

SENATE.

SATURDAY, *March 25, 1916.*

The Chaplain, Rev. Forrester J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee with our morning prayer, in a full assurance that the deeds of this day and all the work of our lives must come in last review before Thee. We seek not only to measure up to the moral ideals of our own time or those interests which seem to be the interests of the day, but we would remember that at last we must stand before Thee and give an account of the deeds done in the body. We fear not so much an austere judge as a loving Father, who has given to us the revelation of His will and bestowed upon us the unmeasured tokens of His love.

Grant us this day hearts responsive to Thy love and wills obedient to the Divine will, that we may perform the tasks of the day in obedience to Thy law and with hearts full of gratitude to Thee for Thy love. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

HEADS OF DEPARTMENTS IN CONGRESS.

The VICE PRESIDENT. The Chair lays before the Senate a communication addressed to the Vice President, and desires to have it inserted in the RECORD. It has to do with the intelligent dispatch of business in the Congress of the United States. The Chair calls the attention of Senators to it that they may consider the subject of the communication.

The communication referred to is as follows:

WASHINGTON, D. C., *March 4, 1916.*

THE VICE PRESIDENT.

DEAR MR. PRESIDENT OF THE SENATE: The presence of the heads of the departments before Congress is not suggested by the parliamentary systems of other Governments. The bill of Representative MONTAGUE, of Virginia, to provide, through a mere change in the rules of procedure, that the heads of the executive departments may occupy seats on the floor of the Senate and House of Representatives to give information in reply to questions propounded under the rules of the Senate and the House, is as follows:

"That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney General, the Postmaster General, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor shall be entitled to occupy seats on the floor of the Senate and House of Representatives, with the right to participate in debate on matters relating to the business of their respective departments, under such rules as may be prescribed by the Senate and House respectively.

"That the said Secretaries, the Attorney General, and the Postmaster General shall attend the sessions of the Senate on the opening of the sittings on Tuesday and Friday of each week, and the sessions of the House of Representatives on the opening of the sittings on Monday and Thursday of each week, to give information asked by resolution or in reply to questions which may be propounded to them under the rules of the Senate and the House; and the Senate and House may, by standing orders, dispense with the attendance of one or more of said officers on either of said days." (64th Cong., 1st sess., H. R. 4.)

The suggestion belongs to the development of our own laws, and must be discussed within its capacity of adjustment to our American system.

No encroachment by the legislative branch upon the constitutional privileges of the President or of his Cabinet is suggested, and no invasion by the Executive of the jurisdiction of the legislative branch, nor does it involve any modification of the constitutional distribution and separation of the functions of the three departments of our Government, its distinctive and characteristic feature. Nor would such a change in the rules of procedure interfere with the existing methods of communication, by written reports or by the personal presence before congressional committees of members of the Cabinet and subordinate chiefs of bureaus of the executive departments.

The inquiry is nonpartisan and impersonal, whether executive supremacy has gradually developed to such a degree as to require an effort in order to restore the equilibrium between the executive and legislative departments of the Government. It is not a result of usurpation of arbitrary power by any of our Presidents, nor has it been brought about by general consent expressed in amendment of the Constitution. The enormous development of national wealth and industrial energy has created a collective pressure of local interests represented in an overwhelming mass of legislative measures, general and special, forced upon the attention of Congress. The consequent subordination by Congress of national and external, or especially of foreign, policies to the exigencies of internal or domestic policy has accompanied the centralization of power and has had the effect of largely diverting to the executive department the consideration of national policies, yielding to the President a practically exclusive control over them. The impossible is required of him and the impossible attributed to him.

The President must remain independent of Congress as to the manner in which he may choose to communicate information in regard to executive matters. The heads of the executive departments are there to aid him in the performance of certain duties, and so far are responsible to him alone. But Congress creates offices by law, and all the heads of the departments are creatures of congressional legislation. The legislative branch could not require the President to come in person and compel answers to interrogatories, but Congress, having created the office held by the heads of the departments, may assign new duties to them.

The law organizing the Treasury may be accepted as a solution of this question. Congress in creating the office of Secretary of the Treasury declared that the Secretary "shall make report and give information to either branch of the Legislature, either in person or in writing, respecting all matters which shall appertain to his office," as either House may require.

The heads of departments were at first, with the exception of the Secretary of the Treasury, little more than mere adjuncts of the President. By subsequent acts of Congress, and especially since the tenure of office act, the relations between the heads of departments and the Chief Executive have been modified. The First Congress gave the President power to remove from office without the assent of the Senate. But during the administration of President Johnson the lawmaking power declared, in effect, that the President could not remove even a Cabinet officer without the Senate's consent.

