, then it would come immediately to a vote.

Mr. FISH. Mr. Speaker, I want to offer an amendment——

The SPEAKER. The gentleman can not do that at present. The gentleman from Ohio [Mr. LONGWORTH] has made a motion that it be postponed until Saturday, and on that he moved the previous question. Of course, the House has to act first upon that. The question is on the motion of the gentleman from Ohio for the previous question.

The question was taken; and on a division (demanded by Mr. LONGWORTH) there were—yeas 128, noes 54.

So the previous question was ordered.

The SPEAKER. The question is now on the motion of the gentleman from Ohio that action on the veto be postponed until immediately after the reading of the Journal on Saturday next.

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

The SPEAKER. The gentleman from Mississippi demands the yeas and nays.

Mr. RANKIN. Mr. Speaker, I withdraw that request.

The question was taken; and on a division (demanded by Mr. LONGWORTH) there were—ayes 109, noes 112.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 179, nays 171, not voting 83, as follows:

YEAS—179

Ackerman	Dickstein	Kopp	Reed, N. Y.
Andrew	Dominick	Kurtz	Robinson, Iowa
Bacon	Doughton	Larsen, Ga.	Sanders, Ind.
Beers	Eagan	Leatherwood	Sanders, N. Y.
Begg	Elliott	Lindsay	Scott
Bixler	Evans, Iowa	Longworth	Seger
Black, N. Y.	Fairfield	Lowrey	Sinnott
Bland	Faust	Luce	Smith
Bloom	Fleetwood	McDuffie	Snell
Boyce	Foster	McFadden	Speaks
Boylan	Fredericks	McKenzie	Sproul, Ill.
Brand, Ohio	Freeman	McLaughlin, Mich.	Sproul, Kans.
Britten	French	McLeod	Stephens
Browne, N. J.	Garner, Tex.	McReynolds	Strong, Kans.
Brumm	Garrett, Tenn.	Madden	Summers, Wash.
Bulwinkle	Geran	Magee, N. Y.	Swoope
Burtness	Gibson	Magee, Pa.	Taber
Burton	Gifford	Manlove	Tague
Butler	Graham, Ill.	Mapes	Temple
Byrns, Tenn.	Green, Iowa	Mead	Thatcher
Cable	Greene, Mass.	Michener	Tilson
Cannon	Griest	Miller, Wash.	Timberlake
Carew	Griffin	Mills	Tincher
Celler	Hadley	Minahan	Tinkham
Chindblom	Hardy	Montague	Treadway
Christopherson	Haugen	Mooney	Underhill
Clancy	Hawes	Moore, Ill.	Valle
Clarke, N. Y.	Hawley	Moore, Ohio	Vare
Cleary	Hickey	Nelson, Me.	Vestal
Cole, Iowa	Hill, Md.	Newton, Minn.	Vincent, Mich.
Cole, Ohio	Hoch	Newton, Mo.	Wainwright
Collier	Holaday	O'Connor, N. Y.	Watres
Colton	Hudson	Oldfield	Watson
Connery	Hull, Iowa	Oliver, Ala.	Weller
Cooper, Ohio	Hull, Morton D.	Oliver, N. Y.	Wertz
Crisp	Hull, William E.	Paige	White, Kans.
Crowther	Humphreys	Peery	Williams, Ill
Cullen	James	Perkins	Williams, Mich.
Dallinger	Johnson, Ky.	Porter	Williamson
Darrow	Johnson, S. Dak.	Prall	Winslow
Davey	Johnson, Wash.	Purnell	Wood
Davis, Tenn.	Jost	Quayle	Woodruff
Denison	Kearns	Ramseyer	Wyant
Dickinson, Iowa	Kendall	Ransley	Young
Dickinson, Mo.	Kindred	Reece	

NAYS—171

Abernethy	Canfield	Frear	Johnson, Tex.
Allen	Carter	Frothingham	Johnson, W. Va.
Allgood	Casey	Fulbright	Jones
Almon	Clague	Fuller	Keller
Arnold	Connally, Tex.	Fulmer	Kelly
Aswell	Cook	Gardner, Ind.	Kent
Ayres	Cooper, Wis.	Garrett, Tex.	Ketcham
Barbour	Croll	Gasque	King
Beck	Crosser	Goldsborough	Knutson
Bell	Cummings	Greenwood	Kunz
Berger	Davis, Minn.	Hammer	LaGuardia
Black, Tex.	Dempsey	Harrison	Lampert
Blanton	Dowell	Hastings	Lanham
Bowling	Drewry	Hayden	Lankford
Box	Driver	Hill, Ala.	Lazaro
Brand, Ga.	Dyer	Hill, Wash.	Lea, Calif.
Briggs	Evans, Mont.	Hooker	Leavitt
Browne, Wis.	Fairchild	Howard, Nebr.	Lee, Ga.
Browning	Favrot	Hudspeth	Lilly
Buchanan	Fish	Hull, Tenn.	Lineberger
Buckley	Fisher	Jacobstein	Logan
Busby	Fitzgerald	Jeffers	Lozier

McClintic	Patterson	Schafer	Taylor, Tenn.
McKeown	Perlman	Schall	Taylor, W. Va.
McLaughlin, Nebr.	Pou	Schneider	Thomas, Ky.
McSwain	Quin	Sears, Fla.	Thomas, Okla.
McSweeney	Ragon	Sears, Nebr.	Thompson
Major, Ill.	Rainey	Shallenberger	Tilman
Mansfield	Raker	Sherwood	Tydings
Martin	Rankin	Shreve	Underwood
Michaelson	Rathbone	Simmons	Vinson, Ga.
Milligan	Rayburn	Sinclair	Voigt
Moore, Ga.	Reed, Ark.	Sites	Watkins
Moore, Va.	Reid, Ill.	Smithwick	Weaver
Morehead	Richards	Spearing	Wefald
Morgan	Roach	Steagall	Wilson, Ind.
Morrow	Robsion, Ky.	Stedman	Wilson, La.
Murphy	Romjue	Stevenson	Wingo
Nelson, Wis.	Rubey	Strong, Pa.	Wolff
Nolan	Sabath	Sumners, Tex.	Woodrum
O'Connell, R. I.	Salmon	Swank	Wright
O'Connor, La.	Sanders, Tex.	Sweet	Zihlman
Parks, Ark.	Sandlin	Swing	

NOT VOTING—83

Aldrich	Fenn	Lyon	Rosenbloom
Anderson	Free	McNulty	Rouse
Anthony	Funk	MacGregor	Snyder
Bacharach	Gallivan	MacLafferty	Stalker
Bankhead	Garber	Major, Mo.	Stengle
Barkley	Gilbert	Merritt	Sullivan
Beedy	Glatfelter	Miller, Ill.	Taylor, Colo.
Boies	Graham, Pa.	Moores, Ind.	Tucker
Burdick	Hersey	Morin	Upshaw
Byrnes, S. C.	Howard, Okla.	Morris	Vinson, Ky.
Campbell	Huddleston	Mudd	Ward, N. Y.
Clark, Fla.	Kahn	O'Brien	Ward, N. C.
Collins	Kerr	O'Connell, N. Y.	Wason
Connolly, Pa.	Kiess	O'Sullivan	Welsh
Corning	Kincheloe	Park, Ga.	White, Me.
Cramton	Kvale	Parker	Williams, Tex.
Curry	Langley	Peavey	Wilson, Miss.
Deal	Larson, Minn.	Phillips	Winter
Doyle	Lehlbach	Reed, W. Va.	Wurzbach
Drane	Linthicum	Rogers, Mass.	Yates
Edmonds	Little	Rogers, N. H.	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Curry with Mr. McNulty.
Mr. MacLafferty with Mr. Sullivan.
Mr. Bacharach with Mr. Rouse.
Mr. Miller of Illinois with Mr. Corning.
Mr. Phillips with Mr. Bankhead.
Mr. Graham of Pennsylvania with Mr. Doyle.
Mr. Stalker with Mr. Gilbert.
Mr. Campbell with Mr. Huddleston.
Mr. Beedy with Mr. Kerr.
Mr. Morin with Mr. Kvale.
Mr. Garber with Mr. Major of Missouri.
Mr. Parker with Mr. Lyon.
Mr. Moores of Indiana with Mr. Stengle.
Mr. Larson of Minnesota with Mr. Taylor of Colorado.
Mr. Winter with Mr. Upshaw.
Mr. Mudd with Mr. Morris.
Mr. Welsh with Mr. Wilson of Mississippi.
Mr. Aldrich with Mr. Deal.
Mr. Burdick with Mr. Barkley.
Mr. Peavey with Mr. Park of Georgia.
Mr. Funk with Mr. O'Connell of New York.
Mr. Wason with Mr. Rogers of New Hampshire.
Mr. Boies with Mr. Collins.
Mr. Kiess with Mr. O'Sullivan.
Mr. Fenn with Mr. Glatfelter.
Mr. Wurzbach with Mr. Vinson of Kentucky.
Mr. Anthony with Mr. Gallivan.
Mr. White of Maine with Mr. O'Brien.
Mr. MacGregor with Mr. Byrnes of South Carolina.
Mr. Rogers of Massachusetts with Mr. Kincheloe.
Mr. Free with Mr. Linthicum.
Mr. Lehlbach with Mr. Tucker.
Mr. Cramton with Mr. Williams of Texas.
Mr. Merritt with Mr. Ward of North Carolina.
Mr. Kahn with Mr. Clark of Florida.
Mr. Connolly of Pennsylvania with Mr. Drane.
Mr. Ward of New York with Mr. Howard of Oklahoma.

Mr. BACHARACH. Mr. Speaker, I am not sure whether I can qualify or not. I came in the door here, but I could not hear whether my name was called or not.

The SPEAKER. The gentleman must take upon himself the responsibility of saying whether or not he was present when his name was called.

Mr. BACHARACH. I would not want to say because there was so much confusion.

Mr. ANTHONY. Mr. Speaker, I would like to be recorded as present. I was not here when my name was called but would have voted "aye" if I had been present.

The SPEAKER. The gentleman could not do that.

The result of the vote was announced as above recorded.

Mr. RANKIN. Mr. Speaker, I ask for a recapitulation.

The SPEAKER. The Chair does not think the vote is close enough for that—8 votes.

URGENT DEFICIENCY BILL

Mr. MADDEN. Mr. Speaker, I renew my motion to go into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9192) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 9192, with Mr. TILSON in the chair.

The Clerk read the title of the bill.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. HOWARD of Nebraska. I object.

The CHAIRMAN. The gentleman from Nebraska objects. The Clerk will report the bill.

The Clerk read the bill as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and for other purposes, namely:

SENATE

CONTINGENT EXPENSES

For expenses of inquiries and investigations ordered by the Senate, including compensation of stenographers to committees at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate but not exceeding 25 cents per hundred words, $100,000.

