

HOUSE OF REPRESENTATIVES.

THURSDAY, March 17, 1910.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., delivered the following prayer:

Our Father in Heaven, we thank Thee that the good men do lives to inspire, ennoble, and purify those who come after them; that to-day the name of Ireland's patron saint will be hallowed in the hearts of men irrespective of race or creed. In recognition of his brave, self-sacrificing devotion in carrying the light of the Gospel to a benighted people. Grant that we may emulate his virtues by living the truth as it is given us to see the truth in Christ Jesus, our Lord. Amen.

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

CALL OF THE HOUSE.

Mr. BENNET of New York. Mr. Speaker—

Mr. BUTLER. Mr. Speaker, the Journal having been read and approved, I demand the regular order.

Mr. DWIGHT. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. DWIGHT. There is no quorum present.

The SPEAKER. The Chair will count. [After counting.] There are 143 gentlemen present; not a quorum.

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

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, and the Clerk will call the roll.

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

Alexander, Mo.	Dies	Korbly	Randell, Tex.
Anderson	Driscoll, D. A.	Legare	Reid
Ansberry	Driscoll, M. E.	Lundin	Rhinock
Anthony	Elvins	McCall	Riordan
Barclay	Esch	McCreary	Robinson
Bartlett, Nev.	Fitzgerald	McKinlay, Cal.	Saunders
Bingham	Focht	McKinley, Ill.	Sheffield
Boehne	Fornes	McMorran	Sherley
Boutell	Foulkrod	Macon	Sherwood
Bowers	Fowler	Madden	Simmons
Burgess	Fuller	Maynard	Smith, Cal.
Burke, Pa.	Gaines	Mays	Snapp
Calderhead	Gardner, Mass	Millington	Southwick
Campbell	Garner, Pa.	Moxley	Sturgiss
Capron	Gilmore	Mudd	Sulzer
Carter	Glass	Nelson	Swasey
Chapman	Godwin	Nicholls	Talbot
Conry	Graham, Ill.	Nye	Taylor, Ala.
Cook	Hamill	O'Connell	Taylor, Ohio
Cravens	Heflin	Olcott	Tener
Crow	Hill	Patterson	Thomas, Ohio
Davidson	Hobson	Poindexter	Wallace
Davis	Hughes, W. Va.	Pou	Weisse
Denby	Jamieson	Pratt	Willett
Diekema	Knapp	Pray	

Mr. SCOTT. Mr. Speaker, I would like to have the RECORD show in connection with this roll call that my colleague from Kansas [Mr. CAMPBELL] has been confined to his home by illness since Saturday, and at the proper time will ask that he be granted leave of absence on account of such illness.

The SPEAKER. Two hundred and eighty-nine Members have responded; a quorum.

Mr. OLMSTED. Mr. Speaker, I move that further proceedings under the call of the House be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Pennsylvania [Mr. BUTLER] demands the regular order. The regular order is business on the Speaker's table.

Mr. BENNET of New York. Mr. Speaker, a privileged question.

AMENDMENT TO SECTION 8 OF CENSUS ACT.

Mr. CRUMPACKER. Mr. Speaker, I call up for consideration House joint resolution 172, a resolution of privilege under the Constitution of the United States, notwithstanding the rules of the House.

The SPEAKER. The gentleman from Indiana calls up as a privileged question under the Constitution a House joint resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution 172.

Resolved, etc., That the schedules relating to population for the Thirteenth Decennial Census, in addition to the inquiries required by the act entitled "An act to amend section 8 of an act to provide for the Thirteenth and subsequent decennial censuses, approved July 2, 1909," approved February 25, 1910, shall provide inquiries respecting the nationality or mother tongue of all persons born in foreign countries.

The amendment recommended by the committee was read as follows:

Strike out the period at the end of line 10 and insert "and of the nationality or mother tongue of parents of foreign birth of persons enumerated."

Mr. BUTLER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUTLER. I make the point of order, under the rules of the House, the resolution has no privileged standing.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that under the rules of the House the joint resolution just read does not present a privileged question.

Mr. BUTLER. Does the Chair desire to hear me?

The SPEAKER. The Chair will hear the gentleman, although the Chair—

Mr. BUTLER. I have no desire to make a statement on the point of order after the action of the House yesterday.

Mr. CRUMPACKER. Mr. Speaker, I desire to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman from Indiana on the point of order.

Mr. CRUMPACKER. Mr. Speaker, the point of order made by the gentleman from Pennsylvania, as I understand it, is that the resolution is not privileged under the rules of the House. I do not claim that it has any privilege under the rules of the House. I admit that it is not privileged under the rules of the House; but what I do claim is that it is privileged under the Constitution of the United States, notwithstanding the rules of the House, because it is legislation for carrying out an absolute and unqualified mandate of the Constitution.

The Constitution requires, as strong as language can require, the Congress to provide for taking a census of the population of the country every ten years. That provision has been construed as mandatory from the time of the adoption of the Constitution until the present time. Every time a census bill providing for the decennial census of population has been brought up and considered in the House it has always been considered as a privileged measure under the Constitution, without at any time enjoying any preferential status under the rules of the House. There are perhaps half a dozen decisions by various occupants of the chair in this body during the last century holding, without a single exception, that legislation providing for a census, under the Constitution, is privileged legislation, and is always in order as a matter of privilege.

This resolution, Mr. Speaker, is a resolution amendatory of the law providing for the taking of the Thirteenth Decennial Census. It refers exclusively to the enumeration of population. It is a resolution to amend the schedule of population, requiring a more particular classification, for political and scientific purposes, than the original law required.

The law as it now stands simply requires a classification of alien-born persons by place of birth. That sort of classification carries with it no kind of social or scientific value, because everybody understands it to mean a classification by political division. There are countries in Europe, and perhaps other continents, where political division is not a correct designation or a true criterion of the question of nationality or race, or racial distinction. Russia, Austria, and Turkey, for instance, contain principalities and provinces formerly independent. Men born in those principalities and provinces would be classified as Russians, as Austrians, or as Turks, as the case may be; when, as a matter of fact, there is little or no homogeneity between the people born in those principalities whose racial characteristics are fixed, and the ordinary native of Russia, or Austria, or Turkey. In England, Ireland, and Scotland the people are born under the political dominion of the Kingdom of Great Britain. A man born in Ireland or Scotland, under existing law, might properly be classified as an Englishman. That kind of classification, I repeat, carries with it no particular scientific or sociological value whatever. The object of the proposed resolution is to classify the alien-born population of the United States according to race or mother tongue as far as it can be done.

Every Member of the House knows that there are hundreds of thousands, millions of men and women of foreign birth, many of whom are now citizens of the United States, who will be enumerated in the census and will be reckoned as the basis of apportionment of Representatives. Those citizens and those persons are distributed throughout the country, largely in the industrial centers. Thousands may be found in the mines, in the factories, in the workshops, on the railroads, in the stores, on the farms, and in all the trades and industries. They are valuable citizens in this great country of ours; but naturally those people feel a just attachment to the mother country, the

country that contains the remains of their ancestors, the country around which clusters so many social and personal recollections that are dear to their hearts; and this great body of adopted citizens of the United States have petitioned Congress to make the classification that this resolution proposes. A large delegation, composed of representative citizens of foreign birth, visited this city last week to urge the adoption of this legislation. They presented a petition signed by several thousand men representative of those of our citizens of foreign birth. The petitioners came from Indiana, Illinois, Iowa, and almost all the States in the Union, carrying this request.

I submit that it is a reasonable request. A citizen who has no love for his mother country, it seems to me, can not acquire a very strong attachment for his adopted country; and the mere fact that these alien citizens still remember the fatherland, with all of its sacred recollections, is evidence of the very highest devotion to government and to political institutions.

This resolution was brought up for consideration yesterday. It was held in order by the Chair, but the decision of the Chair was overruled by a substantial vote of the House. I said on the floor yesterday that I believed the resolution was in order on account of its constitutional privilege; that if it were not in order yesterday it would not be in order to-day. I believed that then; I believe it now; but, Mr. Speaker, there are a number of Members of this House, as I am informed, who believe that the special rule creating calendar Wednesday for the consideration of a particular class of business made it exceptional, and that while this resolution is a resolution of privilege ordinarily, it was not a resolution of privilege on calendar day.

I want to say in this connection, in justification or in explanation of the manner in which this resolution was presented to the House yesterday, that there was no thought of subverting calendar day or impairing its usefulness for the consideration of nonprivileged bills; but I regarded this bill as a privileged one, even on that day, and it is an emergency bill. I will quote one paragraph from a letter of the Director of the Census, printed with the report on this bill, on this subject. After approving the bill, it says:

Moreover, if enacted, it should be within the shortest possible time, in order that the necessary additional instructions to the enumerators may be framed and distributed before the enumeration actually begins.

A bill embodying this amendment passed the Senate two or three days ago, but it included a reenactment of all of section 8 of the present census law; and if the House Committee on the Census had agreed to that bill and reported it to this House it would have opened up the entire section for amendment, a section which has provoked, and probably if presented to the House again would provoke more controversy and disputation than any other section in the census bill. And in order to avoid that, in order not to occupy unnecessary time, the Committee on the Census concluded to report the amendment in this brief resolution, presenting to the House exactly what it desired to accomplish, and nothing more. I found no opposition to the resolution among Members of the House. I innocently supposed that by calling it up yesterday morning it might be disposed of within a period at most of ten minutes and be out of the way, and I felt the pressing exigency that this resolution should be considered, earnestly desired as it is by the Director of the Census, justified its immediate consideration. I felt then and I feel now that it ought to have been considered yesterday. It was not considered. The House, by a decisive vote, held it not to be in order.

I believe now, as I believed yesterday, that the resolution was in order. If the act of the House yesterday is to stand as a precedent, holding this class of legislation to be nonprivileged, the result will be the reversal and overturning of a long list of precedents and a change of the policy of the House in relation to this kind of legislation since the very organization of the Government. In view of all the circumstances, I do not regard the decision of the House yesterday as decisive of the question. I believe the resolution is in order, notwithstanding the rules of the House, according to the practice that has behind it the sanction of generations of wisdom and experience.

Mr. BUTLER. Mr. Speaker, I did not raise this point of order either to provoke mirth nor to invite a fight. I did it in sincerity. The argument made by the gentleman from Indiana was good prior to March 16, 1910; but this tribunal yesterday rendered a verdict against him, and I ask it to-day to enter judgment thereon. Under the rule providing for business in order on calendar Wednesday I find the following language:

On Wednesday of each week no business shall be in order except—

And so forth.

And under Rule XXIV, the rule that I conceive operating to-day, I find the following language:

The daily order of business shall be as follows.

Therefore, if this resolution was not privileged yesterday, it can not be privileged to-day. It was argued by some of the Members of the House that it could have been considered day before yesterday. I want to know whether or not during the night and after we adjourned yesterday these rules of themselves changed. I want to know what has happened in the House since last Tuesday to alter or change the rules. I have no recollection of any change. The majority yesterday settled with me the question of privilege raised on this resolution under these rules. I believe in the verdict made by the majority, and I shall vote, if opportunity is given me, against the consideration of this bill to-day.

There was no fraud practiced yesterday in obtaining the majority and none can be charged. There was no accident; no one claimed there was, and those who secured the majority will certainly not confess a mistake was made.

I raised the point of order in sincerity. I want to vote for this resolution when it can be reached properly. If the House concludes that this is the day for it, and overrides this point of order, I am content and will vote for the resolution. In the meantime, I would like to know, either from the Chair or from the House, whether or not this resolution has a privileged standing to-day under the rules of the House.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. BUTLER. I will yield to the gentleman from Missouri.

Mr. BARTHOLDT. The gentleman's logic is that as the Constitution was voted down yesterday it ought to be voted down to-day. [Laughter.]

Mr. BUTLER. My logic is that if the Constitution of the United States did not apply in this House on March 16, 1910, it has no application March 17, 1910, and will not apply to it to-morrow, affecting its business. In response to the gentleman from Missouri, to make myself as plain as I can, I have no excuse whatever to make for the point of order I have made, raising the question of privilege on the pending resolution.

Mr. HARDWICK. Mr. Speaker, I voted against this proposition yesterday, and I am against it to-day for the same reason I was yesterday. I should have supported it yesterday, in spite of yesterday being calendar Wednesday, if I had thought it presented a question privileged under the Constitution. I want to call the attention of the House to this view of the matter. The constitutional provision is that there shall be an actual enumeration of the people of the United States every ten years. That says a numbering of the people, not how they shall be classified. The object and purpose of this constitutional provision is to find out how many people there are in the United States, not what kind of people they are or of what race or of what nationality they belong to, for the purpose of apportioning Representatives and electors among the States, as well as taxes, when direct taxes are to be levied.

So that it is utterly immaterial, so far as the object and purpose of the constitutional provision is concerned, whether they are Irishmen, Dutchmen, or Jews.

Mr. OLMSTED. Will the gentleman yield?

Mr. HARDWICK. I will yield to the gentleman from Pennsylvania.

Mr. OLMSTED. A few years ago, while slavery was in vogue, under the Constitution I believe the colored population counted only for three-fifths their number. Would it not be necessary to determine how many colored people there were?

Mr. HARDWICK. The gentleman mentions the only exception, except Indians not taxed, because the constitutional provision was three-fifths of the slaves should be counted and Indians not taxed should not be counted. Now, it is utterly immaterial for the purpose named in the Constitution, in order to carry out the mandatory provision laid upon Congress by the Constitution, whether these people belong to one race or another. The question is how many people there are in the United States, and that question must be determined so that we may know how many Representatives there shall be in the Congress of the United States and how many electors, and how taxes shall be apportioned. Therefore in legislating it looks solely to finding out how many people there are in the United States, in order to determine how many Representatives shall be elected to this body; but when you come to the matter of classification, it is a matter of detail, and not actual enumeration for the purpose outlined in the Constitution, and it seems to me it is not a matter of constitutional privilege, even under the precedents.

Mr. OLMSTED. Will the gentleman yield for another question?

Mr. HARDWICK. Certainly.

Mr. OLMSTED. Some States have what is called the "grandfather clause."

Mr. HARDWICK. Undoubtedly; and it is a very good provision.

Mr. OLMSTED. And it may be very necessary to consider, when we come to determine the apportionment here, the right of a Member to his seat under the Constitution. It may be necessary that there be some enumeration along that line. So that a mere count of the number of people living in the United States would not fulfill the requirements.

Mr. HARDWICK. The gentleman gives another possible exception. [Laughter.] That is all right, gentlemen. Does the gentleman from Pennsylvania contend for a moment—and he is a good lawyer, although some of the gentlemen who laugh on the other side are not lawyers at all [renewed laughter]—does the gentleman contend that there can be any such question raised by a resolution of the character presented by the gentleman from Indiana? How could that possibly be involved in the purpose for which Congress is required to enumerate inhabitants in apportioning Representatives, electors, or taxes?

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. HARDWICK. Certainly.

Mr. COOPER of Wisconsin. Does the gentleman say that the constitutional requirement for an enumeration is simply for the purposes of representation?

Mr. HARDWICK. And to apportion taxes; yes.

Mr. COOPER of Wisconsin. What is the use, then, of finding out how many children and women there are in the country?

Mr. HARDWICK. We base representation, of course, on population, as my friend suggests. That involves the necessity to enumerate women and children and anybody else in the country.

Mr. COOPER of Wisconsin. But the number of women and children are not taken into account when we come to establish the ratio of representation in Congress.

Mr. HARDWICK. O Mr. Speaker, I am astonished at the gentleman that he does not know that much. We take the whole population—even counting the insurgents. [Laughter.] Now, Mr. Speaker, while the constitutional privilege may extend and may override the rules of the House in so far as it is necessary for this Government to enumerate and find out the total number of people in the United States, it certainly does not extend to every detail of classification: Why, we have a Census Office, a permanent bureau; and if the contention of the gentleman from Indiana [Mr. CRUMPACKER] is sound, every piece of legislation that comes here for an extra clerk, every detail connected with the operation of the permanent Census Bureau, becomes a matter of the highest privilege that overrides every rule of the House—

Mr. BUTLER. Will the gentleman yield?

Mr. HARDWICK. With pleasure.

Mr. BUTLER. Do I understand the gentleman to say that if he yesterday had determined that this resolution was in pursuance of a mandate of the Constitution, he would have voted to sustain the Chair?

Mr. HARDWICK. Undoubtedly. The gentleman understood me correctly. I want to say to the gentleman, to make it plainer, that the fact that yesterday was calendar Wednesday had nothing whatever to do with my vote on this question; nothing whatever. I do not believe that the privilege extends as far as the gentleman from Indiana insists. If this were the bill providing for an enumeration, and that only of the total number of people in the United States, in order to apportion Representatives, I would believe it was a matter of the very highest privilege.

Mr. MANN. Will the gentleman yield?

Mr. HARDWICK. With pleasure.

Mr. MANN. I call the attention of the gentleman to the fourteenth constitutional amendment, which provides:

But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

Mr. HARDWICK. Yes. The gentleman from Pennsylvania [Mr. OLMSTED] just directed attention to that.

Mr. MANN. The gentleman from Pennsylvania directed attention to what he called the grandfather's clause.

Mr. HARDWICK. And to this question also.

Mr. MANN. But this of course goes away beyond the question of the grandfather's clause.

Mr. LIVINGSTON. How is that amendment connected with this question?

Mr. MANN. Does not this contemplate that there may be information to be derived in addition to the mere enumeration of the inhabitants?

Mr. HARDWICK. I thank the gentleman for his question, and I believe it was propounded in good faith. Mr. Speaker, I have already said in answer to the gentleman from Pennsylvania [Mr. OLMSTED] that undoubtedly if that were the resolution which the gentleman from Indiana rose in his place and offered, it might be privileged, but the resolution that he offered is not that. It does not squint at that. It is to classify according to nationality these foreign-born people, and no such question as that suggested by the gentleman from Illinois can enter into the question now raised by the gentleman from Indiana.

Mr. MANN. I do not know what questions might enter into the question of representation and enumeration under this provision of the Constitution.

Mr. HARDWICK. I quite understand that; but I am judging by the resolution as it reads, that is presented here by the gentleman from Indiana, which does not even refer indirectly or remotely to the question the gentleman raises. In answer to the position I take the gentleman suggests a suppositious case, one that might arise or might not.

Mr. MANN. But we are discussing a point of order and not the merits of the proposition.

Mr. HARDWICK. We are discussing a point of order on the resolution now before the House, whether the resolution before the House directing information to be obtained in reference to the classification according to nationality of the people enumerated is in order, under the constitutional mandate of the Constitution that an enumeration of the people shall be provided for by Congress.

Mr. MANN. Is it proper for us now to determine the constitutional effect before we get the information?

Mr. HARDWICK. Mr. Speaker, one more word, and then I will conclude. The gentleman's question is fair and I will answer it candidly. If the proposition presented by the gentleman from Indiana could possibly affect representation in this body, could possibly affect the total of enumeration, could possibly affect the number of Representatives in this House, or of electors, then I do think that it would be a matter of the highest privilege; but when the classification presented by the gentleman in this resolution is one that can not, on its face and in its own terms, possibly affect this question, the gentleman, who is a lawyer himself, will readily see that the resolution of the gentleman from Indiana can not possibly come within the reasoning suggested by himself or by the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. HARDWICK. Yes.

Mr. CRUMPACKER. An enumeration of the classes of population affords the basis for the imposition of a capitation tax?

Mr. HARDWICK. Yes.

Mr. CRUMPACKER. Does the gentleman believe that the Federal Government might in this way discriminate between the alien and citizens in imposing capitation taxes? Then, another question. The Constitution says this census shall be taken within every subsequent term of ten years in such manner as they shall by law direct. This is the law directing the manner in which this shall be taken, applied to its classification. Is not that part of the constitutional census itself?

Mr. HARDWICK. Now, replying to the gentleman's question. We have already passed a law under which the work of enumeration will be done, and the gentleman's amendment here can not possibly affect the efficiency, the accuracy, or the correctness of the total enumeration, and the fact that some of the people are of one nationality or some of another does not possibly, and can not possibly, affect their representation or taxation, and therefore, Mr. Speaker, there is no possible way in which this resolution can be privileged under the Constitution. Just one word further.

I want to say that I am not opposed to the resolution, but I am opposed to the precedent that the gentleman seeks to establish. I would willingly and gladly, as far as I am concerned, yield unanimous consent for its immediate consideration, but I do not believe it is a fair construction of the constitutional provision that the gentleman cites to say that every amendment to a census law, amendatory to the bills providing for the taking of each decennial census, in mere matter of detail, or of classification of the population, are clothed with a dignity, rank, and importance over and above all other legis-

lation and without regard to the rules and procedure of this body.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will hear me for a moment I would like to state my views on the question as to whether this proposition is in order to-day. Yesterday I did not believe the proposition was in order under the rules of the House. To-day I believe that the proposition is in order and the gentleman from Indiana is entitled to recognition, and I desire to state to the House my reasons for this belief. The rules of this House are divided in two separate parts, one established by the written rules that are enacted by the House and the other by the precedents of the House adopted from time to time. Precedents are just as much a part of the rules as the rules themselves. Now, back in the distant past the rules themselves established certain questions of privilege. In other words, they say that some business should be considered ahead of other business. In the past some Speaker decided in a matter affecting the taking of a census, that as that was a constitutional requirement which Congress must carry out, that that itself made the question a matter of privilege which should be considered before other business was transacted.

Mr. HARDWICK. Will the gentleman yield?

Mr. UNDERWOOD. First let me finish this statement and then I will yield. Now, I take it that no man denies the proposition that this House by a majority of the House can refuse to consider any matter if it desires to do so, no matter how high the privilege is.

If the Speaker holds this question is in order to-day, and says it is a matter of privilege, any gentleman on the floor can rise in his seat and raise the question of consideration and the House can refuse to consider it. Therefore it is absolutely in order for the House to adopt a rule to refuse to consider any matter, regardless of how high the privilege is, that it could refuse to consider by a majority vote at any time. The rules are merely an expression of the will of this House written into permanent shape. The will of the House is often expressed from day to day. The rules express the permanent will of this House. But you can override and change these rules whenever the House in its judgment sees fit.

Now, the position we took yesterday in reference to this matter was not that this proposition had not been a matter of privilege in the past.

Mr. HARDWICK. Will the gentleman yield here?

Mr. UNDERWOOD. If the gentleman will allow me—

Mr. HARDWICK. It is right on that point.

Mr. UNDERWOOD. I prefer to finish my statements in sequence.

Yesterday we did not deny that under the precedents established, a long line of them, it had been held that a matter that affected the census was privileged. Nobody denied the precedents that were cited by the Speaker, but the argument we made to this House was that this rule establishing calendar Wednesday had been written subsequent to the making of these precedents, and that the purpose of the rule was to wipe out every precedent that interfered with the calling of the calendar and the consideration of bills under the Wednesday calendar. We did not contend that it did away with the precedents for the consideration of business on any other day in the week. We merely contended that it did away with the privilege of certain classes of business on Wednesday. We contended that it did away with the privilege of calling up an appropriation bill on Wednesday. We contended that it did away with the precedents established by some Speaker in the past who said that a census bill was a matter of privilege.

Now, that is the contention we stood on yesterday, and we merely contended that this House had written in its permanent law a rule that no matter of privilege coming under the rules of the House, no matter of privilege established by a ruling of the Speaker, should interfere with calendar Wednesday. That is what we fought for. That is what we stood for yesterday. And, in my judgment, that is what we ought to stand for to-day. We stood for the right of this House to set aside this particular day, and not allow it to be interfered with by any business that was not on the calendar. That being the case, I think the decision of yesterday on the part of this House goes no further than Wednesday, and that on all other days in the week the rules and precedents that applied before the adoption of calendar Wednesday apply to-day, as they did in the past.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. UNDERWOOD. Certainly.

Mr. TAWNEY. Upon what is the precedent based that has heretofore controlled the action of the Chair in determining whether or not bills such as the gentleman now presents had a higher privilege than any privilege of the rules of the House?

Mr. UNDERWOOD. Based on the will of this House.

Mr. TAWNEY. Based on the Constitution of the United States; and that is what the gentleman said yesterday. That is the argument of every man on that side of the House.

Mr. UNDERWOOD. Why, not at all. I never made any such argument. I will refer the gentleman to the Record. My argument is there. There is nothing in the rule which makes a constitutional question privileged. Merely some Speaker in the past said that this being a constitutional question it was privileged, and the House sustained, either by not appealing from the Speaker or by a direct vote, his ruling, and they put it in the rules and it became a part of them at that time.

Mr. REEDER. I would like to ask you if you desire now to say that the Constitution shall have no precedence over the rules?

Mr. UNDERWOOD. I do not think the Constitution has any privilege over the rules, except the privilege that this House itself gives the Constitution. There is nothing in the Constitution defining what business shall be privileged in this House. And there is nothing in the Constitution that gives any matter constitutional privilege.

Mr. REEDER. Does the gentleman desire now to place himself and this House in the attitude of saying that the Constitution shall have no such preference?

Mr. UNDERWOOD. The gentleman evidently does not understand my argument. The only thing we established yesterday was that no matter is privileged to interfere with Wednesday's calendar.

Mr. HARDWICK. I just want to ask the gentleman—

Mr. REEDER. Do you say that you desire personally, or desire that this House shall take action that the Constitution shall have no preference?

Mr. UNDERWOOD. I never said anything of the kind, and I do not care to discuss it.

Mr. REEDER. Do you wish it?

Mr. UNDERWOOD. No; I do not desire to discuss the question, because it has nothing to do with this matter.

Mr. HARDWICK. Mr. Speaker, I just want to ask the gentleman this question: He speaks of the precedents on this subject. If the gentleman has examined these precedents themselves, he will know that in each case where this matter was held to be privileged it was a census bill, providing for the enumeration, on which the Speaker gave us the rulings, and not a mere amendment, providing some sort of classification by race or nationality.

Mr. UNDERWOOD. I will say to the gentleman I draw no distinction in my mind between an amendment to a census bill and a census bill. As a matter of fact, the original bill the gentleman from Indiana brought before this House at this session was an amendment to the census law.

Mr. HARDWICK. Undoubtedly; but it provided for an enumeration of the population. This only applies to a classification.

Mr. UNDERWOOD. I understand. It is along the same line, and I draw no distinction between them. What I do contend is that the rules of this House on the matter of privilege have not been changed on any day of the week excepting Wednesday, and on Wednesday we have made an absolute change in the consideration of business, both by the rule and by the precedent established yesterday, so that no business shall be considered by this House on Wednesday except that which comes on that calendar.

Mr. BARTLETT of Georgia. May I interrupt the gentleman? [Cries of "Hush!"] The gentleman understands that the Constitution of the United States itself provides in relation to Congress that the House may establish the rules and manner of its proceeding.

Mr. UNDERWOOD. Certainly.

Mr. BARTLETT of Georgia. And this is simply a rule established by the House in accordance with the authority of the Constitution as to the mode and manner in which it will proceed to consider bills.

Mr. UNDERWOOD. Undoubtedly. The constitutional warrant for adopting the rules; the constitutional warrant for determining what business we shall consider at any particular time.

Mr. HARDY. It is only a matter of precedent which makes the census a privileged matter, is it not?

Mr. HARRISON. Mr. Speaker—

The SPEAKER. The gentleman from New York.

Mr. UNDERWOOD. I had yielded to the gentleman from Texas.

Mr. HARDY. As it is merely a matter of precedent and that not by any constitutional provision giving it precedence, and any other subject of legislation under the Constitution would,

so far as the Constitution is concerned, be of just as high privilege, would it not?

Mr. UNDERWOOD. Undoubtedly.

Mr. HARDY. As I understand it, this privilege is established by precedent and not by the Constitution, and a vote against it is a vote against a precedent of this House and not in conflict with the Constitution.

Mr. HARRISON. Mr. Speaker, will the Chair indulge me to the extent of listening—

The SPEAKER. One moment. The gentleman from Pennsylvania [Mr. OLMSTED] is recognized. The Chair will recognize the gentleman from New York in a moment.

Mr. OLMSTED. Mr. Speaker, just a few words, chiefly in response to the remarks of the gentleman from Georgia.

I hope that the point of order made by my colleague from Pennsylvania [Mr. BUTLER] will not prevail. I admit that he had abundant justification for it, but, nevertheless, I do not think that it should prevail. It has always been ruled, I think, from the beginning of the Government almost that legislation presented in obedience to an express mandate of the Constitution is privileged over and above the rules of the House; but the gentleman from Georgia says that this proposed joint resolution is not in pursuance of a mandate of the Constitution. He says that the Constitution merely commands that the number of people within the United States shall be ascertained. Now, I wish to call his attention to the language of the Constitution which provides for the enumeration:

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

Now, how could those elements be determined by a mere count of the human beings within the limits of the United States? Clearly the Constitution contemplated more than that as necessary to comply with its mandate. The census is to be taken for the purpose of apportioning direct taxes and for the still more important purpose of determining the apportionment of Members of Congress and their rights to their seats.

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

Mr. OLMSTED. Certainly.

Mr. BUTLER. I understand my colleague to say that, in his judgment, this resolution is privileged.

Mr. OLMSTED. I thought so yesterday, and I think so to-day.

Mr. BUTLER. Then, my friend has not changed his mind since yesterday?

Mr. OLMSTED. No; I did not change it yesterday.

Mr. BUTLER. Let me call his attention to the two rules: Rule XXIV, which governs the business to-day, and Rule XXV, providing for calendar Wednesday. In his judgment, is one rule as binding upon the House as the other?

Mr. OLMSTED. In my judgment, equally so.

Mr. BUTLER. Does not the gentleman think that the precedent made yesterday by a clear majority against the privilege invoked for this resolution binds the House to-day?

Mr. OLMSTED. It is quite within the power of the House to reverse it to-day.

Mr. BUTLER. The gentleman would not expect the House to reverse itself within twenty-four hours.

Mr. OLMSTED. Oh, I do not know.

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

Mr. OLMSTED. Certainly.

Mr. MADISON. Would not the holding that this motion is privileged to-day be a reversal of yesterday's action?

Mr. OLMSTED. I think it would.

Mr. MADISON. Clearly a reversal of it?

Mr. OLMSTED. I think so.

Mr. MADISON. Because if this is a constitutional question, then unquestionably the constitutional right to override the rules yesterday applies equally to-day.

Mr. OLMSTED. If the Constitution rises above one rule of the House, it rises above all.

Mr. MADISON. If it is applicable to-day it was applicable yesterday.

Mr. OLMSTED. I entirely agree with the gentleman.

Mr. MADISON. There can not be any question about it.

Mr. OLMSTED. Not in my mind. Now, I want to go one step further in reply to the gentleman from Georgia. We have in this country subjects of Russia who in a general enumeration would have to be called Russians, but who are Chinese and Japanese. Russians generally are permitted to be naturalized and to become voters, while Chinese and Japanese are not under our existing law, even though they may be Russian

subjects. It is very important that they be enumerated. This very joint resolution provides for classifying them.

There are certain sections of our country that would consider that a most important provision. I think, therefore, that this joint resolution is within the rulings of the Chair, as shown by the precedents from the original formation of this House down to the present day, and is entitled to privilege over every rule of the House.

I am just as much in favor of calendar Wednesday as any gentleman here; as much so as my friend from Alabama. I think I was the first Member on this side of the House to say a good word for the rule. I voted for it, while the gentleman from Alabama, I think, opposed it.

I was sorry my friend from Indiana felt it necessary to interpose a privileged motion yesterday. I felt it was privileged because of the constitutional mandate rising higher than any rule. I think it is privileged to-day, and hope the point of order will not be sustained.

Mr. NORRIS. Will the gentleman from Pennsylvania yield for a question?

Mr. OLMSTED. Certainly.

Mr. NORRIS. I want to ask the gentleman, on the constitutional proposition, if his theory is right, would it not follow that this would be in order, even though there was no report of a committee on the resolution? To make myself plain, if it is in order because the Constitution makes it in order, then the report of a Committee on the Census does not add anything to it. Would not that follow?

Mr. OLMSTED. It has been so held in election cases as to the right of a Member. It was so ruled by Speaker Reed.

Mr. NORRIS. Any Member could come in with a bill that had not even been printed and take up the time of the House on the ground that it was an amendment to the census law.

Mr. OLMSTED. I think he would have to come in in the regular way.

Mr. NORRIS. He would have to claim recognition, of course.

Mr. OLMSTED. He would not get any standing unless he came in in the regular and proper way.

Mr. NORRIS. Would it not follow logically, from the gentleman's theory, that any Member of the House to-morrow could present here a bill touching the census without ever having it referred to a committee, as a question of the highest privilege under the Constitution and the law, and would it not be the duty of the Speaker to say that that was privileged?

Mr. OLMSTED. I do not think every amendment to the census law would be privileged.

Mr. NORRIS. No; but you could have one on this point, or he could bring in a bill making a new census law.

Mr. OLMSTED. I do not think the House would consider it for a minute unless it came in backed up by a committee report.

Mr. NORRIS. Would not it be privileged, and would it not be the duty of the Speaker to permit it to come in? The House could vote it down, of course.

Mr. OLMSTED. I do not know what the Speaker would feel it his duty to do. I think it would have more privilege if it came in in the regular and proper way. There are certain matters arising under the Constitution which any gentleman could rise in his seat and claim to be of the highest privilege, in spite of any rule.

Mr. NORRIS. And I take it that it would necessarily be one according to the gentleman's claim.

Mr. OLMSTED. Well, that is because of the supremacy of the Constitution over and above the rules of the House.

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMLIN. Under the rules, is there any limit to debate on a point of order?

The SPEAKER. Debate on a point of order is within the discretion of the Chair.

Mr. HAMLIN. We have now occupied about an hour and a half in this debate.

Mr. HARRISON. Mr. Speaker, I submit that the point of order should be overruled. The Chair yesterday ruled that this very resolution was a privileged question. So far I think the ruling of the Chair was sound, but the Chair went further and ruled that a question of this privilege could override the rule establishing calendar Wednesday, and could displace that day. The House, however, judging that the precedents cited by the Speaker in the further ruling established before the enactment of the rule establishing calendar Wednesday were not binding on the House, thereupon and therefore, overruled the decision of the Chair.

Now the gentleman from Pennsylvania [Mr. BUTLER] is making an indirect attack on calendar Wednesday. If his point of order should prevail the fruits of yesterday's victory would be snatched from us. If he should succeed in persuading the Chair that this was not a privileged resolution he would thereby destroy the value of the decision of the House yesterday, the House having decided that it would not consider a question even if similarly privileged, on calendar Wednesday.

Now, if the gentleman's contention is correct that this is not a privileged resolution, the whole ground will be knocked from under the decision of the House yesterday. The gentleman from Pennsylvania inquired what had happened since last Tuesday. I can tell the gentleman that what happened was that this House expressed decisively its determination, under the law, that no tampering upon any pretext whatever should be allowed with calendar Wednesday.

Mr. KEIFER. Mr. Speaker, I do not wish to occupy any considerable time. I think the gentleman from Georgia [Mr. HARDWICK] utterly misunderstands the provision of the Constitution in relation to authorizing the census to be taken.

Mr. HARDWICK. The gentleman is mistaken. He would not want to misquote me.

Mr. KEIFER. I state now what I stated in the first place. And then, after being questioned and having some suggestions made to him he made a few concessions; but, Mr. Speaker, what is provided for in the Constitution is the taking of a census within the meaning of that word, that had a definition long before the Constitution itself was framed. Let me read from the Standard Dictionary, the only one I could get hold of handily, giving a definition of the census spoken of in the Constitution. I read:

Census: An official numbering of the people of a country or district, with the collecting of various statistics of nativity, age, sex, employment, possessions, etc., in the United States made, since 1790, every ten years.

Mr. TOWNSEND. The gentleman is defining the word "census." Does the word "census" appear in the Constitution?

Mr. KEIFER. Yes, Mr. Speaker, I shall stop reading the definition from the dictionary, for I understand that the gentleman from Georgia [Mr. HARDWICK] and the gentleman from Michigan [Mr. TOWNSEND] have not had time enough in their lives to read the Constitution through, so I will read from the Constitution for their benefit where the word is used. I read paragraph 4 of section 9, Article II, of the Constitution of the United States:

No capitation or other direct tax shall be laid unless in proportion to the census or the enumeration hereinbefore directed to be taken.

Now, I was about to read from the Standard Dictionary a further definition of the word "census" as it was understood long ago:

In ancient Rome a somewhat similar enumeration of the people, but with special reference to their property, in order to determine taxation.

We adopted the idea of a census in the United States to cover age, nativity, property, and all those things. All of the progressive, civilized nations in the world have been acting upon this theory. The great premier, so to call him, of Germany, immediately after Germany was humiliated and overthrown by the great Napoleon, resorted to a census that is said to have done more to bring about and restore the German Empire than any other one thing that has happened in its history.

Now, Mr. Speaker, as to the result of the vote yesterday. One gentleman has said that the result of that vote was not to break down the precedents of one hundred and twenty years as to the interpretation of the Constitution in this respect, but that the joint rule presented by the gentleman from Indiana [Mr. CRUMPACKER] relating to the census was in order now. Stated differently, the claim is that we have come to find that in the second session of the Sixty-first Congress of the United States we had reached a time when we could adopt a rule that would override the Constitution of the United States, and the gentleman from Alabama [Mr. UNDERWOOD] says that is all it did accomplish, and that now to-day the Constitution is higher than any other rule. I maintain the Constitution existed yesterday, day before yesterday, and exists to-day; and there is force in the statement made by the gentleman from Alabama [Mr. UNDERWOOD] as to precedents, for they have had a long period of time to be considered, and when we adopted our rules we adopted them in the light of the precedents from the earliest times. These precedents, ancient and modern, must stand as to parliamentary law like we say of judicial decisions often, that they are stare decisis, and unless we stand upon some such principles as these, we will have to come to the idea that we are not governed by any fixed rules at all, but by our wishes, prejudices, or other things.

Mr. Speaker, I hope I will be pardoned if I refer to an earlier Congress. I remember a Congress in which there were on the

other side of this House at least some distinguished Democrats—ex-Speaker Randall; John G. Carlisle, who became Speaker later; Samuel S. Cox, of New York, who had temporarily filled the Speaker's chair; William L. Holman, of Indiana; Hammond, of Georgia; Proctor Knott and Joseph C. Blackburn, of Kentucky; John Randolph Tucker, of Virginia; William M. Springer, of Illinois; Mr. Turner and Mr. Crisp, of Georgia; and so down the line; and when this question came up and the Chair decided it there was talk about an appeal, but these men, standing by principles, said then, as they said over and over again during the Forty-seventh Congress, that the question should be decided upon its merits, not upon any notion as to what was pending, and they uniformly sustained the Chair. I can say with some pride for the Chair that there were more appeals taken from the decision of the then Speaker [Mr. KEIFER] in the Forty-seventh Congress than within any other Congress within my knowledge. [Applause and laughter.] And that by reason of these men and others like them, although the House was about equally divided politically and without regard to party, that there was never any parliamentary decision of the Chair overruled. [Applause.]

Mr. BARTLETT of Georgia. Mr. Speaker, I shall not take up the time of the House very long. It is gratifying to hear you, Mr. Speaker, and the gentleman from Ohio [Mr. KEIFER], and other gentlemen upon the Republican side, who have spoken, refer to the Constitution of the United States as a living, breathing instrument. I thought that was reserved for this side, and sometimes I have thought that it was reserved only to a few upon this side to refer to and strictly observe that great charter. I do not believe that the rule which we adopted, which enacted that calendar Wednesday should be established, violated the Constitution or that it in any way contravened the Constitution of the United States, but I do believe that it was in full accord with the authority granted by that instrument to each House to establish and determine the rules of its procedure.

I am strengthened in the suggestion that I shall now make, that the House, when it adopted calendar Wednesday, on the 1st day of March, 1909, was informed that it was the opinion of the Committee on Rules, of which the Speaker was then, as he is now, chairman, as reported by the gentleman from Pennsylvania [Mr. DALZELL], that when calendar Wednesday was established no appropriation bill and no other privileged bill could be called up so as to destroy or take away calendar Wednesday or prevent the transaction of business as provided under the rule creating calendar Wednesday.

To establish that statement I will read from the CONGRESSIONAL RECORD of March 1, 1909, the statement of the remarks of the gentleman from Pennsylvania [Mr. DALZELL], who reported House resolution 607, which established calendar Wednesday, the only difference between his resolution and the one adopted on the 15th of March being that under the resolution reported on the 1st of March from the Committee on Rules a majority could dispense with calendar Wednesday, whereas under the Fitzgerald amendment, on the 15th of March, that amendment required a two-thirds vote in order to dispense with calendar Wednesday. Now, what did the gentleman from Pennsylvania [Mr. DALZELL] say would be the effect of the calendar Wednesday rule when he reported it from the Committee on Rules, presided over by the Speaker, and authorizing it to be established? He said this:

Complaint has been made, Mr. Speaker, of the uncertainty as to the call of committees and as to the infrequency of that call.

The resolution that I have sent to the Clerk's desk amends paragraph 4 of Rule XXIV, answers that complaint, and seeks to do three things:

First, to make it certain that there shall be once a week every week during the session, except during the last two weeks, a call of committees.

Second—

And here is the point—

to provide that that call can not be dispensed with except upon a direct motion to dispense with it. In other words, this calendar Wednesday can not be dispensed with by calling up appropriation bills, or by calling up any other privileged bill, so as to put on the Members the burden of voting down the privileged bill so as to preserve the call of committees. To repeat, to dispense with this call, as provided for by this rule, there must be a vote upon a direct motion to dispense with it. These two things then are provided for—an automatic call of committees once a week and the impossibility of dispensing with that call unless the House, by a majority vote on a direct motion to dispense with it, shall so determine.

That is what the Committee on Rules brought into this House from its deliberations, authorized to be reported by the gentleman from Pennsylvania, and that is the statement the gentleman from Pennsylvania made to the House in order to amend the rules in that respect.

Mr. DALZELL. Will the gentleman permit an interruption?

Mr. BARTLETT of Georgia. Certainly.

Mr. DALZELL. There is absolutely nothing inconsistent with the ruling of the Speaker on yesterday and what I said in reporting that rule. I said appropriation bills or "any other privileged bill."

Mr. BARTLETT of Georgia. Yes.

Mr. DALZELL. Now there are a number of other privileged bills. The Committee on Rules is privileged, the Committee on the Public Lands is privileged, the Committee on Ways and Means is privileged, and there are a half a dozen of the committees of the House which are privileged, and if the gentleman will look at the rule itself—

Mr. BARTLETT of Georgia. I have it before me.

Mr. DALZELL. I do not have it before me.

Mr. BARTLETT of Georgia. Here it is.

Mr. DALZELL (continuing). He will see that the term "privileged under the rules" is used.

Mr. BARTLETT of Georgia. Well, it is true, it is privileged under the rules.

Mr. UNDERWOOD. If the gentleman from Georgia will allow, the precedents are just as much a matter of the rules as the rules themselves.

Mr. BARTLETT of Georgia. I was coming to that.

Mr. DALZELL. I call the gentleman's attention to the fact that under the call of committees under this rule bills may be called up from either the House or Union calendars, excepting bills which are privileged under the rules.

Mr. BARTLETT of Georgia. I understand that.

Mr. DALZELL. The rule now discussed is a question of bills that are privileged under the Constitution.

Mr. BARTLETT of Georgia. I thank thee, Republican, for that word "Constitution."

Mr. DALZELL. We have a little share of regard for it over here.

Mr. BARTLETT of Georgia. I am glad you have regard enough to speak of it.

Mr. BUTLER. We have been trying to observe it all our lives.

Mr. HARDWICK. If so, you have made a woeful failure.

Mr. BARTLETT of Georgia. My good friend from Pennsylvania [Mr. BUTLER] says they have been trying to observe it all their lives. He may have succeeded, but his party has made a miserable failure of it during its existence. Mr. Speaker, that is all I desire to say, except this, that this House, when it adopted calendar Wednesday, adopted it with the impression and with the assurance that it was an automatic measure by which no measures could be brought in superseding the business of calendar Wednesday except by a vote of the House. The Dalzell resolution on the 1st of March provided for a majority vote, and the resolution on the 15th of March, known as the Fitzgerald amendment, provided for a two-thirds vote. Therefore, when the Speaker decided that the House did not have the right under its rules to dispense with the immediate consideration of the census bill, I voted, and will vote again, to say this rule, adopted, as it has been, in order that the public business should be transacted, should stand unimpaired, and that the House had not gone beyond its constitutional privilege when, in pursuance of the authority granted by the Constitution, it enacted its rule for its procedure in accordance with the power granted by that great instrument. [Applause on the Democratic side.]

The SPEAKER. The Chair is prepared to rule.

The gentleman from Pennsylvania [Mr. BUTLER] demanded the regular order. The regular order is as follows:

- First. Prayer by the Chaplain.
- Second. Reading and approval of the Journal.
- Third. Correction of reference of public bills.
- Fourth. Disposal of business on the Speaker's table.
- Fifth. Unfinished business—

And so forth.

Now, this rule fixing the daily order of business does not say "may be," but it says "shall be." This rule, with all the other rules adopted by the House and now in force, was adopted at the beginning of this Congress. One rule is just as old as another, and not a second older. The rule that fixes calendar Wednesday fixes the daily order of business. What is the calendar Wednesday rule? It sets forth:

On Wednesday of each week no business shall be in order—

And so forth.

Is that more binding than the rule that fixes the daily order of business? Both of them control the action of the House, each within its sphere, under all the rules construed together.

Let us come to the next step. On the demand of the regular order the gentleman from Indiana [Mr. CRUMPACKER] calls up from the calendar a House joint resolution that he claims to be

privileged, not under any rule of this House, but under the Constitution. If this resolution be in order, it is in order by virtue of the constitutional provision and not by virtue of any rule of the House. On the contrary, it is against every rule of the House.

The gentleman from Georgia [Mr. HARDWICK], who is always logical when he addresses himself to constitutional questions, based his opposition to this order of business proposed by the gentleman from Indiana [Mr. CRUMPACKER] upon the ground that the Constitution does not cover it, and that, if it did cover it, it applied to yesterday as well as to-day. The gentleman from Alabama [Mr. UNDERWOOD] does not agree with him, nor do many other gentlemen on each side of the House. The Chair does not think that a body composed of nearly 400 members, part Democrats, part Republicans, and part Populists [laughter and applause], can be held under partisan stress and feeling to absolute consistency from day to day in its construction of the rules. Many times since the Chair has been a Member of Congress, with partisanship running mountain high, he has seen the House ignore construction of similar rules made for the harmonious conduct of the House from the organization of the House in the First Congress. The Chair saw in the House in the Fifty-first Congress, on a motion to amend the Journal, when there was a small, nominal Republican majority, enough Republicans vote, after a week's debate on the question of free silver, with a solid minority to change the Journal of this House and make that Journal tell an untruth.

That is behind us. Now, this question comes to the Speaker to be ruled upon. The Chair would have had no trouble in ruling upon it yesterday. He has but little doubt as to what the ruling of the House will be to-day. The Chair has no pride of opinion and no stones to throw at Members who voted yesterday to overrule the Speaker. If any apology is needed, gentlemen can apologize to themselves. The Chair merely calls attention to the condition in many former Congresses and as it is now. As an individual, the Chair's belief is that the House has power to do anything that a majority desires to do, whether it is in conformity with the Constitution or not.

The Chair listened with great interest to the gentleman from Alabama [Mr. UNDERWOOD] when he said, in substance, that the Constitution does not control the House except as the House sees proper to submit to the Constitution. [Laughter.] And that is evidently correct.

In the last analysis we are responsible to our constituencies. Now, as one Member of this House, the Chair is ready to vote that this resolution which was called up by the gentleman from Indiana is in order under the Constitution and against every rule of this House. But these precedents sometimes become of importance, and the Chair has listened patiently to what various gentlemen have said about them. The Chair quite understands the desire to protect calendar Wednesday, although a majority could have protected it by raising the question of consideration, if it had desired so to do, and if this bill had been privileged yesterday. But the desire of many gentlemen in good faith to protect calendar Wednesday, as seen possibly from the Chair's standpoint only, led them to make a mistake. Possibly partisanship may now and then have cut some figure. But the Chair is not here to throw stones at any Member. Each Member has exactly the same commission and the same responsibility that the Speaker of the House has as one Member. Now, the Chair, in view of the recent vote of the House and of the value of the vote of yesterday as a precedent, and what this vote may be as a precedent, prefers not to rule, but to submit to the House [great applause]: Is the bill called up by the gentleman from Indiana in order as a question of constitutional privilege, the rule prescribing the order of business to the contrary notwithstanding?

Mr. BUTLER. On that I demand the yeas and nays.

Mr. OLMSTED. I demand the previous question.

The SPEAKER. The gentleman from Pennsylvania demands the previous question.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. Without any lack of respect to the Chair, I think that the House should determine in what form this proposition is put to it; and I ask, if it is in order—

The SPEAKER. The gentleman has just demanded the previous question.

Mr. HUGHES of New Jersey. I demand a division of the question.

The SPEAKER. It is not divisible; it is one proposition.

Mr. DALZELL. Regular order!

Mr. UNDERWOOD. I rise to a parliamentary inquiry.

The SPEAKER. Well, the gentleman has just made one.

Mr. UNDERWOOD. I desire to know whether it is in order to move to lay the proposition pending before the House upon the table.

The SPEAKER. It is not in order pending a demand for the previous question.

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

Mr. UNDERWOOD. I call for a division.

The House divided; and there were—ayes 147, noes 110.

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

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 142, answered "present" 13, not voting 97, as follows:

YEAS—137.

Alexander, N. Y.	Fairchild	Kennedy, Ohio	Reeder
Allen	Fassett	Knowland	Reynolds
Ames	Foelker	Kronmiller	Roberts
Andrus	Fordney	Kiistermann	Rodenberg
Austin	Foss	Lafean	Scott
Barnard	Foster, Vt.	Langham	Slemp
Bartholdt	Gaines	Langley	Smith, Cal.
Bates	Gardner, Mich.	Law	Smith, Iowa
Bennet, N. Y.	Gardner, N. J.	Lawrence	Smith, Mich.
Bennett, Ky.	Gillett	Longworth	Sperry
Bradley	Goebel	Loudenslager	Stafford
Brownlow	Graf	Lowden	Steenerson
Burke, S. Dak.	Graham, Pa.	McCredle	Sterling
Burleigh	Grant	McGuire, Okla.	Stevens, Minn.
Butler	Greene	McKinney	Sulloway
Calder	Griest	McLaughlin, Cal.	Tawney
Calderhead	Guernsey	McLaughlin, Mich.	Whistledwood
Cocks, N. Y.	Hamer	Malby	Thomas, Ohio
Cole	Hamilton	Mann	Tilson
Cooper, Pa.	Hanna	Martin, S. Dak.	Tirrell
Coudrey	Hawley	Miller, Kans.	Vreeland
Cowles	Heald	Mondell	Wanger
Creager	Henry, Conn.	Moon, Pa.	Washburn
Crumpacker	Higgins	Moore, Pa.	Weeks
Currier	Hollingsworth	Morgan, Mo.	Wheeler
Dalzell	Howell, N. J.	Morgan, Okla.	Wiley
Davidson	Howell, Utah	Murphy	Wilson, Ill.
Dawson	Howland	Needham	Wood, N. J.
Dodds	Huff	Olmsted	Woodyard
Draper	Hull, Iowa	Palmer, H. W.	Young, Mich.
Durey	Humphrey, Wash.	Parker	Young, N. Y.
Dwight	Johnson, Ohio	Payne	The Speaker
Edwards, Ky.	Joyce	Pearre	
Ellis	Kelifer	Plumley	
Englebright	Kennedy, Iowa	Prince	

NAYS—142.