The President is invested with the authority to make treaties and appoint foreign ambassadors and ministers, with the consent of the Senate. The Secretary of State is not required by the law creating his office to make report or give information to either branch of the Legislature; but whatever is said in respect to foreign affairs is usually said directly by the President in his annual message. Congress has not the power to compel the Secretary of State to give such information as might be required in respect to an appointment, the negotiation of a treaty, or the management of the foreign affairs of the country. But as to matters relating to the Department of State there is no reason why Congress should not claim and exercise the same power which is established in the law organizing the Treasury. To the Executive is given the power to carry out in secret certain measures of foreign policy. Yet if Congress should invite the Secretary of State to the floor, even in regard to such matters, information which in his opinion should be made known could in this way be communicated, and with great benefit to the country.

The Constitution does not contain the words "Cabinet officers" or "constitutional advisers." It says that the President may require the opinion, in writing, of the "principal officer in each department." And for this reason such officers are said to be "constitutional advisers" to the President. As it is within the scope of the law and the spirit of the Constitution that the executive officers or heads of the departments may be admitted to discuss public measures on the floor of Congress, it is only a question of expediency whether or not such a change in the method of procedure ought to be adopted.

The relation of the executive department and Congress engaged the attention of the men who formed the Confederate Government and modeled its constitution and laws upon those of the Federal Government. Long experience of the Federal system suggested to them in framing their provisional and permanent constitution as well that to allow the members of the Cabinet seats on the floor of their congress would be an improvement. They therefore preserved the existing provision of our Constitution distributing the functions of government, and after the words "and no person holding any office under the Confederate States shall be a member of either house during his continuance in office" they introduced the following clause: "But Congress may by law grant to the principal officers in each of the executive departments a seat upon the floor of either house with the privilege of discussing any measures appertaining to his department."

The proposition for the presence of members of the Cabinet in Congress is merely that they should be requested to communicate orally and directly what they now communicate in writing. The volume of printed matter is growing enormously, until it becomes physically impossible for Members of either House to deal with it effectively. The great number of printed reports, although of value for reference, are in the mass practically unavailable for the purpose of supplying Congress with facts and information. They have created a situation in which Congress is unable to act with any degree of promptness.

Leaders in both Houses are expressing the opinion that we are reaching the point where continuous sessions of Congress must be expected. No method has been suggested to avoid this apparently inevitable situation. Information from the heads of the departments would enable Congress to be more quickly advised by direct oral communication, rendering legislation much less subject to the present serious delays. A few words spoken by a competent head of a department would place the whole of Congress on the same vantage ground as the members of a committee. Such direct information and communication would be most useful to the purposes of legislation and administration as well, and would inevitably shorten the sessions of Congress.

Much has happened recently in confirmation of the advantage of the proposed effort to minimize, without the slightest change of our Constitution, the dangers of personal government—that the President be not enabled to initiate personal policies of which the consequence even so great and powerful a Nation as ours might have cause to regret. The Executive may initiate a policy which Congress opposes, and the absence of authorized means of oral communication may prevent establishing the harmony of action necessary to the public welfare. When, on the contrary, there exists an agreement between the executive and legislative branches, an intercourse resulting from a common purpose would be promoted by free oral communication.

The executive officers of our Government would be subject to more definite form of accountability, having great advantage over the purely parliamentary systems of Europe, in which the cabinet or government is in reality a committee of the majority in the parliamentary body to carry into execution its general policy. Such a cabinet is subjected to the instability resulting from parliamentary changes of opinion. An adverse vote is generally interpreted as involving the resignation of the government. If the head of one of our departments, under the proposed system, were seriously opposed by the majority in Congress, there would be more than one course open to him. He might resign, and the President could then appoint some one to take his place, without being under the necessity of removing any other member of the administration; or the head of the department might modify his views, submitting a new and more acceptable proposition.

There is no legislative body in the world containing men of higher qualifications of ability and character for legislative and executive office, including the Presidency, than are found in our Senate and House of Representatives. To have served with distinction many years in Congress greatly adds to the important qualifications for that great office and may be considered the most desirable.

The majority are men of good standing in their respective States and congressional districts, who fully deserve the consideration in which they are held by those whom they represent. While this is true with regard to its individual membership, the collective membership of Congress is comparatively unknown to the country. It is the habit to decry the CONGRESSIONAL RECORD, and although, as in the legislative journals of all other countries, features appear now and then that are open to criticism, speeches are delivered upon the floor of our Senate and House of Representatives that are the highest order of merit. Our congressional debates contain contributions of the greatest value to the subjects discussed, possessing a wealth of research and power of presentation which are more liable to excite the admiration of the representatives of foreign Governments at the National Capital

who, in the course of their duties, are called upon to read them, than of our own people. The reason of this is that we all feel it is a laborious and apparently useless task to follow the debates in Congress; nor is the press to blame if comparatively slight public attention is given to them. A complete change of attitude would undoubtedly be brought about if the intercourse between the legislative and executive branches of the Government were open, direct, and more responsible to public opinion. A discussion on the floor of either House between the leaders of the legislative branch and the heads of departments or members of the Cabinet, or what are now so erroneously termed the members of the President's official family, would go far toward restoring the equilibrium that should exist between two great coordinate branches of the Government of the United States. The press would certainly turn its full attention and devote a larger space to such open, verbal, and officially responsible intercourse. The knowledge that the country, through the agency of the press, would be fully informed of such discussions, would have a decided influence on the character of the debates. The membership of the House and of the Senate would, jointly with the executive department, address itself directly and officially to the whole Nation, the constituency which now daily hears, in various ways, from the President alone.