DEPARTMENT OF STATE

INTER-AMERICAN COMMITTEE ON ELECTRICAL COMMUNICATIONS

To defray the cost of representation of the United States at the meeting of the Inter-American Committee on Electrical Communications to be held in Mexico City, Mexico, in 1924, as authorized by the joint resolution approved April 28, 1924, including payment of salaries of a secretary and other employees, travel and subsistence expenses (notwithstanding the provisions of any other act), and such other expenses as the President may deem necessary to the accomplishment of the purposes expressed in the aforesaid resolution, to be disbursed under the direction and subject to the approval of the Secretary of State, $30,000, to remain available during the fiscal year 1925.

DEPARTMENT OF JUSTICE

MISCELLANEOUS OBJECTS

Investigation and prosecution of war frauds: For the investigation and prosecution of alleged frauds, either civil or criminal, or other crimes or offenses against the United States, growing out of or arising in connection with the preparation for or prosecution of the late war, including the institution and prosecution of suits for the recovery of moneys which contain no element of fraud but arose incident to the investigation of alleged frauds, including the same objects specified under this head in the act making appropriations for the Departments of State and Justice and the judiciary for the fiscal year 1924, $200,000, to remain available until June 30, 1925.

UNITED STATES COURTS

Salaries, fees, and expenses, United States marshals: For salaries, fees, and expenses of United States marshals and their deputies, including the same objects specified under this head in the act making appropriations for the Departments of State and Justice and the judiciary for the fiscal year 1924, $530,000.

Salaries and expenses of United States district attorneys: For salaries and expenses of United States district attorneys, including the same objects specified under this head in the act making appropriations for the Departments of State and Justice and the judiciary for the fiscal year 1924, $210,000.

Salaries and expenses of clerks, United States courts: For salaries of clerks of United States circuit courts of appeals and of United States district courts, including the same objects specified under this head in the act making appropriations for the Departments of State and justice and for the judiciary for the fiscal year 1924, $35,000.

Fees of United States commissioners: For fees of United States commissioners and justices of the peace acting under section 1014, Revised Statutes of the United States, $125,000.

Fees of jurors: For fees of jurors, $250,000.

Fees of witnesses: For fees of witnesses and for payment of the actual expenses of witnesses, as provided by section 850, Revised Statutes of the United States, $200,000.

Miscellaneous expenses, United States courts: For such miscellaneous expenses as may be authorized or approved by the Attorney General, for the United States courts and their officers, including so much as may be necessary in the discretion of the Attorney General for such expenses in the District of Alaska and in courts other than Federal courts, $35,000.

PENAL INSTITUTIONS

Support of United States prisoners: For support of United States prisoners, including the same objects specified under this head in the act making appropriations for the Departments of State and Justice and the judiciary for the fiscal year 1924, $602,000.

Mr. MADDEN. Mr. Chairman and gentlemen, this bill is to provide urgently needed funds for the immediate needs mainly of the courts of the country. The total amount carried in the bill is $2,317,000.

One hundred thousand dollars of the total is requested by the Senate to pay the expenses of the committees which it has appointed and which have been at work investigating. The Senate has had during this session $225,000 so far for the purpose indicated. It has already spent $214,000 of the $225,000. This left $11,000 on hand unexpended at the time the testimony was taken in connection with this bill. It is, of course, impossible for the House to tell just why all the money is required by the Senate for the purpose indicated, but I assume the Senate itself should be given a rather free hand to decide questions in which it alone is involved. It may be that we do not approve of all the expenditures made by the Senate or the purposes for which they are made, but nevertheless the Senate is a responsible part of Congress. It has independent functions to perform, and it has a right, I think, beyond any question to say whether or not it shall perform them and how much it shall cost. It is true that the money can not be expended by the Senate without confirmation of the House, but there ought to be a spirit of comity between the House and the Senate which will enable the membership of each House on matters pertaining to that House to decide in a large degree what activities it shall engage in and how the money may be expended that is placed within its jurisdiction.

The next item in this bill is for $30,000 and is provided for the purpose of paying the expenses of three delegates, some interpreters, some stenographers, and some expert electrical men to the City of Mexico, where there is to be held on the 27th of May, and continuing from that date for three months, a convention in connection with the development of electrical communication—wireless, telegraphy, and cable.

When the Versailles treaty was under consideration it was agreed by all the parties to the treaty that sometime in the future there would be held an international—I may say a world—convention in respect of what should be done to regulate electrical communication between the nations of the world. Later on a conference was held by the European nations and the United States here in Washington relative to the subject in connection with which this world convention was to be held later. No agreement was reached as to policy; but it is of the most—I was going to say vital, but I will not—it is of the utmost importance that some world agreement shall be had in connection with the use of wave lengths in radio, in wireless telegraphy, in cable matters, in telegraphy matters, and about a year ago there was a convention held in Santiago, Chile, at which several delegates from the United States were present. This convention agreed that there should be a convention held in the City of Mexico, beginning on the 27th of next May, and in conformity with the agreement entered into there Congress passed a resolution authorizing the appointment of delegates to the convention for which the appropriation in this bill is proposed.

There is very valuable, confidential information in the possession of the Committee on Appropriations in connection with this proposed appropriation, and I should be very happy to give that information to the membership of the House if they were the only ones to whom it would be given while it was being communicated by me to them; but the press is here, and there are international reasons why we should not disclose America's interest, and there are good reasons why they should not be disclosed, and we ask you to take us on faith that the appropriation of this $30,000 is of more than great importance.

Mr. MOORE of Virginia. If the gentleman will yield, I wish to say to the gentleman that the investigation made by the Committee on Foreign Affairs is exactly in line with what the gentleman has been saying, and that committee was convinced that the United States can not properly forego participation in this conference.

Mr. MADDEN. No; we can not, if we want to protect our own interests.

Mr. KING. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. KING. Will there be any effort made in this convention to so organize and make arrangements that eventually control of world intercommunication may be secured by certain classes of people?

Mr. MADDEN. The law under which this appropriation was made distinctly provides that no one interested finanically in electrical communications shall represent the United States on the delegation. All of our experts are to be taken from the departments. No one will be under pay except the clerks, stenographers, and interpreters. The delegates will be men of knowledge, without financial interest in the outcome.

Mr. KING. Will there be any politics in it, any league of nations?

Mr. MADDEN. None. Further, we provide for $2,187,000 for the Department of Justice, $200,000 of which is to supplement an appropriation of $500,000 for the prosecution of the so-called war-fraud cases. Four hundred and twenty thousand dollars of the $500,000 was expended at the date of the hearings on this bill. The department had so many cases so well in hand, so far advanced, that if we failed to give them this additional sum of money we would retard the work. There has been expended by the Department of Justice for this purpose since the work began about two years ago a little over $900,000. There has been collected by the department as the result of their work $6,000,000 and over in cash. There has been supplemental work which will result in the payment of enough money right off to make the collection $8,900,000.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. MOORE of Virginia. Has the War Department been doing similar work?

Mr. MADDEN. About as much as the Department of Justice, but not similar work. The War Department audits the claims; they do the accounting, it is purely a matter of accounting.

Mr. MOORE of Virginia. It is the same claims.

Mr. MADDEN. The same claims; they are certified by the War Department to the Department of Justice and the work of the War Department is all accounting.

Mr. MOORE of Virginia. Is the gentleman able to make any forecast as to how much in addition to the $200,000 will be required to complete the work?

Mr. MADDEN. I can not; because there are $69,000,000 of claims involved in the work already under way. Nobody knows what the outcome will be, but they are making good progress.

Mr. WOODRUFF. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. WOODRUFF. In addition to the $69,000,000 of claims now before the department there will be many millions more.

Mr. MADDEN. Yes; they are coming every day. It has been said that the work done by the War Department and the Department of Justice is duplication. Well, to some extent that is true, but only to this extent. In the first place the War Department takes the claims and accounts, enters upon a mathematical calculation of what the situation is and what claims the Government has against any person that can be submitted for trial or prosecution to the Department of Justice, and the Department of Justice handles the claims; it has perhaps some accounting work to do on the cases but only such accounting work as is necessary in the preparation of the case for the trial in court.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. GARNER of Texas. It looks like this: The Appropriation Committee gave them $500,000. The Department of Justice said that is not all we need, we are going to need more. We will use the $500,000 and then go to the Appropriation Committee and say the work has progressed to such a point that it will break down if you do not give us more. So they force the House to give them the additional sum. Congress has no control over the amount of money that we pay the attorneys——

Mr. MADDEN. Yes; we have. We provide that they shall not exceed $10,000, and they go from that down.

Mr. GARNER of Texas. Ten thousand dollars a year?

Mr. MADDEN. Yes.

Mr. GARNER of Texas. No man can draw more than $10,000 if he does not work but three months?

Mr. MADDEN. If he only works three months he only gets his proportion of that.

Mr. GARNER of Texas. And he can hire 50 or 100 as the case may be?

Mr. MADDEN. Yes.

Mr. HARRISON. The gentleman says that $6,000,000 has been collected.

Mr. MADDEN. Six million one hundred and twenty-eight thousand dollars.

Mr. HARRISON. Of that $6,000,000 over $2,000,000 were collected through the War Department, through the auditors, and in no wise ought to be credited to this appropriation.

Mr. MADDEN. That was in the Lincoln Motor case?

Mr. HARRISON. No; I refer to the audit and accounting office, before it got to the Department of Justice.

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

Mr. MADDEN. Will the gentleman yield me two or three minutes.

Mr. BYRNS of Tennessee. I yield three minutes to the gentleman.

Mr. MADDEN. Mr. Chairman, the remaining items in the bill consist of salaries and expenses of the United States marshals and their deputies, salaries and expenses of district attorneys and their officers, salaries and expenses of the clerks of courts, fees of United States commissioners, fees of jurors, fees of witnesses, miscellaneous expenses, United States courts, and support of United States prisoners in jails and penitentiaries throughout the United States. I wish to say that the investigation by the committee discloses the fact that unless this money is appropriated at once many of the courts will have to close, and this committee did not want to assume the responsibility of refusing to report a bill of this sort if by doing so there was any chance of closing the courts.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield half a minute to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, I ask the attention of the gentleman from Illinois [Mr. MADDEN]. I ask unanimous consent to insert in the RECORD a statement by Miss Ina C. Emery, who is the author of a Monument guide book which has been on sale at the Monument for many years, made before the Subcommittee on Appropriations. It was not printed in the hearings, and it presents her side of a controversy which I think ought to be presented to the public.

Mr. MADDEN. I supplied her with that copy.

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

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, on March 28 last I called the attention of the House to the fact that a statement made by Miss Ina C. Emery before the House appropriations subcommittee on the War Department bill on February 14, preceding, relating to the sale of the Washington Monument Guide Book, had not been printed in the hearings, though a statement on the same subject by Lieut. Col. C. O. Sherrill was printed in those hearings. Remarks on the subject appeared in the CONGRESSIONAL RECORD of March 28, pages 5184 to 5185. The only reference to Miss Emery in the printed record of the hearings was on pages 1252 and 1253, wherein Colonel Sherrill made certain references to Miss Emery and her guidebook and what she had to say was dismissed with this parenthetical statement:

> Miss Emery appeared before the committee. Her statement was transcribed and left in possession of the clerk, but is not printed, as the matter to which it relates is one beyond the jurisdiction of the committee.