Adair	Finley	Johnson, S. C.	Rainey
Adamson	Fish	Jones	Ransdell, La.
Alken	Flood, Va.	Kelher	Rauch
Ashbrook	Floyd, Ark.	Kendall	Richardson
Barnhart	Foster, Ill.	Kinkaid, Nebr.	Roddenbery
Bartlett, Ga.	Fowler	Kinkead, N. J.	Rothermel
Beall, Tex.	Gallagher	Kitchin	Rucker, Colo.
Bell, Ga.	Garner, Tex.	Kopp	Sabath
Booher	Garrett	Lamb	Saunders
Borland	Gill, Md.	Latta	Shackleford
Brantley	Gill, Mo.	Lee	Sharp
Burleson	Gillespie	Lenroot	Sheppard
Burnett	Gilmore	Lindbergh	Sims
Byrd	Good	Lindsay	Sisson
Candler	Gordon	Livingston	Slayden
Cantrill	Goulden	Lloyd	Small
Carlin	Gregg	McDermott	Smith, Tex.
Clark, Mo.	Gronna	McHenry	Sparkman
Clayton	Hamlin	Madison	Spight
Cline	Hammond	Maguire, Nebr.	Stanley
Collier	Hardwick	Martin, Colo.	Stephens, Tex.
Cooper, Wis.	Hardy	Maynard	Taylor, Colo.
Covington	Harrison	Miller, Minn.	Thomas, Ky.
Cox, Ind.	Haugen	Moore, Tex.	Thomas, N. C.
Cox, Ohio	Hay	Morrison	Tou Velle
Craig	Hayes	Morse	Townsend
Cullop	Helm	Moss	Turnbull
Davis	Hinshaw	Murdoch	Underwood
Dent	Hitchcock	Nelson	Volstead
Denver	Houston	Norris	Watkins
Dickinson	Hubbard, Iowa	Oldfield	Webb
Dickson, Miss.	Hughes, Ga.	Padgett	Wickliffe
Dies	Hughes, N. J.	Peters	Wilson, Pa.
Dixon, Ind.	Hull, Tenn.	Pickett	Woods, Iowa
Edwards, Ga.	James	Poindexter	
Ellerbe	Johnson, Ky.	Pujo	

ANSWERED "PRESENT"—13.

Barchfeld	Goldfogle	Lever	Taylor, Ohio
Byrns	Howard	Morehead	
Cary	Humphreys, Miss.	Pratt	
Cassidy	Kahn	Russell	

NOT VOTING—97.

Alexander, Mo.	Campbell	Driscoll, M. E.	Godwin
Anderson	Capron	Elvins	Graham, Ill.
Ansberry	Carter	Esch	Hamill
Anthony	Chapman	Estopinal	Heflin
Barclay	Clark, Fla.	Ferris	Henry, Tex.
Bartlett, Nev.	Conry	Fitzgerald	Hill
Bingham	Cook	Focht	Hobson
Boehne	Cravens	Fornes	Hubbard, W. Va.
Boutell	Crow	Foulkrod	Hughes, W. Va.,
Bowers	Denby	Fuller	Jamieson
Broussard	Diekema	Gardner, Mass.	Knapp
Burgess	Douglas	Garner, Pa.	Korbly
Burke, Pa.	Driscoll, D. A.	Glass	Legare

Loud	Moxley	Randell, Tex.	Sturgiss
Lundin	Mudd	Reid	Sulzer
McCall	Nicholls	Rhinock	Swasey
McCreary	Nye	Riordan	Talbot
McKinlay, Cal.	O'Connell	Robinson	Taylor, Ala.
McKinley, Ill.	Olcott	Rucker, Mo.	Tener
McMorran	Page	Sheffield	Wallace
Macon	Palmer, A. M.	Sherley	Weisse
Madden	Parsons	Sherwood	Willett
Mays	Patterson	Simmons	
Millington	Pou	Snapp	
Moon, Tenn.	Pray	Southwick	

So the House refused to order the previous question.

The Clerk announced the following pairs:

For the session:

Mr. BOUTELL with Mr. BROUSSARD.

Mr. HILL with Mr. GLASS.

Mr. MOOREHEAD with Mr. POU.

Until further notice:

Mr. SNAPP with Mr. TAYLOR of Alabama.

Mr. OLCOTT with Mr. CONRY.

Mr. SIMMONS with Mr. REID.

Mr. MILLINGTON with Mr. FORNES.

Mr. CARY with Mr. WEISSE.

Mr. BINGHAM with Mr. BARTLETT of Nevada.

Mr. LUNDIN with Mr. JAMIESON.

Mr. FOULKROD with Mr. GODWIN.

Mr. ANTHONY with Mr. HEFLIN.

Mr. MCKINLAY of California with Mr. CLARK of Florida.

Mr. HUBBARD of West Virginia with Mr. RUSSELL.

Mr. STURGISS with Mr. WALLACE.

Mr. MCMORRAN with Mr. BOEHNE.

Mr. MCKINLEY of Illinois with Mr. HOWARD.

Mr. DENBY with Mr. GRAHAM of Illinois.

Mr. CAPRON with Mr. O'CONNELL.

Mr. KAHN with Mr. CARTER.

Mr. FULLER with Mr. LEGARE.

Mr. KNAPP with Mr. RIORDAN.

Mr. MCCREARY with Mr. TALBOTT.

Mr. PRAY with Mr. WILLETT.

Mr. SWASEY with Mr. SULZER.

Mr. SHEFFIELD with Mr. RUCKER of Missouri.

Mr. MUDD with Mr. RANDELL of Texas.

Mr. MOXLEY with Mr. PATTERSON.

Mr. MADDEN with Mr. PAGE.

Mr. MCCALL with Mr. MAYS.

Mr. LOUD with Mr. MACON.

Mr. HUGHES of West Virginia with Mr. HENRY of Texas.

Mr. GARNER of Pennsylvania with Mr. FITZGERALD.

Mr. ESCH with Mr. FERRIS.

Mr. DOUGLAS with Mr. CRAVEN.

Mr. CROW with Mr. BOWERS.

Mr. CAMPBELL with Mr. ALEXANDER of Missouri.

Mr. COOK with Mr. ANDERSON.

On this vote:

Mr. SOUTHWICK with Mr. GOLDFOGLE.

For this day:

Mr. NYE with Mr. HUMPHREYS of Mississippi.

Until Monday, March 21:

Mr. BURKE of Pennsylvania with Mr. ROBINSON.

Until one week:

Mr. BARCLAY with Mr. MOON of Tennessee.

Mr. MICHAEL E. DRISCOLL with Mr. DANIEL A. DRISCOLL.

For one week, inclusive:

Mr. PRATT with Mr. NICHOLLS.

From Tuesday, March 15, until Friday, March 18:

Mr. DIEKEMA with Mr. SHERWOOD.

Until Saturday, March 19:

Mr. TAYLOR of Ohio with Mr. ANSBERRY.

From March 3 until March 20:

Mr. CASSIDY with Mr. BURGESS.

From March 12 until Monday, March 21:

Mr. CHAPMAN with Mr. LEVER.

From March 14 until Monday, March 21:

Mr. ELVINS with Mr. KORBLY.

From March 14 until Monday, March 21, inclusive:

Mr. TENER with Mr. BYRNS.

From March 14 until March 25, inclusive:

Mr. BARCHFIELD with Mr. SHERLEY.

Mr. BYRNS. Mr. Speaker, I wish to know if the gentleman

from Pennsylvania [Mr. TENER] voted?

The SPEAKER. He did not.

Mr. BYRNS. I wish to withdraw my vote in the negative

and to vote "present."

The SPEAKER. The Clerk will call my name.

The Clerk called the name of the Speaker, and he voted **aye**.

The result of the vote was announced as above recorded.

Mr. UNDERWOOD. Mr. Speaker, the question submitted to the House by the Speaker for the decision of the House reads as follows:

Is the bill called up by the gentleman from Indiana in order as a question of constitutional privilege, the rules prescribing the order of business to the contrary notwithstanding?

The reason I asked that the previous question be voted down was because I do not think the question as submitted by the Speaker clearly and fully presents the true issue to the House.

I think the issue is not whether this is in order on one day or another day. The true issue before the House is whether the bill presented by the gentleman from Indiana is in order to-day. I therefore move to amend the proposition submitted by the Chair so that it will read as follows:

Is the bill called up by the gentleman from Indiana in order to-day?

I stop right there. We are not asking any man to give any reasons in this decision as to why he thinks it is in order or why he does not. If you adopt the amendment that I offer you present the clear issue to the House as to whether the proposition offered by the gentleman from Indiana is in order to-day; not whether it was in order yesterday, or going to be in order next week. I therefore hope that the amendment will be adopted.

Mr. DALZELL. In capital letters.

The SPEAKER. The gentleman offers it by way of a substitute?

Mr. UNDERWOOD. I offer it by way of a substitute.

The SPEAKER. The gentleman from Alabama offers the following as a substitute for the proposition.

Mr. KEIFER. Let me suggest that the word "resolution" should go in instead of the word "bill."

The SPEAKER. The word "bill" is a generic one, and would cover the resolution.

Mr. UNDERWOOD. I will change it and make it "joint resolution." I merely want to present the question to the House.

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

The question was taken, and the substitute was agreed to.

The SPEAKER. As many as favor agreeing to the proposition, will say "aye." [The affirmative vote was taken.] Opposed, "no." [The negative vote was taken.] The ayes seem to have it—

Mr. BUTLER. Mr. Speaker, let me make a parliamentary inquiry. I did not hear the Speaker's voice. What is the vote upon? What is the question?

The SPEAKER. This substitute has been agreed to by way of amendment to the proposition submitted to the House, on which the House refused to order the previous question.

Mr. TAWNEY. I demand the yeas and nays.

The SPEAKER. Then the parliamentary situation—

Mr. BUTLER. At the proper time I desire to demand the yeas and nays, if I can learn when that time is.

Mr. HAY. Mr. Speaker, a parliamentary inquiry. Has the substitute been read at the Clerk's desk?

The SPEAKER. It has been read at the Clerk's desk.

Mr. HAY. I do not think it ever was read by the Clerk.

The SPEAKER. It was read by the Clerk.

Mr. OLMSTED. I ask unanimous consent that it be again reported.

The SPEAKER. Since the substitute was read to the House at the Clerk's desk it has been changed, not in substance, but in words, by striking out the word "bill" and putting in the words "joint resolution," and the Clerk will again read the substitute.

The Clerk read as follows:

Is the House joint resolution called up by the gentleman from Indiana in order now?

The SPEAKER. This is offered by way of amendment as a substitute.

Mr. BUTLER. Is the question upon the adoption of the substitute?

Mr. DALZELL. Has "now" been substituted for "to-day"?

The SPEAKER. Yes.

Mr. DALZELL. In large letters, I hope.

Mr. COOPER of Wisconsin. Mr. Speaker, in view of the sarcasm of the distinguished gentleman from Pennsylvania [Mr. DALZELL], I desire to say a word before the motion is voted on.

The SPEAKER. The House is dividing, but the gentleman may be recognized by unanimous consent. How much time does the gentleman desire?

Mr. COOPER of Wisconsin. Three or four minutes, or five.

The SPEAKER. The gentleman asks unanimous consent that he may be heard for five minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. I do not wish to be put in the attitude of voting one day that the Constitution controls and another day that it does not; and in view of the facetious remark of the gentleman from Pennsylvania [Mr. DALZELL] I have asked for an opportunity, as every other Member ought to have an opportunity, on this transcendently important question, to state the reasons for my vote. As I understand it, the precedents which have been cited to show that this bill is constitutionally privileged are all precedents holding that a bill providing for the taking of the census, the original bill, is privileged under the Constitution. As I understand it, there is no precedent declaring that any bill providing any sort of amendment which the Census Committee may suggest would have this high constitutional privilege.

We have already passed a law which would, if carried into effect, take the national census in accordance with the mandate of the Constitution, a complete census.

The committee have brought in a joint resolution which provides some additional details, but the provision of the Constitution for taking a national census has already been provided for in the law which Congress passed and which has been signed by the President.

Mr. TAWNEY. Will the gentleman yield?

Mr. COOPER of Wisconsin. In a moment. Now, I do not understand that any amendment which may be brought in here to amend that law would be of the highest constitutional privilege.

Mr. TAWNEY. That is exactly what Speaker Henderson held.

Mr. COOPER of Wisconsin. I do not say this except with a feeling of entire respect, but upon the question of constitutional construction, decided by Speaker Henderson, and which under my oath does not appeal to my judgment, I am not bound to vote to sustain it.

I have as much responsibility under my oath as a national Representative to observe the Constitution of the United States as the Speaker had when he rendered his decision.

As I said, we have passed a law to take the census under the requirements of the Constitution. Now, suppose the Committee on the Census had brought in a bill to amend that law by increasing the salary of the Director of the Census. That would relate to the census, and it would be an amendment of this census law. Would that be a question of high constitutional privilege? Is there no discrimination to be exercised in our determination as to whether a joint resolution, brought in to amend the census law passed to carry out the mandate of the Constitution, is or is not constitutionally privileged? Are we bound absolutely to hold that anything a committee may suggest, to increase or reduce a salary or to add to the number of officers who are to take the census, is a matter of constitutional privilege? The law on the statute book which would carry out completely the mandate of the Constitution to take the national census has been passed, and they propose a few additional details, not at all necessary, to the taking of the census. Does that present a question of high constitutional privilege? I shall vote that it does not.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that I may have five minutes.

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

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I do not wish to cut off debate on this proposition if the membership of the House want to indulge in it.

Mr. ROBERTS. Mr. Speaker, I do not desire five minutes for the purpose of debate, but I desire a portion of that time to give the House certain information contrary to the statement made by the gentleman from Wisconsin, who has just taken his seat, as to the status of the present matter under consideration.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBERTS. Mr. Speaker, I understood the gentleman from Wisconsin to say that there were no precedents holding a bill supplemental to the original census bill as being privileged under the Constitution.

Mr. COOPER of Wisconsin. Before making that statement I inquired of the gentleman from Indiana if the precedents did not all relate to the original census bill, and the exact point I wish the gentleman to answer is—

Mr. ROBERTS. Now, I beg the gentleman's pardon, but I have only five minutes' time, and I want to answer in my own way the statement of the gentleman from Wisconsin. The gentleman stated that there was no precedent for holding as a

constitutional privilege anything relating to the census except the original bill providing for the taking of the census, and that the measure brought up by the gentleman from Indiana being an amendment to an original bill providing for the census would not have the constitutional privilege.

I want to read from Hinds's Precedents, volume 1, page 167, paragraph 306, as follows:

A bill relating to the taking of the census was held to be privileged because of the constitutional requirement. On January 16, 1900, Mr. Albert J. Hopkins, of Illinois, from the Select Committee on the Twelfth Census, reported as privileged the bill (S. 2179) "relating to the Twelfth and subsequent censuses, and giving the director thereof additional power and authority in certain cases, and for other purposes."

There was a bill which was supplementary to the original census bill and was held to be in order and to have a constitutional privilege because it related to the census.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

Mr. UNDERWOOD. Mr. Speaker, as I understood it, the substitute has already been adopted.

The SPEAKER. The words "joint resolution" were inserted, and the word "to-day" was taken out and the word "now" substituted since the substitute was adopted, and the Chair thinks it ought to be again submitted to the House.

The question was taken, and the substitute was agreed to.

The SPEAKER. The question now is on agreeing to the proposition as amended. Is the House joint resolution, called up by the gentleman from Indiana, in order now?

Mr. BUTLER. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 201, nays 72, answered "present" 12, not voting 104, as follows:

YEAS—201.

Adair	Ellis	Kelber
Adamson	Englebright	Kennedy, Iowa
Alexander, N. Y.	Estopinal	Kennedy, Ohio
Allen	Fairchild	Kinkead, N. J.
Ames	Fassett	Knowland
Andrus	Floyd, Ark.	Kronmiller
Ashbrook	Foelker	Kuftermann
Austin	Fordney	Lafean
Barnard	Foss	Lamb
Barnhart	Foster, Vt.	Langham
Bartholdt	Gaines	Langley
Bates	Gallagher	Latta
Bell, Ga.	Gardner, Mich.	Law
Bennet, N. Y.	Gardner, N. J.	Lawrence
Bennett, Ky.	Garrett	Lee
Borland	Gill, Mo.	Lenroot
Bradley	Gillet	Lindsay
Brantley	Gilmore	Lloyd
Brownlow	Goebel	Longworth
Burke, S. Dak.	Gordon	Loudenslager
Burleigh	Goulden	Lowden
Calder	Graf	McCredie
Calderhead	Graham, Pa.	McDermott
Cantrill	Grant	McGulre, Okla.
Clark, Mo.	Greene	McHenry
Clayton	Griest	McKinney
Cocks, N. Y.	Guernsey	McLachlan, Cal.
Cole	Hamilton	Maguire, Nebr.
Cooper, Pa.	Hamlin	Malby
Coudrey	Hammond	Mann
Covington	Hanna	Miller, Kans.
Cowles	Harrison	Miller, Minn.
Cox, Ind.	Hawley	Mondell
Cox, Ohio	Heald	Moore, Pa.
Creager	Henry, Conn.	Morgan, Mo.
Crumpacker	Hitchcock	Morgan, Okla.
Cullop	Houston	Morrison
Currier	Howell, N. J.	Murphy
Dalzell	Howell, Utah	Needham
Davidson	Howland	Nelson
Denver	Hubbard, Iowa	Oldfield
Dickinson	Huff	Olmsted
Dixon, Ind.	Hughes, Ga.	Padgett
Dodds	Hull, Iowa	Palmer, A. M.
Douglas	Hull, Tenn.	Palmer, H. W.
Draper	Humphrey, Wash.	Parker
Durey	James	Payne
Dwight	Johnson, Ky.	Pearre
Edwards, Ga.	Johnson, Ohio	Peters
Edwards, Ky.	Joyce	Plumley
Ellerbe	Keifer	Prince

NAYS—72.

Alken	Fish	Hughes, N. J.	Norris
Bartlett, Ga.	Foster, Ill.	Johnson, S. C.	Pickett
Beall, Tex.	Fowler	Jones	Pol Dexter
Booher	Garner, Tex.	Kendall	Roddenberry
Burleson	Gill, Md.	Kinkaid, Nebr.	Rothermel
Burnett	Gillespie	Kitchin	Sheppard
Butler	Good	Kopp	Sims
Byrd	Gregg	Lindbergh	Sisson
Candler	Gronna	Livingston	Small
Carlin	Hardwick	McLaughlin, Mich.	Smith, Tex.
Cline	Hardy	Madison	Spight
Collier	Haugen	Martin, Colo.	Stafford
Cooper, Wis.	Hay	Martin, S. Dak.	Stevens, Minn.
Craig	Hayes	Maynard	Thomas, Ky.
Davis	Helm	Moore, Tex.	Townsend
Dawson	Higgins	Morse	Turnbull
Dickson, Miss.	Hinshaw	Moss	Wilson, Ill.
Dies	Hollingsworth	Murdock	Wilson, Pa.

ANSWERED "PRESENT"—12.
 Barchfeld
 Byrns
 Cary
 Cassidy
 Dent
 Goldfogle
 Howard
 Humphreys, Miss.
 Lever
 Pratt
 Russell
 Taylor, Ohio

NOT VOTING—104.
 Alexander, Mo.
 Anderson
 Ansberry
 Anthony
 Barclay
 Bartlett, Nev.
 Bingham
 Boehne
 Boutell
 Bowers
 Broussard
 Burgess
 Burke, Pa.
 Campbell
 Capron
 Carter
 Chapman
 Clark, Fla.
 Conry
 Cook
 Cravens
 Crow
 Denby
 Diekema
 Driscoll, D. A.
 Driscoll, M. E.
 Elvins
 Esch
 Ferris
 Finley
 Fitzgerald
 Flood, Va.
 Focht
 Fornes
 Foulkrod
 Fuller
 Gardner, Mass.
 Garner, Pa.
 Glass
 Godwin
 Graham, Ill.
 Hamer
 Hamill
 Heflin
 Henry, Tex.
 Hill
 Hobson
 Hubbard, W. Va.
 Hughes, W. Va.
 Jamieson
 Kahn
 Knapp
 Korbly
 Legare
 Loud
 Lundin
 McCall
 McCreary
 McKinlay, Cal.
 McKinley, Ill.
 McMorran
 Macon
 Madden
 Mays
 Millington
 Moon, Pa.
 Moon, Tenn.
 Morehead
 Moxley
 Mudd
 Nicholls
 Nye
 O'Connell
 Olcott
 Page
 Parsons
 Patterson
 Pou
 Pray
 Randell, Tex.
 Reid
 Rhinock
 Riordan
 Robinson
 Rucker, Mo.
 Shackelford
 Sheffield
 Sherley
 Sherwood
 Simmons
 Smith, Cal.
 Snapp
 Southwick
 Stanley
 Sturgiss
 Sulzer
 Swasey
 Talbott
 Taylor, Ala.
 Tener
 Wallace
 Weeks
 W e
 Winett

So the proposition was agreed to.
 The Clerk announced the following additional pairs:
 Until further notice:

Mr. HAMER with Mr. SHACKLEFORD.
 Mr. SMITH of California with Mr. FLOOD of Virginia.
 For this vote:
 Mr. WEEKS with Mr. FINLEY.
 Mr. SOUTHWICK with Mr. GOLDFOGLE.
 Mr. SMITH of California. Mr. Speaker, I desire to have my name called and to be recorded. I was present, but I did not hear my name.

The SPEAKER pro tempore (Mr. LANGLEY). Was the gentleman giving attention at the time?

Mr. SMITH of California. To tell the truth, Mr. Speaker, I was talking to another Member, but I had one ear this way.

The SPEAKER pro tempore. The gentleman does not appear to bring himself within the rule.

The result of the vote was announced as above recorded.

AMENDMENT OF SECTION 8 OF THE CENSUS ACT.

Mr. CRUMPACKER. Mr. Speaker, the contents of this resolution are fairly well known to the Members of the House by this time. The resolution simply requires an inquiry respecting the nationality or mother tongue of all persons enumerated who are born abroad and the nationality or mother tongue of the foreign parents of persons enumerated. The resolution is recommended by the Census Office. I do not care to waste time in discussing it, and now, Mr. Speaker, I move—

Mr. KEIFER. Will the gentleman yield to me for two or three minutes?

Mr. CRUMPACKER. Let me yield to the gentleman from Illinois [Mr. SABATH] two minutes.

Mr. SABATH. Mr. Speaker, inasmuch as nearly seven hours have been taken up, I am not going to detain this House on this matter. All that I desire is to make a few brief remarks in support of the resolution which has taken up so much of the time of this House. The resolution has been properly explained, and I want to say that it is of vital importance to many millions of our people, who, though good and loyal American citizens now, yet adhere to traditional sentiments of their nationalities and mother tongues. The purpose of this resolution, as has been stated by the gentleman from Indiana [Mr. CRUMPACKER], is to enlarge the scope of inquiry respecting the nationality or mother tongue of all persons born in foreign countries in the enumeration of the Thirteenth Decennial Census. Its main purpose is to preserve in the census statistics the various nationalities of our foreign-born population coming principally from Austria-Hungary and Russia. A great many thousands of Bohemians, Poles, Lithuanians, and numerous classes of Slavs would lose their identity with respect to their nationalities in the enumeration under the present Census act. By my resolution authority is conferred upon the Census Bureau to add to the interrogatories on the population schedule a question with regard to "nationality or mother tongue." Under the act as it now stands, information regarding our foreign-born population is confined to an inquiry regarding only the place of birth of the individual. In Austria-Hungary and Russia homogeneity does not prevail among the population, because of the diversity of customs, language, and racial characteristics in numerous provinces.

Therefore under the present act, many millions of our people coming from those countries would be classified as "of the country or place of birth." And for illustration, it would bring about the merging of thousands of Bohemians, Poles, Slovaks, Slovenians, Croatians, and Krainers as Austrians. This would be manifestly unjust to these people. To permit such a classification would not only work an injustice to these people who are universally recognized as belonging to separate and distinct nationalities, but it would also lessen the value of the facts sought to be ascertained in the enumeration of the census. It would be impossible to secure any sort of adequate statistics respecting the various leading nationalities among our foreign-born population. The Director of the Census, Mr. Durand, favors and recommends the enactment of this resolution into law, so that the Census Bureau will be enabled to properly carry out in the course of enumeration and compilation a just and fair classification of all the nationalities of which our population is made up. In conclusion, Mr. Speaker, I wish to say that I earnestly hope for the adoption and passage of this joint resolution.

Will the gentleman from Indiana [Mr. CRUMPACKER] make the motion to put this joint resolution on its passage, or shall I do so now?

Mr. CRUMPACKER. I shall do it.

Mr. SABATH. I thank the gentleman from Indiana.

Mr. CRUMPACKER. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. KEIFER].

Mr. KEIFER. Mr. Speaker, I am not opposed to this resolution. I think it should be amended. The communication from the Director of the Census is properly in the report and shows that he did not ask that there should be legislation that would enable him to have the census takers report on the mother tongue or nationality of the person. Now, he did not mean that it should be one or the other, as the enumerator might choose, and I submit to the House or to the committee whether or not there should be an amendment to the law that would require one or the other or both these requirements; otherwise it would be extremely confusing if the Director of the Census sent out notice to the enumerators to report as to the mother tongue or the nationality of each person. That would be ridiculous, for the census taker might be one or the other. "Mother tongue" and "nationality" are not always the same in meaning. They are not synonymous. We have, I know, in this country large numbers of people, especially out in Nebraska and other places I am familiar with, who were born under the Czar of Russia and yet never spoke anything but the German language. You take the Russian Mennonites on the plains of Nebraska and Kansas, and they will all tell you their mother tongue is German and that most all of them were born in Russia. I refer to the Russian Mennonites in particular. The Hungarian, speaking his native tongue, might say he was an Austrian. So of Swedes born elsewhere than in Sweden. So there might be a great deal of confusion. My suggestion I have now made, I think, clear. I will not offer an amendment. The gentleman in charge of this measure should do that. The word "or" should be struck out where it appears between the words "nationality" and "mother tongue," and the word "and" should be inserted in lieu thereof, so the enumerators would be required to report on both the nationality and mother tongue.

[Mr. GOLDFOGLE addressed the House. See Appendix.]

Mr. CRUMPACKER. Mr. Speaker, I move that the committee amendment be agreed to, and upon that motion and the passage of the resolution I demand the previous question.

The previous question was ordered.

The amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

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

Mr. NORRIS. Mr. Speaker, I have a privileged resolution—

Mr. BENNET of New York. Mr. Speaker, I have a privileged resolution—

CORRECTION.

The SPEAKER. The gentleman from New York [Mr. YOUNG]. Mr. YOUNG of New York. Mr. Speaker, I ask unanimous consent for a correction of the RECORD of yesterday.

The SPEAKER. And the Journal?

Mr. YOUNG of New York. And the Journal.

The SPEAKER. The gentleman will state his request.

Mr. YOUNG of New York. Mr. Speaker, I find that I am reported as not voting. I was here and voted in the affirmative

on the question at that time, supporting the Chair in the vote that was then before the House.

The SPEAKER. What page?

Mr. YOUNG of New York. Page 3251, on the appeal from the decision of the Chair.

The SPEAKER. Both the RECORD and the Journal will be corrected, without objection.

There was no objection.

Mr. NORRIS. Mr. Speaker, I have a matter of privilege.

Mr. BENNET of New York. Mr. Speaker, I have a matter of privilege—

The SPEAKER. The Chair is notified that there are many matters of privilege—

Mr. BENNET of New York. But mine is a conference report. A conference report would take precedence over anything else except a motion to adjourn.

IMMIGRATION OF ALIENS.

Mr. BENNET of New York presented a conference report (No. 783) on the bill (H. R. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907.

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. 15816) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, 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 amendments of the Senate numbered 1, 2, 3, and 4 and agree to the same.

BENJ. F. HOWELL,
WILLIAM S. BENNET,
JOHN L. BURNETT,

Managers on the part of the House.

WM. P. DILLINGHAM,
H. C. LODGE,

Managers on the part of the Senate.

STATEMENT.

After due consideration the managers on the part of the House concluded to recommend that the House agree to the Senate amendments.

The first amendment is purely verbal.

The second amendment relative to the jurisdiction of courts is suggested by some United States district court judges who have tried several of the "white-slave" cases.

The third amendment strikes out three words which are unnecessary.

The fourth amendment strikes out the interstate-commerce provision. A similar provision is now under consideration in the Senate as a part of the Mann bill (H. R. 12315), and the managers on the part of the House think it best to recommend that the Senate amendment be agreed to and the bill thus passed immediately, leaving the interstate matter to be considered, and, if possible, passed as a part of H. R. 12315.

BENJ. F. HOWELL,
WILLIAM S. BENNET,
JOHN L. BURNETT,

Managers on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7187. An act making an appropriation for folding speeches and pamphlets for the Senate; and

S. 5873. An act for the relief of John M. Blankenship.

The message also announced that the Senate had passed, with amendments, the bill (H. R. 10321) for the relief of homestead settlers under the acts of February 20, 1904, June 5 and 28, 1906, and March 2, 1907.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 25.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the ac-

ceptance of the statue of John C. Calhoun, presented by the State of South Carolina, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of South Carolina.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall procure suitable copper-process plates, to be bound with these proceedings.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 1864. An act to facilitate the use for manufacturing purposes of square 328, in the city of Washington, as authorized in the act of Congress of February 1, 1907.

THE RULES.

Mr. NORRIS. Mr. Speaker, I present a resolution made privileged by the Constitution.

The SPEAKER. If it is a resolution made privileged by the Constitution, the gentleman will present it. [Laughter.]

The Clerk will report the resolution.

The Clerk read as follows:

House resolution 502.

Resolved, That the rules of the House be amended as follows:

"The Committee on Rules shall consist of 15 members, 9 of whom shall be members of the majority party and 6 of whom shall be members of the minority party, to be selected as follows:

"The States of the Union shall be divided by a committee of three, elected by the House for that purpose, into nine groups, each group containing, as near as may be, an equal number of Members belonging to the majority party. The States of the Union shall likewise be divided into six groups, each group containing, as near as may be, an equal number of Members belonging to the minority party.

"At 10 o'clock a. m. of the day following the adoption of the report of said committee each of said groups shall meet and select one of its number a member of the Committee on Rules. The place of meeting for each of said groups shall be designated by the said committee of three in its report. Each of said groups shall report to the House the name of the Member selected for membership on the Committee on Rules.

"The Committee on Rules shall select its own chairman.

"The Speaker shall not be eligible to membership on said committee. "All rules or parts thereof inconsistent with the foregoing resolution are hereby repealed."

Mr. DALZELL. I make the point of order that that is not in order. It is not privileged.

Mr. NORRIS. On that point of order I want to be heard, Mr. Speaker.

The SPEAKER. The Chair will hear the gentleman.

Mr. NORRIS. We have just decided by a vote of the House a census bill coming under the Constitution, which reads as follows:

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

It is a privileged question, and it is entitled to consideration, notwithstanding that it conflicts with the rules of the House.

Now, Article I, section 5, paragraph 2, of the Constitution reads as follows:

Each House may determine the rules of its proceedings.

I submit, Mr. Speaker, if the action of the House just had makes a census bill privileged because of the Constitution, then any proposition to amend the rules must be privileged by virtue of that same instrument. It does not add to the privileged nature of the census bill that it is reported by a committee, and that was practically admitted in the discussion that took place upon the floor of the House in the colloquy between myself and the gentleman from Pennsylvania [Mr. OLMSTED]. If it was privileged it was privileged because the Constitution made it so, and having decided that it was privileged, because the Constitution made it privileged, its privileged character was not added to by the fact that it had been referred to a committee and a report made by the committee. Therefore, if that reasoning is good, if that judgment of the House is right, then it must follow that because the Constitution provides that the House shall make its rules under that decision it must be in order to offer from the floor of the House a resolution to change the rules of the House.

Mr. OLMSTED rose.

Mr. NORRIS. I will yield to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. I merely wish to suggest to the gentleman from Nebraska [Mr. NORRIS] that while in the case of the census the Constitution is mandatory, and says the enumeration "shall be made," as to the rules of the House the Constitution is merely permissive. Undoubtedly we may make rules and undoubtedly we may change them, but the Constitution does not say we must change them, and therefore gives no constitutional privilege to such a motion to displace all other business.

Mr. NORRIS. As to the suggestion made by the gentleman from Pennsylvania [Mr. OLMSTED], I will say that I have not presented anything here that says we "must." If we have a right to vote it down, it is not mandatory. If the Constitution says we must, I presume under the gentleman's construction we would not be allowed any discretion as to how we shall vote.

Mr. DALZELL. The House is not compelled to make rules in order to carry on its business. In the Fifty-first Congress the House proceeded without rules and under the ordinary parliamentary law. Therefore, as my colleague from Pennsylvania [Mr. OLMSTED] has pointed out—

Mr. NORRIS. I understand that.

Mr. DALZELL (continuing). There is no mandatory command upon the House to make rules.

Mr. NORRIS. There is no mandatory command in this resolution.

Mr. DALZELL. The rules are not pursuant to any command from the Constitution, but they are simply for the orderly procedure of business.

Mr. NORRIS. The Constitution says we may make rules. We have just decided that when the Constitution gives us a right to do a thing it is in order to bring in the proposition at any time. [Cries of "Oh, no!"] Let me finish and I will yield again. This resolution is not a mandatory affair; it is something that the Constitution gives us the right to do, however. The gentleman will have to admit that.

The Constitution gives us the right to do this; consequently, when we bring in under the constitutional provision a resolution to do just what the Constitution gives us permission to do, I say, under the recent decision, it must be in order.

Mr. DALZELL. No; the gentleman fails to make a very plain distinction. The Constitution gives the right to do it, but that does not make it privileged in the sense that the Constitution makes it, as to legislate upon a particular subject, but in that case the subject-matter is privileged.

Mr. NORRIS. But the gentleman will not contend that in the census matter we are compelled to legislate?

Mr. DALZELL. Oh, certainly we are.

Mr. NORRIS. Why, if that is true, then a man's vote is absolutely controlled and he has no right to vote except one way. Suppose that the House voted down the proposition. Suppose we refused to consider it, and everybody concedes that we have that right here, and it has been done a great many times.

Mr. DALZELL. Congress can not afford to. Even the gentleman from Alabama has stated that the Constitution is only binding on us as we see fit.

Mr. NORRIS. That has nothing to do with my proposition. Now, I yield to the gentleman from Minnesota, if he wants to ask me a question.

Mr. SLAYDEN. Mr. Speaker, there is so much confusion in the House, and the gentlemen who are debating this question are speaking in a conversational tone, so we do not hear, and I think we should have order.

The SPEAKER. The House will be in order, and all gentlemen will be seated.

Mr. TAWNEY. The gentleman from Nebraska has said that the Constitution authorizes the House to prescribe rules for its procedure. That, however, does not authorize the House to appoint somebody else to prescribe those rules.

Mr. NORRIS. And this resolution does not.

Mr. TAWNEY (continuing). As the resolution of the gentleman from Nebraska provides.

Mr. NORRIS. This resolution does not do anything of the kind. It provides for a Committee on Rules, and we have a Committee on Rules now.

Mr. TAWNEY. That is not a provision of the Constitution.

Mr. NORRIS. This Committee on Rules is not obligated to make any rules.

Mr. TAWNEY. The Constitution does not say that the House shall elect a Committee on Rules.

Mr. NORRIS. Why, certainly not.

Mr. TAWNEY. Or appoint a Committee on Rules.

Mr. NORRIS. It does not say so. The Constitution does not say just what rules we shall have, and yet for many, many years we have made rules under the Constitution.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. NORRIS. I will.

Mr. MANN. The Constitution says that we shall provide for a census, and that we may make rules. Now, we have not yet taken the census, but we have made the rules.

Mr. NORRIS. But we have passed the census law, and it is an amendment to it that we have just passed to-day and which was held in order, and this is a proposition to change the rules of the House.

Mr. MANN. I wanted to get the gentleman's opinion on that one question. We have not yet complied with the Constitution; we have not yet taken the census; and this proposition was only held in order to-day by the House as a necessary part of the proposition to take the census in the future. We have made our rules and are operating under the rules now, so far as the constitutional proposition is concerned, just as though we had made the census.

Mr. NORRIS. Oh, no; not by any means. I will say to the gentleman that the resolution that was just held in order by reason of its being privileged on account of the Constitution was simply an amendment to a law providing for the taking of the census. This resolution is privileged under the Constitution, because it amends the rules of the House which the Constitution gives us authority to make.

Mr. GAINES. May I ask the gentleman a question?

Mr. NORRIS. I yield to the gentleman.

Mr. GAINES. This resolution has not been reported from a committee, has it?

Mr. NORRIS. It has not.

Mr. GAINES. Let me ask the gentleman this question: The Constitution says that Congress shall have the power to lay and collect taxes, excises, duties, and imposts. Would the gentleman hold that a tariff bill, a bill to amend the tariff law of the country, would be in order now from the floor without having been referred to or reported from any committee?

Mr. NORRIS. I will answer the gentleman. I want to say by way of preface to the House that when the House went on record that the census proposition was in order, it was not in accordance with my individual view. I did not believe it was privileged. But this must follow, as a logical result, it seems to me, in that case that the privileged nature of the resolution did not depend on its being reported by a committee or considered by a committee, but it was privileged, if privileged at all, because the Constitution made it so.

No committee consideration, no committee report, would add to or take away from its privileged nature. I am not responsible for the position in which the House has placed itself; but to be consistent, it seems to me this resolution would have to be held privileged the same as the others.

Mr. DALZELL. Whether privileged or not, it would have, in the first instance, to be referred to a committee.

Mr. GAINES. The gentleman's own judgment is that, under the rules, his resolution is not privileged, and he simply bases his contention upon a construction of a recent ruling of the House, with which he does not agree. But is it not the truth that the gentleman's position would go to this extent—of making privileged, without reference to any committee, any proposition that any gentleman might offer at any time, to comply with any authorization which the Constitution makes?

Mr. NORRIS. That is exactly what the House has decided. The House has decided that proposition, and said that it is so. I am not responsible for it, and I can not be censured either. I do not know that the gentleman intends it in that light—

Mr. GAINES. I am not censuring anybody.

Mr. NORRIS. For proposing what I believe to be in accordance with a decision that I myself did not agree with when it was made. We will always follow a precedent when it is made by the proper authority, and take it to be the law after it is made, even though we were opposed to its establishment originally.

Mr. UNDERWOOD. Mr. Speaker, some of my friends on the floor of the House have quoted me in reference to my interpretation of the Constitution to-day. I will not attempt to say what in the haste of debate I might have said, or how the reporter may have caught my language; but what I did say, or intended to say, in reference to the Constitution was that, so far as the rules are concerned, we are not governed by the Constitution in applying the rules, except so far as this House determines to act.

Mr. DALZELL. I trust the gentleman from Alabama will acquit me of any intention of misquoting him.

Mr. UNDERWOOD. I do; because I may in the haste of debate have said just what the gentleman said. We sometimes leave out a word here and there, and give a wrong impression by our language. Now, I say again, in reference to this proposition pending before the House right now, we are not bound by the Constitution, so far as our rules are concerned, except so far as this House chooses to make the rules.

Now, as to whether the proposition of the gentleman from Nebraska is in order or not, I want to say this: This House, day after day and year after year, makes things in order that are contrary to the written rules of this House. The reason that the proposition offered by the gentleman from Indiana an

hour ago was in order was not because it was referred to in the Constitution, but because the House years ago established a precedent saying that it should be in order, and therefore the precedent was followed from time to time, and it became a precedent of this House that it should be privileged and be in order.

An easy illustration of how this House makes its rules or amends its rules without a direct vote on the subject is illustrated in the way that we have built the present navy.

Up to 1886 it was held, under Rule XXI, which forbids that new legislation shall be made on an appropriation bill, that it was not in order to provide for the building of a battle ship on a naval appropriation bill, because it was new legislation, and therefore was not in order. But in 1886 the distinguished gentleman from Kentucky [Mr. McCREARY] offered an amendment to a naval appropriation bill providing for the building of a battle ship. The chairman held that that amendment was not in order, that it was contrary to Rule XXI, which prohibited new legislation on an appropriation bill. The gentleman from Kentucky appealed from the ruling of the Chair. The House overruled the Chair and held the amendment to be in order, and from that day to this it has been held in order to provide for the building of battle ships on appropriation bills, notwithstanding Rule XXI, and so that proposition has really been made a part of the rules of this House. Now, that is simply one way the House exercises its power of determining what shall be in order and what is a matter of the highest privilege. Waiving aside all rules and everything else, I say that the House to-day should make the proposition of the gentleman from Nebraska by its vote here on the floor a matter of the highest privilege. [Applause.]

The time has come to act. You know and I know that we can not amend these rules by introducing a resolution and referring it to the Rules Committee. The Speaker himself has repeatedly said to this House that he rules by the will of the majority. The majority of this House to-day can make this a matter of privilege—the question of amending the rules of the House by a majority vote. I have no doubt that the Speaker will follow the precedents and hold that the proposition of the gentleman from Nebraska is not in order, but the House can establish a precedent and make it in order. [Applause.] The time has come, gentlemen, if you propose to amend these rules, to vote to make a proposition to amend them in order.

Now, that is the issue before the House. [Applause on the Democratic side.] We can not disguise it. There is no use in attempting to engage in any learned debate as to whether the matter is in order or not. The Speaker has said that he holds the power by the will of the majority. He will decide the question according to the precedents, but if you wish to abandon the precedents and make a new rule here and make this of the highest privilege, it is within your power to do so.

There is nothing revolutionary in it; there is nothing unusual in it. You have done the same thing a thousand times before, and you can do it to-day if you want to amend the rules. So when the Speaker decides this question and the gentleman from Nebraska, if the question is decided against him, appeals to the House, the issue is whether by a majority vote in this House you shall make this question of amending the rules a matter of the highest privilege, and that will be the only and sole question that will be presented to you.

As for myself, I do not believe in allowing a set of rules to bind my hands when that set of rules is no longer of benefit to my constituency and the American people. [Applause.]

So far as I am concerned, I am prepared to set the precedent to-day and say that the proposition to amend the rules of this House shall be of the highest privilege and in order at any time. [Applause.]

Mr. PRINCE. Mr. Speaker, this resolution has been offered under the guise of a constitutional right. The Constitution, which should be a chart and guide for this House as well as the other branch of Congress, says that each House may determine the rule of its proceeding.

In that same instrument it is repeatedly stated what shall constitute a Member of the House, what the qualifications are, and what the House shall do and what the House may do. In this instance it only directs, and in the early days of Congress the two Houses of Congress adopted rules to govern their procedure in matters requiring concurrent action.

I understand in the history of Congress that years ago they were unable to elect a Speaker for a long period of time, and that the government of the House was under the ordinary parliamentary practice of the country.

Now, where the Constitution directs a thing to be done, and that thing is to be done, then it might be a question whether the Constitution does not direct the doing of that work. For

instance, it says that each House shall keep a journal of its proceedings. If there was no journal of the House kept, then a Member of this House could rise and insist upon the constitutional privilege being enforced, namely, that of keeping a journal of its proceedings. The CONGRESSIONAL RECORD is not the official record. That would not answer the purpose. There had to be a journal kept; there had to be a Speaker elected; there may and may not be rules adopted by this House. Therefore it seems to me that this is not an orderly way of the most distinguished legislative body in this country to proceed. There is a way to proceed, an orderly, dignified manner in doing what this seeks to do and not to seek to do it in the way they are now, under the guise of a constitutional provision which does not apply. It seems to me that there is only one thing the Speaker can do under the rules of the House, and that is to hold that this resolution is not in order at this time. [Applause.]

Mr. HUGHES of New Jersey. Will the gentleman yield for a question? Would it not have been possible to pass the last resolution in the orderly way referred to by the gentleman?

Mr. PRINCE. In the case of the other resolution I have not any doubt about its being a constitutional direction that we would have to do it, and we did; and as a matter of fact the vote to-day discloses that it was a constitutional prerogative. The vote to-day discloses it was a measure of high privilege, and the only reason why the vote did not so disclose on yesterday was because some of the Members of the House did not desire to set aside calendar Wednesday, and that entered into the discussion more than the real merits of the case. To-day the merits of the case came before Congress and by an overwhelming vote the House has held that this was a constitutional provision.

Mr. JAMES. Does the gentleman contend that the resolution which was just considered by the House was any more constitutional than the resolution submitted by the gentleman from Nebraska [Mr. NORRIS]?

Mr. PRINCE. That is what I have been trying to make clear, and if I have not, I suppose it is my fault.

Mr. JAMES. I am sorry to say that I have not seen any distinction made by the gentleman between the two questions as to their constitutionality.

Mr. PRINCE. There is a decided distinction. One says "shall" and the other "may." We may or may not have rules of this House. We have already acted and we have complied with the Constitution, if you insist it is a constitutional privilege and that we must comply with it by adopting rules.

Mr. JAMES. Likewise we had complied with the Constitution by passing the bill to take the census.

Mr. PRINCE. Not fully; only in part. This was an amendment.

Mr. JAMES. We have only passed our rules in part, and this, too, is an amendment. [Laughter.]

Mr. PRINCE. Why, we have been acting under them at the special session and at this session, and the rules are still here.

Mr. JAMES. I suppose the gentleman heard the Speaker declare just a moment ago that the House could do anything it saw fit to do; did he not?

Mr. PRINCE. Not out of order.

Mr. JAMES. The Speaker said we could do anything we wanted to do, and we are proceeding now to do it.

Mr. CLARK of Missouri. Mr. Speaker, there is one proposition that the present occupant of the chair and myself have always agreed upon, and that is that it is competent for a majority of this House to do whatever it wants to do. The Speaker has stated that proposition more frequently and more emphatically and more picturesquely than I have.

The SPEAKER. The gentleman is too broad in his statement. The Chair has said that the House could do and has at times done whatever a majority desired to do, and instanced a case to-day where the House in the Fifty-first Congress made the Journal tell an untruth.

Mr. CLARK of Missouri. I do not think there is any difference between the Chair and myself about the proposition. I think that my memory is correct when I say that I have heard the present occupant of the chair state time and again that the House had a right to elect a new Speaker whenever it pleased.

The SPEAKER. Evidently correct, in the opinion of the Chair, while he is not called upon to rule upon the question at this time; but the House has time and again elected a new Doorkeeper, a new Clerk, and, in the judgment of the Chair, a majority of the House, not by virtue of the Constitution touching its power to adopt rules, could, if it desired, elect the gentleman from Missouri [Mr. CLARK] Speaker of the House, and could do it to-day.

Mr. CLARK of Missouri. And I think it would be doing a very good thing if it did. [Applause and laughter on the Democratic side.]

The SPEAKER. If a majority agreed with the gentleman, then he would be Speaker.

Mr. OLMSTED. And he would not want any such proceeding as this to come up.

Mr. CLARK of Missouri. Mr. Speaker, I was simply citing that as an illustration of the agreement between the Speaker and myself upon one proposition.

The SPEAKER. But not upon this proposition—a very different one.

Mr. CLARK of Missouri. That is a horse of a different color. [Laughter.] It has been agitated in the papers as to whether or not this House could elect somebody to succeed the present Speaker during this session. Now, I never bothered my mind about that at all, because I never believed they were going to do it or going to try to do it; but I will state what I have said before, that the Speaker of the House simply stands for a system. I think the system is bad. [Applause on the Democratic side.] I remember hearing the Speaker say one day that this House could pass an elephant through the House if it wanted to, and that seems to me to be "going some"—to use a slang phrase [laughter]; but I wondered when I read these articles in the newspapers about the election of somebody very suddenly to succeed the present Speaker how the gentlemen who wanted to do it would get it up. If he rose to a question of privilege and moved to elect any particular man Speaker in lieu of the present Speaker, of course the Speaker himself would pass on that question as to whether it was in order or not, and I take it for granted that in self-defense the Speaker would rule such a performance out of order.

The SPEAKER. Not at all. The Speaker will be prepared upon that question whenever any gentleman thinks that the minority has become the majority. That presents an entirely different question from this question.

Mr. CLARK of Missouri. Well, now, if we can change the Speaker, why can not we change the rules? [Applause of the Democratic side.] I want to say this about this case: The Speaker and myself are both lawyers. It is a long time since he has tried a case, and it is a good while since I have tried one, but I think that the lawyers who are fresh in the practice will bear me out that in innumerable instances the courts of highest resort have construed the word "may" in cases like this in the word "shall," and they have held that way oftener than they have held the other way.

Well, now, suppose that a majority of the Members of this House had made up their minds to change these rules. How are you going to do it? If it is not a matter of privilege and you can not get it up that way, how are you going to accomplish it? Suppose some gentleman here offers an amendment to the rule or a new set of rules or a new rule. He puts it in the basket. It is referred to the Committee on Rules, and it might as well be referred to the sleepers in the catacombs. [Laughter and applause.] I violate no secret when I tell you the committee is made up of three very distinguished Republicans and two ornamental Democrats. [Laughter.] They have a majority of 1, but a majority of 1 in a committee of 5 is as big a majority as a majority of 47 is in this House, and my own opinion is, from both observation and experience, that there never would be a rule reported out of that committee that the Speaker and his two Republican colleagues do not want reported. It is an impossibility in nature. And I say now—and it is all I have to say, I am not going to detain the House or weary it—that if you want to change the rules now is the accepted time, and this is the day of salvation. [Loud applause on the Democratic side.]

Mr. OLMSTED. It strikes me, Mr. Speaker, that the question really before the House is not whether the present rules are as perfect as they may be made or whether they ought to be changed, but whether the motion which has been presented here is privileged, so that it is entitled to be considered at this moment, displacing important business which is in order under the rules. If so, it must be because it obtains that privilege under the Constitution and in spite of all rules. The gentleman from Nebraska [Mr. NORRIS] has shown us that the Constitution gives this House permission to adopt rules. Of course it may do so, and of course it may change them without violating any constitutional provision except that as the Constitution intends that when we do make rules they shall be rules and that we shall be governed by them as long as they are the rules. Now, the Constitution in some respects is mandatory and in others merely permissive. So far as the census is concerned, it is absolutely mandatory—

Mr. HITCHCOCK. Will the gentleman permit me to ask him a question or two?

Mr. OLMSTED. Certainly.

Mr. HITCHCOCK. Suppose the Constitution had been silent on the subject of making the rules; does the gentleman contend that this House would then have no right to make rules for its procedure?

Mr. OLMSTED. It is not necessary to discuss that, because the Constitution is not silent.

Mr. HITCHCOCK. Is not the very fact that the Constitution provides it a direction to the House to make rules?

Mr. OLMSTED. No; the House has heretofore proceeded and we might proceed for forty years without rules should we choose to do so and our acts would be constitutional.

Mr. NORRIS. Will the gentleman submit to an interruption, if the gentleman from Nebraska has finished?

Mr. OLMSTED. Certainly.

Mr. NORRIS. Would not the same thing be true in regard to the census? If we did not pass a census bill we would not take any census, although the word "shall" is used in the Constitution?

Mr. OLMSTED. It is quite true that if we do not provide for the taking of the census, having sworn to support the Constitution and then absolutely refusing to do what the Constitution expressly commands us to do, we shall stand in the position of having violated our oath of office.

Mr. NORRIS. Will not the gentleman admit that we might very easily on that very proposition get into a predicament by which he himself would vote against the law providing for the taking of the census? The gentleman does not mean, does he, that because it says "shall" in the Constitution that we are compelled to vote for every census bill that comes before the House?

Mr. OLMSTED. Oh, no. We may exercise discretion as to the form and character of the bill itself, but we must provide for the taking of the census or disregard the Constitution.