With assurance of the highest esteem, I am,
Very sincerely,

PERRY BELMONT.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, certified copies of the findings of fact and conclusions filed by the court in the following causes:

James Roberts *v.* The United States (S. Doc. No. 377);
Phillip Parker *v.* The United States (S. Doc. No. 376);
Henry Woodson *v.* The United States (S. Doc. No. 375);
Walker Brown *v.* The United States (S. Doc. No. 374);
Addison Fillmore *v.* The United States (S. Doc. No. 373);
William H. Davis *v.* The United States (S. Doc. No. 372);
and

Marion Madella, widow of John H. Madella, *v.* The United States (S. Doc. No. 371).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of congressional cases referred by the United States Senate and discontinued on motion of the claimants' attorney (S. Doc. No. 369), which was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of congressional cases referred by the United States Senate and dismissed by the court on motion of defendants for want of prosecution (S. Doc. No. 370), which was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of congressional cases referred by the United States Senate and dismissed by the court on motion of claimant and defendant (S. Doc. No. 367), which was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of congressional cases referred by the United States Senate and discontinued by the court on motion of the claimant's attorney (S. Doc. No. 368), which was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. EAGAN, and Mr. CANNON managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. THOMAS presented petitions of sundry citizens of Colorado, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHAFROTH. I present resolutions adopted by the Temperance League and the Church of Christ of Bayamon, P. R., in favor of a prohibition amendment to the Constitution for the island of Porto Rico, and I ask that one of them, being only a few lines, may be read.

There being no objection, the petitions were referred to the Committee on Pacific Islands and Porto Rico, and the Secretary read as follows:

To the Senate of the United States:

Resolved, That this meeting hereby authorizes its presiding officer to petition the Congress of the United States, in behalf of this body, to

prohibit the importation, manufacture, and sale of intoxicating liquors in the island of Porto Rico.

Mr. MARTINE of New Jersey presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHERMAN. I offer a letter from the American Rights Committee of date March 22, 1916, and accompanying it a printed copy of certain resolutions adopted by that committee on March 13, 1916, in New York City, N. Y. I offer the letter and resolutions and ask that they be printed at length in the RECORD as an evidence of the kind of neutrality this association is in favor of. They invite direct cooperation with the allies at the proper time.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE AMERICAN RIGHTS COMMITTEE,
New York City, March 22, 1916.

DEAR SIR: We are inclosing with this the resolutions that were passed (by a vote of 3,500 yeas to 50 nays) at a meeting held at Carnegie Hall, New York City, on the evening of Monday, March 13, under the direction of the American Rights Committee. These resolutions have interest and importance as representing the opinion of a great group of the citizens of New York. Resolutions similar in purpose and character were passed some three weeks back (by a vote of 2,500 to 1) at a meeting held under the direction of the Massachusetts branch of the American Rights Committee at Tremont Temple, in Boston.

We are, yours, respectfully,

GEORGE HAVEN PUTNAM,
President.
L. L. FORMAN, Secretary.

AMERICAN RIGHTS COMMITTEE,
New York City.

Resolved, That we, the members of the American Rights Committee and their friends, in general meeting assembled, hereby pledge our hearty support to the President of the United States in his firm stand in defense of the rights of American citizens, as announced by him in his letter of the 24th day of February, 1916, to the chairman of the Senate Committee on Foreign Relations, and we condemn all Members of the Congress of the United States who are willing to surrender those rights under the pressure of German threats.

AMERICAN RIGHTS COMMITTEE,
New York City.

Whereas we hold that Prussian imperial militarism has brought about the subjection of the people of Germany to an ambitious and unscrupulous autocracy and the corruption of the ancient German ideals through a dream of world dominion; and

Whereas we believe that the success of the schemes of this Prussian autocracy means the crushing of friendly nations and the subjection of their peoples to a brutal and cruel military rule; and

Whereas we believe that, intoxicated with the military successes of 1864, 1866, and 1870, and by the wonderful development of the economic strength of the country, the ambitions of the Prussian leaders have expanded until they have culminated in a world war for imperial domination; and

Whereas this war has been conducted by Prussia and her allies with practices of unprecedented barbarity, including the killing, under official orders, of thousands of noncombatants, women, and children, and including the crowning atrocity of the Armenian massacres; and