With the permission of the gentleman from Illinois, Mr. MADDEN, as chairman of the Committee on Appropriations, who sees no reason why the statement should not be printed, I ask the consent of the House to have printed in the RECORD the statement as made before that subcommittee by Miss Emery as furnished to her by the committee by Mr. MADDEN's direction.

The statement follows:

Mr. ANTHONY. Miss Emery, the committee would be glad to have a short statement from you with regard to the sale of the guidebook at the Washington Monument. It is understood that you formerly had the concession for the sale of your guidebook at that place and that that concession was taken away from you. The guidebook now being sold there is one sold by the welfare association.

STATEMENT OF MISS INA CAPITOLA EMERY, OF WASHINGTON, D. C.

Miss EMERY. In 1909, after my book had been sold at the Monument for a number of years, a clause was put in the bill forbidding anything to be sold at the Washington Monument.

I went to the Secretary of War at that time—I have forgotten which one it was—and he said there was not any intention whatever to displace my book, that it was an oversight in not mentioning that, and he advised me to go to Congress.

I went before the Appropriations Committee, and the sale of my book has been continued there without interruption and with the commendation of every Secretary of War since 1901—including Senator Redfield Proctor, who became Secretary of War—and including the present one. It has had the personal indorsements of President McKinley, President Roosevelt, President Taft, Vice President Sherman; and Vice President Sherman went among the Senators and interested himself in my behalf in connection with my book.

Then, in addition to the various Secretaries of War, I have had the support of Senators CURTIS, Dillingham, HARRISON, MCKELLAR, and John Sharp Williams, and of Representatives KAHN, MADDEN, RAINEY, TAYLOR, Champ Clark, GARRETT of Tennessee, BYRNS of Tennessee, Rodenberg, of Illinois, Nolan, of California, ASWELL, of Louisiana, and a host of other Members of Congress, past and present, all of whom have indorsed my book.

I want to say as to Colonel Sherrill, that the first time I ever met him was with Senator HARRISON. He met me very pleasantly then. Later, I went to see him and asked him if I might pay in advance the $75 which I pay the Government. My book costs the Government nothing, and I pay the Government $75 a year. I supervise my book and prepare it and it is no cost or trouble to the Government. In that respect it is different from the book of Colonel Sherrill. As to his book, I have absolute proof by whom it is copyrighted and by whom it is sold.

I had learned that Fred Harvey, who was living at that time, but who has since died, had tried year after year to get the influence of the Superintendent of Public Buildings and Grounds to put his manuscript in place of my book, and that year after year he had been stopped; that they could see no reason for it. I understood that he induced Colonel Sherrill to be interested in the matter, and I heard it from Mr. C. C. Glover, who is responsible for Colonel Sherrill's being a member of the Monument Association.

I then went and asked Mr. Sherrill, as I said, the second time I had ever seen him, if I might pay the $75 in advance, as I was going away for the summer. This was in May, I believe. He did not even ask me to be seated, but he met me in an entirely different way from the way in which he met me when I went with Senator HARRISON. This was his comment: "Miss Emery, I think you have had that book too long. I think I will take it away from you." I said, "Oh, no, Colonel Sherrill."

And may I read what happened?

In May, 1922, I heard of rumors at the Monument. They were saying that my book was to be displaced. I wondered how it was that the watchmen at the Monument knew so much more about it than I did.

Finally, on repeated hearing of this matter, I went to Colonel Sherrill's office, accompanied by Senator HARRISON. As a result of that interview the Senator and I both gathered that there would be no trouble. I went to Colonel Sherrill's office the second time to ask if I might pay the license fee of $75 a year in advance at that time. Colonel Sherrill was hardly courteous——

Mr. DICKINSON. Mr. Chairman, I do not think we should go into these personal matters between Colonel Sherrill and Miss Emery.

Mr. ANTHONY. Miss Emery, just confine yourself to the facts.

Miss EMERY. He told me then he could take the permit away from me and he said that I had had it too long. I said, "Colonel Sherrill, you have been in office for some time. You do not expect to be relieved from office, do you, because you have been here so long?" He said I ought to be patriotic enough to give the book away. I replied, "You are wearing the United States uniform; are you giving your services free?" That seemed to anger him, and he then told me that he would take the book away from me. This is the only reason my book is not there now.

Mr. ANTHONY. Now, Miss Emery——

Mr. FRED EMERY. May I interrupt a moment to say that that is the basis of this entire persecution of my sister—the conversation that she mentions?

Miss EMERY. I said, "I am a woman; you would not take it away from me. It was put there by special act of Congress." And Colonel Sherrill snapped his fingers three times and said, "I care that, that, that for Congress." I said, "Then there is nothing more I can do."

Colonel SHERRILL. I object to this testimony, Mr. Chairman, because there is absolutely no truth in it whatever.

Mr. FRED EMERY. I was present at the time, Mr. Chairman, and I heard that statement made.

Miss EMERY. He made that statement.

Mr. ANTHONY. Miss Emery, let me call your attention to the fact that the law which governs this matter was approved on March 4, 1909.

Miss EMERY. Yes.

Mr. ANTHONY. And that law states:

> "That hereafter no advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument, except upon the written authority of the Secretary of War."

Miss EMERY. Yes, but there is a previous law.

Mr. ANTHONY. Now, has the Secretary of War given his authority for the change?

Miss EMERY. Yes. May I explain about that?

Mr. ANTHONY. He has?

Miss EMERY. Colonel Sherrill put his initials on this letter—"C. O. S." I assure you that that all comes from Colonel Sherrill's office.

Mr. ANTHONY. If the Secretary of War has ordered this change, that seems to be the final authority under the law.

Miss EMERY. May I say this: I went to Secretary Weeks with Mr. Rodenberg in 1922 (immediately after the interview with Colonel Sherrill). Secretary Weeks said, "Miss Emery, so far as I am concerned, you may have your book there for 20 years to come, if you want it. I have heard no complaint about your book or the management." And I did have it then, as usual. But last year, when Congress was not in session, on the 1st day of July, 1923, my book was stopped.

These things are all pertinent to my not having it; they are the absolute reasons why I haven't it. I have letters saying that I ought to use a slot machine. Colonel Sherrill said that, but he is not using one for his own book. Secretary Weeks said that was ridiculous, "And, so far as I am concerned," he said, "Miss Emery, I see no reason why you should not have the book for 20 years to come." And Mr. Rodenberg, if here to-day, would corroborate that statement. So it is not Secretary Weeks; it is the influence back of it, and the letters were prepared in Colonel Sherrill's office——

Mr. ANTHONY. How long a notice did you receive that the change was contemplated?

Miss EMERY. I saw Secretary Weeks about the last of May or the first of June, and he said that for 20 years I could have it, "so far as I am concerned."

On the 8th of June, 1922, I had a letter from Secretary Weeks, saying steps were under way to renew my permit under the same conditions as heretofore, and that it would not be renewed after July 1, 1923, except under certain conditions—use of a slot machine and a reduction in the price of the book. The 35 cents charged for the book was authorized by the department. When I went to see Secretary Weeks with Representative Rodenberg, the Secretary said he did not regard 35 cents as too much and he agreed that the slot machine was impractical.

On June 23, 1922, I had a letter from the Secretary of War, evidently prepared for his signature, saying the permit would not be renewed after the fiscal year 1922–23, and that it is contemplated that the Washington Monument Association, in cooperation with the Office of Public Buildings and Grounds, prepare an abstract of the official report of the Washington Monument and its dedication for issue at nominal cost or gratis to those who make the ascent of the Monument. That was the work of the man I referred to, Mr. Harvey.

Mr. ANTHONY. What do you expect this committee to do? The law gives the authority to the Secretary of War.

Miss EMERY. I beg pardon. The law was that it could not be sold, except by his authority, I think, but it could be sold there. May I read Mr. MADDEN'S letter? I feel in justice to myself you must let me show you that I do not believe Secretary Weeks would contradict himself. I think, in the mass of correspondence, that that letter was simply signed by Secretary Weeks.

Before I had time to go into the slot-machine matter—in fact, I had called up a man and he was making inquiries about the slot machine—an arbitrary letter came saying that the book would not be continued.

Mr. ANTHONY. Signed by the Secretary of War?

Miss EMERY. But it was prepared in Mr. Sherrill's office. We understand, of course, that those things are signed in a mass of correspondence. The point is that it is Colonel Sherrill. He contended that I should not make anything on my book, yet he was receiving money from outside sources, supplementing his salary.

Mr. ANTHONY. Who wrote the letter there that you wanted to call attention to?

Miss EMERY. Chairman MADDEN (of the House Appropriations Committee), on July 2, 1923.

May I preface this? After I received this letter of June 23, 1922, when Secretary Weeks signed the letter, and which does not sound like him, and which I do not believe he ever composed—I know he didn't, and it comes from Colonel Sherrill's office, and in the mass it was signed. At least, that is the inference back of it. After that, in February following, Colonel Sherrill wrote to Representative BYRNES: "We will take this under consideration, and we will want to meet your wishes," etc. He also wrote a letter to Mr. KAHN along the same line, indicating that everything would be all right.

Colonel Sherrill told Mr. Lloyd, a former Member here, over the telephone, on June 29, 1923, to "tell Miss Emery not to worry and not to disturb her salesman. She will hear from me Monday." Mr. Lloyd repeated this statement to me, as I was present at that time. On July 1 my book was stopped by Colonel Sherrill's order. This is Mr. MADDEN'S letter on July 2. "Mr. Secretary"—this was to Secretary Weeks—[reads letter]:

COMMITTEE ON APPROPRIATIONS,
SIXTY-SEVENTH CONGRESS,
Washington, D. C., July 2, 1923.

MY DEAR MR. SECRETARY: In Statutes at Large, volume 35, page 615, will be found the following:

"That hereafter no advertisement of any kind shall be displayed and no articles of any kind, except a guidebook to the Monument, shall be sold in or around the Washington Monument."

Then, later, in Statutes at Large, volume 35, page 997, there appears the following:

"That hereafter no advertising of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument, except upon the written authority of the Secretary of War."

In pursuance of this authority, Miss Emery has been selling a guidebook to the Monument, which she has prepared at her own expense. The sale of this book involves no expenditure of public money and she has paid the Government $75 per annum for the privilege. Recently you have ordered the sale of the book discontinued. It seems to me that in view of the expense incurred by Miss Emery in the preparation of the book and the satisfaction which its sale has given in all these years to the visiting public, she should be permitted to continue its sale.