Mr. NORRIS. In exercising that discretion, might we not very easily and honestly get into the predicament of not having any law on the statute books on the census proposition?

Mr. OLMSTED. If each one so stubbornly maintained his own position that the taking of the census failed, then no matter whose fault it might be, we should be in the position of having violated the express command of the Constitution.

Mr. NORRIS. Will the gentleman hold, then, that we would be subject to punishment on that account?

Mr. OLMSTED. Possibly not, but nevertheless the Constitution would not have been complied with.

Now, as to the taking of the census, the Constitution says it shall be taken, and it says it shall be taken within a certain time. Time, Mr. Speaker, is the essence of the matter in that particular. And that is not the only one. Take the question of a vetoed bill. The Constitution provides that if the President shall return a bill with his objections to that House in which it shall have originated, that House "shall enter the objections at large on their Journal and proceed to reconsider it." No one doubts that under that constitutional mandate, if a presidential veto should come in here and anybody should move to take it up at once, it would have a constitutional privilege over other business and above every rule of this House. The Constitution says:

Shall proceed to reconsider it.

But when we come to other questions the Constitution is only permissive:

Congress shall have power to lay and collect taxes, duties, imposts, to raise money—

And so forth.

Congress shall have power, the Constitution says, to do a great many things, among them to borrow money on the credit of the United States; but we are not compelled to borrow money, although expressly authorized to do so. We may adopt rules and regulations. We are not compelled to do so. We are authorized to do so. Now, as to those things which are permissive, the House may make rules as to the manner and the time in which they shall consider them, but as to those things which are mandatory under the Constitution, repeated Speakers of either party have held that there is a constitutional privilege above all rules to displace other business which would be in order under the rules. It was upon that theory that we proceeded this morning to consider the census bill as privileged.

But here comes a question to amend the rules of the House or provide a committee for that purpose. It is within the power of the House to do that within its own rules, but that does not present a question of constitutional privilege so as to displace and precede.

Now, upon that point let me read very briefly what was said officially by one who by some of us, at least, is considered very high authority. It is reported in Hinds's Precedents, volume 3, page 1063.

In 1898 Mr. BAILEY, of TEXAS, offered a resolution as follows:

Resolved, etc., That the heroic struggle of the Cuban people against the force of arms and the horrors of famine has shown them worthy to be free. And, second, the United States hereby recognizes the Republic of Cuba as a free and independent State.

Now, that was considered fully as important at that time, not only by the House, but by the country, as the question of a possible change in our rules. Mr. BAILEY made the argument that has been made here to-day, namely, that the Constitution authorized the House to take such action, and that therefore the resolution was privileged. He offered it as a privileged motion.

Mr. Boutelle, of Maine, made the point of order that the resolution was not in order as a privileged matter. I read very briefly from the opinion of the Speaker. He said:

Those propositions in regard to war, or about recognition, or any of those subjects which may or may not be within our purview, do not become questions of privilege at all because we have a right to pass upon them; because that would make everything a question of privilege and end by making nothing a question of privilege.

That was Mr. Speaker Reed. The same question that we have here to-day came up in 1878, when Mr. Roger Q. Mills, of Texas, a Democrat, proposed for immediate consideration a resolution providing for a committee to revise the rules of the House, claiming privilege for the resolution on the ground that the Constitution gave to the House the power in that respect of which it could not divest itself. But upon that point that great Democratic Speaker, Samuel J. Randall, of Pennsylvania, said:

The House, acting in pursuance of its constitutional power, has adopted certain limitations as to the changes of its rules.

Now, unless our friends on the other side are willing to overturn that eminent Democratic authority and we upon this side to overrule Thomas B. Reed, we will all vote, if given the chance, to support this point of order.

Mr. NORRIS. Will the gentleman yield?

Mr. OLMSTED. Why, certainly.

Mr. NORRIS. Has not that authority been overturned here to-day on the census proposition?

Mr. OLMSTED. Not at all. It has always been held that where there was a mandatory provision of the Constitution legislation in compliance with that demand had a high constitutional privilege, above the rules.

But as Mr. Speaker Reed said, if it is merely that we have the right to pass a thing, that does not give it privilege, because that would end by giving no privilege to anything, but would simply bring chaos in this House.

Mr. NORRIS. It might follow, as I think the gentleman admitted in a colloquy I had with him on the census resolution, that anything pertaining to the census may come up. The same argument could be used. We could have a census bill here from every Member of the House; and yet the gentleman contends that that was privileged, and he contends that this resolution is not privileged because chaos might come. He practically admitted the same thing would come on the other resolution.

Mr. OLMSTED. We have now passed the census bill. Any further bill would not be in order, because we have completed the constitutional mandate. This provision as to the rules never was a constitutional mandate. We have power to change the rules undoubtedly, but a motion to change them simply proposed from the floor can not displace and take precedence of all other business in violation of the rules. I am not discussing the merits of the proposition. It may be wise to change the rules. Some of us are very anxious to change the rules. That, however, is not the question now. What is now to be passed upon is the point of order. The question is whether this proposition is one of constitutional privilege higher than all rules and entitled to come in ahead of business which must now be considered unless the rules are utterly disregarded. If you hold that it is, then you hold that everything is privileged. If everything we may do under constitutional authority is privileged, and if you claim that everything we may offer to do is privileged, then, as Mr. Speaker Reed well said, we have in fact no privilege at all, and we are simply a chaotic and disorderly body. [Cries of "Rule!"]

Mr. PAYNE. Mr. Speaker, Congress is authorized to make rules for its procedure. For more than one hundred years this House has exercised that privilege and power. The present rules are the growth of a hundred years of criticism and amendment, until the rules of the House of Representatives represent the very highest wisdom in American statesmanship. The rules

themselves have always provided a way in which they can be amended, and they can not be amended in any other way.

I have sat in the House with great Democrats—Randall, Carlisle, Crisp, Turner of Georgia, Hammond, and I might enumerate a list of Democrats, whom all Democrats, even those in this House, delight to honor; and all these men held the rules of the House in high respect. They said that it was necessary for the defense of the minority that the rules should be stable. They said that the House would be a House of chaos unless the rules were respected. I have never seen, prior to this House, a single occasion on which the Democratic party were ready to vote to a man to have their way in defiance of the regular rules of the House. The rules are necessary to the transaction of business; the rules are necessary to the proper deliberation of the House. The rules are necessary to protect the minority in their participation in the transaction of the business of the House.

Now, it will not do to come in with any flimsy excuse and say that because the Constitution authorizes the House to adopt rules, that therefore it is a question of privilege, against the rules, and contrary to the rules, for a Member to rise in his place and offer an amendment to the rules. You can not hide behind that excuse. You see that it has been held to-day, and it has been held for a hundred years, because the Constitution directed the Congress to make a census every decennial year, therefore that made the consideration of such legislation a question of privilege. But the House did this outside of and above the rules of the House. Because the Constitution authorizes us to make rules, as it has authorized us to make them, the very fact that we can do this within the constitutional limits, would that therefore give permission to every man who thinks it important the right to bring in a resolution to amend any rule?

There is no logic in that situation. You can not hide behind it in the presence of the intelligent American people. I have heard gentlemen on the other side of the House plead with their colleagues to observe the rules of the House, and when the rules were attempted to be violated, when the attempt was made to appeal from a Republican Speaker, stand up and advise their colleagues to stand by the rules of the House. "For by and by we will be in the majority, and we can not afford to have the responsibility unless we can also render stable the rules of the House."

I have heard that advice from Randall, from Carlisle, from Crisp, men who realized their responsibility; and I can not think that any man on that side of the House, who has the ghost of a hope that he will sit here in the majority of the next House, will come here to-day and vote to break down the system of the rules, a vote which would come back to plague you in case you had a majority of the House. Is the Democratic party, buoyed up by its hope now of victory, to make its usual blunder and come in here, in its hope to grasp after something in the future, and throw the House into chaos for the sake of an advantage it might hope to gain, when at so great a risk of loss should it gain the House, to throw the whole thing into chaos and not be able to accomplish anything, if the Members of that party have anything in mind to try to legislate in future for the good of the country?

And I say to gentlemen on this side of the House, and I say it in all earnestness and soberness, I have no epithets to bandy, I have no criticism to make of any gentleman on this side of the House for any vote that he has given, for any position that he has taken in all the debates in this Congress. I have no criticism to make of any Member on this side of the House who failed to vote for the conference report on the tariff bill last summer. I am willing to concede to them that they were doing their conscientious duty. I think they made a mistake, and I suppose they think I made a mistake. But now, at this time, you see the Greeks over there bearing gifts, and all to what end? To pass a resolution at this time to reorganize the House and reorganize the committees, now at the very moment when each one of us should strive, standing shoulder to shoulder, to hold up the arms of that brave President at the other end of the Avenue [applause on the Republican side], who is striving to do his best, with his honest purpose, with his clear vision, with his great intellect, and with his great heart beating in sympathy with the American people, striving to lead the party on in the paths blazed in the national convention, blazed in all the councils of the party in the past. Now, at this critical time, with the elections coming on next fall for the indorsement or otherwise of our deeds as a party, for the best interest of the people of the United States; led by such a man, who has consecrated his life to the carrying out of these principles for the betterment of the people. Oh, gentlemen, you who bear

the name of Republicans, you who have fought in the good fight for the Republican party, have a care how at this critical time you aid and abet the enemies of that President and the enemies of the Republican party. You may vote to override the rules of the House; you may vote to override the Constitution of the United States; but can you do it and still retain the honesty and integrity of purpose which each one of you has for the principles championed by that great President, who is now leading the Republican party? [Applause on the Republican side.]

Mr. POINDEXTER. Mr. Speaker, the gentleman from New York, who has just taken his seat, said, I think very properly and correctly, that a permanent system of rules is of greater importance for the minority than it is for the majority. It is very evident that the majority can ordinarily take care of itself. But without regular rules for the prosecution of business, which operate in the parliamentary proceedings of a legislative body as the constitution does in the government of a nation the minority would be absolutely at the mercy of the majority. Now, I make this proposition, that being the case correctly stated by the gentleman from New York, that under the system of procedure of this House, particularly that portion of the system referred to in the resolution of the gentleman from Nebraska, there is no regular permanent system of rules by which the business of this House is transacted. [Applause.]

Upon every occasion when an emergency arises, when an important crisis comes up in the legislation of this House, what is the result so far as the parliamentary procedure is concerned? There is a special order brought in, ordering how this House shall proceed, placing limitation upon the membership of the House, abrogating or setting aside the regular rules, the virtue of which has been extolled by the gentleman from New York. Who brings in these special orders? That is a matter to which I want briefly to refer, the relief of which is intended and will be accomplished by the resolution introduced by the gentleman from Nebraska. Special orders are brought in not by an impartial, disinterested, parliamentary body; they are not evolved from any rule or principle of law or parliamentary usage. They are brought in by a committee of which the Speaker of the House is the controlling factor, that Speaker being at the same time the partisan leader of the majority party in this House. He is not the leader on the floor, but recognized, as I have heard him state, as the responsible leader of the majority party so far as the House of Representatives is concerned.

So the minority, under the protection which it is said they have by this system of rules, is completely at the mercy of the committee of which the controlling factor is the partisan leader of the majority party, aided by two members of that party, both partisans, selected by himself. [Applause.] We have seen here under that system a tariff law, perhaps affecting more intimately and more universally all classes of people in this country than any other legislation that this House has ever been called upon to pass, containing thousands of items, reaching into every industry and every occupation—we have seen those who, whether justly or unjustly, have been charged with having special interest in certain legislation connected with the tariff law, bring in an arbitrary rule or a special order—not entitled to be called a rule, because it was not a rule of general conduct—but an order saying that this House, or the membership of this House, should not have the privilege of offering an amendment and taking a vote upon it. [Applause.]

If the majority in this House had been protected by a set of regular rules operating generally during the session, not subject to the absolute dictation of three men, one of them the Speaker, and the other two chosen at his mercy, as all of the other committees in the House are chosen, there would not have been the dissatisfaction—

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

Mr. POINDEXTER. I will yield to the gentleman.

Mr. TAWNEY. Before any rule or special order from the Committee on Rules can become operative it must be adopted by a majority of the House of Representatives, must it not?

Mr. POINDEXTER. It must be adopted by a majority acting under the whip and spur of the organization of the House, which organization is controlled by the same man, by his power of appointing all committees, who controls the Committee on Rules. [Applause.]

Mr. TAWNEY. What would be the difference in respect to the adoption of a rule reported from a committee composed as that contemplated in the resolution offered by the gentleman from Nebraska which the gentleman is supporting? Would it not be under the whip and spur of the 15 men on that committee?

Mr. POINDEXTER. I deny absolutely that there would be any whip or spur or any opportunity for it on the part of these men to exercise the power now exercised by the Speaker of this House.

Mr. TAWNEY. If the gentlemen now advocating the overturning of the rules of the House should accomplish what they seek, is it not reasonable to suppose that they would be as arbitrary as they claim the Committee on Rules now is?

Mr. POINDEXTER. It is always to be expected that a set of men who are deprived of the benefits of the law, who are deprived of the benefits so far as this question is concerned of parliamentary law—regular debate, power to offer amendments, and to discuss them and to be heard upon them—will be determined in their efforts to secure redress; but it is perfect nonsense and futile to say that the business of this House could not be transacted and at the same time allow a fair, free, full representation from every congressional district within the confines of the United States. [Applause.]

Mr. TAWNEY. Will the gentleman permit another interruption?

Mr. POINDEXTER. Yes.

Mr. TAWNEY. The gentleman stated a moment ago that the Committee on Rules was appointed by the Speaker of the House. The gentleman, if he attended the Republican caucus, knows that the two Republican members of that committee, who serve on that committee together with the Speaker, were elected by the Republican caucus.

Mr. NORRIS. Will the gentleman from Washington permit an interruption there?

Mr. POINDEXTER. Yes.

Mr. NORRIS. I would just like to correct the gentleman to say that while perhaps in one sense that is true, in reality the Republican caucus confirmed appointments already made and selected by the Speaker. [Applause and cheers on the Democratic side.]

Mr. TAWNEY. I want to say in answer to the gentleman from Nebraska that the Speaker did not even suggest the two Members selected by the Republican caucus for the Committee on Rules.

Mr. NORRIS. Well, then, the gentleman himself must have done it.

Mr. TAWNEY. It was on my own motion that the gentleman from Iowa [Mr. SMITH] and the gentleman from Pennsylvania [Mr. DALZELL] were elected.

Mr. NORRIS. And any man who has been here any length of time knows that when a motion comes from the gentleman from Minnesota [Mr. TAWNEY] it originates not very far from the Speaker of this House. [Applause and cheers.]

Mr. TAWNEY. Mr. Speaker—

Mr. POINDEXTER. I decline to yield.

Mr. HAUGEN. Will the gentleman yield to me?

Mr. TAWNEY. I want to say—

Mr. POINDEXTER. I decline to yield further. I yield to the gentleman from Iowa.

Mr. HAUGEN. I wish to ask the gentleman from Minnesota if he believes the Committee on Rules—

The SPEAKER. The gentleman from Washington occupies the floor not under the hour rule. He is addressing himself to a point of order. He can not yield the floor from one Member to another Member.

Mr. POINDEXTER. I yielded the floor to the gentleman from Minnesota, as I understood for a question, and so far as I could see he was making a speech.

Mr. HAUGEN. The gentleman from Washington yielded to me for a question and I proceeded to ask the question. I am not insisting on being recognized.

The SPEAKER. Did the gentleman from Washington yield to the gentleman from Iowa for a question?

Mr. POINDEXTER. Yes. I am willing to yield to the gentleman from Minnesota [Mr. TAWNEY] for a question, and I only refused to yield because it is evident that he was not asking a question. I yield to the gentleman from Iowa for a question.

Mr. HAUGEN. Mr. Speaker, I wish to ask the gentleman from Minnesota [Mr. TAWNEY] if he believes the Committee on Rules, consisting of 15 members, would deny the membership of this House the privilege and right to vote on at least a dozen items in a bill containing 4,000 items, such as a tariff bill?

Mr. TAWNEY. If the gentleman from Washington who has the floor will give me the privilege, I will answer the question.

Mr. POINDEXTER. I decline to yield. [Laughter on the Republican side.]

Mr. MADISON. Oh, give him the right to answer the question.

Mr. POINDEXTER. Well, the House seems inclined to want him to answer and I will yield.

The SPEAKER. Does the gentleman decline to yield? He can not yield except for a question.

Mr. POINDEXTER. Mr. Speaker, I have not the slightest desire to prevent the gentleman from Minnesota from answering the question or expressing any views that he desires to express. Undoubtedly he will have that opportunity. I only have a few more words to say, and that is that a great issue has developed in this country during the last few months as to the mode of conducting business in this House.

It in some respects is the most important question which is before the people, and undoubtedly will be an issue in the forthcoming elections, to which the gentleman from New York [Mr. PAYNE] has referred. I have noticed a disposition on the part of some Members of this House to be so-called "insurgents" at home and "stalwarts" or "regulars" in this House. [Applause.] Now, I want to say that on this vote upon this question affecting the very vitals of the issue which has been discussed before the country, and which has made this political situation, which is familiar to everybody, the record ought to determine and will determine how a man really stands in regard to that which we have been contending against in the House of Representatives. [Applause.]

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

Mr. POINDEXTER. Yes.

Mr. DOUGLAS. I would like to inquire of the gentleman if he considers as a line of demarkation, a criterion, between a man who calls himself an insurgent and one who calls himself a Republican, whether that man will vote to make or not to make chaos of the rules of this House?

Mr. POINDEXTER. I deny that it would make chaos of the rules of the House.

Mr. DOUGLAS. I say that to hold this resolution privileged would make chaos of the rules of this House.

Mr. POINDEXTER. I beg leave to differ with the gentleman from Ohio. There never can be chaos arising from a regular rule which is regular and universal in its operation. It is absurd to say that a committee of 15, chosen from different parts of the country, consisting of Members of this House, can not make laws, special orders, and such suspension of business as may be necessary to conduct the business of the House.

Mr. DOUGLAS. Will the gentleman further yield? Do you believe, sir, upon your reputation as a Member of this House, that this resolution is privileged? Do you, sir?

Mr. POINDEXTER. What is the question?

Mr. DOUGLAS. Do you believe that this is, within the rules of this House, a privileged resolution?

Mr. POINDEXTER. I am undoubtedly of the opinion it is privileged according to the ruling of the House on yesterday and to-day.

Mr. DOUGLAS. I am not talking about any ruling of the House on yesterday or to-day; I am asking the gentleman himself. [Jeers on the Democratic side.] My dear friends, that jeering only helps—

Several Democratic MEMBERS. Then, what are you kicking about?

Mr. DOUGLAS. I would like to ask the gentleman, upon his credit as a Representative, whether he considers this to be a privileged resolution or not? That is the question, and the only question, now before this House.

Mr. POINDEXTER. I consider it absolutely privileged, that this House has the power at any time it sees fit to adopt rules for its own government.

Mr. DOUGLAS. I am not talking about the power of the House to adopt rules, but is this, under the rules, a privileged resolution?

Mr. POINDEXTER. Yes; it is, undoubtedly, under the rules; and certainly will be, under the rules, after this vote is taken. [Laughter and applause on the Democratic side.] I would like to ask the gentleman from Ohio, since he has gotten into this debate, a question. Are you in favor of limiting the power of the Speaker of this House as at present constituted, or not?

Mr. DOUGLAS. I certainly am; but in a regular way. I will not trample upon my intellect and sense of right in seeking so to do.

Mr. POINDEXTER. Now is the day and hour of your salvation. [Applause on the Democratic side.]

Mr. DOUGLAS. I do not desire the gentleman from Washington to tell me the hour of my salvation. I think I will discover it for myself.

Mr. MANN. Does the gentleman think he would be safe if he depended upon learning it for himself?

Mr. POINDEXTER. Well, I hope you will. I hope the gentleman will see the light. I have the right to express an opinion—

Mr. PRINCE. Will the gentleman yield?

Mr. POINDEXTER. Yes.

Mr. PRINCE. I would like to ask the gentleman a question. What is the question before the House?

Mr. POINDEXTER. The question before the House is whether the resolution introduced by the gentleman from Nebraska is a privileged resolution.

Mr. PRINCE. Then it is a question as to a privileged resolution?

Mr. POINDEXTER. Yes.

Mr. PRINCE. And that is to be determined by the Speaker or by the House.

Mr. POINDEXTER. Yes; undoubtedly; or both the Speaker and the House. The House has the last guess, as I understand. Now, Mr. Speaker, I desire to say there has been a great deal of talk about the age of the rules of the House. They are not so old. Some of them are and some of them are not. Some of them have been adopted at this Congress under the necessity of a political situation; and even if they were old, even if these rules, as has been said here, are the product of the evolution of centuries, I deny that that is any reason which would make it unwise to change them. The very fact of changing conditions, changing character of Speakers, changing character of political parties, and the changing character of the interests that are back of the organization of the two Houses of Congress make it necessary to change the rules for the very reason that they are old, and because in many instances they are outdated. One of the oldest rules of the House was that the Speaker of this House, at least it was the practice and usage of the House, was an impartial parliamentary presiding officer.

Do you want to change that? That was the condition when this House was first organized, and I desire to say, Mr. Speaker and gentlemen of the House of Representatives, that that is the character of the presiding officer at the present time of every great parliamentary body in the world except this House of Representatives. [Applause on the Democratic side.] Many of those bodies are more numerous than ours. They contain a larger membership, and yet they manage to do business with a parliamentarian presiding over their sessions who is not associated with the active political partisan management of one of the political parties.

Now, I think there is no sophistry, there is not any kind of a technical argument about whether this matter is privileged or is not privileged that can deceive the people of this country as to the issue. The merits of the question, the merits of this rule, have been put in issue here by the leader of the Republican party in his speech a few moments ago upon the floor.

And that is what is going to be accepted by the country. That is the interpretation, and the proper interpretation, to be put upon the vote which is taken here to-day, of whether or not the man who is voting is in favor of limiting the inordinate, tyrannical power of the Speaker of the House of Representatives or whether he is in favor of continuing it. As far as I am concerned, as a Member of this House, I am in favor of limiting it. This House would have, whether this rule is changed or not, the power to shut off debate and the power to close debate. That power always rests with the House, and it is unreasonable and absurd to say that if the power of the Speaker is limited and if he is taken off of the Rules Committee, and that Rules Committee is selected in a fairer way, so as to make it more representative, that the House of Representatives under the new system can not continue to do business in a parliamentary way, and in the same way, so far as the rules of procedure are concerned, that it has been accustomed to transact business in.

As far as I am concerned, I desire to take this opportunity to register my position in accordance with what I have said at home and what I say here, and I hope that those Members of the House who have declared at home that they are in favor of limiting the power of the Speaker will have the courage to say so to-day. [Applause on the Democratic side.]

Mr. DALZELL and Mr. TOWNSEND rose.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I would like to make a few observations, having reference more particularly to the criticism made upon the Committee on Rules by the gentleman who has just taken his seat. As has already been stated, the rules of the House are not the creation of any one man or of any set

of men. They are not the creation of any one Congress or any number of Congresses. They are an evolution. They are the outgrowth of the parliamentary necessities of one hundred and twenty years of congressional history. There is not a rule in the book of rules that does not have a reason for its being put there. There is not a rule in the book of rules that does not have a reason for being retained there.

Now, the gentleman criticises the Committee on Rules, not so much the personnel of the committee as the character of the committee. Now, let us see. There have been introduced into this House since this Congress began about 30,000 bills. Those bills can not all receive consideration. They will be thrashed out in committee, and there will be reported to this House a number of them, those selected as worthy of legislation. Provision is made in the rules for the consideration of those bills. Those of certain character go on the Union Calendar, those of another character go on the House Calendar, those of another character go on the Private Calendar; but, even with this classification of bills, it is absolutely impossible that all the bills on the calendars shall be considered at any single Congress. Bills of very great importance, bills of national importance, go upon the calendar oftentimes at such a stage of the session that in the ordinary course they can not be considered. How shall those bills be dealt with? Only by a process of selection. How shall worthy bills be selected? Only by a committee, and by a committee so constituted that it can give to the selection of those bills deliberation, and, if need be, prompt action.

The Committee on Rules is the committee to which is delegated the selection of the bills that ought to be passed in this House.

The power of the Committee on Rules and the extension of its functions have grown as the size of the House and the size of the country have grown. The Committee on Rules reached its highest power in the Fifty-second and Fifty-third Congresses, Democratic Houses, when Mr. Crisp was Speaker.

Now, let me say in this connection, not only are these rules an evolution, but they are the rules that have been adopted by both parties. The Democratic party, in the Fifty-second and Fifty-third Congresses, adopted the Reed rules, which are substantially the rules to-day.

Mr. POINDEXTER. I would like to ask the gentleman a question. Do you think that that is a strong recommendation of them?

Mr. DALZELL. Why, it simply shows that the Democratic party, notwithstanding its prejudice against the rules, when it came into power found these were the only rules under which they could successfully do business. [Applause on the Republican side.]

Now, the report of the Committee on Rules has no force or effect unless it has behind it a majority of this House. Speaker Crisp held that the Committee on Rules had the right to originate a rule. All other Speakers, Republican Speakers, have held, as the present Speaker has, that the Committee on Rules can only act upon a matter submitted to it. When the Committee on Rules passes on a resolution introduced by a Member of the House, it makes its report to the House; but that report has no force or effect unless it has behind it the majority of the House. But, ah, the gentleman from Washington says, when the Committee on Rules reports, the majority, acting under the whip and spur of a single man, indorses the report of that committee. Mr. Speaker, I have no such poor opinion of the character of the membership of this House as to believe that a majority of this House would so sacrifice its judgment and sense of responsibility to its constituents as to pass any measure under the whip and spur of any one man or half dozen men in this House. [Renewed applause.]

I believe that the men who constitute the American House of Representatives stand on a higher plane than that suggested by the gentleman from Washington. He complains that great bills like the tariff bill are passed under a rule. The rule in the case of the Payne bill selected and submitted to the judgment of this House the prominent questions upon which differences of opinion existed. Why, a tariff bill containing maybe a thousand items, unless there was some such rule, in a House constituted of nearly 400 Members, exercising the right to debate under the rules of the House, would not be passed in two years' time. What has been the experience in this House? The McKinley bill was passed under a rule. The Wilson bill was passed under a rule.

Mr. CLARK of Missouri. I would like to ask the gentleman a question, Mr. Speaker. I have heard the gentleman state that same proposition here time and again; and as a naked proposition it is true; but I want to ask him this: If it is not true that the Wilson bill was debated in this House by sections and by

items for three weeks before it ever went over to the Senate, and every man had a perfect opportunity to offer an amendment and to make any speech he wanted to?

Mr. DALZELL. Oh, yes; it was debated three weeks. But it went to the Senate, and when it came back it came with 649 Senate amendments, and not one of them was ever debated. [Applause on the Republican side.] They were passed under a rule.

Mr. CLARK of Missouri. How many amendments did the Dingley bill have?

Mr. DALZELL. I do not know, and do not care.

Mr. CLARK of Missouri. It had 50 more than the Wilson bill.

Mr. DALZELL. I do not care.

Mr. CLARK of Missouri. How many amendments did the Payne-Aldrich-Smoot tariff bill have when it came back?

Mr. DALZELL. I do not know, and I do not care.

Mr. CLARK of Missouri. Eight hundred and one.

Mr. DALZELL. I do not care anything about that. I am simply showing how misleading is the suggestion made by the gentleman from Missouri when he talks about the Wilson bill having been debated here for three weeks, when I show him that when it came back from the Senate with 649 amendments they were adopted in this body under a drastic rule reported from the Committee on Rules.

Mr. TAWNEY. If the gentleman from Pennsylvania will permit me, I will state that there was not even a full conference on the Wilson bill.

Mr. DALZELL. Certainly not.

Mr. SHACKLEFORD. Will the gentleman allow me to ask him a question? Assuming, as the gentleman does, that some wrong was done in the administration of the rules in a Democratic Congress long past, do two wrongs make one right? Does that justify a wrong to-day, even if it be true?

Mr. DALZELL. The gentleman certainly misapprehends me. I do not concede that any wrong was done even in the case of the Wilson bill. [Applause on the Democratic side.] I am simply demonstrating that the same necessity that existed for the introduction and passage of a rule in the case of the last tariff bill existed in the case of all tariff bills; and I would remind the gentleman also, although my friend from Missouri, I think, would rather I would not, that on that same occasion, after the passage of 649 amendments under a rule, a bill putting coal on the free list, that had never been sent to a committee, a mere manuscript bill, was sent to the desk, and under a rule passed after fifteen minutes' debate. Another popgun bill, putting ore on the free list, was sent up to the desk and met the same fate. According to all the precedents of our history the right and wisdom and propriety of the House of Representatives, by a Committee on Rules, to select the business to be transacted, when indorsed by a majority, has vindicated itself.

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

Mr. DALZELL. Certainly.

Mr. CULLOP. Is not the very argument the gentleman makes the strongest argument for changing the rules at this time?

Mr. DALZELL. It is not. It is necessary that the Committee on Rules should be a small committee, ready to meet at any time and all times, and so constituted that there shall be no controversy between the members of the committee as to whether this particular legislation or that particular legislation in which one wing of the committee is interested or another wing of the committee is interested shall be considered by the House. It should be a committee no larger than the committee that now exists, acting, as it does, in response to a resolution from the floor of the House and backed by the judgment of a majority of the House.

Now, Mr. Speaker, just a word or two more and I will conclude. The gentleman from Nebraska [Mr. NORRIS] introduced this resolution under the guise of constitutional privilege. That pretense was immediately abandoned, because I do not believe that in this body there are half a dozen men who will get up and honestly say that they believe that the question now before the House is a question of constitutional privilege. So that pretense was abandoned. The gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Missouri [Mr. CLARK], the leader of the minority, were brutally frank. They did not claim that it was a question of privilege. They said, in substance, it was a question that the majority, overriding the rules of the House, could make a question of privilege. I do not want it to go to the country, and it will not go to the country, that we are acting here to-day upon a question of constitutional privilege. We are acting here to-day without regard to the Constitution, without regard to the rules of the House, simply

because a majority, irrespective of constitutional rules and by revolution, are determined to make their way. The gentleman from Missouri [Mr. CLARK], leader of the minority, looking over to this side of the House, tells us Republicans, a Republican House, that this measure will be carried, because he has the votes. If he has the votes—he has the votes of the Democratic party in this House—he must have, in addition, the votes of others who were elected as Republicans, and who, I have no doubt, will be compelled to answer to their constituents for their action to-day, whatever the result of that action may be. [Applause.]

Mr. SAUNDERS. I wish to speak to the law of one feature of the proposition before the House. This proposition, according to the claim of its proponent derives its right to consideration from the Constitution itself. But the gentlemen in opposition seek to draw a distinction between that section of the Constitution from which the motion of the gentleman from Indiana is supposed to derive its right, as a privileged motion, and the section upon which the gentleman from Nebraska relies for the parliamentary status of his motion. This distinction is based upon the fact that section 2 of the Constitution uses the word "shall," while section 5 relating to rules is in the following terms:

Each House may determine the rules of its proceedings.

This contention in itself carries the necessary implication that if the word "may," is properly to be construed as "shall," then the motion of the gentleman from Nebraska, and that of the gentleman from Indiana rest alike upon the same solid foundation of the Constitution.

It is not an infrequent thing for the courts to rule that the word "may," must be construed as "shall," to carry out the legislative intent. In fact such a construction occurs within every jurisdiction with which I am familiar. The rule of construction is based upon a consideration of the context in which the word "may" occurs. If it is obvious upon contemplation of this context, that the legislature while using "may," intended it to have the effect of "shall," then it will be construed to mean "shall." In my own State in respect to the issue of certain licenses, the statute uses the word "may," but our court of last resort has long since read the word "shall," into the statute, and justified its ruling by abundant precedent. Now suppose we look at the different sections of the Constitution in which the words "shall" and "may," respectively, occur. When the Constitution confers upon Congress the authority to legislate on a number of different subjects, it very properly uses the words that the Congress "shall have power." This language confers jurisdiction. Congress has no authority to legislate, save to the extent that power is conferred by the organic law.

But unless the word "may" is to be construed as "shall," in the section relating to rules, the Constitution has done an idle thing in this connection. If it merely intended to say that the House shall have authority to determine and establish rules for its government and procedure, there was no occasion to make any pronouncement on the subject. Entirely apart from any provision of the Constitution, the House which it established would have full authority to adopt its rules of procedure. If the word "may," in this connection, merely affords a discretion, then it confers nothing. The House has no greater power under this section than it would possess if the Constitution was entirely silent on the subject. Hence, I say, in order to give meaning and effect to the Constitution, this section must be construed to lay an imperative command upon the House to establish rules and adopt a system of procedure. This being true, the motion of the gentleman from Nebraska is upon the same footing of privilege as the motion of the gentleman from Indiana, upon which the House acted a few moments since.

I wish to say that the suggestion of the gentleman from New York, reinforced by the gentleman from Ohio, that chaos will follow from adopting this resolution is utterly without force.

I have no apprehension that any action taken by the majority of this House will produce chaos. I have too much confidence in the wisdom, the patriotism, and the good sense of this body to believe that any deliberate action on its part will result in confusion or disaster of any sort. Too long has the majority made a fetish of the present rules. We have been assured so often of their merits and virtue that the assurance has somehow lost its force. We have been warned so often that chaos would ensue if we touched this sacred, this holy thing, that the tocsin of disaster to come has somehow ceased to inspire alarm. For my own part, I avow that I am willing and ready to try some new thing. Progress involves change. Even the procedure of this House is susceptible of improvement. In the country

at large there is a strong desire to see a genuine reform of our rules compassed and brought about. This resolution is a step in that direction. If on trial it proves to be unworkable, we can easily return to old conditions; but I confess to a lively desire to make the experiment. [Applause.]

Mr. KENNEDY of Ohio. Mr. Speaker, I regret that so much time has been wasted. We have a great deal of important business to do in this House. About three or four weeks ago the Republican Members of the Ohio delegation met and talked and concluded that matters of this kind ought to be kept out of the deliberations of the House until our real duties were performed, and I hope that the Chair's ruling will be to exclude this and that that ruling will be sustained by this House.

If this resolution should pass in this Chamber, then we may go home without performing our work here. This Chamber will be transformed from a deliberative Chamber into a wrangling club, and the country will not excuse us for any such mistake and blunder. It is a serious matter. You can not go forward without rules. There is no one present here to-day who does not know that it is a mere pretense that this resolution is in order.

Let this resolution prevail and pass this Chamber, and how are we going to perform the business that we are sent here to perform? If it were in order I would make a motion to put off indefinitely the consideration of this whole matter that the serious affairs that we came here to consider may go forward in an orderly way. This is an important matter, and those that are responsible for changing the proceedings of this House into a debating club or a wrangling club will be held responsible to the country. [Applause.]

Mr. LINDBERGH. Mr. Speaker, no one has any higher regard for law and order than have I. I practiced law for a number of years, and I learned to respect both the common and the statute law, and I stand for law and order here and everywhere. When I came here as a Member of this House, as a Representative of a district as good as any in the country, I discovered that some of the rights of this House, which means the rights of the people I represent, were being invaded and defeated by indirection; and to-day when I heard the speech of the gentleman from New York [Mr. PAYNE], I knew that those remarks, standing by themselves and independent of the proceedings of this House in the last few years, would receive my highest regard and respect, as well as the respect of my colleagues; but when I look back over the proceedings of this House, and when I know, and the entire country knows, that by indirection the will of this House has been thwarted time and time again, then I say, when we have a resolution before us, which proposes to do by direction the will of the House, it is time now and here on this occasion to manifest our power, to enforce the rule of the majority, in the language that has frequently been expressed by the able Speaker of this House. I say now and here, in the light of what has occurred over and over again, in defeating, in holding back, in preventing bills that have been introduced in this House, which were in accord with the wish of the entire country, or at least a great majority of the people of the country at large—I say, when those bills have time and time again been pigeonholed by select committees, that now, since the question arises on this floor, the House can by a direct vote do directly the will of the House, and now it is time for us to act in accord with that will. [Applause.]

Mr. FISH. Mr. Speaker, my experience with the rules of this House has not been a happy one. I have endeavored to get some consideration from the Committee on Rules. I have written to the members of the committee; I have spoken to some of them in behalf of my resolution, which is in the interest of all the people, and yet I have not succeeded in getting a hearing from that committee. [Applause.]

Mr. GAINES. May I ask the gentleman what his resolution was?

Mr. FISH. I am very glad to tell the gentleman and the House that it was a resolution which simply called on the Committee on the Post-Office and Post-Roads to inquire into the feasibility and the desirability of establishing a parcels-post system.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question?

Mr. FISH. Yes.

Mr. SMITH of Iowa. I want to call the gentleman's attention to the fact that he has not correctly stated the purpose of his resolution; that his resolution demanded that the Committee on the Post-Office and Post-Roads report absolutely within thirty days, and fixed the time for the report.

Mr. FISH. Mr. Speaker, I have been over that question with the gentleman on another occasion, and he well knows that it was within the power of his committee to change the resolu-

tion so that the Committee on the Post-Office and Post-Roads should make its report within sixty or ninety days if need be. [Applause.]

Mr. SMITH of Iowa. But that was no reason why the gentleman should misstate his resolution, however.

Mr. FISH. Mr. Speaker, I was merely stating that I could not get even a hearing.

Mr. SMITH of Iowa. I deny that a hearing has ever been refused.

Mr. FISH. Mr. Speaker, I have the evidence in writing that I asked a hearing, and none has been granted me. [Applause.]

Mr. SMITH of Iowa. Well—

Mr. FISH. I asked the gentleman—oh, I have the floor, and he can have it afterwards, Mr. Speaker.

The SPEAKER. The gentleman declines to yield.

Mr. FISH. I will ask the gentleman, in the six weeks that the resolution has been before the Committee on Rules, why it has not answered my request and given me the privilege of a hearing?

Mr. SMITH of Iowa. Does the gentleman ask that question?

Mr. FISH. Yes; why have you not given me a hearing?

Mr. SMITH of Iowa. I wrote the gentleman in person that while I did not approve of a parcels post myself I was opposed to suppressing any measure, and that I was willing to give him a hearing and report the bill adversely.

Mr. FISH. I would ask the gentleman, then, why he did not give me a hearing?

Mr. SMITH of Iowa. The gentleman never appeared and asked for a hearing.

Mr. FISH. But I have written time and time again asking for it.

Mr. SMITH of Iowa. Oh, written—

Mr. FISH. Mr. Speaker, if the gentleman wants his correspondence with me on this subject published in the Record, I will publish my letters. [Applause.]

Mr. SMITH of Iowa. I do want it published in the Record.

Mr. FISH. The gentleman shall have it.

Now, Mr. Speaker—

Mr. DALZELL. Does the gentleman not know that he could have got that information by sending the resolution to the Committee on the Post-Office and Post-Roads, and that the utmost that the Committee on Rules, under the circumstances, could have done would be to send it to the Committee on the Post-Office and Post-Roads?

Mr. FISH. Mr. Speaker, the gentleman from Pennsylvania [Mr. DALZELL] did not even have the grace to answer my letter. [Laughter and applause.] Now, Mr. Speaker, I want to ask the gentlemen composing the Committee on Rules what possible way a Member of this House has to get a bill or resolution out of a committee of this House which does not care to report it?

Mr. DALZELL. You mean any committee?

Mr. FISH. The Committee on Rules; I will take the gentleman's own committee.

Mr. SMITH of California. Will the gentleman permit me to ask him a question?

Mr. FISH. Yes.

Mr. SMITH of California. I understand the gentleman was talking about a bill before the Committee on the Post-Office and Post-Roads with reference to the parcels post. Is that the trouble that is in your mind?

Mr. FISH. Mr. Speaker, the gentleman from California need not be so flippant. [Laughter.]

Mr. SMITH of California. I want to say the Committee on the Post-Office and Post-Roads—I am speaking in the absence of the chairman—has given hearings on that subject, and we never found you there.

Mr. FISH. Mr. Speaker—

Mr. SMITH of California. The committee is open to hearings on that subject, as others; but we can not hear the gentleman when the gentleman is absent.

Mr. FISH. Mr. Speaker, I do not yield for a speech from the gentleman from California. The gentleman from California well knows, coming back to the parcels-post question, that he has had a bill on that subject in his committee for a year, and the gentleman's committee has made no progress, and that the committee has never given any public notice of a hearing and this is the first intimation that I have had that one has been held.

Mr. SMITH of California. Have you ever been before the committee and called it up for consideration and asked for its consideration?

The SPEAKER. The gentleman from New York declines to yield.

Mr. FISH. Another subject which might be brought to the attention of the House and another reason I have for taking every opportunity for changing the rules of this House now and hereafter is that my friend from New York [Mr. FOELKER] has had before the Committee on Ways and Means a resolution in which every man in this country is interested at the present time, and that is the looking to the reduction of the tariff on beef. [Applause.] And yet I believe it has made no progress so far. If it has, the gentleman from New York will correct me.

Now, Mr. Speaker, for one I yield to no man in my Republicanism. I will follow the gentleman from New York, the leader of this House; I will follow the gentleman from Pennsylvania and the gentleman from Ohio, and even the gentleman from Iowa [laughter], in support of every measure which is in the Republican platform, and there are measures advocated in that platform that I believe I will go farther in support of than some of those gentlemen. [Applause.]

Mr. Speaker, I regret that anybody, no matter how high he may be in the councils of the Republican party in this House, should inject the name of the President into a question of changing the rules of the House. Sir, I believe the House should be independent of the Executive. [Applause.] I believe it is not the province of the President to dictate to us how the rules should be constituted; and I have too high a respect for the President to believe he would do so; aye, more than that, I do not believe anybody has the authority to use the name of the President as desiring to interfere in the matter of the rules of procedure of the House. [Applause.] If there is any man in this Chamber who can state that the President is in favor of the rules of the House as they stand to-day without any liberalization, let him arise and speak. [Applause.] The failure to respond convinces me that my estimate of the President's attitude is correct.

Mr. Speaker, those on this side of the House should remember when we are considering this question that these rules are not Republican rules. They were rules introduced by a Democrat, the gentleman from New York [Mr. FITZGERALD]. [Laughter.]

Mr. DALZELL. Oh, no.

Mr. HULL of Iowa. Very few.

Mr. FISH. Mr. Speaker, some gentleman here said, sotto voice, "very few." If anybody can deny the broad statement I made, then let him arise in his place and so state. [Laughter and applause.] The Journal of the opening day of the special session, March 15, 1909, will bear out my statement. Now, Mr. Speaker, I said in my speech the other day that I should take every opportunity that might arise to amend the rules. I believe the people of this country, without regard to politics, believe in changing the rules. There has been no representative form of government in this Chamber under the rules. I would like to debate the question of changing the rules in every congressional district in this country, and I will undertake to say that the Republicans of nine out of ten of those districts would vote to change the rules. I am one of those who have been hoping against hope. I have been trying to persuade the leaders on this side of the House to give an opportunity to change the rules, but for one I have seen no signs on their part to do so; therefore I am not to be deterred by the talk about chaos that has been alluded to by the gentleman from Ohio [Mr. DOUGLAS]. I am not so timid a soul as all that. If the gentleman can explain where chaos would come in because a larger number of gentlemen, to be elected by the House, should make the rules, instead of those gentlemen who now constitute the Rules Committee—

Mr. GARDNER of Michigan. May I ask the gentleman a question?

Mr. FISH. Certainly; I am always ready.

Mr. GARDNER of Michigan. I would like to ask the gentleman from New York [Mr. FISH] if he believes an elected majority should control the House in ordinary legislation?

Mr. FISH. Mr. Speaker, I do so believe, when they act in the interest of the people, and the whole people. [Applause.]

Mr. GARDNER of Michigan. And who is to be the judge as to whether they act in the interest of the people?

Mr. FISH. Each individual Member on this floor is to be the judge according to his own conscience.

Mr. GARDNER of Michigan. One other question, if I may be allowed.

Mr. FISH. Certainly.

Mr. GARDNER of Michigan. The Norris resolution provides, if I understand it correctly, and if I do not, I would like to be corrected, that the House shall elect a committee of three, which committee shall select a committee of fifteen.

Mr. NORRIS. The gentleman is in error.

Mr. GARDNER of Michigan. The House elects a committee of three, and those three divide it into groups, do they not?

Mr. NORRIS. Yes.

Mr. GARDNER of Michigan. Then, under the present order of things, judging by the evidence yesterday and to-day, the Democrats, with a minority of the Republicans, can select this committee of three?

Mr. NORRIS. No. Oh, the committee of three they might select.

Mr. GARDNER of Michigan. Then that is the whole thing.

Mr. NORRIS. Will the gentleman permit me there in answer to the question—

Mr. GARDNER of Michigan. Certainly, if the gentleman from New York [Mr. FISH] will permit?

Mr. NORRIS. I am willing, as far as I am concerned, to agree it shall be a committee of one, and that it shall be the gentleman from Michigan [Mr. GARDNER] himself.

Mr. GARDNER of Michigan. Am I not right that the resolution provides that the House shall elect three members?

Mr. NORRIS. Yes.

Mr. GARDNER of Michigan. Now, with the shape that things have taken here, the Democrats, with a small minority of the Republicans, would virtually control the legislation of the House. Is that not true?

Mr. NORRIS. No.

Mr. GARDNER of Michigan. It certainly is.

Mr. NORRIS. It is a very unimportant thing.

Mr. GARDNER of Michigan. Why unimportant?

Mr. NORRIS. It is divided into groups. As far as I am concerned, I am willing to agree it shall be a committee of one, and that the gentleman himself [Mr. GARDNER of Michigan] shall constitute that committee, and I believe that would have unanimous consent.

Mr. HULL of Iowa. On the theory that if it came in, the Democrats, with a minority of Republicans, could amend it to suit themselves.

Mr. NORRIS. They could; but it is not at all likely there would be anything wrong with the report when it came in.

Mr. GARDNER of Michigan. Will the gentleman allow me to say in answer to the gentleman from Nebraska—

Mr. FISH. Mr. Speaker, I believe that the public attention of this country at the present time is more centered on the rules of this House than on any one question. I believe that that is the burning issue of the hour, and now is the time for us to act one way or the other. [Applause.] We can not shirk our responsibilities by the mere statement that it is going to create chaos. That view could not be maintained in any congressional district in this country. I take exception to any statement that these rules are Republican rules. In what State of this Union has or could a resolution be passed in any state Republican convention indorsing the rules of the House as they now exist? I think a man would have much courage and but little discretion who would rise in any Republican convention and make that proposition.

I know that in our delegation from the State of New York some gentlemen tried to induce the delegation to pass a resolution to the effect that the rules of the House were adequate, and I also know that no such resolution was passed by our delegation. Moreover, the rules of this House have not even been sanctioned by a vote of a caucus of the Republican Members. Why, then, should not Members be permitted to assail them without having their party fealty questioned?

Mr. BATES. May I ask the gentleman a question?

Mr. FISH. Certainly.

Mr. BATES. Will not the gentleman kindly state to the Members of this House why it is that the public mind is more focused upon the subject of the rules of this House to-day than it was five or ten years ago, when the rules were substantially the same, only that they have been liberalized since that time?

Mr. FISH. Mr. Speaker, I will answer the gentleman, that the country did not know how many bills which were in the interest of the people had been smothered in the committees.

Mr. BATES. Mr. Speaker, the gentleman can not now find in the closets of the committees any valuable legislative suggestions which did not come to light five years ago or ten years ago, can he?

Mr. FISH. I do not know that. But I do know that the rules are so constituted at present that a Member can not get legislation on bills to which he is entitled on the floor of the House.

Mr. Speaker, I have taken up more time than I expected to, because gentlemen have interrupted me; but as for myself I shall take this opportunity, and I shall take every opportunity

that arises during my term in Congress, to vote for a liberalization of the rules of this House and a restoration of representative government. [Loud applause.]

Mr. FASSETT. Mr. Speaker and gentlemen of this House, on both sides and in the middle of the aisle, I am going to beg your indulgence, because this debate has taken a little wider latitude than a close discussion of the resolution introduced, upon its merits or upon its parliamentary force and value, and has entered somewhat into the fundamental principles of party government and political administration, if I also depart from the subject immediately in hand.

As my good friend—and I hope he is my good friend—[Mr. CLARK of Missouri], the leader of the minority, said the other day: "We may fool all of the people some of the time and some of the people all of the time, but we can not fool all of the people all of the time," and that was originally said by that great Republican, our first President, Abraham Lincoln. We are playing politics and we are playing for great stakes. We are robust partisans, every one of us. The Democratic minority—and I applaud it for the fact—is playing for points. It is straining every nerve to outmaneuver the Republican majority in this House. This is a great arena, wherein political giants and a few political dwarfs are engaged in struggling for the possession of the Government of the greatest people in the world. [Loud applause.]

We have developed inside of the Constitution, and outside of the Constitution, in accordance with the genius of our blood and our people, a government of a great people by great parties, parties that depend for their charters upon the votes of a free people from the various sections of the country, the highest source from which governmental charters have ever proceeded, ever can proceed, or ever will proceed. Men who hold elective office in this country hold such office in every case because the majority of the qualified electors in their districts have given them a mandate to proceed to carry out the promises which the party the candidates represent had made; and good faith and the rules of the game require that men who have received such a trust shall discharge it for the benefit of the estate in strict accord with the terms of the trust. Any man is reprobated properly who betrays any trust that is given to him, whether it be as an alderman, a supervisor, a member of the assembly, a state senator, or as a Member of Congress.

In this House we are divided by one great line of separation, invisible, but recognizable as clearly as that center aisle is recognizable. On one side are men who have come from constituencies who believe, however misguidedly, in the promises and platforms, in the principles, and in the purposes of the Democratic party. On the other side are men who come here because a majority of the people in their districts, seeing them nominated upon Republican platforms, accepting the Republican trust, believed they were going to come here as Republicans and govern themselves according to the purposes of the entire Republican party officially expressed. So every man who is a man, and not a jellyfish, is a partisan. It is not wrong to be a partisan, especially when partisanship addresses itself to the highest purposes of patriotism. We were all elected by partisans because we were partisans, and as such represented party purposes as expressed by party platforms. None of us received any commission to betray his party at any time, but each of us was elected by majorities which expected us to act with the majority of our party associates on all party matters. I take it that no Democrat was elected to cooperate with our party, nor was any Republican elected to hand over the Republican control of this House to our political opponents.

A man ought to have opinions and convictions. He ought not to be a political chocolate éclair. He has a right to his individual liberty of opinion and action; always, however, within the limits of the trust which has been bestowed upon him and which he has accepted from his party to act with the majority.

Now, parties, like governments, provide machinery whereby men may adjust differences of opinion. If we have 200 men on this side, I believe they are likely to have, if not 200 different opinions, at least 200 different kinds of opinion on almost any one of the great questions that concern the people of the United States, and we have planned to meet together and compare views. In my judgment, the place to adjust differences of opinion on unimportant questions, and on important questions of public policy and party policy is not in public, where one minority uniting with another minority may make a temporary majority; but in the family caucus, where we may adjust our opinions and govern ourselves, as representative government must always be controlled, by an expression properly taken in a proper place, of the will of the majority of those qualified to speak. In this way only can party efficiency and unity be main-

tained and party responsibility as distinguished from personal whim be preserved.