Whereas we believe that the Monroe doctrine and even the territories of our own countries have been, and now are, an avowed aim of Prussian aggression, and that, in the event of the success of the Teutonic powers, the next attack would be made against the United States; and

Whereas, without undertaking to approve all the acts of the entente allies in the present war, we hold that the republicanism of France and the democracy of England are united in contending for those rights of the people and those ideals of humanity which are essential to the preservation of civilization; and

Whereas we believe that neutral nations look to the United States as the leading power that should maintain the principles of international law and defend the sacred principles of humanity, that the peoples of these nations are convinced of the righteousness of the allied cause but hesitate to declare themselves, and that action by the United States would have a potent influence upon hesitant neutrals and would tend materially to shorten the war, to save further sacrifice of human life, and to assure the more speedy triumph of law and justice: Now, therefore, be it

Resolved, That the safety and honor of the American people and their duty to defend and maintain the rights of humanity require us to approve the cause for which the entente allies are fighting and to extend to these allies by any means in our power not only sympathy, but direct cooperation at the proper time, to the end that government of the people, by the people, for the people, shall not perish from the earth; and

Resolved further, That in spite of the unwarranted destruction of American lives there should be between the American people and the German people no enmity, and that when the Germans shall abjure, with the dream of empire, the pernicious ideals of their present rulers the Americans will rejoice to come again into fellowship with them in the work of advancing the true ideals of justice, humanity, and civilization.

Mr. WORKS presented a petition of sundry citizens of Colfax and Auburn, in the State of California, praying for Government ownership of water-power utilities, which was ordered to lie on the table.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Kalamazoo, Mich., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Dundee, Bay City, Detroit, Manton, Alma, St. Louis, and Sault Ste. Marie, all in the State of Michigan, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SAULSBURY presented petitions of sundry citizens of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIELDS presented petitions of sundry citizens of Grand Junction, Dunlap, Westport, Cowan, Bradford, Henderson, Sparta, Rounton, McMinnville, Petersburg, Como, Cumberland City, Tullahoma, Sevierville, Big Sandy, Awalt, Raleigh, Philadelphia, Hazel, Theta, Nashville, Knoxville, Whitlock, Stantonville, Chattanooga, and Columbia, all in the State of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

Mr. PHELAN presented a petition of the Ebell Club, of Oakland, Cal., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Colton and San Bernardino, in the State of California, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Merchants' Association of Stockton, Cal., praying for the placing of a tax on trading stamps and coupons and prize-giving tickets, which was referred to the Committee on Finance.

Mr. GALLINGER presented petitions of 17 citizens of Derry, 17 citizens of Newport, and 28 citizens of Greenville, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of Local Grange No. 244, Patrons of Husbandry, of Pelham; of Marshall P. Wilder Grange, Patrons of Husbandry, of East Rindge; of Local Grange No. 223, Patrons of Husbandry, of Colebrook; and of Lawrence Grange, Patrons of Husbandry, of Belmont, all in the State of New Hampshire, remonstrating against any change being made in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of William S. Bellows, of Springfield, Mass., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. WEEKS. I present resolutions adopted by the General Court of Massachusetts, favoring a national law regulating the employment of labor. I ask that the resolutions be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the resolutions were referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1916.

Resolutions in favor of a national law regulating the employment of labor.

Whereas the diversity of the labor laws in the several States causes unfair and unequal competition and results in much confusion and injustice: Therefore be it

Resolved, That the General Court of Massachusetts hereby expresses its belief that the Congress of the United States should take the steps necessary to provide for a national law regulating the employment of labor throughout the entire country.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both branches of Congress, and to the Senators and Representatives in Congress from this Commonwealth.

In the house of representatives, adopted, February 25, 1916.

In senate, adopted, in concurrence, March 1, 1916.

A true copy.

Attest.

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. WEEKS presented a petition of the Woman's Suffrage Association, of Roxbury, Mass., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of the Essex North District Medical Society, of Lawrence, Mass., praying for an increase in the

Medical Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of Major Herbert A. Clark Camp, United Spanish War Veterans, of Attleboro, Mass., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of Middlesex County, Mass., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of sundry citizens of Pittsfield, Mass., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Massachusetts Indian Association, of Cambridge, Mass., remonstrating against the enactment of legislation relative to the control of the affairs of certain Indians in Oklahoma, which was referred to the Committee on Indian Affairs.

Mr. McLEAN presented memorials of sundry citizens of Hartford, Bloomfield, Darien, Gilead, Colchester, Wallingford, Stamford, Berlin, New Milford, and Wapping, all in the State of Connecticut, remonstrating against any change being made in the parcel-post law, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Civil League, of Stamford, Conn., praying for an investigation into conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union, of Enfield, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Chamber of Commerce of Thompsonville, Conn., praying for the enactment of legislation to provide for improving the Connecticut River between Hartford, Conn., and Holyoke, Mass., which was referred to the Committee on Commerce.