I shall consider it a personal favor if you can find it consistent to withdraw the order recently issued by you and reinstate Miss Emery's right to the sale of the book at the Monument.

Very sincerely yours,

MARTIN B. MADDEN.

Mr. DICKINSON. What is your annual profit on the sale of this book at the Monument?

Miss EMERY. About a thousand dollars a year.

Mr. DICKINSON. And you have sold how many copies?

Miss EMERY. I can not tell you exactly. I could by referring to the books. I sell about 8,000 annually.

Mr. DICKINSON. What does this book cost you?

Miss EMERY. Colonel Sherrill asked me for that information.

Mr. DICKINSON. Do not involve Colonel Sherrill.

Miss EMERY. The last copies cost me 10 cents a copy, and I pay my salesmen 10 cents.

Mr. ANTHONY. Under the law the sale of this book is peculiarly an executive matter and one over which this committee, in my opinion, would have no authority. I do not see what good it is to come before this committee and prolong our hearings on a matter of this kind.

Miss EMERY. May I say this: Colonel Sherrill stated that he would take my book away. Secretary Weeks overruled him. Now, that was in 1922. In 1923 Colonel Sherrill did take the book away. There was no book to take its place then, because Mr. Harvey died. It took six weeks before they had a book there. Then, if you will remember, President Coolidge overruled the appointment that Colonel Sherrill made of Major Wearts, his assistant, to the White House. You will remember the criticism, public and private, when that same man who prepared the book that did take the place of mine, when Mr. Sherrill appointed him in the place of Major Baldinger. He prepared this new book under Colonel Sherrill and it is copyrighted by a private organization of which Colonel Sherrill is a member. It is sold at Government expense.

Mr. DICKINSON. Do you mean to imply that Colonel Sherrill is getting any money out of the sale of this book?

Miss EMERY. I know nothing about that. I am stating the facts. That book was prepared by Colonel Sherrill, and the returns are made to Colonel Sherrill's office.

Mr. DICKINSON. For what purpose?

Miss EMERY. Wait a minute.

Mr. DICKINSON. No; I do not want to wait a minute. I am asking you a question, and I want you to answer it.

Miss EMERY. I can't say for what purpose. I couldn't say.

Mr. DICKINSON. Do you know where the profit goes?

Miss EMERY. Wait a minute. No.

Mr. DICKINSON. Then you do not think the profits from the sale of that book go to the welfare association?

Miss EMERY. I do not know what the welfare association is. I can't find out much, except that it is for Government employees, and if it is, the Government is paying every salesman that is there except one man, who is not in uniform. They are all salaried by the Government.

Mr. DICKINSON. They are members of the welfare association, are they?

Miss EMERY. Why should they be salaried by the Government as watchmen and then work as book salesmen?

Mr. DICKINSON. Do you think they are neglecting their duties as watchmen?

Miss EMERY. Yes, sir; I can bring a lady here to tell you that she tripped, and the watchman paid no attention to her, but said, "Madam, have one of our beautiful books?" I can produce the witness. This is what I was going to say, that the book was prepared by Major Wearts, the assistant of Colonel Sherrill, so the editor stated to me.

Mr. ANTHONY. Miss Emery, what do you want this committee to do?

Miss EMERY. This is all I ask—and may I read you Senator Dillingham's last letter?

Mr. ANTHONY. I do not think it is necessary to do that, Miss Emery.

Miss EMERY. Just one second. You asked me what I wanted—that the Washington Monument Guide Book authorized by Congress in 1909 shall be continued at the Monument, and Mr. MADDEN, I know, concurs with this idea.

Mr. ANTHONY. You are asking that?

Miss EMERY. I am asking that.

Mr. ANTHONY. That would be legislation over which this committee would have no authority.

Miss EMERY. Well, I had legislation before.

Mr. ANTHONY. Well, we would have no authority to insert that legislation.

Mr. DICKINSON. It would be subject to a point of order.

Mr. ANTHONY. It would be subject to a point of order, and would have to come through a legislative committee.

Miss EMERY. May I say this: While Colonel Sherrill was objecting to my making some money, he said: "I ought not to make a cent, because I had made enough." I turned to him and said: "You are wearing a uniform," and he had one on at that time——

Mr. ANTHONY. Let us leave that out, Miss Emery.

Miss EMERY. But may I just say this: He said that I ought not to make anything out of the 35-cent book that I prepared, produced, and sold, yet he was drawing a private income from the Congressional Country Club, and at the same time he was drawing a salary from the Government for the same working hours.

Mr. ANTHONY. We will have to discontinue the hearing now, Miss Emery, because the committee has not the time to spare to go into further details.

Miss EMERY. May I ask you people to read the statement? May I read Senator Dillingham's last letter?

Mr. ANTHONY. I think not, because the committee is without power to act in the matter.

Miss EMERY. The committee is without power to act in the matter?

Mr. ANTHONY. It is without power to act in the matter, because it is an executive matter.

Miss EMERY. You mean to say that I can not come here, yet if a man is asking for an increase in salary——

Mr. ANTHONY. Wait. You should take this matter up with the Secretary of War, who under the law has absolute power to regulate it.

Miss EMERY. Will you tell me, then, where is justice to be found, if not here, when a man who is drawing a salary under the Government would deprive me of my income for spite work absolutely? He said he would take the book away, and did take it away.

Mr. ANTHONY. We will talk it over, Miss Emery, but I am afraid we have no power to act on it.

Miss EMERY. May I ask you to read the statements, and I can prove every one of them? And if you do not believe that Colonel Sherrill said—and he said it absolutely—"I care that and that and that for Congress," and my brother said he heard it. I have a witness to it; my brother was present. I wish you would let me read Senator CURTIS'S letter in reference to this matter. Will you permit me to do that?

Mr. ANTHONY. We could not put any more in the record.

Miss EMERY. Senator Dillingham, Representative KAHN, and Mr. MADDEN are all of the same opinion, that it is a grave injustice that is being done me, and each one has said that I had recourse to Congress, as I had before.

Mr. ANTHONY. We are glad to give you the opportunity to make these statements.

Mr. FRED EMERY. Mr. Chairman, I want to thank you on behalf of my sister, and to thank the whole committee.

Mr. ANTHONY. All right.

Colonel SHERRILL. I would like to submit the record. I request that this matter be cut out of the record, because she has brought in absolutely extraneous matter in the nature of an attack. If you want me to, I could give you all of the record, and to show you that all of her statements are really false, because I recommended—and I have the record here to show that I recommended the continuance of her contract over that whole year.

Mr. ANTHONY. The stenographer will note that Miss Emery's statement be transcribed, the same to be left in the possession of the clerk, without being printed, as the matter appears to be one beyond the jurisdiction of the committee.

Mr. BYRNS of Tennessee. I yield four minutes to the gentleman from Nebraska [Mr. HOWARD].

Mr. HOWARD of Nebraska. Mr. Chairman and gentlemen of the committee, I asked permission several times for the propounding of a question. I have propounded that question before. I introduced a resolution here some four months ago specifically requesting information as to the number of these graft-prosecuting attorneys appointed by the Attorney General, the salaries paid or agreed to be paid them, the result of their prosecutions; specifically directing that I be furnished with the name of any war grafter now in the penitentiary as a result of those war-graft prosecutions; specifically asking, further, what portion of the time of these war-graft prosecutors had been expended in promoting the candidacy of any particular candidate for President of the United States. I have been unable to get any such answer. It is true the present Attorney General is not the same Attorney General we had when those questions were first asked. Another certain resolution was introduced about that time in this House affecting the late Attorney General, and it rather frightened him, I guess; at any rate, he oozed, and he is no longer in the old place where we knew him, and nobody has given me an answer to my question.

Mr. BYRNS of Tennessee. Does not the gentleman think that it would be rather a little embarrassing to the administration to ask?

Mr. HOWARD of Nebraska. I dare say it would, and I make allowance for that and so, right now exercising that gentle way which is always mine, instead of propounding the question anew to this new Attorney General—of whom I think I am going to be fond—not desiring to embarrass him, I would like to propound the question directly to the distinguished Chairman of the Committee on Appropriations, who never permits himself to be embarrassed under any circumstances. He is always a very busy man, and he is particularly busy right now. [Laughter.]

Mr. MADDEN. I did not hear the gentleman. [Laughter.]

Mr. HOWARD of Nebraska. The gentleman says he did not hear me. Indeed, I thought his ears might be tingling, as mine always do when somebody is saying something pretty about me. [Laughter.]

Mr. MADDEN. I was engaged by these gentlemen on my right.

Mr. HOWARD of Nebraska. I will say to the gentleman that I have been trying in vain, seeking every possible source of information, to discover the name of any one war grafter who is now in the penitentiary as the result of the expenditure of these millions of dollars for war-graft prosecutions. Now, the Department of the Attorney General has declined to give me the name of that fellow who is in the penitentiary, and so now I am coming to the seat of wisdom and asking for that name.

Mr. MADDEN. I will say to the gentleman this, from the information I have on the subject, that most of the conspiracy cases where proof was definite and conclusive were completed before the armistice was signed, and the statute of limitations has run, and therefore the prosecutions would not lie. I think there have not been any convictions where men have been sent to the penitentiary, but a great many civil cases have been tried and a good deal of money recovered.

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

Mr. WOODRUFF. Will the gentleman yield to me for a moment?

Mr. HOWARD of Nebraska. I yield to everybody, but I want to finish my statement.

Mr. BYRNS of Tennessee. The statute of limitation was extended three years.

Mr. WOODRUFF. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended one minute.

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

There was no objection.

Mr. HOWARD of Nebraska. I yield to the gentleman.

Mr. WOODRUFF. The chairman of the Committee on Appropriations has stated that the statute of limitations has run, and that, therefore, prosecutions would not lie in conspiracy cases. Yet if the gentleman has read the newspapers of the city of Washington he will understand and know that in the courts of this city at the present time men are being criminally prosecuted for war profiteering.

Mr. HOWARD of Nebraska. What I want to know is, has anyone been sent to the penitentiary? The statute of limitations has run, and Fall has run, and Denby has run, and Daugherty has run, and Burns has run, and now the gentleman from Illinois [Mr. MADDEN], the chairman of the Committee on Appropriations, has run away from telling me the name of one who is in the penitentiary for war grafting.

Mr. WOODRUFF. I will say that it is possible that the fact that we have a new Attorney General is responsible for the present criminal prosecutions which are now going on in the courts of Washington.

Mr. HOWARD of Nebraska. Then I think we should be congratulated on the fact that we have a new Attorney General. But I retire again in darkness with reference to an answer to the question that has been so often repeated here. [Laughter.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

CONTINGENT EXPENSES

For expenses of inquiries and investigations ordered by the Senate, including compensation of stenographers to committees at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate but not exceeding 25 cents per hundred words, $100,000.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. BLANTON. Would the chairman of the committee have any objection to an amendment providing for a detailed statement of expenses?