Now, we have heard a great deal here about what the majority of this House can do. We have heard some of the humorous remarks of the Speaker quoted with approval, and to-day, with a grim approval by the leader of the minority, that a majority of this House could pass anything. It is true, and the majority of this House ought to be able to control the action of this House. Apart from courteous treatment, apart from reasonable consideration to the minority, the majority ought absolutely to control everything that the House does, everything that emanates from this House. We Republicans were put here by the American people for that purpose. They had tried you gentlemen on the other side of the aisle, and, as John Sharp Williams once said here on the floor, they are afraid of you. They have tried us, and he said they had grown tired of us, but still we are here. Now, we have the power. The people gave it to us as Republicans. We may surrender it. We may give you any part or all of our power, but if we strip ourselves of every particle of our power we can not strip ourselves of one iota of our responsibility, a responsibility we accepted as Republicans from Republicans. [Applause.] And when your turn comes, my Democratic friends, which I trust heaven may long defer, and you sit in the seats of the mighty, and you are in control, and you are confronted with the problem of reconciling your many irreconcilable bundles of alleged principles, announced in all your platforms, you will have to be responsible to the country; and the majority that ought to control in the House of Representatives or the Senate is not a temporary affiliation of two minorities, but the majority commissioned by the American people, with responsibility for all legislation and the enactment of all laws. [Applause.]

Now, with reference to the so-called insurgents, I think our friends on the other side are congratulating themselves a little too soon. They are apt to refer to the insurgents as near-Democrats or mercerized Republicans. [Laughter.] They were almost on the point in their Democratic family caucus the other day of passing resolutions denouncing the Republican insurgents because they had gone back on the Democrats. [Laughter and cries of "No!" "No!" on the Democratic side.]

Well, I should say that my information came from the newspapers of this city, and I have never heard it denied. If it is not true, then my remark has no application.

A MEMBER on the Democratic side. It has no application.

Mr. FASSETT. But I advise you under all the circumstances, and not depending on what I have seen in the papers, but from what I have heard here on this floor, that you should study the meaning and application of the word "parallax." Parallax, as I understand it, is the distance that divides the point where an object seems to be from one standpoint, and seems to be from another standpoint, from the point where the object really is. [Laughter.]

It is very necessary to understand their parallax in order to understand the movements of the heavenly bodies. It is necessary to understand the parallax of the insurgents to know exactly where they stand. I undertake to say that when you welcome them as assistant Democrats you do gross violence to their most sacred convictions. I undertake to say that were I as a regular to denounce them as irregular, they would fling back the taunt into my face and say, "Not so. Do you suppose from fair Washington or bleeding Kansas or fertile Nebraska I come as a Democrat to help Democracy, to be an assistant Democrat? Not so. I am progressive. I am a better Republican than you are. I am not joining the Democracy in an attempt to peddle political patent medicine. I am for the enactment of a political pure-food law. I want the label to correspond with the package and the package contents to correspond with the label." So they lay the flattering unction to their souls that they are progressive Republicans.

They are not for what your platform declares for. They do not believe in your follies of cheap money, of fiat money, or free trade. They believe in Republican principles; they are here after having been nominated on a Republican platform, and they see the light in accordance with the intelligence God has given them to see the light. They are earnest men, striving to outdo us in making the American people believe the Republican party is the only party that has a consistent programme and a constructive statesmanship that will result in the benefit to the American people, as demonstrated in all points by the history of fifty years. [Applause on the Republican side.]

I do not agree with these gentlemen that they ought to take the power that the whole people have given to the entire Republican majority and hand it over to the Democratic minority in anything that goes to affect the vital energy, the unity, the

efficiency of the Republican majority elected by the people to the House of Representatives. [Applause on the Republican side.]

Now, Mr. Speaker, for seven years the present occupant of the Chair has been known to us and to the country as our Speaker, "Uncle Joe." He is the same man now as then, with the same attitude toward men and toward the rules, the fairest presiding officer I have ever had the good luck to sit beneath. Twice by unanimous vote of Democrats and Republicans publicly thanked for his fairness. [Applause.] Landed in private, exalted and revered in secret, but under the pressure of untoward and abhorrent forces, which I will not stop to recount, he is held up by political opponents for selfish reasons as a political bugaboo by the very men who will extol him in private. I say that his record in the Speaker's chair challenges comparison with the record made by any presiding officer since the beginning of this country. [Applause on the Republican side.] And the only critics of the Speaker, without exception, will be men who are sore, men who are angry, because, like my friend from New York [Mr. FISH], their particular legislative baby has not been taken out of the committee cradle first. [Laughter and applause.]

There are 30,000 legislative babies in our committee crib. Some must come out first; but without discussing that, Mr. Speaker, the organization of this House is the same, and the rules are the same, that we have lived under for the seven years under which we blessed the country in the Fifty-eighth, Fifty-ninth, and the Sixtieth Congresses. Then we had these same rules. Then we had this same crystallized wisdom of one hundred and thirty years of parliamentary experience to guide us. At any time the minority could, if it pleased, pass two weeks in roll calls to call the attention of the country to things both sides agreed to. The minority is protected by law the same as the weak man is protected by laws outside. And look at the record! Look at the splendid Republican laws Congress has rolled up under these rules and under this Speaker—a magnificent record, unsurpassed, nay, unparalleled for constructive statesmanship and for beneficent results to our people, in the history of the legislation in any country. I need not ask you to take my word alone. I have a witness whom I will summon presently.

This is not a question, gentlemen—be not deceived—this is not a question merely of a change of rules. It is a question of a change of party control. It is a question of losing grip. It is a question of whether or not the powers of this Republican majority are to be emasculated by an unnatural and abhorrent alliance with our natural born enemies. [Laughter and applause on the Republican side.] If these rules are to be changed, they should be changed as the tariff was changed, not by their enemies, but by their friends. No; the first man to run to the cover of an efficient code of rules, mark my words, if the country should establish the Democracy in power, would be our friends on the other side, and the man over the hurdles first would be the distinguished orator from Missouri, who expects to be the Democratic Speaker. [Laughter and applause.]

Do you suppose he would consent to trust 15 of the wild, untamed steeds of the Democracy to fix his rules or to name his committees which are to make him responsible to the great 46 States of this Union? No; the gentleman is far too canny, too wise, too prudent, and too experienced. We have much at stake, far higher and greater than satisfaction of any man's resentment; it is the success of the Republican party's programme—the programme we were sent here by Republicans to carry out. It is the success of Taft's administration. [Applause on the Republican side.] It is the success or defeat of our great party. The country is not ready yet to transfer from us to our friends on the other side, of fifty years of proven incompetency, the powers of this country to carry out the wishes of this people. But I summon a gentleman as a witness to the essential excellence of these rules, as a witness to the essential excellence of this Speaker, as a witness to the efficiency of the House of Representatives, in which many of you took part—I summon as a witness—

Mr. HAUGEN. Mr. Speaker, I would like to ask the gentleman a question.

Mr. FASSETT. One question?

Mr. HAUGEN. Yes.

Mr. FASSETT. I yield for one question.

Mr. HAUGEN. We have now been in session for three months and a half, and I would like to ask the gentleman how many of President Taft's recommendations have been acted upon? [Applause and laughter on the Democratic side.]

Mr. FASSETT. Every one of them, Mr. Speaker, is well on its way to mature perfection. Mr. Taft's policies do not call for explosive dynamics, do not require to be put upon the public

green and raw; they require, as the policies of Mr. Roosevelt required, the ripening and mature cooperation of the dignified and orderly procedure of committees, excellently selected, and of the Committee of the Whole House, and of both of the Houses of the American Congress.

Mr. HAUGEN. May I ask the gentleman another question about the selection of committees?

Mr. FASSETT. No; the gentleman may not. The gentleman is not accustomed to so much muscular oratory. He is grateful for the attention he has received, and calling his witness he will summon him and then retire. In 1906, after a Congress during which there had passed much of the same sort of political persiflage as has characterized this session, at the end of which we heard the same Cassandra-like prophecies that now we hear, at which time we had been consigned to the same oblivion to which we are now to be consigned—and I pause to say, Mr. Speaker, that if prophecy could bring its own fulfillment, if anathema maranatha could effect its own curses, there would not to-day be, nor for the last twenty-five years have been, one single Republican left living in the House of Representatives.

But the eyes of the world are now centered upon the hunter returning from Africa, the great Republican [applause on the Republican side], the man who will go down in history as the one who, by his courage and his strength, with his party cooperating, emancipated civil communities from the improper control of great combinations of wealth and from the questionable practices of malefactors of great wealth—the man who spoke, the man who prophesied, the man who did, the man who fulfilled; a man clean, strong, aggressive, fearless, impetuous, bold, with heart of gold and a mind ever intent upon reaching the goal of useful service to the public. And it is that man whom I summon as my witness. In 1906 Theodore Roosevelt wrote a letter from Oyster Bay to Representative Watson, and in it occurred this paragraph:

I feel that all good citizens who have the welfare of America at heart should appreciate the immense amount that has been accomplished by the present Congress organized as it is, and the urgent need of keeping this organization in power. With Mr. CANNON as Speaker, the House has accomplished a literally phenomenal amount of good work. It has shown a courage, good sense, and patriotism such that it would be a real and serious misfortune for the country to fail to recognize. To change the leadership and organization of the House at this time means to bring confusion upon those who have been successfully engaged in the steady working out of a great and comprehensive scheme for the betterment of our social, industrial, and civic conditions. Such a change would substitute a purposeless confusion, a violent and hurtful oscillation between the positions of the extreme radical and the extreme reactionary, for the present orderly progress along the lines of a carefully thought-out policy.

The interests of this Nation are as varied as they are vast. Congress must take account, not of one national need, but of many and widely different national needs; and I speak with historic accuracy when I say that in our time has any other Congress done so well in so many different fields of endeavor as the present Congress has done. No Congress can do everything. Still less can it, in one session, meet every need.

With the inspiration of a prophet, looking over events as they then existed, seeing the trend of the mountain chains of Republican performance, his words were informed with a vital and enduring truth that have outlived the day they were spoken, and they come ringing down the years to us now, just as applicable to our present situation as they were to the situation existing then.

To substitute disorganization for organization, to substitute disorder for order, to substitute personal whim for party responsibility, to substitute the desire of two minorities to become a majority for the legally elected majority, to bereave the American people of its duly elected majority, is just as wrong now as it was in 1906, and those men who are eager here to assert their independence on this side, it seems to me, should again do, as we have all done in the past, subordinate their personal preferences to the opinions of an overwhelming majority of their Republican associates. In the light of the greater need of the greater people outside, in the need for remedial legislation, in view of the voices summoning us from every valley, from every hill, from every industry, every enterprise, let us do our work as Republicans because the Republican people summoned us to it.

These summonses and these voices, the incarnate voice of the Republican people of the United States of America, should drown out and overwhelm and smooth down beneath their waves every unimportant difference, and we should unite, as representing the American people and as a majority that has been given the power to accomplish that which we set out to do, as Republicans. In spite of the promises, in spite of the cajoleries, in spite of the denunciations and maledictions, in spite of the prophecies of disaster that emanate from our eager opponents, let us remain true as a Republican majority. [Applause on the Republican side.] Gentlemen, fellow-Republicans, many of us have grown old and gray in the service. We never have before

been confronted with so critical a time as now. [Laughter and applause on the Democratic side.]

Aye, Mr. Speaker, I measure every word I say; the time is critical. The rejoicing of those men on the other side, because they think already they have the victory in their hands, who wish to destroy Republican prestige and Republican domination in the Nation, these all admonish us to fidelity to our oath of office, fidelity to our manhood, fidelity to fifty years of Republican history. Fair play with our constituents at home demands of us that we retain the control and exercise the control, as they elected us to do, as Republicans. For we shall be held responsible for the control of this branch of Congress as Republicans, and not as allies of the Democracy. We have no right to surrender our trust. [Loud and continued applause on the Republican side.]

Mr. NELSON. Mr. Speaker, with mingled feelings of diffidence and hope I rise to address the House. The opportunity for which we have labored long and earnestly is at hand. The overthrow, in part, of the Speaker's arbitrary power is now possible. Let us, therefore, force the issue and face the duty of the hour with the courage the cause demands.

Our cause is righteous. Public sentiment is with us. I see the beginning of the end of a long and arduous contest. For nearly three years it has been my chief purpose to study, to understand, and, so far as possible, to arouse sentiment here and elsewhere against these unjust, unfair, and arbitrary rules. In so doing I have sought to avoid personal notoriety or self-exploitation, preferring to remain a silent, but conscientious, student of general legislation, well knowing that it is not so much what one says here as how one votes here that counts for the general good.

Believing, however, that upon this matter I have special knowledge, I deem it my duty to reply to the gentleman from New York [Mr. FASSETT], who has charged some of us with the heinous crime of helping Democracy. I would ask the honorable gentleman if he thinks we act from unworthy motives? He must know how unpleasant is the duty before us; how difficult it has been made by the so-called regulars; how much we risk by provoking the displeasure of our party associates in pursuing our determined course. All that men prize here of patronage, of privilege, and of power we have had to forego for the sake of principle. Have we not been punished by every means at the disposal of the powerful House organization? Members long chairmen of important committees, others holding high rank—all with records of faithful and efficient party service to their credit—have been ruthlessly removed, deposed, and humiliated before their constituents and the country because, forsooth, they would not cringe or crawl before the arbitrary power of the Speaker and his House machine.

Plenty of proof is at hand. Let me cite an example or two. The distinguished gentleman from Wisconsin [Mr. COOPER] was made chairman of the Committee on Insular Affairs by Speaker Henderson at the urgent request of President McKinley, because the Chief Executive desired a man at the head of that great committee who would not permit the exploitation of the Philippine Islands. What was done to him by the present Speaker? What was done to Mr. FOWLER, Mr. NORRIS, Mr. HAUGEN, and many others? The Speaker did not hesitate to swing the headsman's ax nor the regulars to rejoice when an insurgent's head fell into the basket.

The gentleman from New York says we have grievances. Aye, we have, and many; but the gentleman does not state that these grievances arose after we had begun this fight on the Speaker's power and for the restoration of representative government in the House. The gentleman well knows that we are not seeking self-interest. We are fighting for the right of free, fair, and full representation in this body for our respective constituencies. The so-called insurgent Republican represents as good citizenship as the regular does. The 200,000 or more citizens of the second district of Wisconsin have some rights of representation here under our Constitution. But what is that right under the despotic rules of this body? Merely the privilege to approve the will of a Representative from another State invested with despotic power under artificial, unfair, and self-made rules of procedure.

We know, indeed, by bitter experience what representation means under these rules. It means that we must stand by the Speaker, right or wrong, or suffer the fate that we have endured. Let no one accuse us, therefore, of an alliance with Democracy for unworthy purposes. We are fighting with our Democratic brethren for the common right of equal representation in this House, and for the right of way of progressive legislation in Congress; and we are going to fight on at any cost until these inestimable rights have been redeemed for the people. [Applause.]

The gentleman eloquently appealed to the spirit of party. I appeal to the spirit of country. Let me call the gentleman's attention to that part of George Washington's Farewell Address, in which he speaks of the spirit of party and the despotism it may lead to if unchecked. Looking with prophetic eye into the future, scanning the reefs and rocks upon which the new ship of state might founder, he sounded this warning to us and to unborn generations of Americans. Hear his words:

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed, but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.

This "spirit of revenge natural to party dissension," of which Washington warns us, has played its part in the creation of these rules and the parliamentary precedents that sustain the Speaker's despotic power.

I have had the opportunity and the desire to investigate this subject, and I pause here to say that the rules in themselves are not so objectionable, but that a few changes might work wonders, if it were not for the mass of complicated, inconsistent, and arbitrary decisions that have grown up, some of them even contradicting the rules in express terms, and all tending to enlarge the importance of the presiding officer and to lessen the representative power of the House.

The history of the rules, as studied under the light of the precedents, proves that they have grown up under the united influences of party spirit and self-interest, and thus has gradually been formed in the Speaker's office the despotism from which we are now in open rebellion.

How vividly Speaker Reed, when he was once in the minority, pictured the workings of this system, even in its infancy and youth; how "the few"—the Speaker and his lieutenants—"intrenched in the forms and usages," "the combination and concert of old Members knowing the rules," could "keep the many entirely out of control," "govern the House," "perpetuate their own rule," and thereby protect "vested interests and vested wrongs."

The eloquent gentleman from New York [Mr. FASSETT] says the majority must control, but what is the majority? Speaker Reed emphatically said:

There is no greater fallacy than this idea that majority and minority are predicated of political parties only.

Why should the subject of the rules be a party matter? At what convention did the Republican party adopt the present rules of the House? The Speaker says he represents the majority. But how? He and his chief lieutenants—favorites or personal friends, a small minority within the majority—call themselves the party and then pass the word on to the rank and file of the Republican membership to line up or be punished. What is the controlling force? Party principles? No. The Speaker's power under the rules—his patronage, the appointment of all committees, the 56 desirable chairmanships, the control of recognition on the floor, the close corporation of the Committee on Rules consisting of the Speaker himself and his two assistants—all these forces unite to form an autocracy against which we are in rebellion to-day. We are no less Republicans because we would be free Members of Congress. We do not need to be kept in leading strings. We are free representatives of the people, and we want freedom here for every Member of every party. [Applause.]

I wish to read a few more words from Washington's Farewell Address:

But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind—which nevertheless ought not to be entirely out of sight—the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one party against another; fomented occasionally riot and insurrection.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be

encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

These words of Washington make it clear that party spirit and not patriotism sustains the Speaker's autocracy. Love of party is good; love of country is better. The right should stand before reelection; and so believing, many of us have chosen to accept ostracism here from place and power and to risk defeat at home to change these rules. Has not the press been filled with the direst threats, inspired by the powers that be? Opponents are to be brought out against us, patronage to be taken away, and campaign funds to be used to effect our defeat; and all this because we would not bend our necks to the Speaker's yoke.

But the House machine is not the Republican party. We have no cause to fear. The people are with us. Now that the issue has been presented; now that the opportunity is at hand to amend these rules in one vital respect, let us do so, and perhaps help save the Republican party. If we go home to our constituents and tell them that these rules are still in force and that they are to stay in force, what will be their verdict? If we liberalize these rules now, if we change them by enlarging the Committee on Rules and disqualifying the Speaker from membership upon it, as is proposed by the pending resolution, to that extent we eliminate this issue from the campaign; and what is vastly more important, we make it easier to secure progressive legislation in the House, redeem our platform pledges, and prove our party faithful to its high trust.

The gentleman from New York [Mr. FASSETT] has read a letter by President Roosevelt, which he seeks to construe as an indorsement of the work of the House under these rules and the present Speaker. This letter was written four years ago for campaign purposes. It is true that the railway rate bill, the pure-food bill, and the meat-inspection bill had been favorably acted upon by Congress, but is there a man here who does not know that these great measures for the betterment of conditions among the people were forced through this House by the "big stick" in spite of the rules and the Speaker? Do not wish to violate any of the proprieties, but I know that President Roosevelt gave a subsequent indorsement under the promise that his policies would be enacted into law—a promise that was never performed. I know something of the feelings and thoughts of one President, although the impropriety of relating a conversation with him prevents me from giving them expression. I will say, however, as an offset to what the gentleman would have us believe, that there will be no commendation, in my judgment, for these rules, either from the former President or, for that matter, by the present one.

Mr. Speaker, I feel deeply on this subject. I have long been interested in it. I believe I can say without immodesty that I was the first Republican to raise this issue before the Congress and before the country. More than two years ago, after having studied the history of our rules, and what others have said on this subject, and after making comparison with the parliamentary practices of other nations, I first discussed these rules in a public address before my constituents, and then at the first session of the Sixtieth Congress I deliberately sought to make their revision a paramount national issue. Unceasingly, persistently, and self-sacrificingly I have labored to bring this issue to a head. And I rejoice that the crisis has come. I welcome it. Let there be no faint hearts nor drooping courage nor spirit of compromise among us. The conflict is irrepressible. Let us meet it now like men.

We seek to redress a grievous wrong. No such usurpation of power exists in any other parliamentary nation. Elsewhere the occupant of the chair is an impartial presiding officer. Elsewhere the rules have been worked out on a basis of equality. No man has more opportunity, more rights, or more freedom than his colleagues. But with us it is a matter of privilege; here legislation goes by favor, and the Speaker is the dispenser of opportunity and power. He is the hub of the parliamentary wheel, his lieutenants are the spokes, and the House revolves around him.

We wish to change this arbitrary, artificial, and unrepresentative system. We do not desire to deprive any Member of rights. We wish merely some rights for ourselves. We Republicans who protest against the Speaker's domination do not wish to put the gentlemen on the other side into control of the House. Outside of this question we do not propose to act with them as a body. We have formed no permanent alliance. On matters of legislation each one of us will act as his conscience dictates. However, in the patriotic movement to restore legislative rights to the American people, we welcome gladly any help that will

relieve us from the intolerable tyranny of one-man power in the House of Representatives. [Loud applause.]

Mr. GARDNER of Michigan. Mr. Speaker, it has been said that ours is a Government by party. It will be a sad day for the American Republic, in my judgment, when there are not at least two great parties; when the issues upon which men divide are not squarely put before the people.

One of the unfortunate conditions to-day in one section of our country, as man after man on that side has privately said to me, and I think they would not deny it now, that there is no adequate discussion of the great public questions in various States in the Union. As men have said: "The talk is all on one side." "Our people know but one side." "There is no discussion as you men in the North have." With us in the North it is a fight from start to finish on the propositions upon which the people divide. It is steel blade against steel blade. In the North the best minds and the best orators of the Democratic party are pitted against the best minds and the best orators in the Republican party, and we come to the capital with victory, whether Democrats or Republicans, upon the issues squarely fought out in the campaign.

Now, I disagree with the gentleman from Wisconsin. We need parties. On all questions we need a free, candid, intelligent discussion [applause]; South as well as North, East as well as West.

Another thing. It has been said that Congress is governed by committees. It can not be governed otherwise. As every man here knows, there will be chaos, to use a somewhat hackneyed phrase in the discussion this afternoon, unless the various interests committed to Congress are submitted to committees for careful, intelligent consideration before being reported to the House. And here is the chit of the Norris resolution. It provides a new method of appointment of what is conceded to be the most powerful committee in this House—the Committee on Rules. Gentlemen have quoted precedents. They have been cited for a hundred years or more back as to this way of appointing the committee.

But by this proposed action precedents are not all that is set aside. The condition that we had here yesterday and to-day, with a powerful, alert minority, seeking control and direction of legislation, allied with a minority of the majority, is in a way revolutionary. Under the Norris resolution the majority over there, with a small minority here, can name the committee that districts a State; that names the Committee on Rules. That is the situation. It is the milk in the cocoanut.

I am glad the Speaker has left the chair. May I say, in his absence, that I regret that any gentleman in this discussion has found it necessary to reflect upon him. Young men have attacked him here this afternoon who were unborn or babes in their cradles when he became a Member of this House. He stands to-day at the head of a magnificent column of more than 12,000 Americans, many of them among the most illustrious in our history, who have been Members of this House.

Having served longer in this body than any other man, living or dead, and with some of the most distinguished of our countrymen in his own time on that side and on this, I do not hesitate to say that he is to-day the same high-minded patriot, the same man who seeks the best interests of the whole people that he was when the whole Nation rang with plaudits to him two short years ago. The greatest commoner that this country has produced in a generation, if he lay in his casket before that desk to-morrow or next year or two years from now, no lips would be more eloquent in praise of his career than on that side. Words of eulogy would spring unbidden to your lips, and to the lips of men who have condemned him to-day as Speaker of the House, in response largely to that demand in the country that seems to look for a sacrifice. Let us, gentlemen, recognize the merits of our own, recognize the integrity, the uprightness, the patriotism of a man who for thirty-five years has sat in this Hall and sought to direct the legislation of the country along right lines; legislatively speaking, the wisest man to-day in public or private life; wiser as a legislator, with more knowledge of our political conditions past and present than the man beyond the seas or the President who speaks to-night in Chicago; the one the first citizen of the Republic; the other, as the gentleman from New York said, so lofty a pinnacle does he occupy that he is the cynosure of the eyes of the world. No, no, my countrymen; this is more than a mere party question of the hour. There is a principle involved far-reaching in its operation that concerns you Democrats as well as us Republicans. It is not for to-day; it is for the years that are ahead of us. And let us act by the cool judgment, not only of the past, but the possibilities of the future, that we may not have to reverse our decisions in the hour of defeat and disaster. [Applause.]

Mr. MADISON. Mr. Speaker and gentlemen, I think the time has come for an exact statement of the question that is now pending before the House of Representatives.

A MEMBER. The only one?

Mr. MADISON. No; and I am not the only one that can state it. But I believe that the time has come when it ought to be stated. It has been charged here upon the floor that the result of the passage of this resolution means chaos. It has been charged that the result of the passage of this resolution means the passing of power from this side of the House to that. Both statements are absolutely incorrect. I want to say to you, as one man who has not hesitated to stand up and cast his vote with those who have been variously denominated "insurgents" and "populists," that if I thought my vote upon this resolution would have the effect of transferring the power or control of the House from this side of the House to that, I would never cast it, and neither would one of my associates who have been called insurgents. Now, what is before you? Stating it exactly, it means the enlargement of the Rules Committee and making the Speaker ineligible to membership, that is all. I want that statement clearly in the RECORD, in order that when we get out before the people this fall, when the question comes up as to whether I was a Republican or not, whether I attempted to transfer the power from this side to that, whether or not I was loyal to my party, and whether or not you, my Republican friends, were willing to stand for reform of the rules or not, your constituents may look you in the face and tell you exactly what it was that you voted on.

Mr. DOUGLAS. Will the gentleman yield?

Mr. MADISON. Not now; I will later.

Mr. DOUGLAS. I was simply going to ask the gentleman a question as to what is before the House, and ask the gentleman to define it.

Mr. MADISON. All right.

Mr. DOUGLAS. Is the question before the House a question of order or is it a question on the merits of the resolution?

Mr. MADISON. Ah, my friend, we have been discussing the merits too much for you to ask me that question now.

Mr. DOUGLAS. What is the question before the House? Is it a question of the orderly procedure of the business of this House or is it a question concerning the merits?

Mr. MADISON. Answering my friend, who knows it to be true, in the final analysis it must come to a question of the reform of the rules of the House of Representatives. [Applause.]

Mr. DOUGLAS. After the Democratic applause has subsided, I would like to ask the gentleman whether or not he believes that this is a privileged resolution under the rules of this House or not?

Mr. MADISON. I will answer the gentleman by saying, as did my friend who replied to him some time ago, and I answer it with all sincerity and fairness, that under the rules as they have been qualified and modified by the action of this House to-day, yes.

Now, I am going to give him an answer as to the legal question. The Constitution of the United States provides that the House may determine the rules for its procedure. Whether it is a general parliamentary usage, whether it is a long, intricate system of rules, no other body on earth may determine it but us, and if any court was passing on the question of interpretation of the word "may" it would read it "shall."

So I have no hesitancy as a lawyer in answering the question. Now, then, gentlemen, there is the proposition before you. That is what you have got to meet face to face, and I hope that every man will stay here, and that before this legislative day ends, and without adjournment, the question will be settled and settled right. [Applause.]

The amendment of the gentleman from Nebraska means only this: That this House shall elect three men, and those three men shall divide the country first into nine legislative groups of equal size for the majority Members, and each one of those groups shall name a member of the Committee on Rules; then the Members of the minority shall be divided into six groups, and each one of those groups shall name a member of the Committee on Rules, who will constitute the Committee on Rules; and that the Speaker shall be ineligible for membership on that committee.

How many are there who have to-day been characterized as "Populists?" We could control one member of the committee if we were all thrown into one group, which under any geographical division is absolutely impossible.

Now, then, are you turning the House over to the Democrats with the insurgents under such a system? It is absolutely physically impossible. Let every man understand that.

Mr. MARTIN of South Dakota. Will the gentleman permit a question?

Mr. MADISON. Not now; wait until I get through. You could not do it, so that in its final analysis the question that is presented to our Democratic friends is whether or not they will stand up and be true to the declaration of their platform. [Applause.] I wait and the country waits their action. The bugle note of reform is not being sounded in this instance by a Democrat, but by a Republican from the prairie State of Nebraska. [Applause.] If this resolution is carried, it will not be a Democratic resolution, but a resolution written by a Republican hand; a resolution worked out by such men as NORRIS of Nebraska, COOPER of Wisconsin, GARDNER of Massachusetts, and men of that character, who are just as loyal to Republicanism as any man within the sound of my voice. And, gentlemen, it is obvious that the adoption of this resolution does not mean the transfer of power to the Democrats. All know that it means a committee of 15 men to appeal to permit the passage of necessary legislation instead of 1 man. [Applause.]

The one-man power, the history of the world has proven, is not the ideal system. You will have a more responsive committee. My friend from New York [Mr. FISH] will get more of a response from the fifteen men than he will from the one. Without attempting to cast any aspersions upon the other members of the Committee on Rules, whom I respect as good men and able legislators, it is a fact that, under the present system, the Speaker is the Committee on Rules. That system has existed not alone for the time that the present Speaker has been in the chair—for in all fairness and justice it should be said he did not originate this system—but for a long time before the chair of the presiding officer was occupied by JOSEPH G. CANNON, of Illinois, the Speaker of the House of Representatives has been, as he is to-day, the Rules Committee. There is no need of denying that the Speaker is the controlling force on the Committee on Rules. There is no need of getting up here and saying it is not true. Every man knows that it is true; and the question that you are to vote on is this, Will you substitute the fifteen men chosen by yourselves to determine the question as to what matters shall come here on the floor of the House of Representatives or will you leave it to one? And you can not go home and say that that is not the situation.

It is all right for my friend from New York [Mr. FASSETT] to speak in flowers of rhetoric with regard to the history of the Republican party and the marvelous good that it has accomplished and the necessity of holding it together for the up-building and the development of this country. God knows I believe in that. I believe that the prosperity and the happiness and the well-being of my country is wrapped up in the success of the Republican party, and I want it to prevail. But in order to prevail it must be worthy of the trust and confidence of the American people, and, gentlemen, just as sure as the sun rises in the east to-morrow morning, just that sure will there be a Republican Congress here to greet the next Speaker of the House of Representatives if you pass this resolution, and we can go before the country and say that we have applied the proper check upon the power of the Speaker and that the House of Representatives is what the fathers of the Constitution designed it to be—a truly representative body. [Applause.]

Mr. MARTIN of South Dakota. Before the gentleman takes his seat I would like to ask him a question. I would like to get the gentleman's interpretation of this resolution he has been debating. No reference is made to political parties whatever. The word "Republican" or the word "Democrat" is not mentioned in the resolution. Something is said about a committee of three, to be selected, which would have authority to district the majority States into nine districts and the minority States into six districts. I should like to get the gentleman's view as to what would be the meaning of that resolution as to what the majority should be.

Mr. MADISON. There is no question about it. It does not say the majority. It says the members of the majority party.

Mr. MARTIN of South Dakota. I beg the gentleman's pardon, but I think it does not.

Mr. MADISON. If that is not true, it is a mere matter of verbal omission.

Mr. MARTIN of South Dakota. If that is not in the resolution, would not a natural interpretation be that if a majority, consisting of Democrats and Republicans, should see fit to pass this amendment, that that majority would have the nine districts set apart to them?

Mr. MADISON. No. If there is anything in such interpretation, it is not meant; and I will say to the gentleman—I do not know whether the gentleman from Nebraska is here or not—that there will be no question about amending it so that it does state the identical principle which I laid down here.

Mr. MARTIN of South Dakota. Then the idea the gentleman entertains as to the meaning of this resolution, or the resolu-

tion as it ought to be amended if it is not clear now, would be that there should be nine Republican districts and six Democratic districts.

Mr. MADISON. Absolutely so. There is no question about that.

Mr. GARDNER of Michigan. I would like to ask the gentleman a question. I have been very much pleased with the gentleman's declaration, and I feel assured of his loyalty and fidelity to the Republican party. I would like to know, supposing this resolution prevails, whether the gentleman would feel called upon to vote with the Democrats on the other side and with certain Republicans on this side in the selection of the committee of three?

Mr. MADISON. I should vote with my party—the Republican party—and I would be perfectly willing to go into a Republican caucus for the purpose of selecting those members.

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

Mr. MADISON. Certainly.

Mr. SCOTT. I did not hear the resolution read, but I have a copy of it in my hands now.

Mr. MADISON. I have it here.

Mr. SCOTT. I have a copy of it now. I see it provides that the States of the Union shall be divided by a committee of three, elected by the House for that purpose. I should like to ask my colleague whether it is the purpose to divide that committee of three on party lines and whether any method is marked out for the election of that committee?

Mr. MADISON. By the House. My understanding is it is to be elected by the House.

Mr. TAWNEY. Where is the line to be drawn on that? Is there any designation whether all shall be Republicans?

Mr. MADISON. Not at all.

Mr. TAWNEY. They might all be of either party.

Mr. MADISON. Yes. Now, then, I want to answer the gentleman's question—

Mr. TAWNEY. I am asking for information.

Mr. MADISON. I understand it. The States of the Union must be divided into groups, the Republican party into nine groups and the Democrats into six.

Mr. POINDEXTER. The six Democratic groups include the entire country?

Mr. MADISON. And so does the nine Republican groups.

Mr. GAINES. I understand that they are selected geographically?

Mr. MADISON. Yes.

Mr. GAINES. Where would that leave the Republicans from Virginia, from North Carolina, from South Carolina, and Tennessee in the selection of their representatives on this committee? They would be turned over, I presume, for their representation to the tender mercies of the gentlemen of the South, excellent gentlemen, but who do not agree with us. I trust the gentleman from Kansas does not agree with that.

Mr. MADISON. That statement is absolutely incorrect; unintentionally so, of course. There will not be under this resolution, under the aim and purpose of the gentleman from Nebraska, who can answer better than I, a Democrat in a Republican group, or a Republican in a Democratic group.

Mr. GAINES. But you said they were to be selected geographically. Now, how do you figure that out?

Mr. FOWLER. The Republicans meet by themselves and the Democrats by themselves.

Mr. MADISON. I stated the proposition exactly. The whole country will be divided into nine groups for the Republicans and six groups for the Democrats. Each one of those groups will elect a member of the Committee on Rules. Now, then, the question has been asked with reference to the three Members who will divide the country into districts. So far as I am concerned I do not care who selects them. The gentleman from Nebraska said, and I agree with him, that we will vote and work for the gentleman from Michigan [Mr. GARDNER], if you please, to be the man to select these groups. Why? Because it does not make any difference who does it. [Laughter.]

Mr. TAWNEY. Mr. Speaker, will the gentleman from Kansas yield to me for the purpose of submitting to the House a request?

The SPEAKER pro tempore (Mr. OLMSTED). Does the gentleman yield to the gentleman from Minnesota?

Mr. MADISON. In a moment. Mr. Speaker, in the enthusiasm of the moment I was led to make a statement I did not intend to make. [Laughter.] There is no man in the House who is more respected and more entitled to respect than the gentleman from Michigan [Mr. GARDNER], and it was really because of the fact that I felt that he would be absolutely fair that I made use of his name.

Mr. MARTIN of South Dakota. Mr. Speaker, I suggest this is St. Patrick's Day, and that was a sort of Irish bull which the gentleman made.

Mr. MADISON. I think it must be the shade of St. Patrick, the patron saint of so many good Irishmen, who is hovering over us to-day, as there is so much fighting in the House of Representatives. [Laughter.]

Mr. TAWNEY. Mr. Speaker, I ask the gentleman from Kansas if he will permit me in his time to submit to the House a request?

Mr. MADISON. I yield the floor now. I have not the floor any longer.

Mr. TAWNEY. Mr. Speaker, it is manifest that the discussion of the merits of this proposition will continue for some length of time. The first question to be determined is the question of order, and that is to be determined by the Speaker, and then, perhaps, by the House. If the point of order is overruled and the ruling of the Chair is not sustained, or is appealed from and that ruling is not sustained, then comes the merits of this proposition, which is of the greatest importance to both sides of this House.

And in view of the time that would necessarily be consumed in the consideration of the merits of the proposition, I want to ask unanimous consent to adjourn the House until to-morrow at 12 o'clock.

Mr. HARDWICK. I object, Mr. Speaker.

Mr. TAWNEY. Mr. Speaker, I move to take a recess until 11 o'clock to-morrow.

Mr. NORRIS. I make the point of order that the gentleman from Kansas [Mr. MADISON] has the floor.

Mr. TAWNEY. No; he yielded the floor.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. TAWNEY] moves that the House take a recess until 11 o'clock to-morrow.

Mr. FISH. On that I ask the yeas and nays.

Mr. NORRIS. I would like to suggest before the gentleman puts his motion, that I recognize the fact that the debate on this question ought to proceed as long as gentlemen desire to debate it. But I am not trying to curtail debate. But we are discussing the merits of the question here when, as a matter of fact, there is nothing before the House except a point of order. Now, we can not ask the Speaker, of course, to pass on it until he says he is ready. It is in the province of the Speaker to say in his discretion whether he will hear this debate or not. It is supposed to be for his benefit. Now, the decision as to whether or not the Speaker is ready to rule ought to be made, and then if the parliamentary contingency arises that the gentleman has suggested, we can perhaps make an agreement.

Mr. KEIFER. There are other questions before you come to the merits of the proposition after this is disposed of.

Mr. TAWNEY. My proposition was made in the utmost good faith.

Mr. NORRIS. We can not determine that unless we know whether the Speaker is ready to rule.

Mr. MANN. I want to be heard on the point of order.

Mr. TAWNEY. I do not believe the Speaker is ready to rule. Of course there is no power to compel the Speaker to rule.

Mr. NORRIS. I admit that.

Mr. TAWNEY. So that, in all human probability, the debate may run practically all night or several days. It can be taken up to-morrow and continued in this legislative day. I submit, in all candor, that this matter is a matter of the utmost importance, and we ought not to be called upon to determine the merits of a proposition of this vast magnitude in the House of Representatives without careful consideration. And I do not think that anybody will be able to force a decision one way or the other on the merits of the proposition. Now, it is only for the purpose of having it considered in a proper legislative manner that I have made the suggestion that we take a recess until 11 o'clock to-morrow.

Mr. NORRIS. I want to say to the gentleman that I shall make no objection to an adjournment, but I think if the Speaker is ready to rule that we ought to have the parliamentary situation passed on to-night.

Mr. MANN. I want to be heard on the point of order.

Mr. TAWNEY. There are a number of gentlemen that want to be heard on the merits of the point of order.

Mr. HULL of Iowa. There has been no opportunity to discuss it.

Mr. MANN. I ask the gentleman from Nebraska [Mr. NORRIS] whether he thinks, in adopting a reform issue of this size, he can afford to apply the gag?

Mr. NORRIS. I have not tried to apply it.

Mr. MANN. You will if you endeavor to force the House.
 Mr. NORRIS. The gentleman will have to concede this, that this discussion that has been taking place is not on a question before the House. So we are not making any progress. Now, this debate, with the exception of one or two speeches that were made, was not on the merits of the proposition before the House.

Mr. MANN. I take it, that in a matter of this importance, involving as much as it does, that Members of the House who want to be heard ought to be heard.

Mr. NORRIS. I agree with the gentleman.

Mr. HARDWICK. I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. The question is on the motion of the gentleman from Minnesota, that the House take a recess until 11 o'clock to-morrow.

Mr. FISH. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 142, nays 147, answered "present" 12, not voting 88, as follows:

YEAS—142.

Alexander, N. Y.	Englebright	Kennedy, Ohio	Prince
Allen	Fairchild	Knapp	Reeder
Ames	Fassett	Knowland	Reynolds
Andrus	Fordney	Kronmiller	Roberts
Austin	Foss	Klistermann	Rodenberg
Barclay	Foster, Vt.	Lafean	Scott
Barnard	Gaines	Langham	Slomp
Bartholdt	Gardner, Mich.	Langley	Smith, Cal.
Bates	Gardner, N. J.	Law	Smith, Iowa
Bennet, N. Y.	Gillett	Lawrence	Smith, Mich.
Bennett, Ky.	Goebel	Longworth	Southwick
Bingham	Good	Loud	Sperry
Bradley	Graff	Loudenslager	Stafford
Brownlow	Graham, Pa.	Lowden	Sterling
Burke, S. Dak.	Grant	McCredie	Stevens, Minn.
Burleigh	Griest	McGuire, Okla.	Sulloway
Butler	Guernsey	McKinney	Tawney
Calder	Hamer	McLachlan, Cal.	Thistlewood
Calderhead	Hamilton	McLaughlin, Mich.	Thomas, Ohio
Cocks, N. Y.	Hanna	Malby	Tilson
Cole	Hawley	Mann	Tirrell
Cooper, Pa.	Heald	Martin, S. Dak.	Townsend
Coudrey	Henry, Conn.	Miller, Kans.	Vreeland
Cowles	Higgins	Mondell	Wanger
Creager	Hollingsworth	Moore, Pa.	Washburn
Crumpacker	Howell, N. J.	Morgan, Mo.	Weeks
Currier	Howell, Utah	Morgan, Okla.	Wheeler
Dalzell	Howland	Murphy	Wiley
Dawson	Hubbard, W. Va.	Needham	Wilson, Ill.
Dodds	Huff	Olmsted	Wood, N. J.
Douglas	Hull, Iowa	Palmer, H. W.	Woodyard
Draper	Humphrey, Wash.	Parker	Young, Mich.
Durey	Johnson, Ohio	Payne	Young, N. Y.
Dwight	Joyce	Pearre	The Speaker
Edwards, Ky.	Kelfer	Plumley	
Ellis	Kennedy, Iowa	Pray	

NAYS—147.

Adair	Edwards, Ga.	Hughes, N. J.	Pickett
Adamson	Ellerbe	Hull, Tenn.	Polindexter
Alken	Ferris	James	Pujo
Ashbrook	Finley	Johnson, Ky.	Rainey
Barnhart	Fish	Johnson, S. C.	Ransdell, La.
Bartlett, Ga.	Flood, Va.	Jones	Rauch
Beall, Tex.	Floyd, Ark.	Kelther	Richardson
Bell, Ga.	Foelker	Kendall	Roddenbery
Booher	Foster, Ill.	Kinkaid, Nebr.	Rothermel
Borland	Fowler	Kitchin	Rucker, Colo.
Bowers	Gallagher	Kopp	Rucker, Mo.
Brantley	Gardner, Mass.	Lamb	Russell
Burleson	Garner, Tex.	Latta	Sabath
Burnett	Garrett	Lee	Saunders
Byrd	Gill, Md.	Lenroot	Shackleford
Candler	Gill, Mo.	Lindbergh	Sharp
Cantrill	Gillespie	Lindsay	Sheppard
Carlin	Gilmore	Livingston	Sims
Cary	Gordon	Lloyd	Sisson
Clark, Mo.	Goulden	McDermott	Slayden
Clayton	Gregg	McHenry	Small
Cline	Gronna	Madison	Smith, Tex.
Collier	Hamlin	Maguire, Nebr.	Spight
Cooper, Wis.	Hammond	Martin, Colo.	Stanley
Covington	Hardwick	Miller, Minn.	Stephens, Tex.
Cox, Ind.	Hardy	Moore, Tex.	Taylor, Colo.
Cox, Ohio	Harrison	Morrison	Thomas, Ky.
Craig	Haugen	Morse	Thomas, N. C.
Cullop	Hay	Moss	Tou Velle
Davidson	Hayes	Murdock	Turnbull
Davis	Helm	Nelson	Underwood
Dent	Henry, Tex.	Norris	Volstead
Denver	Hinshaw	Oldfield	Watkins
Dickinson	Hitchcock	Padgett	Webb
Dickson, Miss.	Houston	Page	Wickliffe
Dies	Hubbard, Iowa	Palmer, A. M.	Wilson, Pa.
Dixon, Ind.	Hughes, Ga.	Peters	

ANSWERED "PRESENT"—12.

Barchfeld	Cassidy	Howard	Morehead
Broussard	Clark, Fla.	Kahn	Pratt
Byrns	Goldfogle	Lever	Taylor, Ohio

NOT VOTING—88.

Alexander, Mo.	Bartlett, Nev.	Burke, Pa.	Chapman
Anderson	Boehne	Campbell	Conry
Ansberry	Boutell	Capron	Cook
Anthony	Burgess	Carter	Cravens

Crow	Hamill	Maynard	Robinson
Denby	Heftin	Mays	Sheffield
Diekema	Hill	Millington	Sherley
Driscoll, D. A.	Hobson	Moon, Pa.	Sherwood
Driscoll, M. E.	Hughes, W. Va.	Moon, Tenn.	Simmons
Elvins	Humphreys, Miss.	Moxley	Spapp
Esch	Jamieson	Mudd	Sparkman
Estopinal	Kinkead, N. J.	Nicholls	Steenerson
Fitzgerald	Korbly	Nye	Sturgiss
Focht	Legare	O'Connell	Sulzer
Fornes	Lundin	Olcott	Swasey
Foulkrod	McCall	Parsons	Talbot
Fuller	McCreary	Patterson	Taylor, Ala.
Garner, Pa.	McKinlay, Cal.	Pou	Tener
Glass	McKinley, Ill.	Randell, Tex.	Wallace
Godwin	McMorran	Reid	Weisse
Graham, Ill.	Macon	Rhinock	Willett
Greene	Madden	Riordan	Woods, Iowa

So the House refused to take a recess.
 The following additional pairs were announced:
 Until further notice:
 Mr. SHEFFIELD with Mr. WEISSE.
 Mr. MADDEN with Mr. SPARKMAN.
 Mr. ESCH with Mr. MACON.
 Mr. CROW with Mr. KINKEAD of New Jersey.
 For the balance of the day:
 Mr. MOON of Pennsylvania with Mr. GOLDFOGLE.
 Until Wednesday a. m.:
 Mr. GREENE with Mr. BARTLETT of Nevada.
 On this vote:
 Mr. HUGHES of West Virginia with Mr. RIORDAN.
 Mr. KINKAID of Nebraska. Mr. Speaker, I was present and listening, and did not hear my name called.
 The SPEAKER. Was the gentleman paying attention?
 Mr. KINKAID of Nebraska. Yes, sir; I was paying attention.
 The SPEAKER. When it should have been called?
 Mr. KINKAID of Nebraska. Yes, sir.
 The SPEAKER. Call the name of the gentleman.
 The name of Mr. KINKAID of Nebraska was called, and he voted "Nay."
 Mr. BYRD. Mr. Speaker, I was present and ought to have heard my name called, but did not.
 The SPEAKER. Was the gentleman giving attention?
 Mr. BYRD. I was. My name is so easily blended with that of the gentleman from Tennessee [Mr. BYRNS] that I did not hear it.
 The SPEAKER. Was the gentleman giving attention?
 Mr. BYRD. Yes, sir.
 The SPEAKER. And did not hear his name called?
 Mr. BYRD. And did not hear my name called.
 The SPEAKER. Call the name of the gentleman.
 The name of Mr. BYRD was called, and he voted "nay."
 The result of the vote was then announced as above recorded.
 Mr. MALBY. Mr. Speaker, it had not been my purpose to take part in this debate, and I would not except for the remarks of my colleague from New York [Mr. FISH]. The question involved has reference only, as I take it, first, as to how the Committee on Rules shall hereafter be appointed, and, second, the proposition that the Speaker shall be ineligible to appointment on that committee.
 It is a fact well understood by all that in no legislative body in this country where a rules committee is provided for the speaker is excluded from membership on that committee or prohibited from the appointment of such a committee, as he does all other committees. This, therefore, is a new departure, a departure which deprives the official head of the House of Representatives from appointing the most important of all of its legislative committees. So rigorous is the rule proposed to be adopted here that the Speaker is to be excluded from membership on that committee. From the foundation of our Government up to the present time no such rule has ever prevailed, and I think it has not prevailed in any one of the 46 legislative bodies which constitute the States forming this great Union. What are the conditions to-day which so materially differ from conditions which have existed for a century and a quarter of time that now there should be a different rule adopted than that which all our forefathers found to be essential to the orderly administration of the affairs of our Government?
 I will not take up the time of the House in trying to point out the necessity for having a final body so constituted that it can control legislation, for I think it must be conceded by all that there must rest somewhere a body which has the power to finally determine what legislation shall be given consideration and what shall not. I think it is within the knowledge of every Member of this body that there is in almost every committee in this House of Representatives a class of legislation which might pass this body if reported, but which would be to the very last degree injurious to the Union itself. Being a member

of the judiciary body of this House, I think I can say that if all of the bills before that body now and during the last session were reported and passed upon favorably, as I have some reason to believe would be the case, they would absolutely destroy this present republican form of government.

There must therefore of necessity reside somewhere a brake on this kind of legislation. The Speaker of the House of Representatives is the spokesman not only for the majority of its Members, but he stands as the spokesman and the responsible head of whatever party is in control during the time that he occupies that office. If he has the responsibility of legislation, he should have the power to control it.

I regret very much that I am not able to agree with the remarks of my distinguished colleague and friend from New York [Mr. FISH]. Both of us have served for many years in the legislature of the State of New York, and are familiar with its rules and regulations. While we do not have 20,000 or 30,000 bills introduced into the legislature of the State of New York, yet we have about 4,000 bills introduced annually in both branches of the legislature of our native State.

It became necessary there, and did in the gentleman's time and mine, to have some power, some authority vested somewhere, by which we might select that legislation which we believed was in the interest of the public and stop the other legislation which we did not believe was in the interest of the public.

Mr. FISH. Will the gentleman give way for a question?

Mr. MALBY. Certainly.

Mr. FISH. I should like to ask the gentleman from New York whether that time is not simply the last ten days of the session?

Mr. MALBY. Oh, I am coming to the ten days' proposition. I have the rule before me, and I was about to read it. My friend from New York [Mr. FISH] knows just as well as I know that during the last ten days of the session of the legislature of the State of New York more bills are passed than during the entire session preceding those ten days, it mattering not how long the session continues. The rule under which Speaker Fish presided for two years in the New York assembly reads as follows:

During the last ten days of the session a notice may be given requesting that any matter be made a special order, or that the rules be suspended for the purpose of reading a bill out of its order, which shall be referred *without debate to the committee on rules*. The member making the motion or giving the notice shall submit in writing the reasons for making such special order or suspension and attach thereto a copy of the bill. The committee may report at any time, and such report shall stand as the determination of the house unless otherwise ordered by a vote of two-thirds of the members present. The committee shall not be instructed by the house to report any matter or special order, or to report that the rules be suspended for the purpose of reading a bill out of its order, except by a vote of two-thirds of the members present.

That, Mr. Speaker, in my judgment and experience, is a wholesome rule. It is a necessary rule in a legislative body where 4,000 bills are introduced. But it means that the power of every committee of the assembly of the State of New York during the last ten days of the session is absolutely suspended. There is not a single committee in the New York assembly that has the power to make a report within ten days of the end of the session when the majority of all legislation is passed.

But it means something more. The rule says on request being made for a report of a bill without debate no member of the New York state legislature has a right to rise in his place during the last ten days of a session, when legislation of importance is passed, and make a single word of argument why his bill should or should not be passed. A member files with the committee on rules his written reasons why he asks for a favorable report, together with a copy of his bill, and when the rules committee convenes, of which the speaker is the chairman, they report or do not report the bill, just as they please and without debate.

Mr. FISH. Will the gentleman give way for a moment?

Mr. MALBY. I will.

Mr. FISH. As I recollect, the assembly has 150 members in it.

Mr. MALBY. It does now.

Mr. FISH. How many compose the committee on rules out of the 150?

Mr. MALBY. I think 5 out of the 150, thereby recognizing, as we have recognized in the House of Representatives, the absolute necessity of having a small committee in order to transact the important business of our native State. We would find here as there that a committee of 15 would be an unwieldy body, impossible to get together; impossible if convened to agree on any given proposition; impossible to progress with the business

of this House, which this country positively and constantly demands. That is why a committee of 5 is had in the State of New York and should be continued here.