He also presented a petition of the Jewelers' Club, of Hartford, Conn., praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of South Willington, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Franklin Bartlett Camp, No. 11, Sons of Veterans, of Bridgeport, Conn., praying for an increase in armaments, which was ordered to lie on the table.

He also presented a petition of the executive board of the Connecticut State Federation of Women's Clubs, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. POINDEXTER presented a petition of sundry citizens of Orting, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Diamond Lake Grange, No. 506, Patrons of Husbandry, of Scotia, Wash., praying for Government ownership of telephone and telegraph systems, which was referred to the Committee on Post Offices and Post Roads.

Mr. LIPPITT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Men's Club of the Free Congregational Church, of Providence, R. I., praying for an increase in armaments, which was ordered to lie on the table.

Mr. JAMES. I present a communication in the nature of a petition from the Mayfield Chapter, United Daughters of the Confederacy, of Mayfield, Ky., favoring legislation to provide homes for Confederate veterans of the Civil War. I ask that the communication be printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

MAYFIELD, KY.

Senator OLLIE M. JAMES,
Washington, D. C.

DEAR SIR: The Mayfield Chapter United Daughters of the Confederacy at their regular meeting in February indorsed Mr. WORKS's bill to provide homes for Confederate veterans of the Civil War, and hereby petitions our Senator and Congressman to do all in their power for passage of same.

Done by order of the Mayfield Chapter, United Daughters of the Confederacy, at the regular meeting, February 15, 1916.

Mrs. J. L. STUNSTON,
President of Chapter.
Mrs. W. D. DODDS,
Recording Secretary of Chapter.
Mrs. Geo. T. FULLER,
Chairman,
Mrs. MAMIE D. HARRIS,
Miss JEAN CARTER,
Committee.

REPORTS OF COMMITTEES.

Mr. OWEN, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3423. A bill to provide for the construction of a bridge across the Salt Fork of the Arkansas River, near White Eagle Agency, in the Ponca Indian Reservation, Okla. (Rept. No. 302); and

S. 4253. A bill conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States (Rept. No. 303).

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes, reported it with an amendment and submitted a report (No. 301) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 3270. A bill for the relief of the owners of the barkentine *Mabel I. Meyers* and her master and crew, and for the relief of the owners of cargo of molasses late on board said barkentine (Rept. No. 304); and

S. 3533. A bill for the relief of Mike G. Womack (Rept. No. 305).

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 12766) to increase the efficiency of the military establishment of the United States, reported it with an amendment.

TREATMENT OF LEPROSY.

Mr. RANSDALL. From the Committee on Public Health and National Quarantine I report back favorably, with an amendment, the bill (S. 4086) to provide for the care and treatment of persons afflicted with leprosy and to prevent the spread of leprosy in the United States, and I submit a report (No. 306) thereon. I ask that the photographs accompanying the report and attached to the hearings be printed as a part of the report.

Mr. SMOOT. The Senator from Louisiana does not ask that they be printed in the Record?

Mr. RANSDALL. Not at all; in the report and the hearings accompanying the report.

The VICE PRESIDENT. The bill will be placed on the calendar, and, without objection, the request of the Senator from Louisiana will be complied with.

BILLS INTRODUCED.

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

By Mr. CHILTON:

A bill (S. 5269) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, as amended by an act approved April 5, 1910, to the Committee on the Judiciary.

By Mr. SHEPPARD:

A bill (S. 5270) for a public building or buildings at Paris, Tex.; to the Committee on Public Buildings and Grounds.

A bill (S. 5271) providing for an exhibit by the Secretary of Agriculture in connection with the International Soil Products Exposition to be held at El Paso, Tex., in the fall of 1916; to the Committee on Agriculture and Forestry.

A bill (S. 5272) to enlarge the military post at Fort Bliss, Tex.; to the Committee on Military Affairs.

By Mr. WARREN:

A bill (S. 5274) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii amending the franchise held by the Hawaiian Electric Co. (Ltd.) by extending it to include all of the island of Oahu, Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

By Mr. CLAPP:

A bill (S. 5275) making appropriation for publishing the name, service, and post-office address of persons who were granted pensions on account of service in the Revolutionary War; to the Committee on Printing.

By Mr. CUMMINS:

A bill (S. 5276) granting an increase of pension to Harvey W. Cory (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 5277) granting a pension to Lillias E. Knapp; to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 5278) granting a pension to Isaiah S. Watkins; and A bill (S. 5279) granting a pension to Sarah A. Herndon; to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 5280) granting an increase of pension to Elvira J. Sweet; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 5281) to reserve certain lands and incorporate the same and make them a part of the Cœur d'Alene National Forest Reserve; to the Committee on Agriculture and Forestry.