Mr. MADDEN. Of course the gentleman is at perfect liberty to offer any amendment he chooses. We can not govern the Senate, however. They are not under our orders, and we would not obtain any information.

Mr. BLANTON. When we vote this $100,000 we could attach a proviso to the effect that there should be filed a detailed statement of expenditures. I follow the gentleman from Illinois on economic matters.

Mr. MADDEN. I hope the gentleman will not press that.

Mr. BLANTON. If the gentleman will not offer it I will withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE

MISCELLANEOUS OBJECTS

Investigation and prosecution of war frauds: For the investigation and prosecution of alleged frauds, either civil or criminal, or other crimes or offenses against the United States, growing out of or arising in connection with the preparation for or prosecution of the late war, including the institution and prosecution of suits for the recovery of moneys which contain no element of fraud but arose incident to the investigation of alleged frauds, including the same objects specified under this head in the act making appropriations for the Departments of State and Justice and the judiciary for the fiscal year 1924, $200,000, to remain available until June 30, 1925.

Mr. MADDEN. Mr. Chairman, I offer an amendment. On line 21 of page 2, following the word "war," the word should be "frauds."

The CHAIRMAN. Without objection, the Clerk will correct the spelling. Is there objection?

There was no objection.

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

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word.

Mr. HARRISON. Mr. Chairman, of course this $200,000 for the prosecution of war fraud claims having been obligated, it is out of the question for this House to deny the appropriation. These high priced attorneys know their business thoroughly, when they come after pay. But this makes $700,000 that has been appropriated for the prosecution of war frauds in the past year, in addition to which $500,000 was appropriated through the War Department, making $1,200,000 that has been expended in the prosecution of war frauds during the last year. This is the third million dollar appropriation for this purpose. To bolster up such extravagance it has been stated that some $6,000,000 has been collected. As a matter of fact, the testimony before the subcommittee on war appropriations shows that over $2,000,000 of that $6,000,000 was collected through the War Department on a simple audit of the claims. Another $1,500,000 represents the settlement with the Lincoln Motor Co. When this appropriation was first made—about two years ago—Mr. Daugherty came before the House of Representatives in a letter and said he was about to collect $9,000,000 from the Lincoln Motor Co. He was then being criticized for not prosecuting that claim, and he informed the House in his letter that he had already brought the matter to such a situation that $9,000,000 was about in sight, but all that seems to have been done in the way of the settlement of the Lincoln Motor Co. case by this $2,000,000 appropriation has been to reduce the $9,000,000 to $1,500,000 in a settlement. That seems to be what this appropriation has brought about, a $9,000,000 claim, which Mr. Daugherty said was in sight, being reduced to $1,500,000. Investigation of other items claimed to have been collected will probably show a similar state of facts as to them.

I therefore desire to call the attention of the House to the fact that these moneys are being appropriated without any result worthy of the name.

Mr. HOWARD of Nebraska. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. HOWARD of Nebraska. Would the gentleman from Virginia, out of the abundance of his knowledge, after having investigated this matter, be kind enough to tell me the name of the grafter who was brought to trial through the expenditure of this money and who is now in any Federal penitentiary?

Mr. HARRISON. I am not able to throw any light on that subject.

Mr. HOWARD of Nebraska. Darkness again.

Mr. WOODRUFF. Mr. Chairman, as every Member of the House knows, I have taken a more active interest in furthering the prosecution of the war-fraud cases than has any Member of this body. On the 11th of April, two years ago, I took the floor and in an extended speech pointed out to the House the flagrant inactivity of the Department of Justice relative to these cases. I called attention to the fact that audits of certain aircraft contracts had disclosed overpayments to the contractors by the Government running into many millions of dollars. I showed that while many of these cases had been referred to the Department of Justice, nothing whatsoever had been done to return these overpayments to the Treasury and to prosecute the guilty.

We had been regaled for many months through the columns of the newspapers in interviews with the then head of the Department of Justice, Attorney General Daugherty, with what he proposed to do to these profiteers and grafters. Promises had been long and loud, but nothing had been done. Three appropriation bills carrying appropriations for the Department of Justice had been submitted to the House, and no request for funds had been made by the Attorney General for the purpose of carrying on this work.

On April 7, 1922, when the third appropriation bill of that Congress, carrying appropriations for the Department of Justice, was before the House for consideration, an amendment was offered by the gentleman from South Dakota [Mr. JOHNSON] providing an appropriation of $500,000 for the purpose of investigating and prosecuting the war grafters. The chairman of the committee in charge of the bill in the House, Mr. Husted, stated:

Mr. Chairman, I think I can say to the gentleman from South Dakota that he is out on the estimate just the amount carried in his amendment. The Department of Justice has not asked for this item, but the Department of Justice is engaged in this work and has ample funds to carry it on at the present time. It does not need an additional dollar for this purpose.

It seems clear from this that the Department of Justice had made no demand upon Congress for money for this purpose. Events proved that no attempt had been made to prosecute these cases. It was clear, in the minds of some of us at least, that no attempt was intended to be made to properly prosecute these claims.

On numerous occasions thereafter I secured time and continued to call the attention of the House to the conditions existing in the Department of Justice.

On the 15th of May, 1922, there was presented to the House a request by the Attorney General for an appropriation for $500,000 for the purpose of instituting investigations and prosecutions of frauds developing from the audits of war contracts. At that time I said:

I believe the Congress and the people will be, and should be, rather critical as to just how this $500,000 is expended. If results are shown, we will all applaud, if not, even greater condemnation will be heaped upon the Department of Justice.

It is significant that the Attorney General, after being in office more than a year, discovered in the short space of time from April 11 to May 15 the desirability and necessity of securing necessary funds to carry on this work. Those of us who criticized him, while recognizing his past delinquencies, were willing to give him a further opportunity to do something. I, as one of the men who had citicized him severely, felt that he had grossly neglected his plain duty in regard to these cases, but notwithstanding that fact, I wanted him to have a further opportunity to do his duty. Congress very promptly appropriated $500,000 for this purpose. I think it is true that much of the information and much of the evidence that had been

available in the Department of Justice had disappeared from the files of the department, and naturally it has taken much time to replace these documents. This is responsible for some of the delay in the prosecution of these cases. It has not been responsible for all the delay, however.

After securing this appropriation the Attorney General promptly organized what is known as the war frauds section of the Department of Justice and placed in charge of its activities men of unquestioned integrity. I believe much work has been done by this war frauds section within the Department of Justice. I do not believe, however, that everything has been done that should or could have been done. I have in mind particularly the Wright-Martin case. An audit of the Wright-Martin contract disclosed an overpayment of five and a quarter million dollars. That case was reported to the Department of Justice by the War Department in October of 1921 and was the first case sent to the Department of Justice by the War Department. When the case reached the Department of Justice it fell into the hands of John W. H. Crim, an Assistant Attorney General of the United States, who promptly forwarded it to the district attorney in New York for prosecution.

I much regret a statement made on the floor of the House by a Member and a very dear friend of mine, the gentleman from Illinois [Mr. KING] relative to Mr. Crim. He challenged the integrity of Mr. Crim, and I want to say, Mr. Chairman, that, to my knowledge, there has been no man connected with the Department of Justice who is more entitled to the confidence of the Congress and the country than John W. Crim. As a matter of fact, up until the time I assailed the Attorney General and the Department of Justice, the only war-fraud cases that had been sent to the courts were sent there by John W. Crim.

Mr. BEGG. Will the gentleman yield?

Mr. WOODRUFF. Surely.

Mr. BEGG. Does not the gentleman think, in order to be absolutely fair, he should state that there was an advisory committee with very great power, consisting of ex-Senator Hardwick, Judge Bigger, of Columbus, Ohio, a man by the name of Kerr, about whom I do not know anything, and I believe Senator Thomas, of Colorado, was on this committee at one time. Their authority was unlimited, as I understand it. Does not the gentleman believe that if everything was not done that could be done these three men of unimpeachable character might have discovered it?

Mr. WOODRUFF. I do not believe anything of the kind. If the gentleman has been listening carefully he will understand I have given full credit to those gentlemen. I am not criticizing that particular bureau because the affairs about which I am now speaking are matters which existed in the department before the attack was made upon the Department of Justice. The men of whom the gentleman speaks all became connected with this work on July 1, 1922, or thereafter, and the conditions to which I refer existed prior to that date.

I will say further to the gentleman from Ohio regarding the situation that has existed in this department since the organization of the war fraud section that, notwithstanding the unimpeachable character of the men who handle these cases and their undoubted willingness to bring each and every grafter to account, they have, in the last analysis, been more or less helpless, for the reason that they are, after all, subordinates, and as such must take their orders from superior authority. This is true especially in affairs connected with the more important cases referred to their bureau.

In the hearings before the subcommittee of the House Committee on Appropriations on Thursday, May 8, 1924, the following colloquy took place between the chairman and other members of the committee and Judge Kerr, the present head of the war frauds section in the Department of Justice.

The CHAIRMAN. The next item on the list is for the investigation and prosecution of war frauds. We asked the Attorney General when he was here to state the form of the organization in charge of the so-called war-fraud cases. Of course, he was not familiar with the details of it, and we would like very much, Judge Kerr, to have you state them. First state how long the organization has been in existence and how many people are employed in it.

Mr. KERR. Mr. Chairman, I was appointed myself and began my duties with this organization some time about the 1st of July, 1922. The bill which created this section, I think, passed in May, 1922, or that is my recollection. The activities of the organization itself did not begin until about July 1, 1922. As originally contemplated and organized, the Attorney General was the head of the entire organization.

The CHAIRMAN. That is to say, all of the cases were required to be presented to him for decision before action was taken?

Mr. KERR. Yes, sir; and that has been carried out through the entire organization except in minor cases where we assumed authority.

And further.

Mr. DAVIS. And finally, before any suit or action is really begun, it has to go to the Attorney General and he orders the suit?

Mr. KERR. All suits have to be ordered by the Attorney General.

So it would seem, Mr. Chairman, that the gentleman from Ohio is in error; that the war-frauds section does not have the unlimited authority he speaks of. Undoubtedly the authority is sufficient to enable that section to secure all necessary evidence and prepare the cases for court; but when it comes to actually starting legal procedure, to taking the cases into court, then the permission of the Attorney General must be secured; and in the Wright-Martin case this seems to have been impossible.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. WOODRUFF. Certainly.

Mr. MOORE of Virginia. I would like to add my word to what the gentleman has said about Mr. Crim. I have known him since his boyhood, and I believe he is an able and honest man and official.