But there is something more in this New York rule, and I commend it. I worked under it for a great many years, and so did my friend from New York [Mr. FISH]. I found it in the interest of good legislation and the State, and I think he found it so too. Let me read for a moment more:

The committee may report at any time, and such report shall stand as the determination of the house.

What does that mean? That means that when the committee on rules has reported a bill to the assembly of the State of New York you can not dot an "i" or cross a "t" without a vote of two-thirds of the members present. That is what that rule means. Now, what does that suggest? Why, it suggests the necessity for the rule that when these bills have passed the careful scrutiny and review of the committee on rules that it is not wise to permit the general body to which they had been delivered to amend it in any way, shape, or manner, unless by a two-thirds vote.

But it means more. The committee on rules, it says, shall not be instructed by the house to report any matter except by a two-thirds vote.

You can not instruct the rules committee of the State of New York to report upon any resolution or bill unless you can get two-thirds of the members present to vote in the affirmative.

Mr. GOULDEN. Will my colleague yield for a question?

Mr. MALBY. I will.

Mr. GOULDEN. The members of the New York legislature, both in the senate and the house, have a right to explain their vote upon every roll call, as I understand it.

Mr. MALBY. My friend is mistaken about that. They have in the senate, but not in the house, as I now recall it.

Mr. GOULDEN. Does the gentleman think it would be a good rule to follow here? Would it not tend to give satisfaction to the Members?

Mr. MALBY. I am not discussing that proposition; I am simply giving you the rules of the New York state assembly.

Mr. FISH. Will the gentleman from New York give way for a moment?

Mr. MALBY. I will yield to the gentleman.

Mr. FISH. Is it not a fact in the assembly of the State of New York it is within the power of the house, at any time when a committee reports, to move to discharge the committee from the consideration of any bill?

Mr. MALBY. It is not in order, and the gentleman from New York, the ex-speaker of the assembly, knows that it is not in order, to move to discharge any committee from the consideration of a bill during the last ten days of the session.

Mr. FISH. At any other time except the last ten days of a session?

Mr. MALBY. At any other time the rules provide that on the call of a committee a motion is in order to discharge the committee, except during the last ten days of a session.

Mr. FISH. That is entirely different from the rules of this House.

Mr. MALBY. I am not making a general comparison between the rules of the New York state assembly and the rules of the House of Representatives. I am trying to demonstrate that the authority which may be and is exercised by the committee on rules of the New York assembly, which has from time to time received the approval of the gentleman from New York [Mr. FISH], far exceeds that of the present rules of the House of Representatives.

I might agree with my friend from New York [Mr. FISH] that the rules of this House might be simplified so that he and I could understand them better, but I want to say to him that we would understand them a good deal better if we spent more time in studying the rules than in criticising them.

Mr. FOELKER. Will the gentleman yield?

Mr. MALBY. Yes.

Mr. FOELKER. Is it not a fact that the committee on rules in the New York state assembly does not only act within the last ten days, but sometimes acts for four or five weeks at a time?

Mr. MALBY. Not at all. The gentleman is entirely mistaken about that, and if it did it would only demonstrate the necessity for such action.

Mr. FOELKER. I want to say, as a matter of fact, that I have seen and I have sat in the legislature where the committee on rules has acted for four weeks instead of ten days.

Mr. MALBY. I know that that is so, and why is that? It is simply because the assembly of the State of New York has passed a resolution to adjourn and the senate has not

agreed to that motion to adjourn, and the ten days is calculated by the members of the assembly from the date agreed upon by them for adjournment, and that is the reason why they are in control not only ten days, but sometimes a month before final adjournment.

Mr. GOULDEN. Does the gentleman consider the rules of the assembly and the senate of the State of New York superior to the rules of the House of Representatives?

Mr. MALBY. I consider this, Mr. Speaker: I consider that the rules of the assembly and the senate of the State of New York, which provide for a rules committee, are far more far-reaching and vigorous than anything which the House of Representatives of the United States ever had.

Mr. GOULDEN. Then there is no majority rule there as there is here. It is a two-thirds rule the last ten days of the session, is it not?

Mr. MALBY. Oh, we have a majority rule, certainly, but not during the last ten days. Our rules, as a general thing, work well. I am not criticising them.

Mr. GOULDEN. Does the gentleman think there is as much deliberation and freedom in the exercise of those rules as in the rules of this House?

Mr. MALBY. The gentleman means the rules as a whole?

Mr. GOULDEN. Yes.

Mr. MALBY. I think owing to the size of the body, there being but 150 members in the assembly and 51 senators now in the senate, that the opportunity for deliberation is larger there than it is here.

Mr. HAMLIN. Mr. Speaker, I make the point of order that the gentleman from New York is not discussing the point of order that is before the House.

The SPEAKER. The gentleman and all gentlemen who have talked to this point of order have not talked under the hour rule. I suppose it is within the power of the Speaker at any time to stop this discussion, but gentlemen on both sides of the House, both the majority and the minority, and the minority of the majority side, have talked about many things far away from the point of order, and the Chair has not stopped them, presuming from the action of the House that it is the temper of the House to give freedom of expression. The gentleman from New York.

Mr. MALBY. Mr. Speaker, if I have not sufficiently interested my friend in proceeding in my own way, I will do the best I can to please him. I desire to call attention to another rule of the assembly of the State of New York, which I commend, rule 3:

The speaker shall appoint all committees except where the house shall otherwise order.

I approve of that provision. It is a rule which has been in vogue, so far as my recollection goes, since the foundation of our state government. It will probably remain just as long as New York is one of the sovereign States of this Union.

Thus we have, at least in the Empire State, a legislative body which provides for a committee on rules. It provides that the speaker shall appoint all members of that committee. He always appoints himself the chairman, and my friend from New York [Mr. FISH] did so when he was the speaker of the house, and he ought to have done so. He was the responsible head, and he should, as he did, have the power to control legislation through his committee on rules. [Applause and laughter.]

Mr. FOELKER. Is it not a fact that the senate in the State of New York three years ago appointed its own committees, and not the president of the senate?

Mr. MALBY. Yes. Now, that is a nice question for my friend from New York to ask. Unfortunately for my dear old home State, three years ago it elected a Democratic lieutenant-governor, who, under the rules, had the right to appoint the committees of the senate, subject to the right of the senate to appoint them; and it being a Republican senate, which was responsible to the people for legislation, they declined to permit a Democratic lieutenant-governor to appoint the committees.

Mr. GOULDEN. Did the gentleman justify that departure from sound principles in the government of the New York state senate, when a good, honest, fearless man was elected lieutenant-governor, to take out of his hands the prerogatives which always belonged to that office just because of politics?

Mr. ROBERTS. Mr. Chairman, I would like to ask the gentleman from New York [Mr. GOULDEN] a question—

Mr. MALBY. I can not yield for that, Mr. Speaker. I want to say that the rules of the senate of the State of New York provide that the lieutenant-governor shall appoint the committees, subject to the approval of the senate, and the senate did not approve. [Laughter.]

Mr. GOULDEN. Simply because of his politics, I take it.

Mr. MALBY. Simply because of his politics, and the responsibility of a Republican senate to the people for legislation.

Mr. GOULDEN. And for no other reason.

Mr. MALBY. No other reason that I know of, except we did not propose to have a Democratic lieutenant-governor appoint the committees of the senate of the State of New York when he had no responsibility for legislation. Now, that is not an unusual thing, because it has worked both ways in the senate of the State of New York, depending only upon which party is in power. The rules of the senate of the State of New York provide, as I stated, that the lieutenant-governor shall appoint the committees, subject always to the approval of the senate itself. So, Mr. Speaker, I am unable to agree with my colleague from New York. We usually agree upon great Republican principles, because he and myself have ever supported the principles of that party at home. I know of no reasons why we should not support the principles of that party here.

I can not recognize any other rule than that of the majority. I can not recognize the right of a minority of my party to control a majority of my party. We are either a party of majorities or we are nothing. When your resolution provides that the majority party shall appoint 9 members and the minority party 6 members, I would like to have some one tell me what that rule means. Who is the majority party in the House of Representatives to-day? The accredited Republican party upon all of the votes which have taken place to-day and yesterday, who are held responsible to this great country for legislative matters, have found themselves in the minority. Who, then, is to appoint the 9 members? Is it our Democratic friends with an alliance of a small minority of so-called Republicans? Are they to constitute the majority, and are they to determine who the 3 members shall be, and are the 3 members to determine who the 15 members shall be? If that be so, where does the Republican party, who is responsible to the people in the Congress of the United States, come in? And that is just exactly what is intended, to be perfectly frank. There is no question about it. It is not intended that the Republican majority in this Congress shall control the appointment of the members of this committee. It is not intended that they shall appoint the 9. It is intended, and I charge it to be a fact, that the minority, the Democracy and their Republican allies who are dissatisfied with the majority, shall get together and determine every single one of the members of the Committee on Rules. That is the object and that is the purpose, which everybody can clearly see.

I think, Mr. Speaker, I have consumed all of the time I desire. I wanted to call the attention of the House to the fact that at least so far as my native State was concerned that it has had for all of the time that I have known anything about it a rules committee appointed by the speaker, who appointed himself its chairman, which is vested with much more power than is conferred by these rules. And, more than that, no resolution or bill can be debated before our New York State committee on rules, and they may report or not, as they please, and can not be discharged except by a two-thirds vote. I have no fault to find with it. We have found it, after years of trial and experience, to be a matter of necessity, just as the House of Representatives will find it to be a matter of necessity if any other proposition such as that involved in this resolution is unfortunate enough to be adopted.

Mr. FOELKER. Mr. Speaker, I know of no more important question than the one that has presented itself to this body, since our predecessors in this Chamber wrestled with the legislative problems antecedent to, during, and immediately succeeding the civil war.

It goes to the very root of popular self-government and its determination here will pass out as our opinion, whether this is a deliberative body or merely an automaton to be manipulated according to the views of a single individual, and he one of us. [Loud applause.]

Here is a body consisting of 391 Members, of perhaps varying ability, but each, under the Constitution, intended to have equal powers with the others, and while each represents a separate and independent constituency, together we act for a nation now of quite 90,000,000 of people, extending from semitropical southern California, which borders upon our neighbor, Mexico, far into the arctic circle of our Alaskan possessions, and from Maine to Florida. Besides these, we must justify ourselves to those inhabitants of our insular possessions, who, sooner or later, will become citizens with us.

Strange to say that one of us, sent here to represent a single district, has now become so powerful that he is regarded as the second man in the Nation. While the Constitution provides that "the House of Representatives shall choose their Speaker and other officers" (Art. I, sec. 2, clause 5), it does not give him any more influence or power. The power he has and

does wield is entirely out of all proportion to the place he holds; it is a power fundamentally and diametrically opposed both to the spirit and letter of the Constitution, and is a distant menace to a representative form of government. The Speaker of the House of Representatives or the presiding officer of any deliberative body can not, in the very nature of things, be what he should be—the impartial parliamentarian who holds the scales of deliberative justice with even, dispassionate hands and does equal justice to the majority and the minority—if he has the power and assumes the sole responsibility of shaping legislation. Clause 2 of section 5, Article I of the Constitution, distinctly says:

Each House may determine the rules of its proceedings, etc.

Mark you, each House may determine. But what do we find the actual practice? In determining the rules to govern our proceedings we have provided for a presiding officer, whom we call Speaker.

The powers and duties of this officer were intended, so far as he is presiding officer, to follow those of the speakership of the House of Commons. There, however, the selection of speaker is made of the person who is deemed best qualified for the office, without regard to his politics, and frequently, Parliament after Parliament, although changing with the different political parties, the same speaker has been kept in power. He is and was the speaker because, when occasion came to address the King or the House of Lords on any matters pertaining to legislation, he speaks for the body over which he presides, and his appointment is made with at least the nominal, if not actual, approval of the King. But he has no such powers as we have conferred upon our presiding officer, and would soon find himself subject to impeachment and removal were he to arrogate to himself any such as are sought to be exercised here.

At the beginning of each session it has been the custom to adopt the rules of the preceding Congress, subject always to change. These provided for the election of a Speaker, and upon the Speaker is conferred the power of naming the committees to which, as preliminary to the action of the entire body, are committed the various matters that may rightfully and constitutionally come before us. There has grown up, as part of this system, a committee on rules, consisting of five members, three of whom represent the majority and two the minority. These are also appointed by the Speaker, the Speaker himself being one of the majority and, in fact, the chairman of the committee. Thus it will be seen the entire committee is the creature of the Speaker, and that at all times, with the two votes of his own party together with his own, he can control such legislation as must be passed upon by this committee. Now, by another rule, by which we have further tied our hands, this committee of five, or three, or really one, as it often happens, can and does determine to what committee proposed legislation shall go and how and when it should be moved.

Now, Mr. Speaker, the gentleman from New York [Mr. MALBY] has somewhat criticised my friend Mr. FISH because he disagrees with him, and cites in his own behalf the rules of the assembly and senate of the State of New York. I am sure that if the rules of the House of Representatives were like those he read and did not read, although a part of them, Mr. FISH, myself, and all other so-called insurgents would be satisfied, and the Norris resolution would perhaps not be before the House to-day, for in the New York state assembly any committee may be discharged from the further consideration of any bill pending before it, which is impossible under the rules of this House. A member may also at any time, upon the final passage of a bill, explain his vote for or against a bill, which is not permissible in the House of Representatives.

Mr. MALBY also stated, in answering Mr. FISH, that—

Thus we have, at least in the Empire State, a legislative body which provides for a committee on rules. He always appoints himself the chairman, and my friend from New York [Mr. FISH] did so when he was the speaker of the house, and he ought to have done so.

Now, Mr. Speaker, Mr. MALBY is absolutely wrong in that statement, and I desire to call his attention to the rule as to the power of the speaker in the New York state assembly, which reads as follows:

8. He (the speaker) shall be ex officio member and chairman of the committee on rules.

Hence, Mr. FISH could not have appointed himself chairman of the committee on rules, but became so by reason of the rule just read.

A resolution has been introduced here, which is now before us, the purpose and object of which is not to do away with this Committee on Rules but to increase the number, so that it will be more representative in its character; that it should be composed of Members selected by the House itself and not appointed by the Speaker, and that the Speaker himself shall be

confined to his more legitimate duties as a presiding officer. It is now proposed that this resolution, so consonant with the spirit of our Government, shall, before action be taken upon it by this body, be referred to this Speaker-appointed committee of five, or three, or one, to have it there determined whether they will return to this House the power with which they have heretofore been intrusted, or, following practice, withhold the matter from the consideration of the House and so perpetuate their own power, influence, and control.

It has been urged that this is according to precedent. A precedent to be worthy to be followed must be in harmony with the everlasting principles of our Government and traceable back to that which makes for life, liberty, and the pursuit of happiness. Chancellor Kent, in commenting on the doctrine of stare decisis, called attention to the fact that up to his time more than 1,000 cases in English and American law that had at one time or another been pleaded as precedents had been overruled, doubted, or limited in their application. As has been well said, precedents are to be followed, unless flatly absurd, unjust, unreasonable, or clearly contrary to the fundamental law. Without any argument it seems to be self-evident that such attempted interferences by a Committee on Rules with the wishes of the majority of this House is such a usurpation of power as to be contrary to all received notions of our theory of government and revolutionary in its character. Instead of each House determining the rule of its proceedings, this committee of five, three, or one seeks to take upon itself this constitutional duty, to the exclusion of all of the other 390 Members here. "Each House may determine the rules of its proceedings," says the Constitution, not that a committee of five, three, or one shall. To hold with those who are against us would be to make the servant greater than the master, and this committee as now constituted would be a veritable Frankenstein, which, while created by us for an entirely different purpose and tolerated until we conclude to make a change, is in a position to overwhelm us all.

Let me state a few concrete instances.

Preceding the last presidential campaign both parties declared in favor of a constitutional amendment which would permit of an income tax; and Congress promptly, almost unanimously, submitted to the several States a constitutional amendment permitting such legislation. The distinguished gentleman now in his second term as governor of the State of New York (I refer to Governor Hughes), an able lawyer, of unimpeachable and unquestioned integrity, pointed out what he believed to be embarrassing defects in the resolution proposed to be submitted.

Whether Governor Hughes is right or wrong, no one for a moment questions but that, in presenting his views, he acted in the best of good faith and, as he believed, not only in the interest of the people of his own State, but, being a statesman of broad views, gave them out for the consideration of every other State in the Union. It has been argued by some, with great force, that the resolution referred to did not necessarily authorize the legislation which Governor Hughes thought might follow this constitutional amendment. These gentlemen who so differ with Governor Hughes are just as earnest, honest, and sincere as he. I take pride in referring in that connection to our junior Senator, ELLIHU ROOR, now serving the State of New York in the upper House in a manner which meets with the approval not only of his own party, but of the wise and patriotic leaders among our opponents. This debate caused a halt in legislative action and it has looked ever since as though the income-tax amendment might fail of a sufficient number of votes to make it part of the fundamental law. Seeing this, I prepared another resolution, intending to carry out in good faith the pledges made by both parties to the people on this subject, and at the same time obviating the objections of Governor Hughes, and to be in conformity with the opinions and the views of that able statesman, Senator ROOR, and generally put the country in a position where an income tax could be laid, if such necessity arose, such an amendment as would appeal to the public at large and to the patriotic men of both parties. Without something of the kind, I thought that the session would pass by without any authority being conferred upon Congress so to act. Hence the resolution which I have referred to as submitted by me.

Under existing conditions it will depend upon the Speaker whether my resolution shall ever get further than the files of the Committee on Rules. I have no doubt that many of my colleagues see where what I have suggested can be amended with advantage; but unless it meets with the views of the Speaker, our pledges to the people in this regard may be nullified and no constitutional authority granted upon this subject for many years to come. Whether it shall come before the House or not depends upon this self-appointed and self-perpetuating Committee on Rules.

We all know that the cost of living has advanced far in excess of the earnings of labor. Various reasons have been ascribed for this. It is our duty to find a remedy. Meanwhile and until these conditions could be adjusted—which will probably come only by increasing wages in proportion to the increase in the cost of living—I presented a bill (H. R. 19784) placing beef, mutton, lamb, and pork on the free list. Now, it will be observed that this was not done in the spirit of hostility to the policy of protection as proclaimed by my party, but in accordance with it, because it was intended to be in operation but for one year and until the causes of the difference between labor and living can be ascertained and adjusted. This would permit our working people to draw supplies from Canada, our neighbor on the north, and avail ourselves of the cattle that through the thousand hills of South America. It would save the workingman, for at least one year, from drawing on the little capital his self-sacrifice and prudence has laid aside for the education of his children and to provide against possible disease and the certainty of old age. Temporarily, I say, because in the end we must meet this problem in the spirit that should govern everyone having the interests of the country at heart. No nation can succeed where the difference between the cost of living on the one hand and the return from wages on the other make it impossible for the workingman to secure a competency.

Well, this bill went in some weeks ago (January 31, 1910). I have been written to and spoken to as to when it is likely to come before this body, and the only answer I have been able to give was that it rests with the Committee on Ways and Means, who, although written to requesting a hearing, have not even answered my letter. The Committee on Rules is the only one to which I can appeal for assistance, and that body will positively not come to my aid reporting a rule that this bill may properly come before the House, for such a report would in fact operate as a discharge of the Committee on Ways and Means from the further consideration of the bill. My former distinguished colleague, Mr. Hepburn, of Iowa, very properly said in a debate during the last session of the Sixtieth Congress:

Ah, it is easy to get into the Committee on Rules, but by what host and by what petard would we get out of the Committee on Rules?

It has been said that we may offend somebody in doing as we propose to do. I am prepared to offend somebody—anybody and everybody who attempts in the slightest to interfere with or impair our constitutional rights or to subordinate the liberty of this my adopted country to any advantage to themselves or to others whom they would serve rather than the whole people. As was said on a similar occasion more than a hundred and sixty years ago:

But Titus said, with his uncommon sense,
When the exclusion bill was in suspense,
"I hear a lion in the lobby roar.
Say, Mr. Speaker, shall we shut the door
And keep him there, or shall we let him in,
To try if we can turn him out again?"

There are those about me who are loud in praises of those who are in authority, and, while agreeing with us so-called insurgents, refer to the controlling power if not in the language at least in the spirit of Lord Thurlow of more than one hundred and twenty years ago:

When I forget my sovereign may my God forget me.

A fitting reply to those would be in the language of Wilkes:

Forget thee? He'll see thee damned first.

Yes; I am willing to take my chances of answering to my constituents that I serve them here to the best of my ability and have no commission from them to be gagged and bound by any Committee on Rules.

It might be well for some of the gentlemen who were very severe in their strictures on those of us who did not agree with them in their desire to uphold the rules of the House and to keep unimpaired the domination of the Speaker in all legislation to examine their own records for party loyalty before throwing stones at others.

I refer to the gentlemen from New York, Messrs. CALDER, DWIGHT, FASSETT, and VREELAND, all of whom only a short time ago appeared in the rôle of pronounced reformers in our State when the question came up for the election of a president pro tempore of the New York state senate. They did everything in their power, and I was glad to see them do it, to support Senator Hinman, who is an able and a fearless legislator, for that position against Senator Cobb, the regular organization candidate. They evidently are reformers at home and regular organization men here.

The extreme devotion of these gentlemen to the House organization and to the rules of the House which subject all legisla-

tion to the tender mercies of the Speaker and his immediate coterie may find a warm indorsement here, but not at home.

Mr. ROBERTS. Mr. Speaker, there is a very important matter in the House being considered at the present time, and it seems to me we should have a quorum, and I make the point that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. ROBERTS. Mr. Speaker, I move a call of the House. The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. JAMES) there were—ayes 52, noes 60.

Mr. CRUMPACKER. The yeas and nays, Mr. Speaker.

Mr. ROBERTS. I make the point of order that the motion discloses no quorum.

The SPEAKER. Evidently a sufficient number—

Mr. JAMES. The other side, Mr. Speaker.

The SPEAKER. There is not enough to make the other side. Evidently every Member who voted aye would order the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 108, nays 117, answered "present" 18, not voting 145, as follows:

YEAS—108.

Alexander, N. Y.	Fordney	Knapp	Palmer, H. W.
Andrus	Gaines	Knowland	Parker
Austin	Gardner, N. J.	Kronmiller	Pray
Barnard	Gillett	Küstermann	Prince
Bartholdt	Goebel	Lafeman	Reeder
Bates	Good	Langham	Reynolds
Bennet, N. Y.	Graff	Law	Roberts
Brownlow	Graham, Pa.	Longworth	Scott
Burke, S. Dak.	Grant	Loud	Smith, Cal.
Burleigh	Griest	Loudenslager	Smith, Iowa
Butler	Guernsey	Lowden	Smith, Mich.
Calder	Hamilton	McCredie	Southwick
Cocks, N. Y.	Hanna	McLachlan, Cal.	Sperry
Cole	Hawley	McLaughlin, Mich.	Sterling
Cooper, Pa.	Heald	Mann	Stevens, Minn.
Coudrey	Henry, Conn.	Martin, S. Dak.	Sulloway
Cowles	Hollingsworth	Miller, Kans.	Taney
Creager	Howell, Utah	Miller, Minn.	Thistlewood
Crumpacker	Hubbard, W. Va.	Mondell	Thomas, Ohio
Douglas	Huff	Morgan, Mo.	Wanger
Draper	Humphrey, Wash.	Morgan, Okla.	Washburn
Dwight	Johnson, Ohio	Murphy	Weeks
Edwards, Ky.	Joyce	Needham	Wheeler
Ellis	Englebright	Kendall	Wiley
Fairchild	Fassett	Kennedy, Iowa	Wood, N. J.
			Woodyard
			Young, N. Y.

NAYS—117.

Adair	Dies	James	Ransdell, La.
Adamson	Dixon, Ind.	Johnson, Ky.	Rauch
Aiken	Edwards, Ga.	Johnson, S. C.	Roddenbery
Barnhart	Ellerbe	Jones	Rothermel
Bartlett, Ga.	Ferris	Kelher	Rucker, Colo.
Beall, Tex.	Fish	Kinkaid, Nebr.	Rucker, Mo.
Bell, Ga.	Floyd, Ark.	Kitchin	Sabath
Booher	Foelker	Kopp	Saunders
Borland	Foster, Ill.	Latta	Shackelford
Brantley	Gallagher	Lee	Sheppard
Burnett	Gardner, Mass.	Lenroot	Sims
Byrd	Garner, Tex.	Lindbergh	Sisson
Candler	Garrett	Lindsay	Smith, Tex.
Cantrill	Gill, Mo.	Livingston	Spight
Cary	Gillespie	Lloyd	Steenerson
Clark, Mo.	Gilmore	McDermott	Stephens, Tex.
Clayton	Gordon	McHenry	Taylor, Colo.
Cline	Gregg	Maguire, Nebr.	Thomas, Ky.
Collier	Hamlin	Martin, Colo.	Thomas, N. C.
Cooper, Wis.	Hammond	Moore, Tex.	Tou Velle
Covington	Hardwick	Morrison	Turnbull
Cox, Ind.	Hardy	Morse	Underwood
Cox, Ohio	Harrison	Moss	Volstead
Craig	Helm	Murdock	Watkins
Cullop	Henry, Tex.	Nelson	Webb
Davis	Hinshaw	Oldfield	Wickliffe
Dent	Hitchcock	Padgett	Wilson, Pa.
Denver	Houston	Peters	
Dickinson	Hughes, N. J.	Pujo	
Dickson, Miss.	Hull, Tenn.	Rainey	

ANSWERED "PRESENT"—18.

Ashbrook	Clark, Fla.	Howard	Stanley
Bowers	Finley	Lever	Taylor, Ohio
Broussard	Goldfogle	Norris	Woods, Iowa
Byrns	Goulden	Pratt	
Carlin	Hayes	Sharp	

NOT VOTING—145.

Alexander, Mo.	Bingham	Carter	Dawson
Allen	Boehne	Cassidy	Denby
Ames	Boutell	Chapman	Diekema
Anderson	Bradley	Conry	Dodds
Ansberry	Burgess	Cook	Driscoll, D. A.
Anthony	Burke, Pa.	Craven	Driscoll, M. E.
Barchfeld	Burleson	Crow	Durey
Barclay	Calderhead	Currier	Elvins
Bartlett, Nev.	Campbell	Dalzell	Esch
Bennett, Ky.	Capron	Davidson	Estopinal

Fitzgerald	Hughes, Ga.	Moon, Pa.	Sherley
Flood, Va.	Hughes, W. Va.	Moon, Tenn.	Sherwood
Focht	Hull, Iowa	Morehead	Simmons
Fornes	Humphreys, Miss.	Moxley	Slayden
Foss	Jamieson	Mudd	Slemp
Foster, Vt.	Kahn	Nicholls	Small
Foulkrod	Kennedy, Ohio	Nye	Snapp
Fowler	Kinkead, N. J.	O'Connell	Sparkman
Fuller	Korbly	Olcott	Stafford
Gardner, Mich.	Lamb	Page	Sturgiss
Garner, Pa.	Langley	Parsons	Sulzer
Gill, Md.	Lawrence	Patterson	Swasey
Glass	Legare	Payne	Talbot
Godwin	Lundin	Pearre	Taylor, Ala.
Graham, Ill.	McCall	Pickett	Tener
Greene	McCreary	Plumley	Tilson
Gronna	McGuire, Okla.	Polindexter	Tirrell
Hamer	McKinlay, Cal.	Pou	Townsend
Hamill	McKinley, Ill.	Randell, Tex.	Treland
Haugen	McKinney	Reid	Wallace
Hay	McMorran	Rhinock	Weisse
Heflin	Macon	Richardson	Willett
Higgins	Madden	Riordan	Wilson, Ill.
Hill	Madison	Robinson	Young, Mich.
Hobson	Maynard	Rodenberg	
Howell, N. J.	Mays	Russell	
Hubbard, Iowa	Millington	Sheffield	

So a call of the House was refused.

The Clerk announced the following additional pairs:

For the remainder of the session:

Mr. CURRIER with Mr. FINLEY.

Mr. BRADLEY with Mr. GOULDEN.

For the balance of the day:

Mr. CAMPBELL with Mr. BOWERS.

Mr. FOSTER of Vermont with Mr. LAMB.

Until 11 o'clock a. m., March 18, 1910:

Mr. PEARRE with Mr. GILL of Maryland.

Mr. ALLEN with Mr. PAGE.

From 7.15 p. m. until 9.30 p. m., March 17, 1910:

Mr. SLEMP with Mr. CARLIN.

From 7.15 until 8.30 p. m., March 17, 1910:

Mr. LANGLEY with Mr. STANLEY.

Until 8.15 p. m., March 17, 1910:

Mr. HULL of Iowa with Mr. SLAYDEN.

Upon this vote:

Mr. WILSON of Illinois with Mr. WILLETT.

Mr. VREELAND with Mr. SMALL.

Mr. TILSON with Mr. RUSSELL.

Mr. RODDENBERY with Mr. RHINOCK.

Mr. PAYNE with Mr. RICHARDSON.

Mr. LAWRENCE with Mr. MAYNARD.

Mr. HOWELL of New Jersey with Mr. HUGHES of Georgia.

Mr. FOSS with Mr. HAY.

Mr. DAWSON with Mr. COX of Ohio.

Mr. DALZELL with Mr. FLOOD.

Mr. CALDERHEAD with Mr. BURLESON.

Mr. GARDNER of Michigan with Mr. SHARP.

Mr. SPERRY with Mr. AMES.

The result of the vote was announced as above recorded.

Mr. TAWNEY. Mr. Speaker, I make the point that there is no quorum present.

Mr. JAMES. There is a quorum present.

The SPEAKER pro tempore. The vote just taken shows a quorum.

Mr. UNDERWOOD. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is the gentleman from New Jersey [Mr. PARKER].

Mr. REEDER. A parliamentary inquiry. Is the gentleman in order under the Constitution or under the rules of the House?

The SPEAKER pro tempore. The Chair is not able to hear the gentleman.

Mr. REEDER. I was questioning whether the gentleman was in order under the rules of the House or under the Constitution.

The SPEAKER pro tempore. Both.

Mr. PARKER. Mr. Speaker, I shall try to be in order on the question now before the House. That question, although merely seemingly a matter of order, is more important than any other subject that has been discussed in this debate. It is insisted, Mr. Speaker, that a motion to amend the rules may be brought before this House at any time by any Member as a matter of the highest constitutional privilege without previous reference to the Rules Committee, and that it shall be always in order. You gentlemen on the other side claim that you may be some time in the majority. I ask you, and I ask gentlemen on this side, how this House will do business at all if any Member in the minority can at any time move to amend the rules of this House, and that question must come up for debate, and for roll

calls on the previous question, and on the question itself, supported by that minority. We talk about filibustering. No such means for a filibuster was ever framed as to say that a motion to amend the rules of this House can be brought forward by one Member at any time and that with the support of one-fifth of the House roll calls can be demanded.

A new rule is proposed as to the Rules Committee. What business has your Rules Committee left to it, if any Member at any time can move to amend the rules so as to bring in a particular bill or a particular subject and can move his rule without a report from that committee? Remember that this motion to amend the rules has not been referred to the Rules Committee.

The Constitution provides for rules. "Each House may determine"—determine, set metes and bounds, and fix the marks so that they can not be changed without care—"the rules of its proceedings." Now, the first business of the House is to see that its rules shall be so fixed as to enable it to do business; and because special persons in the House, or special interests, may from time to time desire that some bill shall be advanced, the rules have taken from every single Member the right to change the rules in special cases, and have provided a Rules Committee, and it is provided by the rules (XI, 53) that "all proposed action touching the rules, the joint rules, and order of business shall be referred to the Committee on Rules." We have spent about five hours to-day on a motion by a single gentleman to amend the rules. He says he is supported by a majority. If he was supported by a minority, he could have held his place here just as well, as well at least as far as two roll calls were concerned.

Mr. BARTLETT of Georgia. May I interrupt the gentleman? Mr. PARKER. Yes.

Mr. BARTLETT of Georgia. Does not the gentleman believe—

Mr. JAMES. Mr. Speaker, I make the point of order that this debate on the point of order is for the purpose of informing the Speaker; and it can not enlighten the Speaker, because the Speaker is not in the chair and not even in the Chamber.

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. PARKER. I am always glad to yield to interruptions, because it brings attention in this instance to a point of order which is more important than any resolution before the House.

Mr. BARTLETT of Georgia. Does not the gentleman believe that if the Speaker had been of the opinion that a majority of this House would have sustained his ruling that he would have decided this question three hours ago?

Mr. PARKER. No. I do not think you are asking a very important question.

Mr. BARTLETT of Georgia. I will put it in another way, if the gentleman will permit me, in order to make it important. Has the gentleman ever seen the present Speaker or any other Speaker, during his service, and his service and mine are about the same, permit unlimited debate for five hours upon a question whether or not the question presented is a question of privilege?

Mr. PARKER. I think I have seen that done before.

Mr. KEIFER. Will the gentleman permit me to answer that?

Mr. TAWNEY. If the gentleman will permit me, I can answer that. In the Fifty-sixth Congress that question was debated for two days.

Mr. PARKER. My recollection is that there was a very long debate in the Fifty-sixth Congress.

Mr. BARTLETT of Georgia. What question was it?

Mr. TAWNEY. On the question whether or not a provision on the sundry civil bill was in order. It was debated for two days.

Mr. BARTLETT of Georgia. What provision?

Mr. TAWNEY. In regard to mileage.

Mr. BARTLETT of Georgia. When?

Mr. TAWNEY. In the Fifty-sixth Congress.

Mr. BARTLETT of Georgia. But that was under the rules we are now operating under, which demonstrates how ineffectual the rules are to do business, and how necessary it is to make a change.

Mr. PARKER. I am suggesting to the gentleman what he can not answer—

Mr. BARTLETT of Georgia. I will try to answer.

Mr. PARKER. The question is this: Whether, under the new proposition of order that is made here, any Member can bring forward an amendment to the rules at any time, and if so, whether it is not possible for a minority to occupy the whole session; in spite of everybody, by proposed amendments to the rules?

Mr. BARTLETT of Georgia. The minority has occupied very little of the session.

Mr. PARKER. I ask whether it is not possible, and whether it is not probable, that the minority would do it? I will ask the leader of the minority [Mr. CLARK of Missouri] whether he would like that power put in the hands of any minority of the House if he should be the leader of a majority party?

Mr. BARTLETT of Georgia. But the Speaker would, in a very short while, say that he was ready to rule, and, ordinarily, to-day he would have ruled long ago.

Mr. PARKER. I do not consider that the interruption is pertinent to my question. I have put a question which has not been answered. It is unanswerable. The adoption of this principle that any man at any time may bring forward as a matter of high constitutional privilege a motion to amend the rules, and have it determined in the House without reference to a committee and without action by a Rules Committee, not only destroys the use of the Rules Committee, not only destroys all its functions, but is an abdication by the House of the power to do business.

The rules of the House are intended to provide that certain business shall be brought before that House according to the will of the majority. It is impossible that the rules of the House or the Constitution of the United States should mean or intend that the whole business of the House may be stopped by successive motions by different men, with the incidental roll calls—no matter whether those men are in the minority or not—motions to amend those rules so as to let in one topic or another, whether it be conservation or whether it be this, that, or the other, I do not care what.

If a man chooses to consider it important enough to move to amend the rules, he can nullify any majority, as the majority has been nullified to-day, not only for four hours, but by successive motions for the two hundred and fifty hours that are all we have in a short session. There are 150 Members in the minority ready to bring forward such motions and have such roll calls.

No such system of anarchy and chaos can be allowed in any deliberative body. The question now before us on the point of order is immeasurably more important than any question as to who shall be our Committee on Rules; for if this precedent be established, and this debate is in order, the Committee on Rules is as absolutely without power to do business as is the House itself.

Mr. HUGHES of New Jersey. I want to ask the gentleman if the same situation as he prophesies will exist in this House as a result of this rule—that is, the ability of a few men to take up the time of the House—does not exist as a present condition in another Chamber? Is it not in the power of one man there to take up the time of that body?

Mr. PARKER. Yes; and they suffer somewhat from it. I can not discuss other chambers, but I can only say that if any and every man here had the power to take the whole time of this House, we would have to do all of our business by courtesy and unanimous consent.

Mr. COX of Indiana. What does the gentleman say, in his opinion, as to whether or not there is any constitutional privilege in the pending resolution?

Mr. PARKER. There is none.

Mr. COX of Indiana. Why?

Mr. PARKER. The power given to each House to determine the rules of its proceedings is a power to prevent single Members from coming forward from time to time and occupying the time of the House, either with propositions to change the rules, or any other proposition.

The power to determine the rules of its proceeding is exactly analogous to the powers given to Congress. Power is given to Congress to lay and collect taxes, duties, imposts, and excises. On that subject no Member has a constitutional privilege; we refer it to the Committee on Ways and Means.

"To provide for the common defense." We do that by referring all bills on that subject to the Naval Committee and the Committee on Military Affairs.

"To borrow money on the credit of the United States." We refer all such questions to the Committee on Ways and Means.

"To regulate commerce with foreign nations and among the several States and with the Indian tribes." No such measure comes before the House until it is reported by the Committee on Interstate and Foreign Commerce.

"To establish a uniform rule of naturalization." All bills on that subject go to the Committee on Immigration and Naturalization.

"To coin money, to regulate the value thereof and of foreign coin, and to fix the standard of weights and measures." Every-

body knows that such subjects go to the Committee on Coinage, Weights, and Measures.

"To provide for the punishment of counterfeiting the securities and current coin of the United States." All such measures go to the Committee on the Judiciary.

"To establish post-offices and post-roads." Those measures go to the Committee on Post-Offices and Post-Roads.

"To promote the progress of science and useful arts by securing for limited time to authors and inventors the exclusive right to their respective writings and discoveries." Those go to the Committee on Patents.

"To constitute tribunals inferior to the Supreme Court;" to the Committee on the Judiciary.

Now, the power in Congress to do all these things does not give the right to any man to jump on the floor at any time and bring in a bill for consideration of Congress. If so, we would be swamped with a multitude of ill-considered bills. Any proposition to advance one measure over another goes to the Committee on Rules, and rightly so, and you expect to establish a Committee on Rules for that purpose. What power and what jurisdiction would the committee have if you are going to allow any Member to bring up a measure for the change of rules before that measure is referred to the Rules Committee?

Mr. COX of Indiana. Now, will the gentleman yield?

Mr. PARKER. With pleasure.

Mr. COX of Indiana. Is it not a fact that the present Rules Committee exists by virtue of the Constitution of the United States?

Mr. PARKER. No; it exists under the rules of the House.

Mr. COX of Indiana. Is it not a fact that not only the present Rules Committee, but the rules of the House, look to the Constitution of the United States for their authority, for their organic authority?

Mr. PARKER. The rules of the House depend upon the power of the House to make the rules. I think, however, that the House would have the power to make rules of procedure, as essential to its existence.

Mr. COX of Indiana. Would not the gentleman admit that you look to the Constitution to get your authority to adopt the rules which govern the House?

Mr. PARKER. I look to the Constitution and also to the necessity for a deliberative body to have rules. I look to the Constitution and also to the power inherent in every deliberative body, or assembly, to make rules.

Mr. COX of Indiana. Will the gentleman yield further?

Mr. PARKER. Now will the gentleman from Indiana allow me to go on with my argument?

Mr. COX of Indiana. I wanted to put one more question.

Mr. PARKER. I was going to refer to the question of the census.

Mr. COX of Indiana. I beg the gentleman's pardon.

Mr. PARKER. It is rather hard to be interrupted and to pursue the train of argument which I had in mind.

Mr. COX of Indiana. I thought the gentleman wanted to be interrupted.

Mr. PARKER. Yes; but instead of one question the gentleman gives me five. Mr. Speaker, I do not know that I am thoroughly in accord with the precedents in reference to the census. The Constitution says, to put it briefly, in effect, that Congress every ten years shall provide for an enumeration of the inhabitants, in order to make an apportionment of the Representatives in Congress and for the purpose of laying direct taxes.

It is not "may," it is "shall." It says that they shall do that. I have doubted whether the amendment to a census bill, which went only to the birthplace of the people or the nationality and tongue of their parents, comes thoroughly within the enumeration, but it is determined that it does, and that it has privilege, but only after reference to and report by the Committee on the Census, and not, as now claimed, without such reference. I abide by the precedent. The bill has got to be perfected at this Congress so as to go into effect this year, and other business, according to the precedents, must give way in order that that may be done. The Constitution makes a definite order that a certain thing shall be done at a certain time. The Constitution does not say that the rules shall be changed on mere motion. It says, on the other hand, that they shall be determined and made termini or landmarks which bind every Member, and that determination is gone if we allow every Member, any Member, at any time to rise in his place and move for a change of the rules. Imagine the chaos that would result! Every man has his pet hobby. Imagine when every man with a hobby, whether of the majority or the minority, can rise

in his place and move to change the rules so as to let that hobby come before the House—imagine the chaos!

That is what we call a "suspension of the rules." We provide that such suspension shall need a two-thirds vote and come up only on certain days. In the old times such motions were made by the consent of the Speaker and his recognition. At this session, because there was no unanimous consent or assent to his granting such recognition, he has wisely withheld any such permission—except, I think, in the statehood bill—during the whole session. Imagine the result if any Member could at any time rise and move that the rules be changed so that he might bring forward his pet measure.

Mr. JAMES. I would like to ask the gentleman whether or not, in his judgment, after five and a half hours' debate on this question, the Speaker is ready to rule.

Mr. PARKER. Mr. Speaker, I imagine that what I have said has been of some advantage to gentlemen on the other side, as not one of them has put a single question directly to the point that I have brought up, which is, that if this point of order be not sustained, there is an abdication by the House of its power to do business, and necessarily so, and that any small minority, composing a fifth of the House, can at any time render that House unable to go ahead. I appeal to gentlemen, not as politicians—

Mr. JAMES. I would like the gentleman to answer the question.

Mr. PARKER. The gentleman will excuse me, but I am not going to answer that question, except as I have answered it. I have answered that the gentleman himself ought to have gained some profit from what I have said, because neither he nor any man has been able to deny what I state—that this point of order goes back, goes far back of all questions as to what our rules shall be, goes far back—

Several MEMBERS on the Democratic side. How far? [Laughter.]

Mr. PARKER. I wish to go on. I do not wish to be interrupted.

Mr. JAMES. Does the gentleman—

Mr. PARKER. I do not wish to be interrupted.

Mr. JAMES. Well, I object to the gentleman going further back than Noah's ark. I am willing for him to go that far. [Laughter.]

Mr. PARKER. It goes far back of any mere question of policy for this House. It goes far beyond any question suggested here as to the power of any officer or committee in this House. It goes far beyond any question of the bearing of the Constitution on the rules. It goes to the very existence of this House as a legislative body, and I appeal to every patriot of every party to support the power of the House to do business and to determine, as it should be determined, that no change of rules can be attempted without a previous reference of that change to a properly constituted Committee on Rules. Any man who supports any other doctrine destroys the greatest legislative body in the world. [Applause.]

Mr. FOWLER. Mr. Speaker, I shall not detain the House but a moment. I want to call the attention of the House to two or three facts, which I think are pertinent and ought to be considered now and will be considered during the next six months. The gentleman from New York [Mr. FASSETT] chided some Members of this body because, forsooth, they were going to vote with Members of the other side of this Chamber on this question. I desire to remind him of the fact that the rules of this House were adopted through an alliance by a majority of this House with a minority on the other side [applause] consisting of 23 men. Therefore we have the rules of this House as they exist to-day, not passed by the majority Members of this House, but by some of the Republicans of this House and some of the Democrats of this House.

Now, I want to call the attention of this House to another fact. Nobody denies that this House has the power, pursuant to its rights, to make the rules of this House. Will anybody say that when they have adopted the rules for this House at the beginning of a session that we have determined that those rules shall not be changed until the term of Congress is over? How did it happen, if that is true, that the Rules Committee brought in here last session a change and gave us calendar Wednesday? This was done because we had empowered them to perform that and other functions. Now, suppose that that instrumentality of this House failed to perform the duty that this House had imposed upon it, suppose that the Speaker of this House concluded that there should be nothing done except to serve his own personal will and so this House was outraged by that tyranny, do you mean to say that we would have to suffer that tyranny the whole two years before we could exercise the power

that this House has? Have they exhausted their power? Is not a residue of power left in the House which they could exercise at any time during the two years? I think that the proposition that the House has exhausted its power to make or change the rules of this House is absurd.

Gentlemen talk about there being chaos here.

Now, the proposition before this House ought to go before the country precisely as it is. It is as simple as this:

If we should agree to-night that there should be a Committee on Rules of 15 members, of whom 9 are to be Republicans and 6 are to be Democrats, I will unite and meet with the Republicans of the House in a caucus and we will select our 9 members. The Democrats will meet in a caucus and they will select their 6 members. That is all there is to this proposition. I do not care what form it takes, but it is a simple, plain proposition of having a Rules Committee elected in the same proportion as that we have it to-day—9 Republicans to 6 Democrats. We now have 3 Republicans and 2 Democrats.

Now, would there be any chaos if the 9 members should take up any measure for consideration that may be included in the programme that the President approves? Will any Member on this side of the House have the hardihood to say we would have any more chaos when our 9 members discussed any proposition and passed upon it than we have now with 3? Would it not be just as simple a proposition and just as expeditious?

Mr. WILSON of Illinois. Will the gentleman yield?

Mr. FOWLER. Wait until I get through. Would it not be just as simple a proposition then as it is now, and would it not be more responsive to the will of the people of this country than we know it to be now?

Mr. WILSON of Illinois. Will the gentleman yield now?

Mr. FOWLER. In just a moment. Now, another proposition which has been presented by men apparently with a feeling of pride and approval and satisfaction is that these rules are a product of one hundred and fifty years—

Several VOICES. Oh, no.

Mr. FOWLER. Oh, yes; one man said one hundred and fifty years and another said one hundred and twenty years, and I will give them the advantage of the first fifty years for a running start. Supposing they have been here for one hundred and fifty years. The laws of Russia have been in use for a thousand years, but is that any reason why they should not be changed? Are we to stand still? Are we to have this House Russianized through the tyranny of the Speaker and the Rules Committee? [Applause on the Democratic side.]

This is the question that should go to the country, and every Member of this House will be confronted with it in his district. Do not forget it.

Do not imagine that your vote to-night ends the whole matter. This matter of a change of the rules of this House with the purpose of making this House a representative body is a national question. Do not forget it. What is its essence? It is this, that the man who presides over this House should be absolutely free himself and absolutely divorced from all legislative relation to this House. [Applause on the Democratic side.] The power of the Speaker to make and unmake men, the power of the Speaker to ruin a man's political career and he himself control legislation makes this the most corrupt influence conceivable in American life. [Applause on the Democratic side.]

Ideals have been discounted in this place since I have been here until there is hardly such a thing as political ideals left here. Ethical considerations are wiped out, men are confronted with the possibility, with the certainty, of condemnation and consignment to political death because, forsooth, they will not knuckle and cringe. [Applause on the Democratic side.]

I challenge every man in this House to-night to plumb his vote with his honest opinion and with his conscience as a man and say whether I have not stated the truth. Individually you have felt these things. Do not tell me you have not. I have been here for fifteen years, and I have on occasions gone up against that influence, which is literally atmospheric, and I thank God that when I have felt that it was a duty to my country, I have had the courage to meet it, bravely knowing what the consequences would be—aye, must be. [Applause on the Democratic side.]

I want to say to you that the reports that will go out over this country will carry with them no fine distinctions or differentials, but it will be simply whether we will reform the rules of this House and liberate it. The people will make no fine distinctions. They will simply ask you whether you are in favor of the reform of the rules of this House. You as indi-

viduals, almost man for man, if you can free yourselves absolutely and vote your honest judgments and respect your consciences, will vote to liberate this body. [Applause on the Democratic side.]

Mr. REEDER. Mr. Speaker, I am as much in favor of changing the rules of this House as any of the so-called insurgents. But I am very much opposed to the methods they employ to gain their ends. I regard it as very much more in line with our duty to our constituents to secure changes in the rules and all else we strive for as we did calendar Wednesday, through the Republican majority in Congress.

Mr. Speaker, in my judgment the question before us to-night is, Will we support this effort of a small minority of the majority party to set aside the theory that the majority shall rule? The Democrats do not wish to change these rules. I am safe in making this statement, because when they came into power a few years ago they did not attempt to change them, and there is no indication that they would change them now if they should ever come into power again. Hence, I say, the minority party in this House does not desire to change the rules. The Democrats will, however, assist you to change them now or to do almost anything that will discredit and disrupt the Republican party and prevent that party from doing what the people of this country have sent us here to do in the way of legislation.

Mr. BARTLETT of Georgia. You mean not doing what they have sent you here to do.

Mr. REEDER. The Democratic purpose is to destroy the majority's power to do things, and I believe that this is legitimate of them as a party. But I do insist that a minority of the majority party in pursuing this plan of helping the minority to discredit the majority and deprive them of an opportunity to do what the people have sent them here to do is not legitimate warfare.

Mr. HUGHES of New Jersey. Mr. Speaker, I make the point of order that the gentleman from Kansas is not addressing himself to the point of order.

The SPEAKER pro tempore. The gentleman is coming as near to it as any of the others.

Mr. HUGHES of New Jersey. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman can not rise when another gentleman has the floor.

Mr. REEDER. I have a great desire to do some good as I go through the world, and I want to now try to help these insurgents to a just conclusion as to value of our foundation principle, "the majority shall rule."

Mr. COX of Indiana. Will the gentleman yield?

Mr. REEDER. I call this method of joining forces with Democrats absolutely unfair to the people of this great Nation. They sent us here as a Republican majority to do certain things. This minority claims that they want a certain thing done—and I believe that it should be done—but these insurgents are taking a means to accomplish it that is contrary to the theory of a majority ruling. They came here pretending to be Republicans, and the people sent them here supposing they would act with the Republicans. They seem to think it proper to join hands with the enemies of republicanism, to strike down the grand old party of Lincoln, McKinley, Roosevelt, and Taft.

Mr. COX of Indiana. Will the gentleman yield?

Mr. REEDER. I will not be interrupted at present.

Mr. HAUGEN. Mr. Speaker—

Mr. REEDER. I will not suffer an interruption at present.

The SPEAKER pro tempore. The gentleman from Kansas declines to yield.

Mr. REEDER. Such action on the part of those who assume the name Republican is absolutely unfair to the people who sent them here on the supposition that they would try to build up that party and, at least, not stab it in the back.

They are also unfair in this, that the people of this Nation sent Republicans here to legislate. A small minority say they want a certain thing accomplished. I, among others, think it should be done. Whether it is good legislation or not, I will not now discuss. It may be very advisable to make this change in the rules, but the method of doing so which is adopted by the insurgents is absolutely unfair and unjust to the people of this great Republic. The minority party does not want it. Hence, I insist that only a small minority of the majority party that do desire such a change in the rules have no sufficient reason to use foul means to accomplish their wish in this matter. They insist that they will rule the majority or they will ruin it—a very unfair process, a striking at the foundation principle of our Government; a very sacred principle to all patriotic people. I insist that they will hear from the patriotic people on their trampling this great American principle under their feet. The

fact is, the Republican party is in the majority, and if there is a minority in that party who have convictions as to certain matters, they ought to go into the caucus and have the matter thrashed out there, and if they can not convince the majority they ought to then abide by the will of the majority.

That is my judgment as to what is right in such cases. Then if the Republicans in Congress do not do as the people think proper, at the next election the people will have their say; and I believe they will have a say as to the temerity of those who would thus ruthlessly trample this great principle in the dust. I know of no attempt to consummate their wishes in the ordinary way through their party organization. Such methods do not give the party an opportunity to do what they would do and what they are sent here to do. I would like to ask gentlemen before me, do you believe—

A MEMBER on the Democratic side. No.