By Mr. WALSH:

A bill (S. 5282) providing for the equalization of the cost of the irrigation systems on the Blackfeet, Flathead, and Fort Peck Indian Reservations, in the State of Montana, and for other purposes; to the Committee on Indian Affairs.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. SMOOT. I introduce a bill, which I ask be referred to the Committee on Agriculture and Forestry.

The bill (S. 5273) to provide for an increased annual appropriation for agricultural experiment stations, to be used in researches and experiments in home economics, and regulating the expenditure thereof, was read twice by its title and referred to the Committee on Agriculture and Forestry.

Mr. SMOOT. Mr. President, I desire to give notice that at the first opportunity in the coming week I shall address the Senate on the bill.

NATIONAL DEFENSE.

Mr. UNDERWOOD submitted an amendment intended to be proposed by him to the bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States, which was referred to the Committee on Military Affairs and ordered to be printed.

UTAH-IDAHO YELLOWSTONE HIGHWAY.

Mr. SMOOT submitted an amendment proposing to appropriate \$75,000 for a proportionate share of the amount required to construct the Utah-Idaho Yellowstone Highway through the Targhee National Forest, intended to be proposed by him to the Agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

JOHN A. MUSE.

Mr. SWANSON submitted the following resolution (S. Res. 150), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas John A. Muse was appointed on the United States Senate rolls as a laborer January 16, 1897, at a salary of \$720 a year, and assigned to the Maltby Building as a watchman; and Whereas in the discharge of his duties the said John A. Muse was injured permanently and was discharged from the service of the Senate during the month of April, 1901: Therefore be it

Resolved, That the said John A. Muse be paid the sum of \$1,440 from the contingent fund of the Senate, or the equivalent of two years' salary at the rate of pay he received when injured in the services of the Senate.

URGENT DEFICIENCY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. SHAFROTH, and Mr. WARREN conferees on the part of the Senate.

AFFAIRS IN MEXICO.

The VICE PRESIDENT. The morning business is closed.

Mr. ASHURST. I ask unanimous consent that the Senate may resume consideration of the Indian appropriation bill.

Mr. LEWIS. Will the Senator from Arizona yield to me for just a moment?

Mr. ASHURST. I yield to the Senator from Illinois.

Mr. LEWIS. I have asked the Senator to yield with a view of having disposed of the resolution I introduced yesterday. It was laid over to be called up. I desire to ask if under the rules I may have it specifically set for Monday one week, as I desire to lay before the Senate some data and other Senators desire to be heard. I respectfully move, if it is consistent with the rules, that next Monday be set for the resolution.

The VICE PRESIDENT. It can be made a special order by a two-thirds vote of the Senate.

Mr. LEWIS. Then I do not wish to supersede—

Mr. STONE. If my friend from Illinois will permit, would it not be proper to let the resolution go over informally for a week?

Mr. LEWIS. In view of the fact that certain Senators desire time in the matter, I will agree to that suggestion.

Mr. STONE. Not to be called up until the Senator calls it up.

Mr. LEWIS. I will take any course to accommodate Senators that will accord with their wishes. If the motion to let it go over for that length serves my purpose, that I desire to make.

The VICE PRESIDENT. There is no necessity for a motion. The resolution is over now, and there is no necessity for a motion. It can be taken up on motion at any time when the Senator can get the votes to take it up.

Mr. LODGE. It can be called up at any time.

The VICE PRESIDENT. Yes.

Mr. OVERMAN. Yes; the Senator can make a motion to take it up at any time.

Mr. STONE. Would there be objection to a request of the Senator from Illinois to let it go over for a week, retaining its present position?

Mr. SMOOT. None whatever.

Mr. LEWIS. That disposition is satisfactory.

The VICE PRESIDENT. If there is not any objection, the resolution can go over for a week without prejudice. If that is satisfactory to the Senator from Illinois, it will go over for a week.

Mr. LEWIS. I accept the suggestion.

The VICE PRESIDENT. It goes over for a week, without prejudice, by unanimous consent.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of House bill 10385, the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917.

Mr. ASHURST. Mr. President—

The VICE PRESIDENT. We were on certain appropriations last night, and the Chair is inclined to make a statement. There was a point of order raised as to the committee amendment under consideration when the Senate adjourned.

The Chair as now constituted knows something about the Salt River irrigation project, in the State of Arizona, and, after some considerable thought on the subject, the Chair believes that he either has an opinion or a very great prejudice, one or the other, about the expenditures of money in these irrigation projects. The Chair does not believe that under those circumstances the mental attitude of the Chair is such as to decide this question, and the Chair turns the point of order over to the Senate for decision.

Mr. ASHURST. Mr. President, I have been authorized and directed by the Committee on Indian Affairs at a meeting this morning, and acting on behalf of the committee I desire to withdraw the amendment or amendments commencing in line 1, page 51, down to and including line 16, page 58. I have been authorized by the committee this morning to withdraw or to ask for the withdrawal of those amendments or this amendment, and I therefore withdraw them.