Mr. WOODRUFF. I am glad to have my opinion of Mr. Crim confirmed by my friend from Virginia, whose opinion is always given great weight by the House. To follow the Wright-Martin case a little further, I will say that in December, 1922, I was assured by men high in authority in the Department of Justice that the Wright-Martin case would be sent to the courts within three weeks. The Wright-Martin case is not yet in the courts, although I have reason to believe it will be within the near future. If the sworn testimony of the auditor who recently made a trip into Ohio to examine tax-return records of Mr. Daugherty and the books of a certain bank is to be relied upon, it is found that the ex-Attorney General of the United States was the possessor of something like 2,500 shares of the Wright-Martin Co.'s stock. Whether that had anything to do with the inactivity of the Department of Justice relative to this particular case, of course, I do not know. I do know, however, that this case was ready for the courts in December, 1921, and that the Assistant Attorney General, after repeated hearings given the Wright-Martin Co., declined to postpone action. Later the case was taken out of the hands of the district attorney in New York, and a reasonable assumption is that the Attorney General directed such action.

It is to the everlasting credit of President Coolidge that he has demanded the resignation of the man who was responsible for this situation and has placed at the head of the Department of Justice a man whose ability and integrity are unquestioned, and in whom the people of the country have confidence. I have every reason to believe that the present Attorney General of the United States is going to see to it that these war-fraud cases are taken into the courts and settled. I think that is all any Member of the House or any good citizen could ask. I have an infinite confidence in our courts, and I believe that if these cases are taken before the courts they will be decied equitably, and if this is done there will be many, many millions recovered to the Treasury.

Mr. DENISON. Will the gentleman tell us how many cases are pending, if he knows?

Mr. WOODRUFF. There are now 118 claims for the recovery of money pending in the courts. These claims aggregate $69,342,741.23. There are also 18 claims pending with receivers and trustees in bankruptcy. These aggregate $2,686,418.43. Just how much is involved in the more than 400 other cases now in the hands of the war-frauds section, and which have not as yet been presented to the courts, I can not say, but it must run into an enormous amount.

It will be interesting to the Members, also, to know what has been done by the different departments of the Government in securing the return of money to the Treasury. The following are the figures up to date:

Audit section of Air Service (collected)	$280,423.93
Department of Justice (collected)	6,189,607.24
Department of Justice (settlements not yet paid)	3,000,000.00
General Accounting Office (collected)	434,431.10
Contract audit section, War Department (collected)	4,230,128.35
Total	14,134,590.62

This amount, Mr. Chairman, is sufficient to pay the salaries of every Member of this House for four and a third years, and enough to pay the salary of a single Member for nearly 2,000 years.

Comparatively few of the war contracts have received the attention of the contract audit section and the Department of Justice. If the entire 350,000 war contracts are carefully

audited and the necessary legal action taken in those which show overpayments it is reasonable to suppose that enough money can be recovered to pay the salaries of the House membership for many years to come.

The gentleman from Nebraska [Mr. HOWARD] seems much interested to know the name of any man who has been sent to jail for conspiracy to defraud the Government during the war. He seems to doubt that any one of them are to receive this proper punishment for their misdeeds. Certainly his inquiries are proper ones and do credit to the gentleman propounding them. But, Mr. Chairman, he does not carry the inquiries far enough. Inasmuch as no one seems able to enlighten him, he should inquire why there has been no one convicted of conspiracy. For the information of the gentleman, I will quote a further colloquy between the chairman of the Committee on Appropriations and Judge KERR reminding the gentleman that it was the neglect of the gentleman's party—which was in control of the Government during the war—to extend the statute of limitations that has made it practically impossible to secure criminal indictments in all but a few cases:

Mr. KERR. There is one thing that perhaps I ought to call attention to in connection with criminal prosecutions. It is not generally understood that the statute of limitations was three years, but you extended it to six years.

The CHAIRMAN. That means that the cases in which the statute of limitations had expired at the time we extended it were out of your jurisdiction?

Mr. KERR. Yes, sir; and most of the cases of actual fraud or cases of an indictable character occurred prior to the armistice. I speak of the armistice as a general point of division. The act of November 7, 1921, as I recall, only related back to the 17th of November, 1918, and any act that had been committed prior to November 17, 1918, is therefore barred by the statute of limitations, unless there was some act committed after that time which would connect it up. Therefore in that way a great proportion of the actually indictable offenses during the war were barred by the statute of limitations long before this division was organized. I do not think that is generally understood.

I know the entire House will share the regret of the gentleman from Nebraska to learn that but 35 criminal indictments have been secured. One of these, the infamous J. L. Phillips case, is now being tried in the courts of Washington, and it is to be hoped that within the very near future it will be possible to give to the gentleman from Nebraska the information he has so long and so earnestly sought.

I can verify the things which the chairman of the committee has stated relative to the necessity for this appropriation. I know that many of these cases now pending in court will be lost by default if this appropriation is not made. Cases are pending in court in which all of the information and evidence has not been gotten together, and the court is not going to postpone cases from time to time at the request of the Government without some very good reason therefor. I hope the House will approve the appropriation as submitted in this bill. I believe if this is done you will find that the Department of Justice, under the direction of Attorney General Stone, will go ahead with these cases and prosecute them, and prosecute them properly. [Applause.]

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. O'SULLIVAN. Mr. Chairman, I rise in opposition to the pro forma amendment. I am going to beg the indulgence of the House to use just a moment to explain the lack of my vote on the recent roll call.

Mr. MADDEN. I will say to the gentleman that that should be done in the House.

Mr. O'SULLIVAN. I am going to use less than half a minute.

Mr. MADDEN. I have no objection; but I think it would be better if it were done in the House instead of in committee.

Mr. O'SULLIVAN. In view of the fact that I am obliged to leave right away, I ask your indulgence. This is merely to get it in the RECORD. The House Committee on the Judiciary had a meeting in Senator CUMMINS's office this afternoon and we left word with the cloakroom to call us. Through an oversight they did not call us, which accounts for the fact that several of us were unable to be present, which is a source of regret.

Mr. MADDEN. I will say for the information of the gentleman that the gentleman from Illinois [Mr. YATES] is going to make a general statement in respect of that matter when we go back into the House.

Mr. KING. Does the gentleman desire to state in the RECORD how he would have voted if he had been present?

Mr. O'SULLIVAN. I would have voted "no."

Mr. KING. The gentleman would have been correct in his vote.

The Clerk read as follows:

PENAL INSTITUTIONS

Support of United States prisoners: For support of United States prisoners, including the same objects specified under this head in the act making appropriations for the Departments of State and Justice and the judiciary for the fiscal year 1924, $602,000.

Mr. HOWARD of Nebraska. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. HOWARD of Nebraska: On page 4, after line 23, insert a new paragraph, to read as follows:

"For investigation of the rolls of the inmates of the several United States penitentiaries in an effort to discover the name of any prisoner convicted on the charge of war graft as a result of prosecution by any special war-graft attorney appointed by the Attorney General of the United States, $1,000."

Mr. MADDEN. Mr. Chairman, I make the point of order against the amendment that it is not germane to the bill, is legislation on an appropriation bill, and in violation of the rules of the House.

Mr. HOWARD of Nebraska. In support of my position and in opposition to the point of order, I will say that I think the point of order is well taken forbidding me to legislate, but I can not consent, Mr. Chairman, that it is not germane. Indeed, we are dealing with penal institutions, and we have appropriated some millions of dollars for the purpose of sending somebody there; I can not find the names of the persons, and so I think it is entirely germane. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. HOWARD of Nebraska. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HOWARD of Nebraska. For the purpose of suggesting that there does not seem to be enough Members here, and I make the point of no quorum.

Mr. MADDEN. I hope the gentleman will not do that.

Mr. HOWARD of Nebraska. Well, I will withdraw it, Mr. Chairman.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9192) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and for other purposes, and had directed him to report the same back with an amendment, with a recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. MADDEN. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

Mr. HOWARD of Nebraska. Mr. Speaker, in view of the fact that we did not have time to deal with the soldier compensation legislation, I think we ought not to deal with this important matter without a quorum.

Mr. MADDEN. I hope the gentleman will not do that. This is a very urgent matter. The courts may be compelled to close any day if they do not get this relief.

Mr. HOWARD of Nebraska. Mr. Speaker, I will yield to the pleading of the distinguished chairman of the Committee on Appropriations and withdraw my suggestion if he will promise me that he will put forth his best effort to discover and tell me the names of any war grafter now in the penitentiary as a result of prosecutions conducted by special war-graft attorneys. [Laughter.]

Mr. MADDEN. I would be delighted to do so if I could.

The SPEAKER. The question is on the motion of the gentleman from Illinois for the previous question.

The previous question was ordered.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

THE SOLDIERS' BONUS

Mr. YATES. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. YATES. Mr. Speaker, five Members of the House—the gentleman from Maine [Mr. HERSEY], the gentleman from Minnesota [Mr. LARSON], the gentleman from Missouri [Mr. MAJOR], the gentleman from Connecticut [Mr. O'SULLIVAN], and myself—were detained at a joint meeting of the Judiciary Committees of the House and Senate at the other end of the Capitol in the office of the Vice President, and so were unable to be present at the roll call on the postponement of the consideration of the veto on the soldiers' bonus bill. We would like to have the RECORD show that we were absent on public business.

ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I desire to make an announcement in regard to the program of business. It is expected that tomorrow we will call up rules in the following order:

H. R. 8209, incorporating the Mississippi River Barge Line. H. R. 3316, two additional judges for the southern district of New York. H. R. 646, enforcement of agreement of arbitration in contracts. H. R. 5209, completion of Veterans' Bureau hospital program.

And, further, the Rules Committee has agreed to grant the following rules and expects to call them up in their order:

The McNary-Haugen bill, the postal employees' bill, and the amendment to the national banking act. As far as possible those rules will be called up in their order.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. MOORE of Virginia. In accordance with the promise of last January, has the committee taken up for consideration the proposition that there shall be an official announcement in advance of the business to be transacted by the House?

Mr. SNELL. We have considered it a good many times in committee, but we have not come to an agreement yet.

Mr. MOORE of Virginia. Is there any prospect that an agreement will be reached?

Mr. SNELL. I think there will be some time.

Mr. McDUFFIE. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. McDUFFIE. Will the gentleman state whether his committee has come to any conclusion as to a rule for the legislative program on river and harbor legislation?

Mr. SNELL. That has not been considered by the committee.

Mr. McDUFFIE. Is it going to be considered by the committee?

Mr. SNELL. The committee will consider all of the business as fast as possible, but it is not policy to vote out rules which there is no reasonable expectation can be considered.

CONDITION OF THE FARMER

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

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. DENISON. Reserving the right to object, on what subject?

Mr. MILLIGAN. The condition of the farmer.

The SPEAKER. Is there objection?

There was no objection.

Mr. MILLIGAN. Mr. Speaker, I take this opportunity to bring to the attention of the House the conditions that are now confronting the farmer of this Nation. I believe I am in a position to know some of the problems of the farmer, as I represent an agricultural district. Having lived on a farm all my life, my home now being on a farm, I am directly interested in farming and in sympathy with the interests of agriculture.