Mr. REEDER. I do not believe that style of argument is any better than this attempted method of controlling the majority party. Let me ask you gentlemen, would you think it proper and just if a small minority, when they found that a large majority of their party were not in favor of a certain principle, should engage in a plan whereby the minority party would be brought into power for the purpose of discrediting that majority, and thereby much improving the minority party's chances to defeat the majority party at the polls?

Mr. GRONNA. Does the gentleman want an answer to that question?

Mr. REEDER. I do not yield at present. [Great laughter on the Democratic side.]

Mr. GRONNA. I would be glad to accommodate the gentleman.

Mr. REEDER. I will accommodate the gentleman from North Dakota if he will wait until I get through with what I have to say. [Renewed laughter.] I want to emphasize, for the gentleman's benefit, what he and others are trying to do in this House to-day. A small minority wants to force the majority party of this House to proceed in a manner it does not regard as parliamentary. In other words, they would force the majority to do the will of said minority, and in such a manner as to discredit the majority.

Mr. GRONNA. The gentleman is in the minority now.

Mr. REEDER. I request the Chair to see that the gentleman does not interrupt me at present. [Laughter.] I will wait for order on the Democratic side. [Renewed laughter.]

The SPEAKER pro tempore. The House will be in order. Gentlemen will kindly preserve order.

Mr. REEDER. Now, the question would arise, What are the motives of this unseemly coalition? [Laughter.] That is an important question. Probably under the rules I had better not answer that question. [Renewed laughter.] Then, probably I could not answer it exactly to my taste, for lack of language. But the speeches of some of the leading insurgents have indicated something of the motives of at least a few in trying to have the minority of the majority party assume this rule or ruin programme in their attempt to change a rule of this House. These rules were much changed by the party in power. A calendar Wednesday became a part of the rules by a regular course of procedure of the party in power. This change of the rules has not been attempted by means of usual processes in such cases.

Mr. COX of Indiana. Now, will the gentleman yield to a question?

Mr. REEDER. Surely, I am safe in saying that there is no good reason to expect good to accrue to the party in power from such methods or a reasonable hope that by this process the wishes of the people in sending a Republican majority here to do the business of the people will thus be met. It can not be that any man will say that such an effort as is made here by a small minority of the dominant party to discredit and prevent that majority from doing business is wise, right, or according to the wish of those who sent us here. Such methods can not be in the interests of the people.

Mr. RUCKER of Missouri. The people will pass upon that.

Mr. REEDER. The people, it has been suggested by my friend Mr. RUCKER, from Missouri, will pass upon it. Certainly, they will. It is equally certain they did not desire to send a majority to Congress to make our laws and have a small minority of that majority, that have some theory which they can not make the majority believe is wise, act with the minority party who have a different motive in view, and that that minority shall thus destroy the usefulness of the majority. If a minority bring about such a result, they will not only hear from the people but should hear from them in the interest of the principle "a majority shall rule."

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. REEDER. No; I will not permit any interruption at the present. When I get through, I will permit interruptions. I think that every rule of fair dealing—I wish to emphasize that fair dealing—demands that Members sent here by the votes of a party shall not betray that party into the hands of their enemies. But that they shall deal with their party on the majority-rule principle; that is, the minority of the Republicans are in duty bound to deal with the members of that party under the majority-rule principle.

The Republicans should run this Government for the two years for which they were elected; and the majority of the Republicans should determine what that policy shall be. In my judgment, the minority of that party should not take any unfair and unjust methods to set aside the will of the majority, because the people have determined they want that rule for these two years, and by our success or failure we are to be judged.

A MEMBER. That is right.

Mr. REEDER. Every move the Democrats help the insurgents to make which is contrary to the judgment of a majority of the Republicans of this House betrays the people's will that the Republicans shall rule during this term of Congress. I am inclined to think that the rules—

Mr. ELLERBE. The gentleman says he is inclined to think! That is a wonderful inclination. [Democratic laughter.]

Mr. REEDER. When you gentlemen get tired, I will proceed. The probability is that the rules ought to be changed in some respects. But the method that is here attempted to change them is certainly absolutely against the will of the people, who have decided that the Republican party come here to do the business for two years. I am talking against this method of yours, which is based on the theory that a small minority shall rule, or if not you will ruin; and if you are not doing that I do not know what this move you are assisting the Democrats to make means. Hence I say that while the rules need changing, the methods you use are inexcusable. The argument that the rules have been in force for a good many years and are the outgrowth of the tactics of both political parties is a good argument in favor of their being good rules.

It does not follow at all that because some rules and regulations which are bad and have stood for a thousand years in some foreign countries that these rules are necessarily bad because they are old and well tried. They have been held by both parties in this House to be good rules. That was a very absurd argument made by the gentleman just preceding me. The method attempted by a very small minority to control the majority against their judgment is the matter I feel it is important we inveigh against. I believe that it is a point that will be condemned by all good citizens. I do not believe there is an insurgent here to-day who believes that this is a square, fair, honest way of doing business. Now, if any of the gentlemen are anxious to ask me questions, I will endeavor to answer them.

Mr. JAMES. The gentleman just stated that the rules ought to be changed in some respects. Will the gentleman give us his idea in what respects they should be changed, and give us the amendments he would make to the rules?

Mr. REEDER. If the gentleman from Kentucky will come around to my office in the forenoon to-morrow, I will tell him all about it. [Laughter.]

Mr. JAMES. Of course I am perfectly conscious of the fact that the gentleman could enlighten me, but I want all the House to participate in the wisdom of the gentleman. [Laughter.]

Mr. REEDER. After I have informed the gentleman he can make a speech and give the House the information he has gained.

Mr. JAMES. It would be unfair to the House for the gentleman to enlighten me alone when he might enlighten the House and the whole country. The whole country is standing on tiptoe to-night to find out how the gentleman would change the rules, and how he thinks they ought to be amended. [Laughter.]

Mr. REEDER. I do not think that the gentleman from Kentucky thinks he needs information.

Mr. STANLEY. We want to have the gentleman tell us how he is inclined to think. [Laughter.]

Mr. GRONNA. The gentleman has stated that he does not believe that any of the insurgents believe that they are giving the House a square deal.

Mr. REEDER. I said I did not believe they considered they were giving their party a square deal.

Mr. GRONNA. I for one feel perfectly satisfied with the action that has been taken this afternoon, and I purpose to

carry it out to the finish. Now, the question that I wish to ask the gentleman is this: Will he cite me to a single instance wherein a great reformation has been carried out by a majority?

Mr. REEDER. I will say this, that a small minority have no right when they are sent here to assist the majority in legislating in favor of the people to go into a coalition to destroy the power of that majority so that they can not control legislation.

Mr. GRONNA. Has the gentleman been sent here to legislate as a Republican, or has he been sent here as a legislator for the people?

Mr. REEDER. I apprehend I was sent here because I was supposed to be in favor of Republican principles and to legislate along the lines of the Republican party's established principles and policies. I am sure that anybody who knows me or has known me for any length of time would never send me here to legislate as a Democrat.

Mr. COX of Indiana. Does the gentleman believe that a Representative on the floor of the House should faithfully carry out the will of his constituents?

Mr. REEDER. Yes; I believe he ought.

Mr. COX of Indiana. Then the gentleman has admitted that it is the duty of a Representative in Congress to faithfully carry out the will of his constituents. I agree with him, and I am glad to hear him make the statement. He has spent thirty minutes in criticising the minority of the majority side. If the minority of the majority has been sent here to amend the rules of the House, does he think he is justified in criticising them in the way he has?

Mr. REEDER. The majority is sent here for what purpose? To legislate under the principles of the Republican party, and not that a small minority shall say to the majority, "If we can not rule the majority, we will ruin it." I will suggest to the gentleman from Indiana, as well as the gentleman from North Dakota [Mr. GRONNA], that the method we adopted to secure calendar Wednesday commends itself, to my judgment, as a proper method for changing our rules.

Mr. COX of Indiana. The gentleman will admit this to be true, that the Rules Committee is the all-powerful committee in the way of passing legislation?

Mr. REEDER. This rule that is proposed to be made is, as the gentleman knows, as powerful as the one we now have.

Mr. COX of Indiana. Will the gentleman answer my question?

Mr. REEDER. I did answer it, but probably the gentleman did not hear it on account of the confusion. I will answer it again. The rule that you Democrats are helping the insurgents to adopt—

Mr. COX of Indiana. Let me bring the gentleman back to the question. Does the gentleman admit that the Rules Committee is the all-powerful committee in the way of passing legislation in the House?

Mr. REEDER. The rule that the Democrats do not want, but are trying to help the insurgents by very questionable methods to force on the House, and hope thus to destroy the ability of the Republican party to fill its obligations to the people, has all the power that the present Rules Committee has, so there will be no change in that line. Now, Mr. Speaker, I will surrender the floor. [Laughter and applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I have been surprised at some of the statements made during this debate. I was surprised that my friend from Kansas [Mr. REEDER] should have been so much in earnest, not to say unanimous, in his characterization of the insurgents. He said that he thought they were not sincere. He fairly chided the insurgents.

Mr. REEDER. I want to say that I guess the gentleman is mistaken.

Mr. COOPER of Wisconsin. If the gentleman means that I did not quote correctly what he said and "guesses" that way, he has, in the language of the street, another guess coming to him. [Laughter.] That is exactly what he did say; but, of course, I pass it by, because the gentleman was overcome by the heat, I suppose. [Laughter.]

I treated what he said with the utmost respect. I smiled only once during his remarks, and that was when he said he was "inclined to think." [Laughter.]

I did not do that out of any feeling of disrespect, because I admire his masterful ability, but I smiled because he said he was inclined to think. [Laughter.] Up to that time I had not observed any indication of it. [Renewed laughter.] Afterwards he became thoroughly thoughtful, and I correspondingly serious, not to say solemn.

The gentleman appealed to party spirit. Party! Party! Party! That has been the shibboleth, that has been the club,

to use the more common word, by which some of the gentlemen who have run the machine here since I have had the honor to represent the first district of Wisconsin have tried to brow-beat men into following their wishes. I have seen the most trivial question immediately made a party issue, and when a Member dared to vote what he thought was right, have seen them look around askance as if a man had no right to think for himself, or even to be inclined to think, like the gentleman from Kansas. [Laughter.]

Mr. REEDER. Mr. Speaker—

Mr. COOPER of Wisconsin. Oh, I prefer that the gentleman wait. The gentleman will have more leisure and a better opportunity to get his thinker to running if he sits down. [Laughter.]

Mr. Speaker, in discussing the rules of the House of Representatives which are to govern us in our deliberations as national legislators, it is not right—and I say it with entire respect for those who differ with me—it is not right to attempt to arouse the spirit of party. When I see men upon an issue of this kind seek to arouse one of the fiercest of human passions, there comes to me the words of Hallam in his Middle Ages—let us forget, let us forget “that prejudice about party names which makes up the politics of vulgar minds.”

The gentleman from New York [Mr. FASSETT] made a very fine speech. I thought it was the speech which he intended to deliver when the gentleman from Ohio, General KEIFER, was to start the general debate on the pension bill [laughter]; but opportunity is a great thing, and it is a great thing for a man to be ready to seize it. The gentleman from New York also had a good deal to say about party, party, party, as if anyone who undertook rationally and candidly to discuss this question of the reformation of the rules of the House of Representatives was, for some reason, to be branded as a traitor to his party. I became a Republican about as long ago as I can remember.

I began to hurrah for Abraham Lincoln when I was a very small boy. I did it because I thought he was on the right side, and because practically all—not all, I want to say to my good friends across the aisle—practically all of the respectable people of my acquaintance were doing the same thing. From that time on I have been a Republican, and for sixteen consecutive years have been sent from the banner Republican district of the State of Wisconsin to represent that constituency on the floor of this Chamber. [Applause.]

The gentleman from New York, quoting from a letter written by that great patriot Theodore Roosevelt, said that there had been some splendid laws passed during his administration and spoke as if these rules and the Speaker were responsible for them. It is true that some splendid laws were passed. But with the Speaker in the chair and Theodore Roosevelt out of the White House, we would not have had those laws. The Republicans on this side voted for them. Of course they did, and so did the Democrats on that side. Be fair, gentlemen. You all voted for the rate law; you all voted for the pure-food law. You were patriots when it came to those great measures, and you voted to serve your country.

Were these Republican laws? In one sense of the word they were, because they were suggested and urged by a Republican President and enacted under a Republican administration, but it is none the less true that they received the practically unanimous support of the Democrats of this House. I say this because no man is so big a Republican that he can afford to be unfair on the floor of this Chamber in talking about a proposition to reform the rules which govern us.

Years ago I saw the real character of these rules; and the fact that they had received the approval of men so famous as Thomas B. Reed or John G. Carlisle, or the approval of anybody else, did not bind my judgment. I know, because of my experience here, that the rules centered in the Speaker more power than ought to be given in a republic to any man. They give more power to the Speaker of the House of Representatives than is possessed by the presiding officer of any other great parliamentary body in the world.

Ostrogorski, the Russian who came here from where they have a despotism, expressed his well-nigh indescribable surprise that in the first Republic of all history there should be centered in the Speaker of the House of Representatives the power to appoint all of the committees of the House, the power to appoint all of the chairmen of these committees, the sole power of recognition, and, in addition to all this, the power himself to preside as chairman of the most powerful committee in the House—the Committee on Rules. Nowhere else in the world, gentlemen, in a country that pretends to be civilized and free, has the presiding officer of its chief parliamentary body any power comparable to that wielded by the presiding officer in

this forum of the people, the people's chamber, the House of Representatives of the Congress of the United States. And because, after years of experience, some of us think that these rules ought to be amended in the interest of pure legislation, in the interest of all of the people, in the interest of the individual Representative, are we to be driven out of the Republican party?

I do not speak of these things because I have the slightest personal feeling against the Speaker of the House. I have always treated him with the utmost respect. Possibly if I were more quick tempered than I am and did not consider the question involved very much broader than the personal feelings or fortunes of any man I might be inclined to indulge in vituperation or something of that sort, but I shall refrain. Gentlemen will recall that the Speaker came down on the floor a little less than a year ago, while the tariff debate was on, stood here within a few feet of me, and, although I had not said a word concerning him, branded me a demagogue. Why? Why? Simply because I did not agree with him that there ought to be a high tariff on Standard oil. [Laughter and applause on the Democratic side.] And to-day on the floor of the House of Representatives he spoke of this House consisting of Republicans, Democrats, and Populists. One gentleman touched me on the shoulder and said: “COOPER, that is you;” and a half dozen more—my friend the gentleman from Illinois [Mr. RODENBERG]—applauds that. Perhaps that suits his idea of the situation.

Mr. RODENBERG. A proper characterization.

Mr. COOPER of Wisconsin. Well, the Speaker voted against the resumption act, and every Populist in the United States voted against the resumption act. Was the Speaker a Populist? [Applause on the Democratic side.] I did not observe the gentleman from Illinois applaud. He is still smiling, but not applauding. [Laughter.] I do not call the Speaker a Populist—he thought he was right—nor do I question his motives, although my own have been questioned here to-day. But he voted to pass the greenback inflation law over the President's veto, and he voted also for free silver. [Laughter and applause on the Democratic side.] But I am not going to call him a Populist. I long ago got above the childish habit of calling names. I am not going to use any bad names about anybody. Why? Because I was bred in a school of politics which taught that any man anywhere in this Republic had a right to his honest opinion and a right to be heard when he wished to express it. [Applause.]

Mr. REEDER. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield?

Mr. COOPER of Wisconsin. Mr. Speaker, I do not wish to be impolite, but I must crave the protection of the Chair, [Laughter.]

The SPEAKER pro tempore. The gentleman from Wisconsin declines to yield.

Mr. COOPER of Wisconsin. Mr. Speaker, in view of the fact that I have been called a Populist, although, as I say, my Republicanism dates back to Abraham Lincoln, I beg permission to mention another circumstance. My relatives in Walworth County, Wis., kept one of the stations of the underground railroad. Does any man on this floor presume to claim that his Republicanism comes from a purer origin? Glover, the famous fugitive slave, was for three days and nights concealed in a garret of one of my relatives in that county.

But I am not so illogical as to say that because of these things, or because Abraham Lincoln freed the slaves and Grant fought great battles and received the surrender of his heroic adversary under the tree at Appomattox, that therefore the Speaker ought to have the power to appoint all the committees of the House. [Laughter and applause on the Democratic side.] The rules of logic forbid my approval of any syllogism of that character. Because in other days the Republican party did heroic, noble deeds when great moral issues were before the electorate of the Nation, am I precluded from criticizing the rules of the House of Representatives because some of the managers of the machine of this House say I must not criticize them?

Mr. Speaker, a very distinguished parliamentarian, one of the greatest parliamentarians in the world, a noble-hearted man, said to a Member of this House, who told me, “The House of Representatives surrendered its power when it surrendered to the Speaker the power to appoint the committees.” [Applause on the Democratic side.]

Mr. GAINES. When was that?

Mr. COOPER of Wisconsin. Well, the date is immaterial; but it took place.

Mr. GAINES. Mr. Speaker, I would like to ask the gentleman if it did not take place in the early history of this Republic, and if the Republican party of to-day is to be censured, in his opinion as a Republican, because they have not found a better or a different way than that which recommended itself to the great names in the history of the country and the history of all its parties?

Mr. COOPER of Wisconsin. I am not censuring the Republican party; I am not censuring the Democratic party. I am not criticising him who differs with me in opinion. I am simply claiming the right of a man having a constituency of 200,000 people—as good people as there are in America—to voice their sentiments and my own, under my oath to support the Constitution, and to do what I think is best for the country. That is all I claim for myself, and that is all anybody else ought to claim.

In reply to the gentleman from West Virginia [Mr. GAINES] I will at this point remind him of the fact that these gigantic abuses have become apparent within only comparatively recent years. It is only recently that the tremendous influences dominated by the financial magnates have become so important in the affairs of this Nation—within only a very few years. Why, I remember, and it occurs to me just at this moment, to have read a speech of Daniel Webster, delivered in about the year 1840, in which he said:

In the State of Massachusetts to-day there is not, in my judgment, one man who has his coach-and-four.

Mr. LIVINGSTON. Up to the days of 1861 we did not have a millionaire in the South.

Mr. COOPER of Wisconsin. The age of the multimillionaires, practically billionaires in their power to control wealth, is only a very recent age. First, it was individuals, then partnerships, then corporations, then the gathering together, in one tremendous body, of many corporations.

To-day they send \$10,000,000 from the city of New York to London, Paris, or St. Petersburg on the wings of the lightning in less time than one could send \$10 from here to Baltimore, 40 miles, when the "great names" of which the gentleman from West Virginia speaks were on this earth. There is here a power to concentrate wealth that was undreamed of by them. There is here a power over the voters of the country and over the legislatures of the country which they never imagined. This is a new age. The world has all been made over since they were on the earth.

I revere their memory, but I am not always bound by what they said. The gentleman, or some other speaker, called them the "fathers." There is no greater fallacy in argument than to say that a man 40 years old—some of them who framed the Constitution and some who debated the early rules of the House were not over 35 years old—is one of the "fathers," so far as being able to instruct us in our duties as legislators to-day upon the issues which confront us. The fallacy consists in this.

If they were abler in their generation and possessed of more experience than the men who lived with them, then they had a right to instruct their contemporaries. But we have had one hundred and twenty years of history and of experience and a multitude after multitude of facts of which they were utterly ignorant. Are they, in any proper sense of the word, "fathers," so far as being able to teach us as to our duties at this hour, when there are conditions of which they never dreamed, problems of which they never heard?

Here is the railroad, the telegraph, the ocean cable, the steamboat, ten thousand things of which they knew nothing, by which wealth and power are concentrated. Are we to talk of them as the "fathers," and if we can find anything they said on the subject of the rules, obey it and do nothing? To me the suggestion has no force whatever.

But not only has the Speaker power to appoint men on committees, not only is he himself chairman of the Committee on Rules, but, gentlemen, he has the power to take people off of committees. [Laughter.] If any proof of that is necessary, I myself will make affidavit to it. [Laughter.]

Mr. NELSON. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Wisconsin [Mr. COOPER] yield to his colleague [Mr. NELSON]?

Mr. COOPER of Wisconsin. Yes.

Mr. NELSON. I would like to ask the gentleman if it has not been the practice of this House from time immemorial that long service on committees entitled men to gradual promotions, and that seniority governed, and that if it is not true that the present Speaker has absolutely disregarded that old practice?

Mr. COOPER of Wisconsin. Mr. Speaker, that is true, I believe. I shall not indulge in epithets nor abuse of any sort, but I shall mention some facts which I think it is my duty to

mention now. I would not refer to them if the gentleman from Wisconsin in his remarks in the early part of the evening had not spoken of my having been deposed from the Committee on Insular Affairs.

Well, that did not stop the wheels of government. It is not of vital importance. But inasmuch as the gentleman from Wisconsin has mentioned my removal from that important chairmanship, I wish to say just a word on the subject, begging the indulgence of the House, Mr. Speaker, for mentioning matters so purely personal. Never on the floor of the House have I referred to it, nor would I now do so but for this suggestion of the gentleman from Wisconsin.

After the close of the war with Spain there were presented to the people of the United States some problems of exceeding difficulty. One of them was involved in the answer to the question: What shall we do with our new insular possessions? When the House was about to organize after the treaty of Paris had been ratified, there was much of conversation among Members of the House—my friend the gentleman from Missouri [Mr. CLARK], the Democratic leader, will remember it—about a certain new committee which it was proposed to create and to have deal exclusively with the problems arising out of our possession of these islands.

I had no thought of being appointed on that committee. The subject was one that I had not discussed with anybody whomsoever. I was walking in the corridor yonder, back of the Speaker's chair, when Speaker Henderson came up, took me by the arm, turned me about, and said, "COOPER, I wish you would go into my room with me; I want to talk with you a moment." I went into the room with him. He said: "We are about to organize a new committee, to be called the Committee on Insular Affairs, and its personnel has given me a good deal of thought. It is very important, and I have consulted with the President about it. I have just about decided—in fact, I have decided—to appoint you chairman."

Mr. TAWNEY. Will the gentleman permit me?

Mr. COOPER of Wisconsin. Yes.

Mr. TAWNEY. Did he say that that was the second decision that he had made on the chairman?

Mr. COOPER of Wisconsin. He did not say it was the second; I take it that it was his first decision.

Mr. TAWNEY. The gentleman who proposed the committee?

Mr. COOPER of Wisconsin. Well, I regret if I have wounded the feelings of the gentleman from Minnesota.

Mr. TAWNEY. Not at all; I simply wanted to give the history correctly.

Mr. COOPER of Wisconsin. I have been giving the history correctly, so far as I was concerned. I had not been told by the Speaker.

Mr. TAWNEY. I do not question the statement of the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. If there had been a decision to appoint the gentleman from Minnesota chairman, and that was reversed by a full court, I am not to blame. [Laughter and applause.] I did not know that, as the Yankees say, the gentleman was after the job. I am sure I was not. I had nothing—not the slightest thing in the world—to do with the decision finally made.

The Speaker took me into his room and we had the conversation which I have just detailed. He said: "I have decided to appoint you chairman." I thanked him and said, "Mr. Speaker, this is an exceeding great compliment to me." He continued: "Well, I have been talking with the President about it. The President told me that he did not wish to interfere and would not interfere at all, but I went over the subject with him, and he said, 'I would be very much pleased if you could make Mr. Cooper chairman.'" "Well," I remarked, "Mr. Speaker, I do not expect ever to receive a greater compliment than that."

Gentlemen will recall that on the committee was the present Speaker of the House, then chairman of the Committee on Appropriations, Hon. JOSEPH G. CANNON. He was my right-hand man. [Laughter.] On that committee was also the very distinguished gentleman who now so ably represents the House and the country as the chairman of the Committee on Ways and Means, the gentleman from New York, Mr. PAYNE. On the committee was Mr. Hepburn—Col. Peter Hepburn, of Iowa—chairman of the Committee on Interstate and Foreign Commerce; Mr. LOUD, of California, chairman of the Committee on the Post-Office and Post-Roads; the gentleman from Indiana, Judge CRUMPACKER; the gentleman from Minnesota, Mr. TAWNEY; Mr. Hitt, chairman of the Committee on Foreign Affairs; Mr. Moody, now Mr. Justice Moody, of the Supreme Court of the United States; the gentleman from Mississippi, John Sharp Williams, afterwards the Democratic floor leader; the gentleman

from Virginia, Mr. Jones; Mr. Maddox, of Georgia; Mr. Sibley, of Pennsylvania, and, a little later, Mr. Carmack, one of the most brilliant men I ever met, afterwards killed in Tennessee. Speaker Henderson went over the names of the committee, after saying that he intended to appoint me chairman, and I remarked, "Mr. Speaker, I hope you have considered this well." [Laughter and applause on the Republican side.]

Shortly afterwards I went to the White House to talk with President McKinley about the islands and the coming work of the committee. After the customary greeting, I informed the President that I had been appointed chairman of the new Committee on Insular Affairs.

He said, "Yes; I know; I have heard of that, Mr. Cooper. I talked with the Speaker on the subject; said to him that I did not wish to interfere at all and would not attempt to influence his decision in any way; but we talked it all over, and I told him I would be glad if you were appointed chairman of that committee."

I took him by the hand and said, "Mr. President, if I were to live a thousand years I should never expect to receive another such compliment."

He replied, "Don't speak of it in that way, Mr. Cooper."

I then asked this question: "Mr. President, have you now any suggestions to make as to the legislation which should be enacted for the islands? The problems are new, wholly new, and will prove, I doubt not, exceedingly difficult to the membership of the House."

At first he answered "No; I do not think, Mr. Cooper, that I have anything to suggest just at this moment," but as I turned away he reached up and taking me by the hand said, "One moment, Mr. Cooper. I think there is just one suggestion that I wish to make now. I hope that there will be no exploitation of any of the islands."

And while I was chairman of that committee there was no exploitation of any of the islands. [Applause.]

I was appointed to the chairmanship of the committee under those circumstances. I was deposed by the present Speaker under circumstances still fresh in the memory of all the Members present.

If my motives in attacking the rules had not been sincere, would I have attacked them? I had what ordinarily is called "a good thing" in this House. I had two rooms and a clerk, and I could look as wise as the average chairman does. [Laughter.] Then what earthly reason was there for me to attack the rules of the House of Representatives unless I was sincere in my belief that they ought to be changed? Why should I offer any criticism of the rules two or three years ago when I arose immediately after the gentleman from Pennsylvania [Mr. DALZELL] had, in accordance with the action of the caucus, moved their adoption? Why should I arise here, as I did, and say substantially, "Mr. Speaker, in my judgment the gentleman from Mississippi [Mr. Williams] is correct?"

"These rules give to the Speaker of the House of Representatives more power than ought ever to be lodged in the hands of any man in a government that pretends to be republican in form and democratic in spirit." I said that then and I say it now. I knew the possible penalty. I said only what I believed then, and when I repeat it I say only what I believe now, for it was and is the truth. [Applause.]

The gentleman who is now Speaker is a man of much ability, of great force of character, and of iron will. He is a man disposed to have his own way; and every strong man is the same kind of a man. Nobody blames him for being endowed with the faculties which God gave him. But he ought not to have the power to do what is done under these rules. The gentleman from Massachusetts [Mr. GARDNER] voted for him for Speaker, and yet he put him off of the chairmanship. Why? Because the gentleman from Massachusetts [Mr. GARDNER] had been in season and out of season trying to amend these rules.

Mr. CANNON. Now, will the gentleman allow me just a sentence?

Mr. COOPER of Wisconsin. I know what the Speaker will say—

Mr. CANNON. If the gentleman from Massachusetts is here—

Mr. COOPER of Wisconsin. Will the gentleman permit me one word?

Mr. CANNON. I would like the gentleman from Massachusetts to tell the truth.

Mr. COOPER of Wisconsin. I understand it was just in this way: The Speaker had an interview with the gentleman from Massachusetts as to keeping the gentleman from Massachusetts on the committee, and the gentleman from Massachusetts said, "What will you do with the rest of them?" I was told by what

I considered reputable authority that the Speaker said, "I am going to remove them; depose them," and then Mr. GARDNER said, "I will go with them," or something to that effect.

Mr. CANNON (to the gentleman from Massachusetts [Mr. GARDNER], who had just come in). The gentleman from Wisconsin has just stated that you were put off the committee as chairman of the Committee on Industrial Arts and Expositions because of your position touching the amendment to the rules. Will the gentleman from Massachusetts be kind enough to state the fact?

Mr. GARDNER of Massachusetts. Mr. Speaker, I will state for the benefit of the House the exact situation with regard to my position as chairman of the Committee on Industrial Arts and Expositions. Some little time before the last Congress adjourned I was asked by a friend of mine in this House what my future position with regard to insurgency would be, and I was told that many of the Members on the Republican side had no objection to me personally, but did not want to see me removed from that committee, from the chairmanship. To that I answered if I retained that chairmanship I would be in an exceedingly false position.

Next I was spoken to by some one else, not a member of this House, and was told that I could retain the chairmanship of the Committee on Industrial Arts and Expositions if I chose to do so, and that there would be no obligation on me to refrain from insurgency in the future. Whereupon I went to the Speaker of the House and inquired what was likely to be the fate of the other members of the insurgent body who were chairmen. I explained to the Speaker that if he left me as chairman of the Committee on Industrial Arts and Expositions, that then, whether I wished to or not, in the future I should have to continue to be an insurgent on all matters in order to prove my good faith to the insurgent body, and I said to him, "Mr. Speaker, under those circumstances I should prefer not to be chairman of the Committee on Industrial Arts and Expositions." Is that correct?

Mr. CANNON. That is correct. [Loud applause on the Republican side.]

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from New Jersey [Mr. FOWLER] voted for the Speaker, and was deposed from the chairmanship of the Committee on Banking and Currency. The gentleman from Nebraska [Mr. NORRIS], if he is here—will the gentleman state how far he was up on the committee of which he was a member at that time?

Mr. NORRIS. I was on several committees.

Mr. COOPER of Wisconsin. On the Committee on Public Buildings and Grounds, what was your number?

Mr. NORRIS. I can not tell the gentleman offhand.

Mr. COOPER of Wisconsin. The gentleman was on the Committee on Elections.

Mr. NORRIS. There was no one ahead of me on the Committee on Elections except the chairman of that committee, and also on the Committee on Invalid Pensions.

Mr. COOPER of Wisconsin. What is the gentleman's position to-day?

Mr. NORRIS. I am not on the committee.

Mr. COOPER of Wisconsin. On the committee of which the gentleman is a member, what is his position compared with his position a year ago?

Mr. NORRIS. I will say to the gentleman that I am not on any committee that has anything to do with legislation. [Laughter.] Perhaps that is not strictly correct, because I am on the Committee on Coinage, Weights, and Measures, which occasionally has something to do in that line.

Mr. COOPER of Wisconsin. What committees was the gentleman on in the last Congress?

Mr. NORRIS. Public Buildings and Grounds, Committee on Election of President, Vice-President, and Representatives in Congress, and the Committee on Invalid Pensions.

Mr. COOPER of Wisconsin. Did the gentleman desire to remain on the committee?

Mr. NORRIS. I did, but I made no request.

Mr. COOPER of Wisconsin. And the gentleman was removed from that committee?

Mr. NORRIS. I was.

Mr. COOPER of Wisconsin. Now, I would like to ask the gentleman from New Jersey [Mr. FOWLER] if he voted for the Speaker?

Mr. FOWLER. Certainly.

Mr. COOPER of Wisconsin. Was the gentleman in the last Congress chairman of the Committee on Banking and Currency?

Mr. FOWLER. That is my recollection.

Mr. COOPER of Wisconsin. Is it the gentleman's recollection that he is now? [Laughter.]

Mr. FOWLER. I am not a member of the committee now.
Mr. COOPER of Wisconsin. Not a member of the committee at all?

Mr. FOWLER. No.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to question the gentleman from Kansas [Mr. MURDOCK]. I would ask the gentleman from Kansas what his rank was in the last Congress, or would have been in this Congress, if he had been allowed to ascend in a normal way?

Mr. MURDOCK. I held a single committee assignment in the House, and that was on the Committee on the Post-Office and Post-Roads. Had I held my rank, I would have been, in this Congress, fourth or fifth on that committee.

Mr. COOPER of Wisconsin. Did the gentleman hold his rank?

Mr. MURDOCK. I did not.

Mr. COOPER of Wisconsin. Where is the gentleman now?

Mr. MURDOCK. I moved steadily downward until I am now tenth or eleventh. [Laughter.]

Mr. COOPER of Wisconsin. One moment. How long has the gentleman been a member of that committee?

Mr. MURDOCK. I have been a member of that committee since the Fifty-eighth Congress.

Mr. COOPER of Wisconsin. Has the gentleman ever had any trouble with any member of the committee personally? [Laughter.]

Mr. MURDOCK. Does the gentleman mean in the way of physical violence? [Renewed laughter.]

Mr. COOPER of Wisconsin. No; I mean does the gentleman know of any reason why he should not have been allowed to climb up instead of being thrown down?

Mr. MURDOCK. Oh, I think, undoubtedly, that I was demoted on that committee from the fifth or sixth place to the tenth or eleventh place because I did not subject my will at all times to the chairman of that committee and to the Speaker of the House.

Mr. CANNON. May I say a word right there?

Mr. COOPER of Wisconsin. I would prefer, unless the gentleman from Illinois [Mr. CANNON], the present Speaker, desires otherwise, not to be interrupted. Of course I would yield to the gentleman with pleasure.

Mr. CANNON. Mr. Speaker, I merely want to make a statement, and I would like just a minute in which to make it. The appointment of the committees is made by the Speaker under the rules, unless the House should otherwise specially order. The Speaker of the House in the exercise of that function is responsible to the House and to the country, this being a government through parties, and the Republican party has placed power in the Speaker as to the appointment of committees. I will not enter upon the personal equation touching the gentleman from New Jersey [Mr. FOWLER], the gentleman from Kansas [Mr. MURDOCK], or the gentleman from Wisconsin [Mr. COOPER]. The gentleman from Wisconsin [Mr. COOPER] will recollect that the gentleman from New Jersey [Mr. FOWLER] was chairman of the Committee on Banking and Currency when the emergency currency bill was pending in that committee. The only way to consider that bill in the House was to have that committee make a favorable or an unfavorable report upon it.

The gentleman will further recall that the Republican side of the House held two caucuses, and the caucus by a large majority expressed its wish that the Committee on Banking and Currency should report that bill with or without favorable recommendation, so as to enable the House to work its will upon it by a majority. That committee, under the leadership of the gentleman from New Jersey [Mr. FOWLER], a Republican chairman, refused to respect the will of the Republican caucus. That made a foundation upon which the Speaker of the House could recognize a Member to move to suspend the rules and discharge the committee from the consideration of the bill and thus bring it before the House, which was done, and a majority of the House did work its will upon that bill.

Subsequently the gentleman from New Jersey [Mr. FOWLER], the gentleman from Wisconsin [Mr. COOPER], the gentleman from Kansas [Mr. MURDOCK], and the gentleman from Nebraska [Mr. NORRIS] failed to enter and abide by a Republican caucus, and this being a Government through parties, for that, as well as for other sufficient reasons, the Speaker of the House, responsible to the House and to the country, made the appointments with respect to these gentlemen as he conceived it to be his duty in the execution of the trust reposed in him. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Illinois [Mr. CANNON], who has just made the statement—

Mr. NORRIS. Mr. Speaker, will the gentleman from Wisconsin yield?

Mr. COOPER of Wisconsin. Yes.

Mr. NORRIS. I could hardly understand the gentleman from Illinois [Mr. CANNON], but I am told that he said that the gentleman from Nebraska—and I presume he referred to me, since my name was mentioned by the gentleman from Wisconsin—had refused to abide by a Republican caucus.

Mr. COOPER of Wisconsin. He did.

Mr. JOHNSON of Kentucky. He said the gentleman refused to enter and abide.

Mr. NORRIS. I would like, if the gentleman from Wisconsin will permit, to ask the gentleman from Illinois a question as to whether he refers to the caucus over the so-called currency bill.

Mr. CANNON. Not that. I spoke of the Republican caucus, so far as the gentleman from Nebraska is concerned, which was held just before the organization of the House.

Mr. NORRIS. At this Congress?

Mr. CANNON. Yes.

Mr. NORRIS. Is the gentleman from Illinois aware that I voted for the nominee of that caucus for Speaker?

Mr. CANNON. Precisely; but the caucus took other action.

Mr. NORRIS. Oh, yes.

Mr. CANNON. Where the gentleman did not abide by the action of the caucus.

Mr. NORRIS. The gentleman, I suppose, refers to the rules?

Mr. CANNON. Yes.

Mr. NORRIS. Now, if the gentleman will yield further, I wish to ask another question of the Speaker.

Mr. COOPER of Wisconsin. The issue just presented by the Speaker is this: If, in the House, a Member votes against rules adopted by the caucus his political destiny is in the hands of the Speaker. He can be punished by the Speaker for voting against rules adopted by a caucus, although our party has never declared in favor of any set of rules. The House rules have not entered into our party creed, and yet he arrogates to himself the right to say, and has just announced, that gentlemen must follow the caucus on the rules or he can punish them, discredit them in the eyes of their constituents, lessen their influence on this floor, coerce them into doing his will. Now, I will yield to the gentleman from Nebraska.

Mr. NORRIS. I was going to suggest to the gentleman from Wisconsin that it might be well, while he and the Speaker are asking questions back and forth, to inquire whether it is not true that not only the Republicans who refused to vote for the old rules of the House were punished, but that on the Democratic side of the House those who joined with the Republicans and voted to adopt the old rules were rewarded for going back on the Democratic party. [Applause on the Democratic side.]

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Illinois voted against the tariff bill for no reason except that he did not like one schedule, and yet he was given one of the most important chairmanships in the House.

Mr. LANGLEY. Who is that?

Mr. COOPER of Wisconsin. Mr. MANN of Illinois.

At the opening of the last session of Congress we were about to take up a tariff bill. No committees except the Committee on Ways and Means had been appointed.

The Constitution of the United States gives to the House of Representatives the sole power to inaugurate tariff legislation. The House is by the Constitution made of first importance when it comes to providing revenues for the Government; and yet this great body before it could begin to consider the tariff bill was confronted by a rule. And what a rule! My countryman, what a rule! Hundreds of pages in the bill, thousands of items—more than 4,000 items—relating to all of the industries of the country. But what was the rule? Remember that the committees had not been appointed. A rule was brought in limiting this House, so far as making amendments was concerned, to only lumber, hides, tea, coffee, barley, barley malt, and one more. We could put any or all of these I have named on the free list—tea and coffee were already on the free list—or we could put a tariff on them in our discretion.

But what as to the other item named in the rule? Listen to this: In that rule presented to the House of Representatives, when about to begin the consideration of a great tariff bill for which it was primarily responsible, were these six items, and only one more. What was that one? Standard Oil. But under that rule the House could not vote as it pleased on oil. The only thing that we could do with oil under that rule was to give it a tariff of 25 per cent or leave the Dingley countervailing tariff of 70 per cent or more. What do gentlemen think of that as a rule coming from the Committee on Rules of the House of Representatives? At the present session the House

has taken time to consider bills, among them the splendid agricultural bill presented by the gentleman from Kansas [Mr. SCOTT], and the other appropriation bills, and has spent days in going through them section by section, with the right of every Member of the House to offer amendments. But a year ago, when it came to the tariff bill, we were not allowed to do this; but we finally succeeded, gentlemen will remember, in getting an opportunity to vote for free oil, although only after the hardest kind of a parliamentary fight.

Will you tell me why, after the brief of the counsel for the Government of the United States had been filed in the United States circuit court of St. Louis against the Standard Oil Company—it was on file when we were called to vote on that rule—declaring that great corporation to be practically without a real competitor; that the independence of the so-called independent companies was largely pure sham; that the Standard Oil Company said where these might do business and how they might do business, so far as the great majority of them were concerned—will you tell me why a rule was brought in permitting the House to vote as it pleased on barley and barley malt, and tea, and coffee, and lumber, and hides, but not to vote as it pleased on oil?

I voted against that rule, but the House adopted it. Then came the question of the passage of the bill, and we passed it. And after the bill was passed no committees were appointed. Mark this, gentlemen; I want gentlemen to say whether there is here a power that ought to be taken away from somebody.

I do not say this out of any disrespect for the Speaker nor for any other Member of the House, but I speak as a Representative trying to discharge his duty to his constituency and his country when I call attention to these facts. As I said, no committees were appointed after we passed the tariff bill, and the Speaker still held that power to raise or to lower a Member in the scale of dignity on any committee. What happened? The urgent deficiency bill was brought up, and in the bill had been put a provision appropriating \$8,000 for an automobile and a chauffeur for the Speaker as a matter of urgent deficiency. [Laughter.] Why, every other year the Speaker is not here from March until December. Do that automobile and the chauffeur, from March to December, help to discharge the duties of the Speakership? Not at all. But that appropriation for the automobile and chauffeur came before the House of Representatives last summer before the committees had been appointed, and it went through and became part of the law. Long after the committees were appointed and after the House knew what was going to be done, and only a few days ago, there came up a proposition to appropriate money to pay the chauffeur and the House refused to vote it.

I do not speak of this as of very great importance, except as it shows that here somewhere is a coercive power which ought to be done away with. One of the prominent gentlemen of this House, a Republican, who voted for the bill, and voted to keep that amendment in it, said to me that, standing as a naked proposition by itself and not in the urgent deficiency bill, the appropriation ought not to pass. But Members of the House did not like to displease the Speaker; and it is only human nature that they should not wish to displease him.

Mr. TAWNEY. Will the gentleman from Wisconsin permit an interruption?

Mr. COOPER of Wisconsin. Yes, sir.

Mr. TAWNEY. Did the House, or the Committee on Appropriations, in the first instance, propose or recommend an appropriation for the purchase of an automobile for the Speaker of the House?

Mr. COOPER of Wisconsin. It came in here in some way in this urgent deficiency bill.

Mr. TAWNEY. It came in here as an amendment of the Senate, and the House, by a majority vote, kept it in the urgent deficiency appropriation bill.

Mr. COOPER of Wisconsin. One moment. I remember very well to have seen the Speaker standing in that lobby door, with an unlighted cigar, during that roll call on the motion to recommit with instructions, and immediately after the roll was called I saw the gentleman from Minnesota, who had made an elaborate speech in defense of the automobile as an urgent deficiency, go to the Speaker, and the Speaker put his arm on his shoulder and smiled, because the amendment had been retained. I said not a word about it, but thought it most remarkable. [Laughter.]

Mr. TAWNEY. Will the gentleman permit an interruption again?

Mr. COOPER of Wisconsin. Yes, sir.

Mr. TAWNEY. Is the gentleman aware of the fact, and he is aware of the fact, for he was on the floor at the time, that I

had really stated upon the floor, at the request of the Speaker, that he did not ask for the automobile, nor did he want it. I speak the fact, and the gentleman knows it as well as I do; and therefore his inference, or the inference that he wishes the House to draw from the situation which he relates, which I know nothing about, and do not recall, I therefore do not believe was justified. [Applause on the Republican side.]

Mr. COOPER of Wisconsin. I have told the absolute truth of what took place. It struck me as one of the most extraordinary things I had ever seen in the House of Representatives. Flushed with victory, after having passed the tariff bill, the gentleman from Minnesota earnestly defended an appropriation in the urgent deficiency bill for an automobile and a chauffeur for the Speaker.

Mr. TAWNEY. Will the gentleman allow me to correct him again? The urgent deficiency bill passed the House of Representatives.

Mr. COOPER of Wisconsin. I understand that.

Mr. TAWNEY. Before the tariff bill.

Mr. COOPER of Wisconsin. I understand that, too—the original bill.

Mr. TAWNEY. That was not your statement.

Mr. COOPER of Wisconsin. No; you are mistaken.

Mr. TAWNEY. Well, I know it.

Mr. COOPER of Wisconsin. I am speaking of the urgent deficiency bill after it came back from the Senate. At that time none of the committees had been appointed. If the gentleman said that the Speaker did not want the appropriation it was a most gracious thing to say; yet any Member who voted for it felt that he was doing a kindly act toward the Speaker, and anyone who voted against it felt that he was doing something that would displease him. One could not help thinking so, in view of what he saw here on the floor.

Now, the gentleman from Minnesota has repeatedly urged, in season and out of season, economy in public expenditures. He has argued in season and out of season that we guard the public Treasury against improper expenditures. He has everywhere over the country demanded that nothing in the way of extravagance be permitted; yet because an amendment to the urgent deficiency bill came here appropriating \$8,000 to buy an automobile, and hire a chauffeur, he defended it as a legitimate expenditure of the public funds.

We give to the President of the United States the use of an automobile. He lives here for four years. His family are here. We give members of the Cabinet the use of certain vehicles. Their homes are here for four years. Their families are here. The officials of the various departments are supposed to be here, or some one is here representing them during the whole year. They must go from department to department in vehicles. But how does any gentleman defend the purchase of an automobile and the payment of a chauffeur as being in any proper sense of the word necessary for the discharge of the duties of the Speakership?

Mr. SIMS. Will the gentleman permit me to interrupt him? Pray tell me what official duty of the President calls for him having two automobiles in which he and his family simply take pleasure trips? I voted against that. I think the gentleman is right in what he is saying. He need make no apology. We ought not to have voted one for the President. However, I am not taking issue with the gentleman.

Mr. COOPER of Wisconsin. I voted for that realizing that the President of the United States is the highest official in the world, and lives here, or is supposed to live here, four years. It is his home.

Mr. Speaker, I have only one word more to say, and that is concerning the alleged binding power of the caucus.

The Speaker in his remarks a few minutes ago criticised certain Republican Members because they did not obey the mandate of the caucus on the rules. I assert that no caucus has a right to bind a Member to vote for a set of rules, his party not having declared for them. Moreover, I deny here and now, that any number of men, say 51 out of 100 at a caucus—two more than a majority—or any other caucus majority, have authority under any circumstances to control my vote against my well-considered, honest judgment that rules adopted by a caucus would not be conducive to proper legislation nor to a proper administration of the affairs of the House of Representatives.

This statement suggests the reasons why Members refused to stand by what was done at a recent caucus in the matter of the appointment of a committee to investigate the Department of the Interior and the Bureau of Forestry. Permit me to tell the House why I refused, and I know that I was right in refusing, to sustain the action of the Republican caucus in trying to dictate who should be the Democratic Members of the committee of investigation. It can be told in few words.

The public lands of the United States are not the property of the Interior Department. They are not the property of the President. Nor do they belong to any political party. They are the property of all of the people of the United States, Republicans and Democrats and all other citizens. I have an equal undivided share in every foot of that unsold land, as has also each one of you Republican gentlemen. It was in part your property as it was in part mine that was to be involved in the investigation. In part also it was the property of the gentlemen across the aisle. Each Democrat here owned as great a share as did any one of us. It was the public land. What were we? We were part owners, but we were also trustees bound by our oaths and by every instinct of honor to protect the property and to protect the rights of the people in it. Charges had been made that some of it of great value was being improperly taken—charges that a conspiracy had been created to acquire it in violation of the law, and for a totally inadequate consideration. In other words, it was alleged that the interests of our cestuisque trust was in jeopardy, and that they would be defrauded of money which ought to go into the trust funds.

I was a trustee, and yet I was asked to go into a caucus on a question that might involve my good faith as a trustee, surrender my sense of duty into the keeping of the caucus, and do without question its bidding. And that I could not conscientiously consent to do. No man ought to ask me to do it. No man ought to ask himself to do it.

Republicans were asked to dictate by caucus just what Democrats were to help investigate charges that public lands—the common property of all the people—were being unlawfully and fraudulently bartered away. I could not agree that a Republican caucus should do this. It was not a question of party. It was not a question of politics. It was a question of investigating alleged wrongful acts respecting property belonging to all of the people, share and share alike.

The Democratic minority had a perfect right to select their quota of the investigators, and the Republican majority had a right to select theirs, and I could not see that I forfeited my rights as a Republican in refusing to consent that a Republican caucus should select them all. The Republicans who insisted that the Democrats ought to have a right to choose their own men were the friends of the Republican party in that caucus, and the best judgment of the Republicans of this House has since justified our refusal to abide by the caucus decision. I insisted that night that the gentleman from Kentucky [Mr. JAMES], a Democrat, chosen by the Democratic caucus, ought to be retained, and I insisted also that the other Democrat ought also to be one chosen by the Democrats and confirmed by the Republicans; and that is what finally was done and what you had to do. [Applause.]

I was declared to be not a Republican for so insisting, and yet before the transaction was ended the gentleman from Kentucky [Mr. JAMES] was on the committee, and the Democrats in caucus selected as his associate the gentleman from Illinois [Mr. GRAHAM], and the Republicans confirmed the selection. Who was wrong, and what was wise as a matter of party policy? I said then that to permit the Democrats to select their men and for us to confirm them if they were impartial men would, as a mere matter of policy, be much the better for Republicans from a party standpoint; and I say so now—vastly better from the standpoint of mere party.

That was one question on which the caucus had no right to bind the vote of a Representative.

Another such question is that of the rules. There are some subjects which have no business in a party caucus. I can not consent that a caucus shall absolutely bind my judgment and control my vote on the vastly important question of what rules shall govern the House of Representatives.

Mr. Speaker, until after I listened to certain of the remarks made here to-night I had no thought of participating in this debate, although I feel very deeply on the subject now before the House. Years ago I saw the undue power which the rules give to a Speaker, and often since then I have seen Members feel that power.

I know that the House must have a Speaker, must have rules, must be in some degree managed and controlled; but I know, also, that a Speaker ought not to be privileged in any manner nor to any degree to coerce a Member in the discharge of his official duties by having the power through his control over appointments to reward or to punish him.

Under the Constitution this is a House of equals, each entitled to act and to vote free from every form of coercion and wrongful influence, and responsible only to his constituency and his conscience.

Mr. REEDER. Mr. Speaker, I ask for just a minute to correct a false impression made by the gentleman from Wisconsin as to what I said and who would not extend to me the courtesy of an opportunity to correct him. The gentleman, in his duty to his constituents and in his conscientious convictions, endeavored to leave a false impression as to what I have said. His argument was made against party loyalty. He thus entirely misleads as to my contention. Why this class of argument? He entirely ignored the question of methods. I had not condemned the desire to change the rules, but I criticised the methods used by the insurgents in their efforts to prevent the majority from accomplishing a duty the people have intrusted them with.

The SPEAKER. The Chair desires to state that we have now been in session since 12 o'clock this morning. The discussion has taken a wide range, in part confined to questions of order, and at the close it will be necessary for the Speaker to rule. On a question of this kind, in the opinion of the Chair, in justice to himself and to the House the ruling ought to be after a full presentation of the precedents. The Chair apprehends that an appeal will be taken and the House will either overrule or sustain the Speaker. On a question of this importance, in the opinion of the Chair, the House as well as the Speaker ought not to be wearied with a session that has already run almost twelve hours. The Chair would be glad indeed if the House in its wisdom should think proper either to adjourn or take a recess—an adjournment would be better.

Mr. TAWNEY. I move that the House do now adjourn.
Mr. KEIFER. Mr. Speaker, I understood that I was recognized, but I will yield to the gentleman from Minnesota to make the motion.

The SPEAKER. The Chair will recognize the gentleman next.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn, and on that I demand the yeas and nays.

The question was taken; and there were—yeas 137, nays 146, answered "present" 12, not voting 94, as follows:

YEAS—137.