The VICE PRESIDENT. From line 1, page 51?

Mr. ASHURST. From line 1, page 51, down to and including line 16, on page 58.

The VICE PRESIDENT. That for the present takes out the point of order.

Mr. ASHURST. Now, having withdrawn those amendments or that amendment, I offer on behalf of the committee, having been duly authorized thereto this morning, the following amendment.

The VICE PRESIDENT. The Secretary will read.

The SECRETARY. Commencing at the bottom of page 50:

For continuing construction of the irrigation systems on the Flathead Indian Reservation in Montana, \$750,000 (reimbursable), which shall be immediately available and remain available until expended.

Mr. WALSH. Mr. President—

Mr. CURTIS. If the Senator will allow me, I understand that the committee agreed to a number of amendments. If agreeable to Senators, I should like to have them all offered and let them go over until Monday that I may have a chance to read them.

Mr. ASHURST. It is very difficult to hear just what the Senator from Kansas says.

Mr. CURTIS. I say, I understand the committee agreed to, I believe, four or five amendments. I should like to have them offered and read and printed in the RECORD so that I may have a chance to read them between now and Monday. Of course if we could get through with the bill to-night so that we would be in a position to go back to them I would not object to going back to them later, but I should like to read them.

Mr. WALSH. I was about to state for the information of the Senate what the committee had done. Perhaps it would be better to act on that matter after the statement is made.

Mr. ASHURST. Let me present the additional amendments and have them read. I offer four additional amendments which I am directed on behalf of the committee to offer and ask that the whole five be read.

The VICE PRESIDENT. The amendments will be read.

The SECRETARY. At the bottom of page 50 insert:

For continuing construction of the irrigation systems on the Flathead Indian Reservation in Montana, \$750,000 (reimbursable), which shall be immediately available and remain available until expended.

After that amendment insert:

For continuing construction of the irrigation systems on the Fort Peck Indian Reservation in Montana, \$100,000 (reimbursable), which shall be immediately available and remain available until expended.

Also the following:

For continuing construction of the irrigation systems on the Blackfeet Indian Reservation in Montana, \$50,000 (reimbursable), which shall be immediately available and remain available until expended.

Following that amendment insert:

That the Secretary of the Interior is hereby authorized to expend the sum of \$22,400, from any money now available for construction of irrigation systems on the Blackfeet Reservation in Montana, in the purchase of lands embraced in the allotments of George W. Cook and David La Breche, described as lots 3 and 5, section 27, and lots 1 and 2, section 34, township 32 north, range 13 west, together with all the improvements thereon, in consideration of the relinquishment by the allottees of all their right, title, and interest in and to said lands and improvements, and of their right to select lieu land under the provisions of section 14 of the act of June 25, 1910 (36 Stat. L., 855, 859), and the release of all their claims whatsoever against the United States or the Blackfeet Tribe of Indians by reason of said lands being required for reservoir purposes in connection with the irrigation system on the aforesaid Indian reservation.

The work to be done with the amounts herein appropriated for the completion of the Blackfeet, Flathead, and Fort Peck projects may be done by the Reclamation Service on plans and estimates furnished by that service and approved by the Commissioner of Indian Affairs: *Provided*, That not to exceed \$19,575 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed \$8,865 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed \$1,500 may be used for the purchase of motor-propelled passenger-carrying vehicles.

Mr. WALSH. Mr. President, in order to expedite the consideration of this measure and to get rid of the point of order that has been made against the amendment first reported by the committee, which was under consideration on adjournment last evening, the committee has decided to withdraw that amendment and to offer in lieu seriatim the amendments which have just now been read. The three amendments embrace the appropriation solely—\$50,000 for the Blackfeet project, \$100,000 for the Fort Peck project, and \$750,000 for the Flathead project—as in accordance with the estimate and as provided in the amendment which has now been withdrawn.

The fourth is the substance of an amendment to the amendment which was adopted on yesterday.

The fifth provides that the work shall be done under the direction of the Reclamation Service, and limits the amount of the appropriation that may be used for certain specified purposes.

The remainder of the amendment, Mr. President, I have incorporated in a separate bill, which I shall ask leave at this time, by unanimous consent, to introduce. I do so, Mr. President, because this portion of the amendment originally tendered was included in it upon the earnest insistence of the Indian Bureau. After a long series of conferences between them and the representatives from the State of Montana it was agreed that the provision should find a place in the appropriation bill in connection with the items that are now the subject of consideration. The representatives from Montana feel that in a way they are pledged to the Indian Bureau to secure the adoption of this legislation; and being denied by the point of order the oppor-

tunity to carry out that pledge exactly as it was made, they want to do the next best thing, namely, to use every effort that they can to secure the adoption of the legislation through the medium of a separate bill.