The farmer is the only one who has taken a deep cut in his wages and stuck to his job; he is the only business man who has written off all his losses and gone down to bottom rock; he is the only one who has reached the depths of readjustment; and is the only one who has gone back to normalcy, which has meant for him financial ruin. Normalcy, the goal toward which America is striving, can not be reached until the farmer can return to the market as a buyer, and the farmer can not buy until there has been a readjustment of the prices of farm products on a fair level with the prices of other commodities that the farmer must buy. In other words, the dollar the farmer receives for his products must be worth 100 cents in a city market where he must buy his supplies.

The farmer buys one-third of the Nation's supplies. In his position to-day he can not buy in the Nation's market on an equal footing with others, because the dollar that he received for his produce will only buy 70 cents worth of supplies in that market, while his neighbor from the city goes into the country with his dollar and buys $1.30 worth of farm products. The result is that not only is the farmer affected but there has been a slump in all business in the cities. There will not be prosperity in other lines until the farmer's dollar has regained its fair purchasing power in the city market. The truth of this statement is proven by comparing the number of business failures for the last 30 years with the purchasing power of the farmer's dollar, which will show that the number of business failures increase whenever the purchasing power of the farmer's dollar drops below average.

The United States is a producing nation. We only consume about 60 per cent of our products, and we must have a foreign market for our surplus.

This administration has done nothing to aid in settling conditions in Europe that are a result of the war. This administration has no foreign policy; we have merely drifted since the signing of the armistice and have failed to take advantage of our position in the world's affairs and prosecute to a victorious conclusion the winning of the war by successful peace terms that the nations of Europe might now be at peace with each other and their people be engaged in peaceful and gainful occupations. The United States can not isolate itself from the rest of the world and still maintain its foreign markets, which we must have in order to dispose of our surplus farm products. If the United States can by some plan, I care not what, so long as it protects Americans' rights and aids in settling the conditions in Europe so that we can sell them our products, we will have done a great deal to solve the problems of the farmer of the United States.

This statement is borne out in the following extract from a report of observations made by a group of farm-bureau officials while visiting Europe:

> We have no hesitancy in saying, therefore, that unless the countries of Europe are enabled to put their political and economic life on a more normal and stable basis the American farmer must be adversely affected for a long time to come. The first and indispensable step toward stabilization is the settlement of the vexed problems of war reparations.

The farmer is suffering from the high freight rates that he must pay to ship his farm products to market. When he ships a car of hogs or cattle to a city market a great deal of his profit goes into the pockets of the railroads in the form of high freight rates.

In 1920 the Congress passed a law giving the Interstate Commerce Commission the right to fix or set the minimum freight rate that the railroad could charge for the transportation of any commodity. Since the passage of this law freight rates have been higher than ever before in the history of the railroads. A railroad at this time can not lower its freight rates without the consent of the Interstate Commerce Commission. The railroad wishing to lower its freight charges must file the tariff carrying the proposed reductions with the Interstate Commerce Commission. The other railroads can within 30 days file objections, and the commission may suspend it. A hearing is then held with the usual result that the railroad wishing to lower its rates is informed that the other railroads can not compete with it if the rates are lowered. Therefore, they can not make the reduction in freight rates as requested. The result is that the high rates must remain in order to protect the weaker railroad lines. I have introduced in this House a bill that will cure this evil and reduce freight rates. This bill provides that the Interstate Commerce Commission shall not have the authority to set a minimum freight rate. This will give the railroads the right to lower freight rates whenever they please, and in this way you will revive competition between the railroads. If you will pass this bill, you will see an immediate reduction of freight rates by the railroads, which will mean a great saving, not only to the farmers but also to the consumers of the United States who are now paying these high freight rates ordered by the Interstate Commerce Commission to protect some weak railroad. I would mention that there is no law on the statute books to protect and guarantee a profit to the farmers, all of whom are now financial wrecks as the result of such class legislation.

The farmer is to-day paying the high tariff rates that are placed upon the necessities of life and supplies for the farm that he must have to sustain his family and carry on his farm work. He does not pay these high tariff rates in order to raise

revenue to maintain the Government; he pays them as a tribute to the manufacturers of the United States. Under the present tariff schedule there has been a vain attempt to fool the farmer by placing certain farm commodities on the protected list. It was an attempt to camouflage the vicious schedules of the Fordney-McCumber tariff law and make the farmer believe he was being benefited by this legislation. This is impossible. The farmers are not fools; as a class they are the best informed people of our Nation.

The Fordney-McCumber law places a tariff duty of 30 cents a bushel on wheat. That can not raise the price of wheat, as the price of wheat is fixed in the world market; we compete with the world in raising wheat and ship our surplus wheat to a foreign market, so what effect can a duty on wheat have in raising the price, creating a world demand, or reducing the world's supply of wheat?

A duty of 1 cent a pound is placed on rice; this is of no benefit to the rice farmer of the Nation, as we export rice, and the price, as in the case of wheat, is fixed by the market of the world. We export rice to China and Japan, and the price depends on the world's supply and demand. This is the case of many other grains and cereals produced by the American farmer that bear a tariff which neither does the farmer any good or any harm.

There is a duty of 2.03 cents per pound on sugar. Only 3 per cent of all sugar consumed in the United States is produced by the American sugar farmer, 97 per cent of the sugar consumed by our Nation is imported, and the consumer must pay a duty of 2.03 cents per pound on every pound of sugar consumed in order to protect the sugar farmer who only produces 3 per cent of that sugar. The cost of this to the consumer is $192,400,000 each year, of which the farmers of our Nation pay $48,100,000. This duty is not put on sugar to protect the cane growers or the beet growers, but for the benefit of the great interests engaged in the manufacture and refining of sugar.

There is a duty placed on wool which amounts to 12.5 cents per pound in the condition it comes from the sheep. We do not produce enough wool for our own use and must import wool from other countries. The price is fixed after the tariff is paid in our own market inside the tariff wall. Only one farmer in a hundred are sheep raisers in commercial numbers. Giving the sheep-raising farmer the benefit of this tariff in raising the price of his wool would mean an increase in price of about $37,500,000 to the woolgrowing farmer, while, on the other hand, the tariff duty is shifted onto the consumer; the cost to the consumer would be around $91,000,000. All farmers of the Nation pay this tariff in the increased price of clothing that he must buy to clothe himself and family.

Also a tariff is placed on cattle; this is not a benefit to the farmers but a loss to them. The farmers of the corn-growing States feed cattle and do not raise enough cattle for feeding purposes. "Feeders," as these cattle are called, are grown where grass land is cheap, and shipped to corn-growing States to be fed for market. This tariff cuts off our supply of feeders from Canada. The effect has been to increase the price of the feeders to the farmers of the corn States.

We have seen that the tariff on farm products is merely a case of playing both ends against the middle in the case of the farmer. Let us now look at the other side of the picture.

This law places a duty on everything the farmer must buy and thereby increases the cost to the farmer. The Fordney-McCumber tariff schedules now in effect cost the American consumer from three to four billions of dollars yearly, and cost the farmers of the United States, as stated by the American Farm Bureau Federation, $426,000,000 each year. It not only increases the high cost of living but hurts agriculture, labor, and business. The nations of Europe can not trade with us with the tariff wall built by this law.

In the report of the farm bureau officials, a majority of whom are Republicans, the following statement is made relative to the effect of the tariff on foreign trade:

> But whether for barter or for money there are serious obstacles to the full and necessary development of international trade that are of gratuitous American making. Our tariff laws are in many instances prohibitive rather than protective.

They make it impossible for foreign countries to sell to us and therefore impossible for them to buy from us. International trade is literally a trade and exchange. If there is nothing that we can take in exchange for what we offer there is no trade. Nations can not buy without selling.

These nations must be able to trade their goods for our goods, including our surplus farm products. The long standing argument of the Republicans has been that we must have a protective tariff in order to protect our manufacturers against competition with the foreign manufacturer, yet under the present law duties are placed upon many articles manufactured in the United States which are shipped to foreign markets and sold in competition with all the world without the protection of a tariff. This being an undeniable fact, then the American manufacturer does not need a tariff duty to protect him against competition. It is class legislation for the benefit of the big interests of the United States that allows them to rob the American people of billions of dollars each year.

Farming is the largest business we have in the United States to-day, and has received the least consideration at the hands of Congress.

The total value of all farm property as shown by the census of 1920 was $77,924,100,338. Of this farms and buildings on the farms were valued at $66,316,002,602; implements and machinery, $3,594,772,928; and livestock, $8,013,324.808. The mortgaged indebtedness on the farms of the Nation was $4,003,767,192. This was an increase of 131.9 per cent over the mortgaged indebtedness of 1910. This amount does not include the indebtedness carried in chattel mortgages or the unsecured indebtedness of the farmer, which, if taken into account, would greatly increase this amount. The average rate of interest on the mortgage debts is 6.1 per cent, while the rates of interest on the chattel mortgages and unsecured debts are, in some cases, as high as 12 per cent. You will see by this the great burden the farmer is carrying in paying the interest upon this enormous debt.

Congress, by the farm loan bank act, has made it possible for the farmer to obtain long-time loans at a low rate of interest, which has been a great benefit. But, as I see the situation, Congress should do something now to aid the farmer to get out of debt.

Taxes on farm lands have increased so rapidly that they threaten to absorb farm-land values. If this continues, the net return of our farm lands will be absorbed in tax payments. Dr. Richard Ely, director of the institution for research in land economics and public utilities at the University of Wisconsin, states that taxes in 1920 were absorbing 66 per cent of the net rent of all farms rented for cash. He also shows, while taxes show no tendency to decrease but, on the contrary, a tendency to increase, land values as compared with their greatest height about 1920 have fallen over 20 per cent according to estimates of the United States Bureau of Agricultural Economics. Doctor Ely concedes that the underlying cause of increased and increasing public expenditures is found in the development of State and Nation as cooperative institutions for promoting public welfare. The State governments, as well as our National Government, are constantly creating new boards and bureaus to interfere in the private affairs of our citizens and at great expense to the taxpayers.

In my State the present State administration has very materially increased the taxes on farm land by assessing it at its full value of farm land when it was at its highest. Many farms in my district are now selling at public sale at a price much less than their assessed value as shown by the tax books. Taxes can be reduced by reducing the cost of National, State, county, and municipal governments. This must be done if the farmer is to recover.

Congress has been in session for five months and as yet no act of legislation has been passed that will tend to cure these maladies from which the farmer is suffering. This House long ago passed a bill relieving the man with an income but no relief was carried in this legislation for the farmer; he has had no income for the last four years on which to pay an income tax. His relief must come by reducing the high taxes, high tariff rates, high freight rates, and by the United States aiding in settling conditions in Europe so that those nations may buy our surplus farm products, and by so readjusting conditions that the purchasing power of the dollar the farmer receives for his products will be worth 100 cents in the city market.

DEPARTMENT OF STATE APPROPRIATION BILL—CONFERENCE REPORT

Mr. SHREVE. Mr. Speaker, I present a conference report upon the bill (H. R. 8350) making appropriations for the Departments of State and Justice, for the judiciary, and for the Departments of Commerce and Labor.