Alexander, N. Y.	Fassett	Knapp	Reeder
Andrus	Fordney	Knowland	Reynolds
Austin	Foss	Kronmiller	Roberts
Barnard	Foster, Vt.	Küstermann	Rodenberg
Bartholdt	Gaines	Lafean	Scott
Bates	Gardner, Mich.	Langham	Slomp
Bennet, N. Y.	Gardner, N. J.	Langley	Smith, Cal.
Bennett, Ky.	Gillett	Law	Smith, Iowa
Bingham	Goebel	Lawrence	Smith, Mich.
Bradley	Good	Longworth	Southwick
Brownlow	Graff	Loud	Stafford
Burke, S. Dak.	Graham, Pa.	Loudenslager	Sterling
Burleigh	Grant	Lowden	Stevens, Minn.
Butler	Griest	McCredle	Sulloway
Calder	Guernsey	McGuire, Okla.	Tawney
Calderhead	Hamer	McKinney	Thistlewood
Cocks, N. Y.	Hamilton	McLachlan, Cal.	Thomas, Ohio
Cole	Hanna	McLaughlin, Mich.	Tilson
Cooper, Pa.	Hawley	Malby	Tirrell
Coudrey	Heald	Mann	Townsend
Cowles	Henry, Conn.	Martin, S. Dak.	Vreeland
Creager	Higgins	Miller, Kans.	Wanger
Crumpacker	Hollingsworth	Mondell	Washburn
Currier	Howell, N. J.	Moore, Pa.	Weeks
Dalzell	Howell, Utah	Morgan, Mo.	Wheeler
Dawson	Howland	Morgan, Okla.	Wiley
Dodds	Hubbard, W. Va.	Murphy	Wilson, Ill.
Douglas	Huff	Needham	Wood, N. J.
Draper	Hull, Iowa	Olmsted	Woodard
Durey	Humphrey, Wash.	Palmer, H. W.	Young, Mich.
Dwight	Johnson, Ohio	Parker	Young, N. Y.
Edwards, Ky.	Joyce	Payne	The Speaker
Ellis	Keifer	Plumley	
Englebright	Kennedy, Iowa	Pray	
Fairchild	Kennedy, Ohio	Prince	

NAYS—146.

Adair	Cox, Ohio	Gill, Mo.	Johnson, Ky.
Adamson	Craig	Gillespie	Johnson, S. C.
Aiken	Cullop	Gilmore	Jones
Ashbrook	Davidson	Gordon	Kelher
Barnhart	Davis	Goulden	Kendall
Bartlett, Ga.	Dent	Gregg	Kinkaid, Nebr.
Beall, Tex.	Denver	Gronna	Kitchin
Bell, Ga.	Dickinson	Hamlin	Kopp
Booher	Dickson, Miss.	Hammond	Lamb
Borland	Dies	Hardwick	Latta
Brantley	Dixon, Ind.	Hardy	Lee
Burleson	Edwards, Ga.	Harrison	Lenroot
Burnett	Ellerbe	Haugen	Lindbergh
Byrd	Estopinal	Hay	Livingston
Candler	Ferris	Hayes	Lloyd
Cantrill	Finley	Helm	McDermott
Carlin	Fish	Henry, Tex.	McHenry
Cary	Flood, Va.	Hinshaw	Madison
Clark, Mo.	Floyd, Ark.	Hitchcock	Maguire, Nebr.
Clayton	Foster, Ill.	Houston	Martin, Colo.
Cline	Fowler	Hubbard, Iowa	Maynard
Collier	Gallagher	Hughes, Ga.	Miller, Minn.
Cooper, Wis.	Gardner, Mass.	Hughes, N. J.	Moore, Tex.
Covington	Garner, Tex.	Hull, Tenn.	Morrison
Cox, Ind.	Garrett	James	Morse

Moss	Ransdell, La.	Sheppard	Thomas, N. C.
Murdock	Rauch	Sims	Tou Velle
Nelson	Richardson	Sisson	Turnbull
Norris	Roddenbery	Slayden	Underwood
Oldfield	Bothermel	Small	Volstead
Padgett	Rucker, Colo.	Smith, Tex.	Watkins
Palmer, A. M.	Rucker, Mo.	Splight	Webb
Peters	Russell	Stanley	Wickliffe
Pickett	Sabath	Steenerson	Wilson, Pa.
Poindexter	Saunders	Stephens, Tex.	Woods, Iowa
Pujo	Shackelford	Taylor, Colo.	
Rainey	Sharp	Thomas, Ky.	

ANSWERED "PRESENT"—12.

Barchfeld	Cassidy	Howard	Morehead
Broussard	Clark, Fla.	Kahn	Pratt
Byrns	Goldfogle	Lever	Taylor, Ohio

NOT VOTING—94.

Alexander, Mo.	Driscoll, M. E.	Legare	Pou
Allen	Elvins	Lindsay	Randell, Tex.
Ames	Esch	Lundin	Reid
Anderson	Fitzgerald	McCall	Rhinock
Ansberry	Focht	McCreary	Riordan
Anthony	Foelker	McKinlay, Cal.	Robinson
Barclay	Fornes	McKinley, Ill.	Sheffield
Bartlett, Nev.	Foulkrod	McMorran	Sherley
Boehne	Fuller	Macon	Sherwood
Boutell	Garner, Pa.	Madden	Simmons
Bowers	Gill, Md.	Mays	Snapp
Burgess	Glass	Millington	Sparkman
Burke, Pa.	Godwin	Moon, Pa.	Sperry
Campbell	Graham, Ill.	Moon, Tenn.	Sturgiss
Capron	Greene	Moxley	Sulzer
Carter	Hamill	Mudd	Swasey
Chapman	Heflin	Nicholls	Talbot
Conry	Hill	Nye	Taylor, Ala.
Cook	Hobson	O'Connell	Tener
Cravens	Hughes, W. Va.	Olcott	Wallace
Crow	Humphreys, Miss.	Page	Weisse
Denby	Jamieson	Parsons	Willett
Diekema	Kinkead, N. J.	Patterson	
Driscoll, D. A.	Korbly	Pearre	

So the motion to adjourn was rejected.

Mr. GOLDFOGLE. Mr. Speaker, I desire to know whether the gentleman from Pennsylvania [Mr. Moon] is recorded as voting.

The SPEAKER. He is not.

Mr. GOLDFOGLE. I am paired with the gentleman from Pennsylvania. I voted "no." I desire to withdraw that vote and answer "present."

The SPEAKER. The Clerk will call the name of the gentleman.

The Clerk called the name of Mr. GOLDFOGLE and he answered "present."

During the call of the roll the following occurred:

Mr. GAINES (interrupting the call). Mr. Speaker, I ask unanimous consent to vacate the proceedings under this call and take a recess until 12 o'clock. [Cries of "Regular order."] The SPEAKER. The regular order is demanded, and the Clerk will proceed with the call.

The Clerk announced the following additional pair:

For the vote:

Mr. SPERRY with Mr. LINDSAY.

The result of the vote was announced as above recorded.

Mr. TAWNEY. Mr. Speaker, I now move that the House take a recess until 11.55—I will make it 11.30—to-morrow morning.

Mr. JONES. Mr. Speaker, I make the point that that is a dilatory motion.

The SPEAKER. The Chair suggests to the gentleman from Minnesota that the House just having refused to vote to adjourn, which would have carried the proceedings over until 12 o'clock to-morrow, that now the motion to take a recess until 11.55, the point of order being made, would seem to the Chair, under the rules, to be dilatory.

Mr. TAWNEY. Mr. Speaker, my motion is to take a recess until 11.30 to-morrow morning and continue the present legislative day. The legislative day is continued by way of that motion if it is carried. I submit that is not dilatory, and I have reason to believe that the motion will prevail.

The SPEAKER. The gentleman makes the motion in good faith?

Mr. TAWNEY. I do.

The SPEAKER. And not as a dilatory motion?

Mr. TAWNEY. I do not. As evidence of that I will say to the Chair that a number of gentlemen who voted against my motion to adjourn stated that if I had moved to take a recess they would have voted for the motion.

The SPEAKER. The Chair then will entertain the motion.

The question is on the motion of the gentleman from Minnesota that the House do stand in recess until 11 o'clock and 30 minutes a. m. to-morrow.

Mr. UNDERWOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 141, nays 142, answered "present" 12, not voting 94, as follows:

YEAS—141.

Alexander, N. Y.	Fassett	Kronmiller	Reynolds
Andrus	Fordney	Klistermann	Roberts
Austin	Foss	Lafean	Roddenbery
Barnard	Foster, Vt.	Langham	Scott
Bartholdt	Gaines	Langley	Slemp
Bates	Gardner, Mich.	Law	Smith, Cal.
Bennet, N. Y.	Gardner, N. J.	Lawrence	Smith, Iowa.
Bennett, Ky.	Gillett	Longworth	Smith, Mich.
Bingham	Goebel	Loud	Southwick
Bradley	Good	Loudenslager	Stafford
Brownlow	Graff	Lowden	Sterling
Burke, S. Dak.	Graham, Pa.	McCredie	Stevens, Minn.
Burleigh	Grant	McGuire, Okla.	Sulloway
Butler	Griest	McKinney	Tawney
Calder	Guernsey	McLachlan, Cal.	Thistlewood
Calderhead	Hamer	McLaughlin, Mich.	Thomas, Ohio
Cocks, N. Y.	Hamilton	Malby	Tilson
Cole	Hanna	Mann	Tirrell
Cooper, Pa.	Hawley	Martin, S. Dak.	Townsend
Coudrey	Heald	Miller, Kans.	Volstead
Cowles	Henry, Conn.	Miller, Minn.	Vreeland
Creager	Higgins	Mondell	Wanger
Crumpacker	Howell, N. J.	Moore, Pa.	Wasburn
Currier	Howell, Utah	Morgan, Mo.	Weeks
Dalzell	Hubbard, W. Va.	Morgan, Okla.	Wheeler
Davidson	Huff	Morse	Wiley
Dawson	Hull, Iowa	Murphy	Wilson, Ill.
Dodds	Humphrey, Wash.	Needham	Wood, N. J.
Douglas	Johnson, Ohio	Olmsted	Woods, Iowa
Draper	Joyce	Palmer, H. W.	Woodyard
Dwight	Keifer	Parker	Young, Mich.
Edwards, Ky.	Kennedy, Iowa	Payne	Young, N. Y.
Ellis	Kennedy, Ohio	Plumley	The Speaker
Englebright	Knapp	Pray	
Fairchild	Knowland	Prince	
		Reeder	

NAYS—142.

Afair	Ellerbe	Hughes, N. J.	Rainey
Adamson	Estopinal	Hull, Tenn.	Ransdell, La.
Aiken	Ferris	James	Rauch
Ashbrook	Finley	Johnson, Ky.	Richardson
Barnhart	Fish	Johnson, S. C.	Roddenbery
Bartlett, Ga.	Flood, Va.	Jones	Rothermel
Beal, Tex.	Floyd, Ark.	Kelher	Rucker, Colo.
Bell, Ga.	Foelker	Kendall	Rucker, Mo.
Booher	Foster, Ill.	Kinkaid, Nebr.	Russell
Borland	Fowler	Kitchin	Sabath
Brantley	Gallagher	Kopp	Saunders
Burleson	Gardner, Mass.	Lamb	Shackelford
Burnett	Garner, Tex.	Lee	Sharp
Byrd	Garrett	Lenroot	Sheppard
Candler	Gill, Mo.	Lindbergh	Sims
Cantrill	Gillespie	Livingston	Sisson
Carlin	Gilmore	Lloyd	Slayden
Cary	Gordon	McDermott	Small
Clark, Mo.	Goulden	McHenry	Smith, Tex.
Clayton	Gregg	Madison	Sparkman
Cline	Gronna	Maguire, Nebr.	Splight
Collier	Hamlin	Martin, Colo.	Stanley
Cooper, Wis.	Hammond	Maynard	Steenerson
Covington	Hardwick	Moore, Tex.	Stephens, Tex.
Cox, Ind.	Hardy	Morrison	Taylor, Colo.
Cox, Ohio	Harrison	Moss	Thomas, Ky.
Craig	Haugen	Murdock	Thomas, N. C.
Cullop	Hay	Nelson	Tou Velle
Davis	Hayes	Norris	Turnbull
Dent	Helm	Oldfield	Underwood
Denver	Henry, Tex.	Padgett	Watkins
Dickinson	Hinshaw	Palmer, A. M.	Webb
Dickson, Miss.	Hitchcock	Peters	Wickliffe
Dies	Houston	Pickett	Wilson, Pa.
Dixon, Ind.	Hubbard, Iowa	Poindexter	
Edwards, Ga.	Hughes, Ga.	Pujo	

ANSWERED "PRESENT"—12.

Barchfeld	Cassidy	Howard	Morehead
Broussard	Clark, Fla.	Kahn	Pratt
Byrns	Goldfogle	Lever	Taylor, Ohio

NOT VOTING—94.

Alexander, Mo.	Driscoll, M. E.	Latta	Pearre
Allen	Elvins	Legare	Pou
Ames	Esch	Lindsay	Randell, Tex.
Anderson	Fitzgerald	Lundin	Reid
Ansberry	Focht	McCall	Rhinock
Anthony	Fornes	McCreary	Riordan
Barclay	Foulkrod	McKinlay, Cal.	Robinson
Bartlett, Nev.	Fuller	McKinley, Ill.	Sheffield
Boehne	Garner, Pa.	McMorran	Sherley
Boutell	Gill, Md.	Macon	Sherwood
Bowers	Glass	Madden	Simmons
Burgess	Godwin	Mays	Snapp
Burke, Pa.	Graham, Ill.	Millington	Sperry
Campbell	Greene	Moon, Pa.	Sturgiss
Capron	Hamill	Moon, Tenn.	Sulzer
Carter	Heflin	Moxley	Swasey
Chapman	Hill	Mudd	Talbot
Conry	Hobson	Nicholls	Taylor, Ala.
Cook	Hollingsworth	Nye	Tener
Cravens	Hughes, W. Va.	O'Connell	Wallace
Crow	Humphreys, Miss.	Olcott	Weisse
Denby	Jamieson	Page	Willett
Diekema	Kinkead, N. J.	Parsons	
Driscoll, D. A.	Korbly	Patterson	

So the motion to take a recess was rejected.

The Clerk announced the following additional pairs:

On this vote:
Mr. AMES with Mr. CRAVENS.

For the balance of day:

Mr. HOLLINGSWORTH with Mr. LATTA.

The result of the vote was announced as above recorded.

Mr. KEIFER. Mr. Speaker, I think it is about time in the progress of this debate that we call attention to the question before the House. It is about time that we consider what the question is and it will be my wish at this late hour to speak with the utmost kindness of everybody who participates in this discussion and who votes here to-night on this question, but I may be, Mr. Speaker, allowed to say that for many hours I have listened to a discussion that had no relation at all to the question before the House. I have heard people advocate their claim to vote as they pleased as Republicans because they had become Republicans long ago in consequence of living in a good neighborhood or having members of their family that had something to do with a fugitive slave in a garret, but nothing else was said by them to warrant the claim that they had been faithful Republicans. Now, I have said that with the utmost kindness.

I do not complain of people voting as they please, for I have a very good record here and elsewhere in times gone by for voting exactly as I pleased upon great questions. But that is a question of party, and I must return now to what I said. The gentleman from Nebraska [Mr. NOARIS] undertook to show that he had a high constitutional question and it was one that gave it the privilege to be considered here now. He quoted from a paragraph of the Constitution of the United States which reads:

Each House may determine the rules of its procedure.

That was a very clever permissive thing put into the Constitution of the United States, but it was not essential to the House, and I agree with the gentleman from New Jersey [Mr. PARKER], the chairman of the Committee on the Judiciary, in saying that the right to make the rules would have been complete without it; that the right to make rules for the government of the House would have inhered in it without any provision in the Constitution on the subject.

But the gentleman from Nebraska stopped there, and I now want to call the attention of the House to one thing further. Assuming that the House has a complete perfect right under the Constitution of the United States to make rules, then it must be assumed that when the rules are made by a majority of this House that they are constitutional rules. The proposition now is that, having made rules according to the Constitution of the United States, then we may override those rules thus made by violating them, for that is exactly what is demanded of this House. Let us see about the rules. Did not we make them? I do not know whether the gentleman from Nebraska or the gentleman from Wisconsin or the gentleman from New Jersey [Mr. FOWLER] voted for them or not, but it is quite immaterial to me when I know that a majority of this House did vote for them, and the gentleman from Nebraska says that we had a constitutional right to make them. Now, we did make them. What did we say? I read a paragraph from Rule XXI, thus constitutionally made, which provides:

Any petition or memorial or private bill excluded under this rule shall be returned to the Member from whom it was received; and petitions and private bills which have been inappropriately referred may, by the direction of the committee having direction of the same, be properly referred in the manner originally presented.

Now, turning to another paragraph, paragraph 3 of Rule XXI, it says:

All other bills, memorials, and resolutions may in like manner be delivered, indorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof, and of all bills, resolutions, and documents referred under the rules, shall be entered on the Journal, etc.

Now, turning to another paragraph we find that the Committee on Rules has jurisdiction of all resolutions and all motions to amend the rules, all resolutions or motions relating to the rules. Now, that rule we made by a majority vote of this House, and that was made, according to the gentleman's claim, under the Constitution of the United States, and it is in vogue now, and the gentleman therefore says we ought to violate it under the Constitution.

I quote paragraph 53 of Rule XI:

All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules.

A MEMBER. Louder.

Mr. KEIFER. Some gentlemen will not be able to hear because of a deafness of mind, no matter how loud I may talk. [Applause and laughter.] Now, having said that much I might comment on the rule just read that gives to the Committee on Rules this jurisdiction, but it is well understood. The Committee on Rules has the least jurisdiction of any committee of

the House for the purpose of shaping of any one of the principal committees of the House. It does not shape legislation at all. That committee acquires no jurisdiction over legislation in shaping the character of it.

The gentlemen on the other side are arraigning the rules, and they come here to-day attacking the only rule that has no operation or effect in relation to the character of business we may do. We may, through that committee, have special rules to entitle us to do business. Somebody said here that it was unusual to have a discussion upon a point of order raised with reference to the alteration of the rules.

I can give day and date when we did have discussion. I saw in this House more than fifty Members with the hilts of their pistols sticking out of their pockets while we discussed this very character of question for a whole day, and into the evening and the night, on the 29th day of May, 1882.

The Speaker then listened all day long, and we heard almost the rattle of the hilts of their pistols. Then the Democrats, if you will turn and read the RECORD of that date, were denying the right under the Constitution or the rules of the Republicans in that House to amend, and they were heard all day long. We were simply trying then in that House to amend the rules, to give to the majority of the House the right to consider election cases, always held to be of the highest privilege. It occurred in the Forty-seventh Congress. For the first time in the history of the country it was then sought by dilatory motions and otherwise to prevent the consideration of an election case which was essential to be decided before it could be a complete organization of the House.

The then Speaker ruled that dilatory motions, according to the general rules of parliamentary law, could not be made in that case, and they have been practically throttled and set aside from that day to this. Now we are reversing it. We are not denying that you may change the rules, but you must change them under the rules made according to the Constitution of the United States. Yesterday the gentlemen insisted that they had the right to say that rules that had been made by a majority of the House against their votes were so sacred that the Constitution could not override them.

Mr. NELSON. Will the gentleman yield?

The SPEAKER. Will the gentleman from Ohio yield to the gentleman from Wisconsin [Mr. NELSON]?

Mr. KEIFER. Oh, yes.

Mr. NELSON. As a former Speaker of that House I would like to ask you a question.

Mr. KEIFER. I would like to have it on the point of order.

Mr. NELSON. Is there any way of bringing up the matter of a change in the rules of this House without the consent of the Speaker and the Committee on Rules, except on the opening day of a Congress?

Mr. KEIFER. There is the same rule for bringing up that question that there is for other questions, and I meet the question by saying that we made these rules, and we made them by a majority of the House. Some of these gentlemen voted for them.

Mr. NELSON. Answer my question, please. He can not do it.

Mr. FOWLER. Did the House exhaust all its powers and exhaust them for two whole years on these rules when it adopted them?

Mr. KEIFER. Nobody ever dreamed that but you. Nobody ever talked it, I guess, but you.

Mr. FOWLER. Very well. Can you tell me how we can change them within the two years?

Mr. KEIFER. Oh, yes. The gentleman from New Jersey will pardon me when I say that I understand he helped to make these rules. Is that right? And I understand also that a few days ago he was a sort of a hermaphrodite on the subject of changing the rules. He wanted them about half and half; that is, to give the Speaker the power of appointing four and the House five of the members of the Committee on Rules. Is not that right? You do not deny it, do you?

Now, I think he has become converted to-day to something else, and we will soon see what that is when we get along a little further. If the gentleman wishes to deny that statement I will yield.

Mr. FOWLER. Deny which statement?

Mr. KEIFER. The statement that you had this notion of giving the Speaker part and the House part.

Mr. FOWLER. Not at all.

Mr. KEIFER. On the 25th day of January last you offered a resolution of that kind.

Mr. FOWLER. You are utterly wrong, absolutely wrong.

Mr. KEIFER. I hold here in my hand and will read it if necessary—

Mr. FOWLER. It is absolutely wrong.

Mr. KEIFER. Now, Mr. Speaker, I have given the gentleman a chance to admit or deny what I have charged. I will, before I conclude, read his resolution. But the burden of complaint is that the House of Representatives ought to have a right to do business according to the majority; that the Representatives of the people who come here should be heard.

Mr. Speaker, until the proposition was submitted to-day to amend the rules—some of those rules—I have never understood that that proposition was denied. Indeed we put in the rules here a provision recognizing the right of the House to settle that question. But to-day there comes a resolution, advocated by gentlemen who are appealing to the country for the right to make rules and legislate as they please, advocating that doctrine and appealing to have their resolution adopted that absolutely excludes this House from appointing the Committee on Rules at all. I think it well to read it, and thus get back where I may show from the beginning how absurd the proposition is. I read:

Resolved, That the rules of the House be amended as follows:

The Committee on Rules shall consist of 15 members, 9 of whom shall be members of the majority party and 6 of whom shall be members of the minority party, to be selected as follows—

Not as the House would select them, but "as follows."

The States of the Union—

Mr. Speaker, I do not know what sort of history the man has who wrote that line. I did not know we had any other States now but States of the Union. Let me read it again:

The States of the Union shall likewise be divided by—

Not the House—

shall be divided by a committee of three, elected by the House for that purpose.

I thought they did not want committees. Gentlemen want persons. But this rule requires three persons. Now, what is worse than all:

Elected by the House for that purpose.

I had better read that all again:

The States of the Union shall be divided, by a committee of three, elected by the House for that purpose, into nine groups, each group containing, as near as may be, an equal number of Members belonging to the majority party. The States of the Union shall likewise be divided into six groups, each group containing, as near as may be, an equal number of Members belonging to the minority party.

It may be impossible; I think it is, when it comes to practice. No matter:

At 10 o'clock a. m.—

Which we used to be told meant master of arts—

At 10 o'clock a. m. of the day following the adoption of the report of said committee—

I suppose it is that—

each of said groups shall meet and select one of its members a member of the Committee on Rules.

Now, remember, one of the nine groups will select without the advice of the other groups a member of this to-be Committee on Rules. Persons belonging in other groups have nothing to say. Each one of the six groups will select a member—I suppose Democrats, unless they are in a majority, and then they would be on the other side.

Now there are five-sixths of the Democrats not allowed any hearing at all in selecting one of them, and so it goes on. And there are fourteen-fifteenths of the party in the majority that can not have anything to say in selecting any one member of the Committee on Rules. I want to work this out a little further, and find we have got a little committee of three that is to make groups, and the groups make a report to the House, and the House is not privileged under this resolution to reject it, or any part of it, but must proceed with the other groups, and then when the groups have all reported simply accept them as thus constituted. I had better read along further from the resolution:

Each of said groups shall meet and select one of its members a member of the Committee on Rules. The place of meeting for each of said groups shall be designated by the said committee of three in its report. Each of said groups shall report to the House the name of the Member selected for membership on the Committee on Rules.

When that report is made, as I have just said, the House has to be silent as the grave. It has no right to say aye or no. There may be the most objectionable man in the world on it, and nine-tenths or more of the House may be willing to vote down the whole committee, but under this rule, if adopted, the House must accept it forever for that Congress.

Mr. DAVIS. Will the gentleman permit an inquiry?

Mr. KEIFER. Oh, yes.

Mr. DAVIS. I understand that you advocate the majority rule?

Mr. KEIFER. Certainly.

Mr. DAVIS. I have understood, if my memory serves me correctly, that the Speaker also says that the majority can do business any time.

Mr. KEIFER. Under the rules of the House; yes.

Mr. DAVIS. Why, then, is it that you and others at this time object to the Members of this House coming to a vote upon the resolution now before it? Do you fear that the majority is against you, or what?

Mr. KEIFER. If you put your question right I will answer it. I will say that I have always advocated, and the rules that we now have require, the House to be controlled by a majority. Rule XXV and others of the House provide for this.

Mr. DAVIS. Well, do you object?

Mr. KEIFER. Well, now, the gentleman wants to know why I will not allow a new principle to be injected here without full debate, and I say it looks as if some of the men who may ask questions on this matter if there is debate may possibly be helped by it.

Mr. DAVIS. Then do you object to having a vote upon this resolution?

Mr. KEIFER. We are going to have a vote on it, and I hope we can have it intelligently.

Mr. DAVIS. How much more delay do you want to have before you vote on it?

Mr. KEIFER. I wish to say, Mr. Speaker, if the question is put in the spirit I think it is, that the gentleman means to say that nine-tenths of the talk for the absurd proposition should come from the other side of the House and only about one-tenth from this.

Mr. DAVIS. I simply say this—

Mr. KEIFER. I think we will have a little more debate, and I hope we will understand the question, no matter whether we vote right or wrong.

Mr. DAVIS. If the gentleman continues, I do not doubt that we will have a better understanding.

Mr. KEIFER. I thank the gentleman very much for the compliment.

Mr. DAVIS. But whether we are going to have a vote during the next twelve hours or the next twenty-four—

Mr. KEIFER. If the gentleman voted for a recess or adjournment, I feel sorry that he did not succeed. If he did not vote that way, then I do not have any sympathy for him at all. [Laughter and applause.]

Mr. DAVIS. Are the proceedings that are taking place now in the nature of a filibuster?

Mr. KEIFER. No, sir; I am trying in my way to have this question understood. I heard your friend say that the rules of this House gave the Speaker and the Committee on Rules the right to govern it. There never was a greater falsehood in a parliamentary way uttered in the world than that. I challenge any man here to say that the Committee on Rules has ever forced anything on this House against its consent. The House must in all cases adopt any rule that the committee reports before it becomes operative.

A MEMBER. Everybody says so.

Mr. KEIFER. Somebody says, "Everybody says so." Nobody can mention an instance.

Mr. DAVIS. One more question and I will cease my annoyance and disturbance.

Mr. KEIFER. Oh, it does not disturb me.

Mr. DAVIS. Is this delay in obtaining this vote in consequence of the hope or expectation that the morning train will bring in Members who will outvote the present majority in the House?

Mr. KEIFER. If the gentleman wants to put such a question as that, he should put it to somebody on the other side of the House who knows.

Mr. DAVIS. I thought the gentleman was well posted.

Mr. KEIFER. The gentleman sat here quietly while the gentleman from Wisconsin [Mr. COOPER] talked about his sore toes and fingers for an hour and three-quarters and never put that question to him at all. [Applause and laughter.]

Mr. DAVIS. That seems to be very amusing, but it does not apply to me, because I have not interrupted anybody before.

Mr. KEIFER. No; but you ought to have interrupted those who were taking so much of your precious time from your bed.

Mr. DAVIS. I want to interrupt those who are simply trying to delay the vote, not those who have been trying to expedite it.

Mr. KEIFER. It is easy to say that those who are trying to discuss this question on its merits are trying to delay, and that those who have taken up at least three-fourths of the time in the debate to-day are the only men who have acted virtuously at all.

Mr. JAMES. What has the gentleman to say about those on your side who made the motion to adjourn and take a recess. Were they attempting to delay or not?

Mr. KEIFER. No, sir.

Mr. JAMES. Oh, certainly they were not.

Mr. PAYNE. The House ought to have had sense enough to have adjourned at that time.

Mr. JAMES. The Speaker of the House ought to have had sense enough to rule on this question hours ago.

Mr. KEIFER. Now, Mr. Speaker, having discovered the trouble and having demonstrated something about this resolution that is claimed to be one of privilege; that is to say, that it is a high constitutional privilege to bring this resolution in here in violation of our present rules, and also a resolution that is to take from a majority of the House the right to select their own members of the Committee on Rules, which nobody who has read the resolution will dispute—it is the first time that that sort of thing has been attempted to be forced on the House, and especially under a claim of virtue, that we are doing it in the name of the Representatives of the great people of the United States, because we believe that a majority should rule.

But, Mr. Speaker, my attention was given a little bit ago to the matter of the powers of the Committee on Rules. I stated that that committee had never forced anything on the House in all its history. Gentlemen say it does everything, but they do not specify anything. I will give way if they will tell me.

Mr. NELSON rose.

Mr. KEIFER. Now, do not talk about something else. I am talking about the power of the Committee on Rules.

Mr. NELSON. This is the way it operates, Mr. Speaker.

Mr. KEIFER. I know how it operates.

Mr. NELSON. The Speaker is the chairman of the Committee on Rules, and he has appointed 56 chairmen of committees—

Mr. KEIFER. That is a question I am coming to about the Speaker. I want to confine myself to the point now up.

Mr. NELSON. I will explain it to you.

Mr. KEIFER. I may say truthfully that the Committee on Rules never did anything except with the approval of the House, and every special rule that led us to do business has been reported from the committee under the rules, debated, and adopted by that sanctified thing, the majority of the House. That is all there is of it. That is the whole of it. There is nothing in the fact that the Speaker is chairman of that committee. He has been chairman of the Committee on Rules ever since the time when James Buchanan was President of the United States, and there was a cabal in this Capitol arranging, planning, and meeting nightly for the purpose of devising plans to overthrow the Government.

Speaker James L. Orr, of South Carolina, was the first Speaker made chairman of the Committee on Rules, and this was in 1858. Now, since that time we have had some Democratic Speakers, and some pretty good ones too, and up to the present hour the Democrats did not want to depose him. The Democracy first made the place for him, and the Democracy when in power kept him in the place.

Now, it happens that a few fellows that seem to have trouble somewhere think they can strike a blow, not alone at the Speaker, but at the power of the majority elected to it, and this they claim to be a virtue. Why, we heard the debate at great length yesterday on a question of high constitutional privilege, and when men got up on the floor and almost with tears in their eyes begged that the Constitution should be overruled rather than to break down the rule for calendar Wednesday. Nearly every man who spoke on the subject voted against that rule. There were a few exceptions. I think I see the minority leader [Mr. CLARK] who talked effectively yesterday, and he was equally indignant when he voted against that rule, more so that now, for he talked of parting company with his Democratic brother [Mr. FITZGERALD] from New York.

Now he is appealing to us to put this new and undemocratic rule on the House, and to stand by it. We made the Wednesday calendar rule, we stand by it, and we did not undertake to depreciate it at all yesterday, notwithstanding we would uphold the dignity and power of the great commoner body of legislation for the Federal Government. We still conceive, and still believe, that that rule was subordinate to the higher rule of the Constitution of the United States, which stands as the organic

law of this Government. We are for the rule now, and we were yesterday. To-day we are glad to see a few of the men who voted yesterday on the other side conclude that that was the only rule that had sanctity, that it only overruled the Constitution of the United States, and that to-day there are no rules that are so high as to be able to override the Constitution.

That is not all. We are dealing with a great question here of interest to the country. Some gentlemen say that the people will hear of what we are doing to-day, and condemn us. The people in my district certainly, according to my knowledge, will understand this question exactly.

They will understand that under cover of what might be said if I were outside of the House, false pretense under the guise of a resolution to take away the power of the majority. My people are intelligent enough to understand the question, and the great, patriotic, intelligent people of this country will understand that it is not a question of power that is being sought, but that it is a question of discord that is trying to be brought about, with the hope that the Democratic party will get into power again; and if they do, the same thing will happen that has happened before—it will fail.

I remember two years ago on this floor, from this spot, I expressed a good deal of comfort to the gentlemen on the other side when they were prophesying that the elections of 1908 were soon to come, when they would come into power. I said then that I felt happy that they could enjoy themselves in apparent expectation of victory, but that that would be all that they would get out of it.

I say the same thing now. You can fool the people by some sort of pretense here and there, but you can not fool them when you come to the period of dealing with great moral, material, and political questions of concern to this country which have been brought from time to time to the people on the final appeal.

There is no period in the history of this country when the people were more intelligent and able to understand the real questions than now. They are listening and they comprehend. Now, the talk to-day has mostly been against the Speaker, as though in some way or other he was to be humiliated. If these rules are not right, why do not you attack some substantial rule? The Committee on Rules is the only one you seem to attack, and my friend from New Jersey [Mr. FOWLER] seems to think that he has not introduced anything in that line.

Mr. RUCKER of Colorado. Will the gentleman permit an interruption?

Mr. KEIFER. Yes.

Mr. RUCKER of Colorado. We want to understand over here if we correctly understood the gentleman when he got on his feet that he hoped that we would have a vote on this question to-night.

Mr. KEIFER. I did not say that.

Mr. RUCKER of Colorado. The gentleman did not?

Mr. KEIFER. Sure; I did not.

Mr. RUCKER of Colorado. The gentleman does not want a vote on it to-night.

Mr. TAWNEY. And one thing more; there are a lot of Democrats who do not want a vote on it to-night.

Mr. JAMES. Oh, give us a chance, and we will show you.

Mr. TAWNEY. The gentleman will; yes.

Mr. KEIFER. Now, Mr. Speaker, let me read this Fowler resolution as I promised. This is House resolution 333, introduced by the gentleman from New Jersey, January 25, 1910, in this House, and referred to the Committee on Rules:

Resolved, That the House of Representatives shall, on February 7, 1910, after the morning hour, proceed to the election of five additional members of the Committee on Rules, four of whom shall be Republicans and one a Democrat.

Resolved, That from and after the passage of this resolution the Speaker of the House of Representatives shall no longer be a member of the Committee on Rules; but that the Committee on Rules shall consist of the four members heretofore appointed and the five members elected under the provisions of this resolution.

That is, we are four-ninths Speaker appointments and five-ninths elected by the House, and the gentleman says that he is in favor of the present resolution. He has reformed somewhat in that respect.

Mr. FOWLER. Not at all.

Mr. KEIFER. Is not this the gentleman's resolution?

Mr. FOWLER. Just one moment. The point was to exclude the Speaker from the Committee on Rules.

Mr. KEIFER. That is another thing.

Mr. FOWLER. I have no difference with the gentlemen who are present members of the Committee on Rules.

Mr. KEIFER. Oh, no.

Mr. FOWLER. The point is that the Speaker should not be on the Committee on Rules.

Mr. KEIFER. He did get a little step toward favoring the electing of them by the House, but now he wants to surrender that and favor the resolution that does not give the House the right to appoint one of them.

Mr. FOWLER. They are to appoint them all.

Mr. KEIFER. Not one.

Mr. FOWLER. Why not?

Mr. KEIFER. Because the resolution provides otherwise, and that they shall be appointed in separate groups, and the House shall have no right to overthrow that appointment. Does the gentleman want to deny that?

Mr. FOWLER. If the House authorizes them to do it in that way, the House does it.

Mr. KEIFER. Mr. Speaker, my friend from New Jersey states a proposition that ought to be restated, I think. He says that if the House authorizes three men to make groups and they each select one member of the Committee on Rules, that the House does it. Now, let me put the question in this way: If the House authorizes the Speaker to appoint all the committees, then the House does it. [Applause and laughter.] That is all the logic there is in it.

Mr. STANLEY. Will the gentleman permit an interruption?

Mr. KEIFER. Certainly.

Mr. STANLEY. If the House would authorize the Speaker to introduce and pass all the bills and go home, would the House have discharged its duty and would he be acting for the House?

Mr. KEIFER. No; and anybody ought to have known that without asking the question. [Laughter.]

Mr. STANLEY. If either the gentleman from Ohio or I were to be judged by what we ought to know instead of what we do know, each of us would stand better before the country.

Mr. KEIFER. I think the gentleman is right; I agree with him. [Laughter.] I have been one of those through a pretty long life, who has always felt that there were a great many things that I did not know, and far more than I did know, and I have to feel kindly toward the man who will make the suggestion that is made by the gentleman from Kentucky [renewed laughter]; but there are some things, Mr. Speaker, that we can know and that we are not at liberty to be ignorant about.

Mr. CLAYTON. I would like to know why the Speaker does not rule right now.

Mr. KEIFER. Because he is trying to have the House keep order while we debate this proposition.

Mr. CLAYTON. He is trying to get your Republicans here who are out of town [laughter], trying to whip your crowd into line.

Mr. KEIFER. I am not trying to whip anybody into line. Nobody ever whipped me into line.

Mr. CLAYTON. Oh, the gentleman is trying to talk them into line. [Laughter.]

Mr. KEIFER. I am trying my best, Mr. Speaker, to address myself to the question, which is important and right that the House should have the right to make all of its rules.

Mr. RAINEY. Will the gentleman yield?

Mr. KEIFER. Yes.

Mr. RAINEY. The gentleman has been talking about what he knows and what he does not know. Does the gentleman know how much longer he is going to obstruct the proceedings of this House this evening? [Laughter on the Democratic side.]

Mr. KEIFER. Now, Mr. Speaker, here is another victim. [Laughter.] He has come to life for a moment, but he was asleep, mentally or otherwise, when the long speeches were being made in advocacy of a rule which takes from a majority of this House its right to govern and claiming that the resolution offered should have a privilege here. So long as they talked that and talked about the majority having a right to do things he kept still, but now he has awakened with his sore toe to the front. [Laughter.]

Now, I have great respect for him, and I think I ought to withdraw all that class of remarks, but he seems to think that I am not in earnest when I talk on this question, and that irritated me a little. [Laughter.] I do not believe that the resolution that is to take from the House its right to decide who shall constitute the Committee on Rules is one of high privilege. The second paragraph, I believe it is of section 5, Article I, of the Constitution of the United States, simply says, "each House may determine the rules of its procedure." Now, then, they say, "Oh, that means a lot; it means you may come in here and overthrow any rule that is made under the Constitution; after you have made it you may violate and overthrow it as a high constitutional privilege." Whoever heard of so absurd a thing? I repeat again if the rules that we have

were made under the Constitution, then they are constitutional rules, and we should follow them and not disobey them; and this resolution should go under the rules now in force to the Committee on Rules.

You can discharge the Committee on Rules, if you please, and bring it back to the House, but if you are going to violate the rules we now have, I want the country to understand that you are doing what has never been done here before, that you are doing that which leads inevitably to anarchy and the overthrow of the power of the House to do the business we are sent here to do. That is the most important thing. It is not so very important, Mr. Speaker, whether you are to be chairman of the Committee on Rules or not. It is more important that we have a Committee on Rules that has been selected by the House and not by any sort of legerdemain such as is proposed here. It is of great importance to this great country that we should do business in the Congress of the United States. Gentlemen have been rather chary in talking about what kind of a rule they would want, and I believe my friend from New York [Mr. FISH] was one of those, with some others, perhaps, who has broken over a little and undertook to tell us what the rule was that he wanted, and he complained of some measure that he did not work out of a committee.

I have looked over to see how many bills we have had introduced up to this morning in this Congress, and we are not through with our virility on bills yet. There have been introduced in this House 23,140—

Mr. HULL of Iowa. That is in the House alone.

Mr. KEIFER. There have been introduced in the House 23,140 and in the Senate 7,228, making a total of 30,368. The gentleman suggests the rule by which we should be governed in considering them, and I figure out with some liberality the amount of time we should devote now to each of those bills, and I give it here that it would take a session of twenty-four hours a day, three hundred days in the year, twenty-four years to get through with what we have. [Laughter.] If you will cut it down to ten minutes on each of those bills, and will reduce the time to six hours a day that we should sit, and sit for only three hundred days in the year, it would still take a little over seven years to get through these bills that have already been introduced. [Laughter and applause on the Republican side.]

Now, this country is not fool enough to think that they have sent Representatives here who want to have rules of that kind, and every man who has been up here talking about the people not getting their rights through their Representatives and not getting a chance to get up their bills is advocating that same foolish thing. It is by reason of rules that we have legislated great things in this country. I could give instance after instance. I remember one where with one or two prominent exceptions on the Democratic side of the House, in 1882, we proceeded to legislate so as to strike down polygamy in this country, and with one or two exceptions the Democrats on the other side filibustered and did everything they could to defeat that legislation. They predicted all sorts of evil would come to the Republican party by what was denominated then "arbitrary rules" and ruling, if you please, of the Speaker, but we passed through the House and passed through the Senate a law that had one peculiarity in its results. It has been working out and solving the question of polygamy, but it had one peculiarity.

When it was well understood that it was going to be enforced the great leader of polygamy, Brigham Young, had a new dispensation from heaven, changing the idea that Mormonism stood for polygamy. It was because of the law we forced through here.

We had to put through in that Congress a bill that reduced the rate of letter postage from 3 to 2 cents under the same sort of opposition, and it stands to-day. The first bill that ever passed the Congress of the United States on the subject of the civil service was put through under such circumstances in the Forty-seventh Congress. And that is the law, with some amendments, to-day. Do you mean to say we ought to have thrown open the gates and said "Let every man jump on the floor and speak on his own bill as long as he pleases to go on?" If so, we would have had none of this wise legislation. We have passed many important measures in the last few sessions of Congress under a rule that came from the Committee on Rules.

But the rules were not adopted until after debate and after a majority of the House approved them. And that is all there is to it. I have seen a former leader on the Democratic side of the House come in here with a rule from the Committee on Rules and ask to have it forced through, and we have done so, and we have legislated by virtue of it. We will do that again, I think, but I presume the gentlemen imagine that we are to

have a new committee of 15 on rules that will not do anything without they can get unanimous consent. Such a committee would not bring, I suppose, anything here that would hurt my feelings or some Democrat's feelings if they should not agree with it.

But I come back, Mr. Speaker, to the original question, and that is, that we are standing here for the rights of the majority, and we want to have rules submitted here through a Committee on Rules that a majority will approve, as in the past.

It seems to me that we may vote, not our sentiments and our judgment, but we may vote our piques and whims and motives, and all that, and through fear of our constituents at home maybe; but the better plan will be to stand square on our feet and uphold the principles of the Constitution and the greater principles upon which this Government shall stand, a Government of the people, by the people, and for the people, worked out through their Representatives. [Applause on the Republican side.]

Mr. STANLEY. Does the gentleman think that any Representative on the floor of this House, standing for 200,000 people, need fear his constituents if he votes for all the people and by the people?

Mr. KEIFER. That is a very simple proposition. You do not need an answer to that, do you? [Laughter.]

Mr. STANLEY. I was listening to the gentleman very carefully.

Mr. KEIFER. I think you were.

Mr. STANLEY. And I think he is not the judge of my listening.

Mr. KEIFER. Oh, no.

Mr. STANLEY. I think the stenographer's notes will bear me out in this, that the gentleman said that Representatives on the floor of this House should not, on account of any fear of their constituents, fail to vote for a government of the people, for the people, and by the people, or words to that effect. I think there is a constituency, with the possible exception of the constituency of the gentleman from Ohio [Mr. KEIFER], that demands that a man shall not vote for just that sort of a government; and the gentleman begs the question. He is trying to get us away from the government of the people, for the people, and by the people, and for a government of a clique, for a clique, and by a clique, and that is all he is trying to do now.

Mr. KEIFER. I do not think, Mr. Speaker, it hurts anything to hear that sort of a speech, because we all know that what we stand for is legislation, not by a clique, but by the majority, and that majority here is Republican. [Applause on the Republican side.]

Mr. TAWNEY. Mr. Speaker—

Mr. HITCHCOCK and Mr. CLARK of Missouri rose.

The SPEAKER. The Chair will recognize the gentleman from Nebraska or the gentleman from Missouri, the leader of the minority side, but the Chair also desires to recognize the gentleman from Illinois [Mr. MANN] before we are through.

Mr. TAWNEY. Mr. Speaker, I move that the House take a recess until 11.55 a. m.

Mr. HUGHES of New Jersey. I make the point that the motion is dilatory.

Mr. HITCHCOCK. Do I understand that the Chair recognizes me?

The SPEAKER. The gentleman arose at the same time as the minority leader arose, and the Chair during the evening frequently has had application from the gentleman from Illinois [Mr. MANN], who desires to discuss the point of order. The Chair desires to hear him, but will alternate either with the gentleman from Nebraska [Mr. HITCHCOCK] or the gentleman from Missouri [Mr. CLARK], the minority leader, as the gentlemen may agree.

Mr. CLARK of Missouri. Mr. Speaker, it seems to me, with all due deference to the Chair, that the Chair must have information enough by this time of night to rule on this question. If the Chair has not received parliamentary information enough to rule on this, he has picked up a great deal of valuable information on other subjects.

Mr. TAWNEY. Will the gentleman permit me to interrupt him?

Mr. CLARK of Missouri. If it is a question.

Mr. TAWNEY. Is it not a fact that during all this debate, since the resolution was offered by the gentleman from Nebraska, that there has not been to exceed one hour of debate on the question on which the Speaker of this House is called upon to determine?

Mr. HUGHES of New Jersey. That is the fault of the Speaker.

Mr. CLARK of Missouri. That is the fault of the Speaker.

Mr. TAWNEY. It is not the fault of the Speaker.

Mr. CLARK of Missouri. It is the business of the Speaker to decide points of order, and the point was made that somebody, I have forgotten who, was not speaking to the point of order.

Mr. HAMLIN. I made the point of order.

Mr. CLARK of Missouri. The gentleman from Missouri [Mr. HAMLIN] made the point of order that somebody that was making a speech was not speaking to the point of order, and the Chair, not the regular Speaker, but the Speaker pro tempore—

Mr. HAMLIN. Yes, it was—

Mr. CLARK of Missouri. Overruled the point of order. Now, what I say is this: If you have not information enough in a parliamentary way, with the best parliamentarian in the United States at your elbow, to enable you to decide the question, you certainly have picked up a great deal of strange information about polygamy [laughter] and the civil service, and the number of men who had pistols in their pockets in this House in 1882. [Laughter.]

Mr. KEIFER. I said that in answer to the suggestion that we had no right to debate this question at all.

Mr. CLARK of Missouri. I do not see what pistols had to do with the debate.

Mr. KEIFER. They were Democrats that had them. [Laughter on the Republican side.]

Mr. CLARK of Missouri. Suppose they did have them; it seems that you gentlemen over there laugh at the dullest wit that was ever in this House. [Great laughter and cheers on the Democratic side.] The mind of the gentleman from Ohio seems to have stopped working on the 4th day of March, 1883. [Laughter.] I did not start in to say things of that sort. Whatever other people may say, what I do say is that this point of order was raised about 2 o'clock. The speechmaking has been nearly entirely on the Republican side of this House; very little on this. Up until 10 o'clock the Speaker himself is responsible for this filibuster, for that is exactly what it is. At 10 o'clock the Speaker suggested that he would like for the House to adjourn. We ought to state the whole truth about it. Now, this is the most remarkable demonstration of the quality which the Speaker himself denied yesterday—of his being a czar—that has ever taken place in the history of the American House of Representatives. [Cheers on the Democratic side.] It is the extreme of autocracy.

I do not think that I am underestimating the intelligence of the Speaker when I say that he knew precisely how he intended to rule on this point of order the minute that it was raised. He has not picked up any valuable information on parliamentary subjects since then. I want the country to know that it was the regular Republicans, so called, headed by the Speaker himself, who have been reduced to the pitiful condition of carrying on a filibuster from 2 o'clock this afternoon until 10 o'clock at night. [Loud applause on the Democratic side.]

Mr. CLAYTON. Twelve o'clock.

Mr. CLARK of Missouri. But at 10 o'clock he asked the House to adjourn, and he ought not to be charged with the other two hours. If he rules with us, why then we will adjourn. [Laughter.] If he rules the other way, we will take an appeal from his decision and have it all over in an hour; and there is no sense or fairness or decency in wasting any more time on this proposition, because every man in the House has his mind made up. Therefore I suggest that it is high time for the Speaker to make his ruling one way or the other, and let us know where we are. It has been stated that the whole point of order is absurd, and the Chair ought to be required to rule on this point immediately. [Loud applause on the Democratic side.]

Mr. MANN. Mr. Speaker, what is the situation before the House? [Cries of "Filibuster!" on the Democratic side.]

Mr. MANN. Mr. Speaker it is a remarkable thing that the moment that side of the House gets in partial control of the House the effort is to stifle debate. [Applause on the Republican side; jeers on the Democratic side.]

Mr. JAMES. We have had nine hours.

Mr. MANN. The constant criticism, much of which has come from the distinguished gentleman from Kentucky who has just injected a remark out of order, on that side of the House comes at a time when this side has adopted a rule which concludes debate after days of debate. Now it is suggested that this side of the House is endeavoring to delay because it wishes to debate a great revolution precipitated upon this House this afternoon.

Mr. STANLEY. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. MANN. I do not yield. It is my desire to discuss for a short time the point of order pending before the House.

What is the situation? On yesterday the gentleman from Indiana [Mr. CRUMPACKER] offered a resolution which he stated was privileged under the provisions of the Constitution, and was in order for that reason.

Mr. STANLEY. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. MANN. I do not.

Mr. STANLEY. I hope the gentleman will not decline to yield.

Mr. MANN. I hope the gentleman from Kentucky will permit me to make my argument without irrelevant interruption.

Mr. STANLEY. It is not like the gentleman from Illinois to decline or to conclude that it is irrelevant before he hears what it is.

Mr. MANN. The Speaker decided yesterday that the resolution was in order—as privileged under the Constitution. The House on appeal decided that it was not in order on yesterday. The question was again presented to-day, and the House decided that the resolution was in order to-day. It seems to me that the decision of the House in both cases can be clearly harmonized. The House decided to-day that the bill relating to the census was in order, as coming within a mandatory provision of the Constitution, while at the same time it decided yesterday that although the provision was mandatory for the House to act the House itself was the judge of the time when it should act, and that it might refuse consideration of the question when presented, or might, under a rule of the House, set apart one day of the week when the question should not be in order, as privileged or otherwise.

Now, following that decision to-day another question is presented as privileged under the Constitution. The gentleman from Nebraska [Mr. NORRIS] offers a resolution to amend the rules of the House, stating that it is a matter of high privilege, and that under the Constitution the resolution is in order, notwithstanding the rules of the House of themselves would not make it in order. If it be decided by the House that the resolution of the gentleman from Nebraska is now in order, it is upon the ground that under the Constitution of the United States, and regardless of the rules or any rules of the House, it is in order at any time for any Member of the House to rise in his place and say, "Mr. Speaker, I present a matter of high privilege. I offer a resolution to amend the rules, which, under the Constitution, I am privileged to offer, notwithstanding the rules of the House."

Mr. NELSON. May not the question of consideration be raised and the matter ended in that way?

Mr. MANN. If the gentleman will permit me to proceed, I will discuss all these questions. Now, what is the situation, if that be the ruling? If it is decided by the House that it is a matter of constitutional privilege that the House can not deprive any Member of, to rise in his place and demand and receive the attention of the Speaker on a motion to amend the rules, what will be the result? Yesterday by a decisive vote of the House we preserved the rule of the House providing for calendar Wednesday. What is that rule of the House?