LEAVES OF ABSENCE

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

To Messrs. MORIN, HULL of Iowa, SPEAKS, WAINWRIGHT, FISHER, McSWAIN, and HILL of Alabama, at the request of Mr.

JAMES, of the Military Affairs Committee, for two days, May 16 and 17, on account of official visit to United States Military Academy at West Point, as members of the Board of Visitors of the Academy.

To Mr. COLLINS, for three days, at the request of Mr. RANKIN, on account of important business.

To Mr. LEAVITT, for two days, Saturday, May 17, and Monday, May 19, on account of invitation to speak at dedication of veterans' monument, at Portland, Me.

CRITICISM OF CONGRESS

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD which I made yesterday.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following title, when the Speaker signed the same:

H. R. 3684. An act for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of Wisconsin, and for other purposes;

PRINT OF PRESIDENT'S VETO MESSAGE

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that 5,000 copies of the President's veto message of the bonus bill be printed.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, what is the necessity for this when we are going to vote upon it on Saturday next?

Mr. LONGWORTH. We are not going to vote upon it until next Saturday, and I think probably there will be a great demand for them.

Mr. BLANTON. I shall not object.

The SPEAKER. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, what is it?

The SPEAKER. The gentleman from Ohio asks unanimous consent that 5,000 copies of the President's veto message be printed. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, I am almost impelled to be disrespectful, but I shall not.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to address the House on Wednesday next for 10 minutes, immediately after the reading of the Journal and the disposition of business on the Speaker's table.

The SPEAKER. Is there objection?

Mr. LONGWORTH. I dislike intensely to object, but I do not think general leave ought to be given at this time. For instance, next week we are to have up the Haugen-McNary bill, with perhaps three days of general debate, and it will be very easy for the gentleman to get in under that; but I shall not object.

The SPEAKER. Is there objection?

There was no objection.

PROHIBITION

Mr. HILL of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an address by the Hon. Nicholas Murray Butler.

The SPEAKER. Is there objection?

Mr. HOWARD of Nebraska. I object.

ADJOURNMENT

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

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Friday, May 16, 1924, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

479. A letter from the Director of the United States Veterans' Bureau, transmitting a statement showing by location, salary range, and bureau designation employees receiving an aggregate annual salary of $2,000 and over as of May 1, 1924, for central office, and as of April 1, 1924, for the field (H. Doc. No. 281); to the Committee on Appropriations.

480. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, a report on preliminary examination of the Illinois River and tributaries, Lake Depue to Goose Lake, Ill.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. PURNELL: Committee on Agriculture. H. R. 157. A bill to authorize the more complete endowment of agricultural experiment stations, and for other purposes; with amendments (Rept. No. 758). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON: Committee to Investigate Alleged Charges Against Two Members. A report on alleged charges against two Representatives in Congress (Rept. No. 759). Referred to the House Calendar.

Mr. RAMSEYER: Committee on Post Offices and Post Roads. H. R. 9093. A bill declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty; with amendments (Rept. No. 762). Referred to the House Calendar.

Mr. JOHNSON of South Dakota: Committee on World War Veterans' Legislation. S. 2257. An act to consolidate, codify, revise, and reenact the laws affecting the establishment of the United States Veterans' Bureau and the administration of the war risk insurance act, as amended, and the vocational rehabilitation act, as amended; with an amendment (Rept. No. 763). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. J. Res. 128. A joint resolution to promote peace and to equalize the burdens and to minify the profits of war; without amendment (Rept. No. 764). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. FULLER: Committee on Invalid Pensions. H. R. 9246. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendment (Rept. No. 760). Referred to the Committee of the Whole House.

Mr. WILLIAMS of Michigan: Committee on War Claims. S. 1014. An act for the relief of F. J. Belcher, jr., trustee for Ed Fletcher; without amendment (Rept. No. 765). Referred to the committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 2756. A bill for the relief of Thomas H. Burgess; with amendments (Rept. No. 766). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

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

By Mr. JOHNSON of Washington: A bill (H. R. 9241) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the founding of Fort Vancouver, State of Washington; to the Committee on Coinage, Weights, and Measures.

By Mr. KING: A bill (H. R. 9242) to provide for the continuance of records which will be needed to carry out the intentions of Congress; to the Committee on Banking and Currency.

By Mr. LOGAN: A bill (H. R. 9243) to authorize the War Department to repair damages to the roadway between stations 18 and 28½, on Sullivans Island, S. C.; to the Committee on Military Affairs.

By Mr. BERGER: A bill (H. R. 9244) to condemn and acquire for Government ownership and operation railroad, telegraph, telephone, and express properties engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. KENDALL: A bill (H. R. 9245) granting the consent of Congress to the commissioners of Fayette and Greene Counties, Pa., to construct a bridge across the Monongahela River near Masontown, Fayette County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: A bill (H. R. 9246) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of sol-

diers and sailors of said war; to the Committee of the Whole House.

By Mr. ZIHLMAN: A bill (H. R. 9247) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910; to the Committee on the District of Columbia.

By Mr. BUCKLEY: A bill (H. R. 9248) to amend the national prohibition act; to the Committee on the Judiciary.

By Mr. AYRES: A bill (H. R. 9249) to protect the commerce of the United States and to punish the crime of piracy; to the Committee on the Judiciary.

By Mr. LEAVITT: A bill (H. R. 9250) to authorize the leasing of lands withdrawn under the reclamation law; to the Committee on Irrigation and Reclamation.

By Mr. HOWARD of Nebraska: Concurrent resolution (H. Con. Res. 23) for the appointment of a joint committee composed of Members of the House and Senate to investigate credit to farmers and a remedy for depression in agriculture, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BULWINKLE: A bill (H. R. 9251) granting a pension to Sallie Garland; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 9252) granting a pension to Charles Meyer; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 9253) granting a pension to Pauline G. Harris; to the Committee on Pensions.

By Mr. GLATFELTER: A bill (H. R. 9254) granting an increase of pension to Mary Ann Finfrock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9255) granting an increase of pension to Mary Shewell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9256) granting an increase of pension to Louisa C. Swartzbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9257) granting an increase of pension to Sarah Zimmerman; to the Committee on Invalid Pensions.

By Mr. MOORE of Ohio: A bill (H. R. 9258) granting a pension to Grace E. Moore; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 9259) to extend the benefits of the employees' compensation act of September 7, 1916, to Carol E. Reeves; to the Committee on Claims.

By Mr. STALKER: A bill (H. R. 9260) granting a pension to Alice May; to the Committee on Invalid Pension.

Also, a bill (H. R. 9261) granting a pension to Anna Pruden; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 9262) granting an increase of pension to William H. Gray; to the Committee on Pensions.

By Mr. THOMPSON: A bill (H. R. 9263) granting an increase of pension to Mary E. Allen; to the Commitee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 9264) granting a pension to Charlie Simmons; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 9265) granting an increase of pension to Charles H. Black; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

2763. By Mr. BARBOUR: Petition of citizens of Livingston, Calif., protesting against any amendment of the Federal prohibition act; to the Committee on the Judiciary.

2764. By Mr. BOYCE: Petition of Anna Marie Fullerton and others, of Holly Oak, Del., in relation to proposed equal rights amendment; to the Committee on the Judiciary.

2765. By Mr. GALLIVAN: Petition of Bernard J. Rothwell, Boston, Mass., protesting vigorously against passage of the McNary-Haugen bill; to the Committee on Agriculture.

2766. Also, petition of Grain Board of the Boston Chamber of Commerce, Boston, Mass., protesting against passage of Senate bill 2012 and House bill 5563, known as the McNary-Haugen bill; to the Committee on Agriculture.

2767. By Mr. HUDSON: Petition of citizens of Lansing, Mich., indorsing the peace proposal setting forth the prevention and real cause of international wars as contained herein and drafted by Homer L. Boyle; to the Committee on Foreign Affairs.

2768. Also, petition of the International Arbitration Association, indorsing a plan as outlined by Homer L. Boyle, of Lansing, Mich., to prevent wars and the racing in armament of the nations of the world, and recommending and requesting Congress to pass an act authorizing the President to call an international peace conference of all nations of thte world; to the Committee on Foreign Affairs.

2769. By Mr. PARKER: Papers to accompany House bill 9090, granting an increase of pension to Eliza A. O'Connor; to the Committee on Invalid Pensions.

2770. By Mr. RAINEY: Petition of William Mumford and 18 other citizens of Pittsfield, Ill., protesting against the Howell-Barkley bill; to the Committee on Interstate and Foreign Commerce.

2771. Also, petition of Case County (Ill.) Farm Bureau, favoring McNary-Haugen bill; to the Committee on Agriculture.

2772. Also, petition of Sweetwater (Ill.) Friday Afternoon Club, favoring hospitals for mentally afflicted soldiers; to the Committee on World War Veterans' Legislation.

2773. Also, petition of Menard County (Ill.) Farm Bureau, favoring farm relief; to the Committee on Agriculture.

SENATE

FRIDAY, *May 16, 1924*

(Legislative day of Wednesday, May 14, 1924)

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (H. R. 9192) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 3684) for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of Wisconsin, and for other purposes, and it was thereupon signed by the President pro tempore.

CALL OF THE ROLL

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

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

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

Adams	Fess	McKinley	Shortridge
Ashurst	Frazier	McLean	Simmons
Ball	George	McNary	Smith
Bayard	Glass	Mayfield	Smoot
Borah	Gooding	Neely	Spencer
Brandegee	Hale	Norris	Stanfield
Bruce	Harreld	Oddie	Stephens
Bursum	Harris	Overman	Sterling
Cameron	Harrison	Owen	Swanson
Capper	Heflin	Pepper	Trammell
Caraway	Johnson, Calif.	Phipps	Wadsworth
Colt	Johnson, Minn.	Pittman	Walsh, Mass.
Copeland	Jones, N. Mex.	Ralston	Walsh, Mont.
Cummins	Kendrick	Ransdell	Warren
Curtis	Keyes	Reed, Pa.	Watson
Dale	King	Robinson	Weller
Dill	Ladd	Sheppard	Willis
Edge	Lodge	Shields	
Fernald	McKellar	Shipstead	

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

I was requested to announce that the Senator from Washington [Mr. JONES], the Senator from New Hampshire [Mr. MOSES], and the Senator from Montana [Mr. WHEELER] are engaged in a hearing before a special investigating committee of the Senate.

Mr. SMITH. I desire to announce that my colleague [Mr. DIAL] is absent on account of illness.

The PRESIDENT pro tempore. Seventy-four Senators have answered to their names. There is a quorum present.

HOUSE BILL REFERRED

The bill (H. R. 9192) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

INVESTIGATION OF COMMERCIAL WHEAT-FLOUR MILLING

The PRESIDENT pro tempore laid before the Senate a communication from the chairman of the Federal Trade Commission, transmitting, pursuant to Senate Resolution 212 (agreed