Rule XXVI, paragraph 4, provides:

On Wednesday of each week no business shall be in order except as provided by paragraph 4 of Rule XXIV, unless the House by a two-thirds vote, on motion to dispense therewith, shall otherwise determine.

Another rule of the House provides:

The Committee on Rules shall not report any rule or order which shall provide that business under paragraph 4 of Rule XXVI, shall be set aside by a vote of less than two-thirds of the Members present.

And yet if it be decided by the House that a motion to amend the rules is a constitutionally privileged question, which any Member can present at any time, I, or any one of a majority in the House may rise on next Wednesday and offer an amendment to the rules wiping out this two-thirds vote.

There are a number of provisions in the rules forbidding motions to be offered or requests to be made in the House. It is provided in the rules of the House in reference to the drawing of the seats, that no proposition for a second drawing shall be in order during that Congress. It is provided in reference to the Hall of the House that the Speaker shall not entertain a motion for the suspension of the rule which forbids the use of the Hall of the House for outside purposes.

And yet if this decision be rendered that it is a highly privileged matter under the Constitution, which privilege can not be taken away by the rules of the House, any Member may rise in his place at any time and offer an amendment to the rules of the House, either permanent or temporary, and present to the House a question which, under the rules adopted by the

House, the Speaker is forbidden to have presented. So much for that.

What will be the result of a ruling that a motion to amend the rules is a privileged motion under the Constitution? If it is a privileged motion under the Constitution, no rule adopted by the House, either now or hereafter, can take away that privilege from any Member of the House. Gentlemen on that side of the House in the last few moments have intimated that Members on this side of the House in discussing questions before the House are filibustering. There never was, and there never will be, another plan so powerful in the hands of the minority for a filibuster as this proposition declaring that any Member at any time can challenge the attention of the House and present a privileged motion to amend the rules. [Applause on the Republican side.]

And while it is true that the question of consideration can be raised, and that it will not be necessary to consider the amendment to the rules with 100 Members alternating on the presentation of such a privileged motion and demanding a roll call on the question of consideration, a minority of the House could prevent the consideration of the business of the House forever.

Mr. HUGHES of New Jersey. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman.

Mr. HUGHES of New Jersey. Under the practice of the House, as it has developed in my time and, of course, in the time of the gentleman from Illinois, with such a situation as the gentleman has just described, does not the gentleman think that, under the rules of the House, with a succession of motions such as he suggests, they would be regarded as dilatory motions, and so ruled by the Speaker?

Mr. MANN. Mr. Speaker, a matter which is privileged under the Constitution, like a call for the yeas and nays, can never be declared dilatory, unless it can be presumed that the Speaker, although sworn to obey the law and the Constitution, would attempt of his own free will to override it.

Mr. CLAYTON. May I ask the gentleman from Illinois three questions?

Mr. MANN. One at a time or all three together?

Mr. CLAYTON. I would not put all three together, because it might be asking too much at once.

Mr. MANN. Possibly so. The gentleman is great, and I might not be able to answer them at all.

Mr. CLAYTON. But not as great as the gentleman from Illinois, in his own estimation.

Mr. MANN. I do not know whether that is true or not. The gentleman from Illinois has spoken courteously to the gentleman from Alabama, and regrets that he can not reply in kind.

Mr. CLAYTON. A remark from the gentleman from Illinois that he was not very courteous provoked one of like kind from the gentleman from Alabama, but the gentleman from Alabama apologizes to the gentleman from Illinois and to the House itself.

Mr. MANN. I beg the gentleman's pardon; he misunderstood what the gentleman from Illinois said, because he said nothing to provoke a remark of that kind by the gentleman from Alabama.

Mr. CLAYTON. Well, it may be that my mental obtuseness led me into an error, and I accept the explanation of the gentleman from Illinois.

Mr. MANN. I will be glad to have the questions.

Mr. CLAYTON. I desire to ask the gentleman if the question before the House now is not one of a parliamentary nature resting in the judgment of the Chair at this time; if it is not the determination of a parliamentary question belonging to the province of the Chair, and if that is not what is detaining the House at this time?

Mr. MANN. I beg the gentleman's pardon. I thought the gentleman from Alabama was going to ask all three questions together. It makes no difference to me.

Mr. CLAYTON. The gentleman does not want to admit the first proposition, which I think he ought to answer in the affirmative. The next question I desire to ask the gentleman is, if it has not been frequently the practice on the part of the Chair that when a parliamentary question has been propounded for consideration and determination of the Chair that involved doubt, the Chair has frequently submitted that doubtful question to the House itself? Third, if the gentleman from Illinois does not know that this filibuster, this all-night session, would end in less than one hour if the Chair dared to submit this parliamentary question to the House itself for determination? [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, although the gentleman from Alabama has not had the floor this evening, he has already talked more on this question than I have.

Mr. CLAYTON. But not half so well.

Mr. MANN. I am not filibustering.

Mr. CLAYTON. I have not accused the gentleman from Illinois of filibustering, but I do accuse the Chair of filibustering. I say that the Speaker in delaying this decision, by refusing to decide this question, by refusing to submit it to the House, is giving the greatest exhibition of the power of a czar that was ever exercised by any Speaker in this House. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, it is a remarkable thing that when the Speaker permits debate he is accused of being a czar, and when the Rules Committee, by a rule adopted by the House, cuts off debate, he is accused of being a czar for stopping debate. [Applause on the Republican side.] It will never be possible to satisfy my distinguished friend from Alabama [Mr. CLAYTON] as long as there is a Republican Speaker in the chair.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman? The SPEAKER. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. CLAYTON. I want to congratulate the gentleman upon the fact that he knows the mind and the wishes of the gentleman from Alabama better than the Speaker with his long experience can recognize how to rule on a plain parliamentary proposition. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, it is another peculiar thing that the gentlemen of this House who have made up their minds to vote against sustaining the Chair in what they believe will be his opinion are all of the opinion that his duty is so plain it ought not to take him any time to render his decision. They believe that the Speaker's decision is unquestioned, that the rules and the Constitution are so plain, that the decision of the Speaker, of any Speaker, can be only one way, but have themselves resolved, notwithstanding their oaths of office, to vote the other way. [Applause on the Republican side.]

Mr. CLAYTON. Mr. Speaker, I desire—

Mr. MANN. Mr. Speaker, the gentleman says that it is an easy matter for the Speaker to determine.

Mr. CLAYTON. To submit it to the House.

Mr. MANN. Here is a question which I was endeavoring to show, if decided as the gentleman from Alabama will decide it, will paralyze the majority of the House.

Mr. CLAYTON. Let the paralysis begin.

Mr. MANN. Mr. Speaker, I regret that my friend from Alabama, and I am sure that he will regret, that when I was speaking seriously to the House, he interrupts in this manner. I know that he does not intend—

Mr. CLAYTON. May I interrupt the gentleman one more time?

Mr. MANN. Certainly.

Mr. CLAYTON. I would like to have the gentleman answer the interrogatory I divided into three questions. He has not answered it yet. I shall be quite happy if he will elucidate the subject suggested by those three questions, and I would prefer a categorical answer on each question.

Mr. MANN. Mr. Speaker, I have been discussing for a few moments the point of order. I supposed that the gentleman from Alabama was facetious when he asked me if the question before the House was a point of order pending, but if he does not know that that is the case, I will explain to the gentleman from Alabama that a resolution was offered claiming to be a privileged resolution under the Constitution, notwithstanding the rules, by the gentleman from Nebraska [Mr. NORRIS], and to that a point of order was raised, that it was not in order, and that that question is now pending before the House.

Mr. CLAYTON. May I make an observation there?

Mr. MANN. Oh, the gentleman said he would not interrupt me, and he wants to interrupt me every time I try to answer a question.

The SPEAKER. Does the gentleman decline to yield?

Mr. MANN. Oh, I do not decline to yield. If the gentleman wants to talk, I am willing.

Mr. CLAYTON. I do not want to talk, but I just desire to say that I knew that myself, and I merely wanted to make the gentleman from Illinois confess that he knew that much.

Mr. MANN. Everybody else in the House except the gentleman from Alabama knew I was discussing a point of order, and if he will think long enough, it will get through his head after a while.

Mr. CLAYTON. Not by any argument made by the gentleman from Illinois.

Mr. MANN. No; well, perhaps no argument would penetrate the gentleman's head.

Mr. CLAYTON. One that the gentleman is capable of making would not.

Mr. MANN. Well, this is all good natured on both sides. Let this side of the House remember that while Republicans are in the majority filibusters do occur. We remember in the Sixtieth Congress, I believe it was when Mr. Williams, the minority leader, conducted a filibuster here for weeks, exhausting every possible resource, including even the reading of the Journal in full. Does anyone here think that John Sharp Williams would have been so simple minded that he would not have used this resource if there had been a precedent and decision of the House? Is anyone on this side of the House so simple minded that he thinks that the gentleman from Missouri [Mr. CLARK], the minority leader, if some proposition comes up in the House to which he is bitterly opposed, will not use every resource granted by the Constitution and the rules to prevent consideration?

Mr. POINDEXTER. Will the gentleman yield?

Mr. MANN. And does anyone think that if that side of the House should be in control and the gentleman from Illinois [Mr. MANN] were on the floor, if he be here, desiring to delay, would not offer a privileged motion to amend the rules and get as many other Republicans as possible to do the same thing? Now, Mr. Speaker, I yield to the gentleman from Washington.

Mr. POINDEXTER. Would not the privileged character which, under the decisions of the House, attaches to bills relating to the census, give the same opportunity for filibustering which you claim will be given under this kind of a resolution?

Mr. MANN. It would not, for this reason, which the gentleman from Washington will distinguish in an instant: It never has been held in this House that a gentleman from the floor of the House could offer a privileged motion in regard to the census. It has only been held that a report from the Committee on the Census in reference to taking the enumeration was privileged, and the House, or a majority of the House, can protect itself through the appointment of its committees. But here is a proposition which absolutely deprives the House of any control of a question through the rules, through the committees, through any other action it may take, because if it is declared by the House that a motion to amend the rules is privileged under that provision of the Constitution which says that the House may adopt rules for its own government, then the House has no power to interfere with the operation of the Constitution and has no power to prevent the presentation of a privileged question, nor can the Speaker in the chair decline to recognize a gentleman on the floor who states that he presents a matter of high privilege.

Mr. NORRIS. I would like to ask the gentleman if, in his judgment, a report of the Committee on the Census adds anything to the privileged nature of a census bill? If it is privileged, to put my question—

Mr. MANN. I understand the gentleman's question.

Mr. NORRIS. If it is privileged, as I understand it, it is so because the Constitution makes it so, so I can not see where the report of the committee would either take away or add to its privileged nature.

Mr. MANN. The question is a fair question and not hard to answer. As an original proposition, I do not think the gentleman from Nebraska would, and I doubt whether one-third of the House would, say that the census matter was a matter of privilege in the House—

Mr. NORRIS. I have already stated that before the House to-night; I agree with the gentleman on that proposition.

Mr. MANN. But at some time in the past, probably under some circumstances where the majority was endeavoring to present a census bill and the minority, under the old rules, was endeavoring to obstruct the consideration of the bill, some Speaker ruled that a report of the Committee on the Census, or whatever the old committee was which reported the census bill, was in order as a privileged matter. It was, in my opinion, a violent misconstruction of the provisions of the Constitution. It has stood as a precedent of the House from that time to this, being reiterated by the vote of the House to-day, that vote of the House being based, not on the language of the Constitution, but upon the precedents—previous rulings—and those rulings have only gone to the extent of providing that the report of the committee shall be privileged, while there are numerous rulings, not in reference to census reports, but other matters, that those matters are not privileged from the floor of the House. Now, the very fact that we to-day followed a precedent which we would not have adopted as an original proposition is what adds to the danger of now adopting a precedent which will come back to plague you gentlemen on that side of the House if you ever—and I am inclined to think that the time is not far distant when you will be in control of the House.

[Applause on the Democratic side.] I do not know whether that applause is because of the plague we will give them—

Mr. HARDWICK. We will take it, plague and all.

Mr. MANN. Or the trouble they will have when they get a majority—it will come back to plague you on that side of the House; it will come back to plague the gentlemen who are called, and I believe term themselves, insurgents, though Republicans, on this side of the House.

Mr. NELSON. May I ask the gentleman a question?

Mr. MANN. In a moment. As long as the filibustering in this House, which we all know was the common practice of the House prior to the Fifty-first Congress, was based only upon the rules, there was a method by a change of the rules to shut out the filibuster, but when a filibuster is based upon a constitutional privilege no rule of the House can change it.

Mr. RUCKER of Colorado. Will the gentleman permit a question?

Mr. MANN. I have yielded to the gentleman from Wisconsin [Mr. NELSON].

Mr. NELSON. The gentleman stated the answer in a way, but I will put it to him again. I was about to ask, if we erred, as the gentleman claims, in setting a bad precedent, why could we not change this by a rule at any time if this resolution carries? That is the very purpose of the committee, to propose changes in the rules. You say you can not do it because of a constitutional objection. Did we not answer that question in our vote on calendar Wednesday, saying they, too, were set aside?

Mr. MANN. We answered on calendar Wednesday that the House might provide that on one day of the week it could do the same thing that it does when it raises the question of consideration on a bill—decline to consider a privileged bill on a particular day. But no rule of the House can ever provide that a matter of high privilege under the Constitution to amend the rules, if this House shall determine it to be that way, can be abridged or denied by the rules of the House. I now yield to the gentleman from Colorado [Mr. RUCKER].

Mr. RUCKER of Colorado. Is the House to understand the gentleman to admit that this is a filibuster upon the Republican side of this House?

Mr. MANN. I thought the gentleman was going to ask me a question.

Mr. RUCKER of Colorado. That is the question.

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

Mr. MANN. I will yield for a real question.

Mr. POINDEXTER. This is a real question.

Mr. MANN. Well, the last one was not. I do not refer to the gentleman from Washington, however.

Mr. POINDEXTER. Would it not be in the power of the House at any time to stop a filibuster, even though the apprehensions of the gentleman from Illinois are true in regard to the danger of bringing up questions in regard to the rules? Could not the Speaker of the House now put a stop at once to these proceedings by ruling upon this question? Could not the House limit the debate or close the debate upon the question in regard to the rules, even though it should be privileged, and if subsequent questions in regard to the rules should be raised one after the other—a hundred men raising these questions—so that they would obviously be frivolous, and be ruled out of order by the Speaker as frivolous, being sustained by a majority of the House?

Mr. MANN. It may be that sometime this country will find a Speaker who will declare that a resolution in order and privileged under the Constitution is not privileged, but I hope such a man will never be found in the Speaker's chair. [Applause on the Republican side.] A resolution which is privileged under the Constitution can not be ruled out of order by the Speaker without the exercise and usurpation of arbitrary power.

The Constitution itself confers but few special privileges upon the Members of the House. One of those is the right to demand the yeas and nays by one-fifth of the Members present. Has any Speaker yet lived and occupied the chair who would dare to hold that the demand for the yeas and nays was frivolous or dilatory? Yet we all know that it is constantly used for delay. The gentlemen on that side of the House accuse us on this side of the House to-night of having the roll called several times for dilatory purposes. Will the time come when the distinguished gentleman from Missouri [Mr. CLARK] is in the chair and will be called upon by the gentleman from Washington to hold that the demand for the yeas and nays is dilatory or frivolous? And yet the two are upon a par if the House decides that this is a privileged resolution under the

Constitution, and, notwithstanding, it is not in order under the rules of the House.

I know the feeling. I know the excitement in the House. I know the determined purpose of Members of the House to obtain a change in the Committee on Rules; but I ask the House to remember that its decisions are not of light weight. That which the House solemnly declares to-day it can not well change to-morrow; and if we, in the determination to change the rules of the House, shall so violate the rights and privileges of the House itself, we may also regret the day.

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

Mr. MANN. Certainly.

Mr. JAMES. Will the gentleman advise the House what, in his opinion, would be the parliamentary procedure necessary for this House to have a new Committee on Rules?

Mr. MANN. Mr. Speaker, I know that some of the gentlemen in the House may need a legal adviser, but I am not undertaking to advise men on the other side who are seeking to do that which I do not believe in, and I say that in all candor to the gentleman.

Mr. JAMES. Is it not true that while the gentleman withholds his store of wisdom, which he has a perfect right to do, from the House, at the same time his contention really is that this House is powerless to change the Committee on Rules during the Sixty-first Congress?

Mr. MANN. That is not my contention at all. I think the House has full power to act.

Mr. JAMES. How would we act?

Mr. MANN. If I were on that side of the House and seeking to accomplish what the gentleman is, I would endeavor to show the House.

Mr. JAMES. I regret that the gentleman is not on this side—

Mr. MANN. Sometimes I regret that myself.

Mr. JAMES. So that we might have the benefit of his great wisdom. But, as I understand, his contention is we are going to commit a great outrage in overruling the Chair. Perhaps he can advise us of some way in which it can be done in an orderly way without this revolution which, it is said, we are about to inaugurate. He may be able to suggest an orderly manner in which to do what the majority of this House desires and intends to do, which is to make a change as to the Committee on Rules, so this House may be its own master.

Mr. MANN. I have a habit, as well as I can, of discussing the propositions which are before the House. I have seldom indulged—and I have no criticism of those who do—in discussing propositions which are not before the House. At this late hour, with the innuendo of gentlemen on that side of the House—

Mr. JAMES. It is early now.

Mr. MANN. That I am indulging in a filibuster, I do not care to conduct a parliamentary school for the benefit of that side of the House.

Mr. Speaker, I have already delayed the House longer than I intended, longer than I should have done had not various Members interrupted me.

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

Mr. MANN. I yield to the gentleman.

Mr. STANLEY. I thank the gentleman for the delayed courtesy. In the beginning of this debate it was alleged by quite a number of gentlemen on the other side that this motion of the gentleman from Nebraska [Mr. NORRIS] was not made in good faith, and that the contention that this was a constitutional privilege was an absurdity, not worth serious consideration. I want to ask the gentleman if he agrees with that opinion expressed by his colleagues?

Mr. MANN. I heard no such statement made, and I am stating my own opinion on the floor of the House.

Mr. Speaker, it is a popular belief in the country and in the House that the Committee on Rules dominates the House. I have been a Member of this House now for thirteen years, and have had more or less to do with certain important bills, one creating the Department of Commerce and Labor, one the pure-food law, one the Hepburn Act, to amend the act regulating commerce, and various bills of that kind—important measures—among the most important measures that have passed the House. I do not refer to them with a view of adding to the importance of the work I did in connection with them, because that was of small moment, but because the bills impressed themselves upon me. Not one of those laws was passed under a special rule of the House limiting debate or cutting off the right of amendment.

It is not true, as many believe, that the Speaker, through the Committee on Rules, controls the House. It is not true that the Committee on Rules does control the action of the House.

It is not true that the Committee on Rules decides the usual programme of legislation or what shall be considered in the House, or that it in any way affects ordinary bills or legislation in the House. The Committee on Rules is merely an instrumentality of the majority to bring speedily before the House some occasional measure which otherwise would be unduly delayed or to give to the House a chance to consider and vote upon a partisan matter over the attempts of the minority to delay or obstruct.

I recently read in an article by a noted newspaper and magazine writer a statement that no bill could come to a final vote in the House of Representatives without action by the Committee on Rules, and this seems to be a quite prevalent belief. Nothing could be farther from the actual truth. In the last, or Sixtieth, Congress, which expired on March 4, 1909, there were two sessions, and at these two sessions 629 public bills and joint resolutions were enacted into law. During the same time the Committee on Rules acted only 21 times, and most of their reports did not refer to any pending bill. For instance, at the first session of that Congress there were 269 public bills and joint resolutions passed, and there were 15 reports from the Committee on Rules. One of these reports related to giving the Philippine Commissioners privileges of the House floor; another, an expenditure committee authority to require attendance in an investigation being made; another referred a legal proposition to the Committee on the Judiciary; another provided for investigation of peonage; another for the Lilly investigation.

From the opening in December to April 3, 1908, not a single bill had been passed under a report from the Rules Committee, but on April 3, 1908, there was in progress a Democratic filibuster in the House to prevent legislation, and from April 3 to April 20 there were 7 reports from the Committee on Rules, all caused by the Democratic filibuster, and not one of which related to any special bill to which there was objection. The last rule reported at that session of Congress from the Committee on Rules provided for the pulp and paper investigation.

At the second session of the Sixtieth Congress there were 360 public bills and joint resolutions passed. There were 6 reports from the Committee on Rules. Two of these were for the partisan purpose of permitting President Taft to carry out his expressed desire of appointing Senator Knox as Secretary of State, 1 related to the infantry trouble at Brownsville, 2 related to providing a calendar Wednesday in the House, and the other one did not relate to any particular bill. During the entire Sixtieth Congress, of the 629 public bills and joint resolutions passed, not a single one was considered and voted upon in accordance with and by virtue of an order or report from the Committee on Rules, and only 3 were brought up for consideration under a special order of the Committee on Rules, and those 3 were: District of Columbia appropriation bill, naval appropriation bill, and the bill providing for an investigation of the Brownsville trouble.

Mr. HUGHES of New Jersey. Is it not true that one rule brought in by the Committee on Rules at the session of which the gentleman speaks was so drawn that it applied to practically every bill that came up, so that it took only a majority vote to suspend the rules, and that by virtue of the provision it became impossible for any man on the floor of this House to attempt to amend bills that in the ordinary course of business would have been open to amendment?

Mr. MANN. It is true that one of the reports from the Committee on Rules at the first session of the Sixtieth Congress during the Democratic filibuster, and caused by the Democratic filibuster, was the rule authorizing a suspension of the rules of the House by a majority vote. But it is also true that that was a general rule for the balance of the session, and that no report from the Committee on Rules specifically applied to any particular bill. No preference was given to one bill over another.

Mr. CLARK of Missouri. Mr. Speaker, I should like to ask the gentleman if in the Sixtieth Congress the Committee on Rules did not bring in a rule that forced the Vreeland-Aldrich currency bill through after an hour and a half or two hours' debate, one of the most important bills ever brought into the House.

Mr. MANN. If it did I am mistaken. I think not.

Mr. CLARK of Missouri. You have been here thirteen years and I have been here fifteen.

Mr. MANN. Yes.

Mr. CLARK of Missouri. Is it not true that it is just such abuses as that by the Committee on Rules that have produced the agitation against the power of the Committee on Rules with the Speaker at its head?

Mr. MANN. I do not remember distinctly with reference to the passage of the Vreeland currency bill, whether it came from the Committee on Rules or not. I have here a transcript from the minutes of the Committee on Rules which I obtained last summer, and that transcript does not show any report from the Committee on Rules on that subject.

Mr. CLARK of Missouri. Then, the transcript is not right. One more question: Is not the sum and substance of your argument this, that if the majority is a Speaker's majority it has a right to do as it pleases, but if it is an anti-Speaker's majority there ought not to be any attention paid to it?

Mr. MANN. The gentleman from Missouri usually asks serious questions, but I think that one is not so intended. Now I will answer the first question of the gentleman. The Vreeland-Aldrich bill was not considered in the House under a report from the Committee on Rules, and I put my memory against that of the gentleman from Missouri.

Mr. CLARK of Missouri. I will ask this question about it: Is it not true that they allowed only forty or forty-five minutes' debate on a side, and that no amendment was allowed, and the bill was rushed through in that style?

Mr. MANN. It was not rushed through any more than the gentleman from Missouri is now seeking to rush through the House this proposition. He complained then that he was not allowed to debate, and now he complains because I am.

Mr. JAMES. Will the gentleman from Illinois yield?

Mr. MANN. I always yield to my friend from Kentucky.

Mr. JAMES. I do not believe the gentleman from Illinois wants to state to the House that the Vreeland-Aldrich bill was not considered in the House on a rule reported by the Committee on Rules, because that is the real fact about it, and the further fact is that only forty minutes' debate on each side was allowed for the discussion of that measure. I state that, because I myself was a member of the Committee on Banking and Currency and participated in that debate, and the twenty minutes allotted to this side was between JOHN SHARP WILLIAMS and myself, Mr. PUJO, and Mr. GILLESPIE of Texas.

Mr. MANN. Now, if gentlemen will permit me to proceed and not go any further in making errors, exhibiting a natural failure of memory in reference to the subject—and I have no criticism of that, because my memory is often at fault, but sometimes a man standing on his feet has his memory refreshed, because his mind works more rapidly than at other times—I want to say that the Vreeland bill was not considered in the House under a report from the Committee on Rules, my friend from Kentucky to the contrary notwithstanding.

I will tell him how it was considered, and when I do, doubtless his memory will be refreshed. I have just stated that owing to the Democratic filibuster—and I use the term with no opprobrium—the Committee on Rules had reported a rule that there might be a suspension of the rules without a two-thirds vote, that the suspension might come at any time, I believe, and this Vreeland bill was considered under an order passed under a suspension of the rules. It is true that as an ultimate result of the report and adoption of that report from the Committee on Rules changing the rules for the balance of that session of Congress the Vreeland bill was considered, but there was no special exception made by the Committee on Rules in reference to the Vreeland bill. Does not the gentleman admit that I am right and that he is wrong?

Mr. JAMES. But the gentleman is bound to admit that what I stated at first is true, and that he is making a distinction between tweedledee and tweedledum. It was the report of the Committee on Rules that enabled the bill to be considered, and the time allowed was only twenty minutes on each side.

Mr. MANN. The gentleman is certainly mistaken. I had discussed that question before the gentleman interrupted me.

Mr. JAMES. The gentleman is exactly right upon the proposition as he states it, but without the report of the Committee on Rules the bill could not have been considered in that way at all. Is not that true?

Mr. MANN. It is not true.

Mr. JAMES. The gentleman's own statement shows that it is true.

Mr. NORRIS. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman from Nebraska.

Mr. NORRIS. For the purpose of getting the thing right, I have a recollection of what occurred at that time. I want to ask the gentleman from Illinois if he does not remember that at that time on the Vreeland-Aldrich bill there was a rule that provided that the minority bill introduced by the gentleman from Mississippi, Mr. Williams, could be offered as a substitute, and the motion was not made by the gentleman from Mississippi but made by the gentleman from California.

Mr. MANN. That was not done under a report from the Committee on Rules. There was no special report of the Committee on Rules, and the Committee on Rules never acted upon any rule presented to the committee in reference to the Vreeland bill.

Mr. NORRIS. How could it have occurred without any special report? I am not claiming to remember definitely how it happened, but I do not see how it could have occurred.

Mr. MANN. I can explain how it might have occurred, although I have not refreshed my recollection as to how it did occur. It might easily occur by some gentleman offering a resolution from the floor of the House and moving to suspend the rules and pass the resolution. It did not occur, I say to the gentleman from Nebraska, by a report from the Committee on Rules.

Mr. KEIFER rose.

Mr. MANN. I will yield to the gentleman from Ohio.

Mr. KEIFER. I want to say in answer to the gentleman from Kentucky that I know the bill came in here. I was opposed to it, and I had one hour in opposition to it when it was being considered. The speech is now in my desk.

Mr. MANN. Mr. Speaker, I do not propose to prolong the discussion about the Vreeland bill. I now hold in my hand the RECORD showing what took place at the time, and it shows that my memory was right and that the memory of the gentleman from Missouri happens at this particular time to be wrong.

It is a further fact that of the numerous private bills which were passed at the Sixtieth Congress not a single one was in any way referred to in any act or report of the Committee on Rules. It should be further remembered that the Committee on Rules has no power except to report a proposition to the House, and that such proposition has no effect until passed by a majority vote. It will be difficult for people who believe that the Speaker controls the House through the Committee on Rules to accept the truth of these statements, and yet they are unquestioned. There can be no controversy about them. I make them from personal knowledge and from an examination of the records. The Committee on Rules is, in the main, a reserve power which is rarely used in the House. A legislative body must in some manner give the right to its majority to effect legislation, but a majority may at any time become a minority, and minorities always desire to have rights, and the majority, which may to-morrow be a minority, does not wish to make precedents which will be oppressive.

The truth is that the complaints that the Speaker, under the rules, is an autocrat usually emanate from those who have urged that the Speaker use autocratic power in their behalf or prostitute the personal and reserve power of the Committee on Rules to further their pet measures. When the Speaker has declined so to do—and he could not last long as Speaker if he acceded to such requests—and refused to use his personal and official influence to further measures which were otherwise being duly considered, he has been denounced as an autocrat because he would not attempt to be one. The Committee on Rules is only called into play in case of emergency, and if the Speaker yielded to the demands of every advocate that his particular measure should be considered an emergency he would undertake to determine practically all the bills to be brought before the House, without regard to the ordinary practice and rules of the House, and would thereby endeavor to make an autocrat of himself, and if he did he would not last a single session.

There are many other things which might be said pertinent to the subject. The rules of the House are not perfect. I have endeavored to study the rules, to analyze them, to learn them and be ready to apply them in the practical work of legislation. I sometimes think most of those who criticize the rules have never fully studied them and do not quite know what they are. It is possible to make improvements in the rules. We made some in the Sixtieth Congress. We made some in the special session of the present Congress. We make some further improvements as men find the necessity for them, but in the main the rules represent the legislative wisdom of a century. They represent the accumulated acumen of the statesmen during the period of our history. They have changed some with the changing conditions and enlargement of the House. They seek to give the rights of the minority and yet to give to the majority an opportunity to enact legislation. Talking is not legislating. The rules give plenty of opportunity for talking and permit the majority to force a vote at the proper time. On the whole, the rules of the House are probably the best considered, most scientifically constructed and finely adjusted rules governing any parliamentary body on

earth. The proceedings in the House, while sometimes boisterous, are always orderly. No such scenes and no such arbitrary action can take place in the House as I have often witnessed in the city council of Chicago and the legislature of my State. But there never has been and there never will be any set of rules devised by which each one of 400 Members of the House can at any time bring each one of 30,000 bills before the House for immediate consideration and disposal.

Just what are the objections to Speaker CANNON and what is meant by "Cannonism" or "anti-Cannonism" I confess I do not fully understand; but it is quite evident that among many citizens of intelligence, worth, and patriotism there is a decided and bitter feeling, or prejudice, either personally directed against Speaker CANNON or against the principles and methods of legislation which he is supposed to represent. This opinion, as I believe, is largely based upon false information and erroneous views and beliefs, both as to the personal attitude of the Speaker and his official power under the rules of the House.

I assume that the main objections to the present Speaker are based on the proposition that, under the rules of the House, he is an autocrat, practically all powerful, and as such is opposed to and prevents consideration of the progressive measures and the enactment into law of the progressive ideas demanded by an enlightened public. The charge is frequently made, and, probably, quite generally believed, that the Speaker controls the consideration of bills in the House of Representatives and largely dominates their form and substance if enacted into law. If this be true, and Mr. CANNON is held personally responsible for the failure to consider measures and to enact proposed and desired legislation, because he is all powerful in the House, then he should by the same reasoning be given credit for the great measures which have been enacted during his speakership. It is certain that more great measures, tending to ameliorate and better the condition of the people and to respond to the moral and industrial uplifting of mankind and to conform to the progress of the times have been passed into law while he has been Speaker than during any other equal period of time in our country's history. Among many others may be noted the following:

Pure-food law; actual governmental control of railroad rates and railroad accounting; providing additional safety and safeguards for railroad employees; scientific study of means to prevent railway accidents; the employers' liability law; providing compensation for employees injured in the government service; to restrict immigration and prevent improper immigration; irrigation and reclamation of arid lands; providing commissions to study river improvement and currency reform; enlarging the powers, duties, and effectiveness of the Forest Service; the testing of coal and other natural resources by the Geologic Survey; placing the Bureau of Standards on a solid footing; the regulation of dams constructed for water power and withholding by general act of Congress unlimited franchises for either dams or bridges in, across, or over navigable streams; a strict anti-rebate law; revising and codifying the penal statutes; the regulation of interstate shipments of intoxicating liquors; the pulp and paper investigation.

These and many other measures of great and general importance have been carried through during the Speakership of Mr. CANNON. If he is to be blamed for what has not been done during his term as Speaker, on the ground that he is all powerful in the House, then he must be credited with the great measures which have been enacted during the period.

It is not true that the present Speaker is opposed to progressive measures. It is true that he does not accept the word of every promoter of a scheme for reform that such scheme will be beneficial. Speaker CANNON has always been willing to listen, but he must be convinced of the merits of a proposition before he advocates it or uses his personal influence, unless it becomes a public matter, when he always stands with the controlling majority of his party friends in the House.

It is not true that Speaker CANNON or any other Speaker is an autocrat in the House. It is true that the present Speaker is the leader and strongest influence in the House, and that he has been so for ten years, dating back to a time before he was Speaker and from the time that Speaker Reed left the House. We may some of us revile him temporarily. Great men have been abused at all times—such is the history of mankind—but when the book of history of this generation shall have been written, together with the legislation that has been enacted, the years of the speakership of Mr. Speaker CANNON will stand out among the most brilliant in the history of our country. [Applause on the Republican side.]

I append hereto a statement of the special rules adopted by the House during the Sixtieth Congress on reports from the Committee on Rules:

JANUARY 8, 1908 (FIRST SESSION).

Rule providing that during the first session of the Sixtieth Congress a motion to go into the Committee of the Whole to consider bill (H. R. 11701) to codify, revise, and amend penal laws, shall have the same privilege belonging to similar motion when applied to bills reported from committee having leave to report at any time.

FEBRUARY 4, 1908.

Rule to give the privileges of the floor, with right of debate, to the two Resident Commissioners from the Philippines; also,

Rule giving the Committee on Expenditures in the Department of Agriculture authority to send for papers and persons in any inquiry within its jurisdiction.

FEBRUARY 14, 1908.

Committee on Rules unanimously reported the resolution of Mr. BARTLETT of Georgia, that so much of the President's message as related to the acquisition of lands in the Southern States or in the Southern Appalachian and White Mountains, for the use of the Nation, be referred to the Committee on the Judiciary, and the committee be directed to report their views as to the power of the Federal Government by legislation to acquire the lands situated in the States referred to, and to appropriate money therefor.

FEBRUARY 22, 1908.

Committee on Rules unanimously reported resolution requesting the Immigration Commission to investigate the complaints of peonage in the several Southern States.

FEBRUARY 28, 1908.

Committee on Rules unanimously reported a rule making it in order for the Committee of the Whole to consider the right of amendment of new matter in the army appropriation bill relating to the pay of enlisted men.

MARCH 5, 1908.

Committee on Rules unanimously reported resolution providing for a special committee of five Members to investigate charges made by Representative George L. Lilly in reference to the Electric Boat Company and the Holland Boat Company.

APRIL 3, 1908.

Committee reported a rule providing for the consideration of the urgent deficiency bill, submitting to the House the question whether it should disagree to the Senate amendments en bloc, and ask for a conference with the Senate.

The resolution was agreed to without division. Also, Rule providing for the consideration of the District appropriation bill, dispensing with the reading of the bill, allowing two hours' general debate, and considering the bill under the five-minute rule. Also,

Rule providing that for the remainder of the session it shall be in order to take from the Speaker's table any general appropriation bill, returned with Senate amendments, and submit without debate or intervening motion the question, "Will the House disagree to the amendments en bloc and ask for a conference?" Also,

Providing that for the remainder of the session the motion to take a recess shall be a privileged motion, taking precedence over the motion to adjourn, and shall be decided without debate.

APRIL 8, 1908.

Rule for the consideration of the naval appropriation bill, allowing three days for general debate, and providing for recesses of the Committee of the Whole during that time. Also,

Rule providing that during the remainder of the session, whenever a general appropriation bill shall have been reported favorably from the Committee of the Whole, it shall be in order to move to suspend the rules, and that a vote of a majority on that motion shall be effective.

APRIL 20, 1908.

Rule providing that the use of the motion to suspend the rules shall not be restricted to the first and third Mondays of the month; and that the vote on agreeing to the motion shall be by majority instead of two-thirds.

APRIL 21, 1908.

Rule to consider resolution providing for the appointment of a special committee to investigate the complaints of the American Publishers' Association and others as to the existence of a combination or trust in the print paper manufacture.

FEBRUARY 15, 1909 (SECOND SESSION).

Rule reported to consider resolution that the Committee on Election of President, Vice-President, and Representatives in Congress be discharged from further consideration of the bill in relation to the salary of the Secretary of State, and that the bill be at once considered in the House.

FEBRUARY 18, 1909.

Rule to consider the conference report on the legislative appropriation bill, and disagree to the same, and ask for further conference; and that the conference be authorized to take into consideration as if in disagreement the portion of the bill relating to the salary of the Secretary of State.

FEBRUARY 25, 1909.

Rule to make it in order to take up Senate bill 5729, to correct the records and authorize the reinstatement of Companies B, C, and D of the Twenty-fifth Infantry (Brownsville).

FEBRUARY 25, 1909.

Resolution declaring during the remainder of the session the rules may be suspended by a majority vote instead of two-thirds.

FEBRUARY 26, 1909.

Resolution reported amending the rules of the House providing for a calendar day on Wednesday of each week.

MARCH 1, 1909.

Same resolution for amending the rules amended and adopted.

[For continuation of House proceedings of this legislative day see page 3388.]

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred, as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Surnomish Slough, Washington (H. Doc. No. 796)—to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior, submitting an estimate of appropriation for completing certain surveys of public lands (H. Doc. No. 797)—to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MURPHY, from the Committee on the Census, to which was referred the bill of the House (H. R. 22941) fixing the salary of the chief clerk of the Bureau of the Census, reported the same without amendment, accompanied by a report (No. 782), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SOUTHWICK: A bill (H. R. 23141) revising and amending the statutes relative to trade-marks—to the Committee on Patents.

By Mr. COX of Ohio: A bill (H. R. 23142) empowering the President to make trade agreements with foreign nations—to the Committee on Ways and Means.

Also, a bill (H. R. 23143) to determine the length of service rendered by soldiers and sailors of the late civil war—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 23144) to provide for site and public building at Arcadia, Fla.—to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 23145) to create a nonpartisan revenue and industrial commission—to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH (by request): Joint resolution (H. J. Res. 175) to require a census to be taken of the male inhabitants over 21 years of age in each State denied the right to vote under the fourteenth amendment of the Constitution of the United States—to the Committee on the Census.

By Mr. MCCREDIE: Joint resolution (H. J. Res. 176) to enable the States of Oregon and Washington to agree upon a boundary line between said States where the Columbia River forms said boundary—to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BARTHOLDT: A bill (H. R. 23146) granting a pension to Johanna Dehn—to the Committee on Invalid Pensions.

By Mr. BEALL of Texas: A bill (H. R. 23147) granting an increase of pension to Alvin Y. Reeder—to the Committee on Pensions.

Also, a bill (H. R. 23148) granting an increase of pension to William S. Powell—to the Committee on Pensions.

By Mr. BOEHNE: A bill (H. R. 23149) granting an increase of pension to William H. Snider—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23150) granting a pension to Marjorie A. Owen—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 23151) granting an increase of pension to Arthur C. Stevans—to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 23152) granting an increase of pension to John H. Yager—to the Committee on Invalid Pensions.

By Mr. CROW: A bill (H. R. 23153) granting a pension to John Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23154) granting a pension to Christ Kruger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23155) granting an increase of pension to Thomas B. Griffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23156) granting an increase of pension to James Crain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23157) granting an increase of pension to William J. Chinn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23158) granting an increase of pension to Mathew K. Amyx—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 23159) granting an increase of pension to John E. Collins—to the Committee on Pensions.

Also, a bill (H. R. 23160) granting an increase of pension to Alfred G. Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23161) granting an increase of pension to John G. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23162) granting an increase of pension to John W. Bishop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23163) granting an increase of pension to John F. Spencer—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 23164) granting an increase of pension to James Faulkner—to the Committee on Invalid Pensions.

By Mr. GRANT: A bill (H. R. 23165) granting an increase of pension to Nannie J. McDowell—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 23166) granting a pension to Seely B. McCarthy—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 23167) providing for the relief of Emma Cline—to the Committee on Claims.

By Mr. JOHNSON of Ohio: A bill (H. R. 23168) granting an increase of pension to Peter Spears—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23169) granting an increase of pension to Augustus Dufour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23170) granting a pension to Luvina R. Prater—to the Committee on Invalid Pensions.

By Mr. JOYCE: A bill (H. R. 23171) granting an increase of pension to Absalom Johnson—to the Committee on Invalid Pensions.

By Mr. KEIFER: A bill (H. R. 23172) for the relief of Oscar J. Paul, alias Oliver J. Patton—to the Committee on Military Affairs.

By Mr. LANGHAM: A bill (H. R. 23173) granting an increase of pension to Jacob Bish—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 23174) granting an increase of pension to Benjamin Hamon—to the Committee on Invalid Pensions.

By Mr. MCKINLAY of California: A bill (H. R. 23175) to remove the charge of desertion against Orlando A. Stebbins and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. MCKINLEY of Illinois: A bill (H. R. 23176) granting an increase of pension to Homer C. Shaw—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 23177) to carry into effect the findings of the Court of Claims in the case of W. F. Forbess, administrator of the estate of Archie F. Forbess, deceased—to the Committee on War Claims.

By Mr. PADGETT: A bill (H. R. 23178) granting an increase of pension to John I. Tumbo—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: A bill (H. R. 23179) for the relief of John S. Hufford—to the Committee on Military Affairs.

Also, a bill (H. R. 23180) for the relief of William Shoerber—to the Committee on Military Affairs.

By Mr. RANSELL of Louisiana: A bill (H. R. 23181) for the relief of heirs or estate of Thomas Washington Tompkins, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 23182) granting an increase of pension to Samuel Amich—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 23183) granting an increase of pension to Abraham Culin—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 23184) granting an increase of pension to Ezekiel J. Ingersoll—to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 23185) granting a pension to John Stevenson—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:

By Mr. AIKEN: Petition of South Carolina legislature, favoring legislation by Congress to aid in the drainage of swamp lands in the United States—to the Committee on Appropriations.

By Mr. ALEXANDER of New York: Petition of Twin City Council, No. 43, Knights of Columbus, favoring House bill 17543, against discrimination against fraternal association publications as second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334) to regulate granting of restraining orders and injunctions—to the Committee on the Judiciary.

Also, petition of N. J. Swift Post, No. 444, Grand Army of the Republic, against retention of statue of Gen. R. E. Lee in Statuary Hall—to the Committee on the Library.

Also, petition of N. J. Swift Post, No. 444, Grand Army of the Republic, favoring National Tribune pension bill—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Petition of Tuscarawas Division, No. 255, of the Brotherhood of Locomotive Engineers, of Denison, Ohio, favoring Senate bill 6702, inspection of boilers—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTLETT of Georgia: Petition of the Savannah Chamber of Commerce, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BATES: Petition of Erie (Pa.) Council, No. 278, Knights of Columbus, in support of House bill 17543, relative to advertisements in magazines of fraternal orders—to the Committee on the Post-Office and Post-Roads.

Also, petition of Erie (Pa.) Chamber of Commerce, favoring an appropriation to assist Gridley Memorial Association to erect a monument to the late Capt. Charles Vernon Gridley, United States Navy—to the Committee on the Library.

Also, petition of Erie (Pa.) Specialty Company, protesting against the Gardner eight-hour bill—to the Committee on Labor.

Also, petition of National Manufacturers' Association, against the Moon anti-injunction bill—to the Committee on the Judiciary.

Also, petition of Gniazdo Zwiastku Sokol Polski, No. 1150, Polish National Alliance, of Erie, Pa., against repeal of any part of the immigration act of February 20, 1907—to the Committee on Immigration and Naturalization.

Also, petition of Farmers' Cooperative and Educational Union of America, for a postal savings-bank law and for parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of J. L. Pelton, C. Ziesenheim, Dr. J. E. Condren, Dr. J. W. Seip, and J. R. Head, all favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Meadville (Pa.) Malleable Iron Company, against the Moon anti-injunction bill—to the Committee on the Judiciary.

By Mr. BENNET of New York: Petition of Washington Heights Chapter, Daughters of the American Revolution, for retention of the Division of Information of the Bureau of Immigration and Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. CANTRILL: Paper to accompany bill for relief of Lewis Simpson, alias John Waldren—to the Committee on Invalid Pensions.

By Mr. CARY: Petition of American Humane Association, against House bill 22321—to the Committee on the District of Columbia.

By Mr. CASSIDY: Petition of four chapters of the American Insurance Union, of Cleveland, Ohio, asking that 7,000,000 members of fraternal orders have same mailing privileges as are accorded to Police News—to the Committee on the Post-Office and Post-Roads.

Also, petition of state universities of several States, against an appropriation to aid the George Washington University—to the Committee on Agriculture.

By Mr. DRAPER: Petition of Brown Ayres, W. O. Thompson, and other educators, against appropriation for the George Washington University—to the Committee on Agriculture.

By Mr. DWIGHT: Petition of Tuscarora Chapter, Daughters of the American Revolution, of Binghamton, N. Y., for retention of Division of Information of the Bureau of Immigration and

Naturalization in the Department of Commerce and Labor—to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of the Tilden Club, of Brooklyn, N. Y., for the building of a battle ship at the Brooklyn Navy-Yard—to the Committee on Naval Affairs.

By Mr. FORNES: Petition of P. J. Cummins, of New York, for House bill 20162, relative to limitation of hours of daily service of laborers on public works of the United States—to the Committee on Labor.

Also, petition of Chamber of Commerce of New York City, protesting against railway-rate regulations as per Senate bill 5106, relating to coastwise and river shipping—to the Committee on Interstate and Foreign Commerce.

Also, petition of Steinhardt & Co., of New York City, against the Moon bill (H. R. 21334), relative to injunctions and restraining orders—to the Committee on the Judiciary.

By Mr. FOSTER of Illinois: Petition of Carlyle Council, No. 1382, Knights of Columbus, for House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of Adelaide Jones, of Ottawa, Ill., favoring the passage of House bill 19402, telepost bill—to the Committee on the District of Columbia.

Also, petition of Playground Association of America, in favor of the establishment of public playgrounds in the District of Columbia, etc.—to the Committee on the District of Columbia.

By Mr. GARDNER of New Jersey: Petition of Clinton B. Ryars Canning Company, of Bridgeton, N. J., favoring legislation in an act to require government inspection of canning factories—to the Committee on Agriculture.

By Mr. GOULDEN: Petition of Maritime Association of New York City, for retention of preparation of Pilot Charts in the Hydrographic Office of the Navy—to the Committee on Appropriations.

Also, petition of Karl Kretzman, against House bill 12343, relative to grant of funds to George Washington University—to the Committee on Agriculture.

Also, petition of Maine Memorial Association, of New York City, favoring raising of the *Maine*—to the Committee on Naval Affairs.

Also, petition of Taneytown (Md.) Camp, No. 184, of the National Grange, demanding investigation of postal deficit—to the Committee on the Post-Office and Post-Roads.

Also, petition of Polonia, No. 30, National Polish Alliance, of New York City, against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM of Pennsylvania: Petition of Association of the Christian Church of Pittsburg, Pa., favoring the Johnson bill (S. 404), Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

By Mr. GREEN: Petition of Polish National Alliance and Polish-American Club, of New Bedford, Mass., against the Hayes immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HAMLIN: Petitions of Quinn Brothers and 13 others and William Bethke and 4 others, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY of Connecticut: Petition of National Spiritualistic Association, of Hartford, Conn., against enactment of House bill 16314, prescribing rates of postage on advertisements of fortune tellers, palmists, clairvoyants, and spiritualists, and providing punishment for violations thereof—to the Committee on the Post-Office and Post-Roads.

Mr. HOWELL of New Jersey: Paper to accompany bill for relief of James M. Ayres—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of Benjamin F. Sutton and Charles E. Winkler Walters—to the Committee on Invalid Pensions.

By Mr. JOYCE: Petition of Waterford (Ohio) Grange, No. 231, for parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KENDALL: Petitions of citizens of Richland, Delta, Sigourney, Rose Hill, and Monroe, all of the State of Iowa, against proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John A. Crow—to the Committee on Invalid Pensions.

By Mr. LANGHAM: Petition of Freeport Council, No. 237, Royal Arcanum, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. MCKINLEY of Illinois: Paper to accompany bill for relief of Orlando A. Stebbins—to the Committee on Military Affairs.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska and others, protesting against Sunday rest bill (S. 404)—to the Committee on the District of Columbia.

By Mr. MAYNARD: Petition of St. Paul Council, No. 418, Knights of Columbus, in support of House bill 17543, relative to advertisements in magazines of fraternal orders—to the Committee on the Post-Office and Post-Roads.

By Mr. MILLINGTON: Petition of Hon. H. E. Allen, of Clinton, N. Y., against legislation reducing power of the federal court in Porto Rico—to the Committee on the Judiciary.

Also, resolutions adopted by the New York Board of Trade and Transportation, protesting against the enactment of House bill 21334, to regulate the granting of restraining orders and injunctions—to the Committee on the Judiciary.

Also, petition of Oneida Chapter, Daughters of the American Revolution, of Utica, N. Y., for retention of the Division of Information of the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Paper to accompany bill for relief of John I. Turnbo—to the Committee on Invalid Pensions.

By Mr. REEDER: Petition of citizens of Kansas, for legislation to prohibit shipments of intoxicants into prohibition States—to the Committee on Alcoholic Liquor Traffic.

By Mr. REYNOLDS: Petitions of Polish-American societies, protesting against bill introduced by Representative HAYES, to further regulate the immigration of aliens into the United States—to the Committee on Immigration and Naturalization.

Also, petition of Council No. 551, Knights of Columbus, of Altoona, Pa., favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: Petition of Faneuil Hall Chapter, Daughters of the American Revolution, of Wakefield, Mass., for retention of the Division of Information of the Bureau of Immigration and Naturalization—to the Committee on Immigration and Naturalization.

By Mr. SHARP: Petition of citizens of Monroeville, Ohio, against postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Fourteenth Ohio Congressional District, against Senate bill 404, Sunday observance in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Mansfield, Ohio, for House bill 15441 and Senate bill 5578, relative to eight hours of labor on government works—to the Committee on Labor.

Also, petition of Lorain Council, Knights of Columbus, of Lorain, Ohio, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEFFIELD: Petition of J. A. Finnegan Council, No. 111, Knights of Columbus, favoring House bill 17543—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMMONS: Petition of New York Board of Trade and Transportation, against the Moon bill (H. R. 21334) to regulate granting of restraining orders and injunctions—to the Committee on the Judiciary.

Also, petition of New York Board of Trade and Transportation, against publicity clause of the corporation-tax law—to the Committee on Ways and Means.

Also, petition of New York Board of Trade and Transportation, against extending jurisdiction of Interstate Commerce Commission over water transportation lines (H. R. 17536)—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLOWAY: Petitions of Charles Green and others, of Keene, N. H., and local Boot and Shoe Workers' Union, No. 5, of Manchester, N. H., favoring the Gardner bill (H. R. 15441)—to the Committee on Labor.

By Mr. SULZER: Petition of New York Board of Trade and Transportation, for preparation of Pilot Charts by trained seamen—to the Committee on Appropriations.

By Mr. TOU VELLE: Petition of Perry Center Grange, against any change in the oleomargarine law—to the Committee on Agriculture.

By Mr. WANGER: Petition of Monterey County (Cal.) Society for Prevention of Cruelty to Animals, for enactment of House bill 19041 and Senate bill 1538—to the Committee on Interstate and Foreign Commerce.

Also, petition of Percy C. Rex, master, and James P. Thompson, secretary of Cold Point Grange, No. 606, Patrons of Husbandry, of Montgomery County, Pa., for enactment of Senate bill 5842—to the Committee on Interstate and Foreign Commerce.

By Mr. WOODS of Iowa: Petition of citizens of Boone, Iowa, against Sunday rest bill (S. 404)—to the Committee on the District of Columbia.