Mr. President, in justice to myself as well as to the Indian Bureau and for the information of Senators, I feel obliged to say a word concerning the essential features of the measure, which must now take the regular course of a bill and be subject to all the embarrassments and exigencies which ordinarily confront a measure other than a general appropriation bill.

Under the various acts by which these projects were undertaken—and all of them are far progressed toward completion, at the expenditure of very considerable sums of money in each instance, running into the millions in the case of the Flathead project, about \$800,000 in the case of the Blackfeet project, and nearly or quite as much in the case of the Fort Peck project—under the legislation heretofore it was provided that so much of the expenses of conducting the work as was properly chargeable to the Indian lands should be paid out of the tribal funds.

Mr. President, the Indians on these various reservations in the selection of their allotments were at liberty to take land under the project or to take land outside of the project—land that would be in no way benefited by it. Accordingly, many Indians who would derive no direct advantage at least from the project, were burdened with the original cost as well as those who took their land under the project. That was manifestly unfair to those Indians, and it was a burden which ought not in justice to have been imposed upon them.

The Indian funds have, in accordance with that legislation, been resorted to for the payment of a large portion of this work. This bill and the amendment which has gone out provide that the general Indian fund shall not be subject to be resorted to for the purpose of reimbursing the Government on account of these appropriations that have from time to time been made; but, as in the case of the general reclamation law, the burden is by this proposed legislation put upon the very lands that are benefited.

In the case of the Flathead project and the Fort Peck project, some of the lands under the project are owned by the Indians and some have been entered by the whites. No whites have been allowed to take any land thus far under the Blackfeet project, that reservation not yet having been opened.

The legislation now proposed imposes the burden on the lands under the project, and relieves the lands outside of the project from any lien which may have been created by legislation heretofore enacted.

Speaking for my colleague [Mr. Myers] as well as for myself, I am at liberty to say that if the legislation as it was devised by us, acting conjointly with the Indian Office, does not, in the opinion of any Senator, fully safeguard all of the rights of the Indians we shall be glad to unite with any Senator in amendments to the bill that will, to any extent whatever, so safeguard their rights.

But, Mr. President, in view of the request made by the Senator from Kansas [Mr. Curtis], I desire to say that there is nothing left in the amendments now presented which ought to require us to delay the consideration of those amendments, and I can see no reason why delay should take place in that regard.

The bill itself is intended to protect the rights of the Indians, and that will not now be here for consideration. Abundant opportunity will be given to study that bill. As the matter is now before the Senate, it is a sole question of whether the appropriation shall be made or shall not be made. I think the Senator from Kansas ought not to ask any time upon that question.

Mr. CURTIS. Mr. President, while the Senator from Montana was on the floor I listened to him; I have also read the amendments, and, so far as I am personally concerned, I am ready to proceed to their consideration.

The VICE PRESIDENT. The question is on the first amendment, which the Secretary will state.

Mr. SMOOT. Mr. President, may I ask the Senator having the bill in charge to allow the amendments which have just been read to be printed and taken up for consideration on Monday? That would give us an opportunity to examine them. I do not know their full scope, although they may be all right.

Mr. WALSH. Mr. President, I wish to say to the Senator from Utah that they are not new; they have been here before us all this time.

Mr. SMOOT. That may be true; but, as they were read from the desk, I could not follow them in connection with the amendment printed in the bill.

Mr. WALSH. I will say to the Senator that the language is identical. They are just taken out of the committee amendment at it stands, eliminating what is said to be general legislation.

The VICE PRESIDENT. They are plain appropriations.

Mr. SMOOT. Mr. President, it is not a question of a point of order being raised against them. That question, I understand, has been entirely eliminated by the form in which the amendments have now been offered.

Mr. MYERS. Mr. President, if the Senator will permit me to make a suggestion, the amendments are very short and simple, comprising a few words each, and, if read from the desk one at a time, I think there should be no trouble about understanding exactly what each one means.

Mr. SMOOT. What amendment is now before the Senate?

Mr. ASHURST. Let the pending amendment be stated.

Mr. SMOOT. Yes; let it be stated, and I will try to follow it in connection with the amendment printed in the bill and withdrawn.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. Following page 50, in lieu of the amendment withdrawn it is proposed to insert the following as amendment No. 1:

For continuing the construction of the irrigation system on the Flathead Indian Reservation, Mont., \$150,000, reimbursable, which shall be immediately available and remain available until expended.

Mr. CURTIS. Mr. President, I hope the Senate will not agree to that amendment, and I should like the attention of the Senate while I give a few reasons why, in my judgment, it should not be agreed to.

There are 2,302 Indians on this reservation. The Government has already expended \$1,566,337 on this project; and yet last year there were only 950 acres of land under the project farmed by the Indians. The Government has been reimbursed to the extent of \$440,000, leaving the amount expended and not reimbursed \$1,126,000. Adding to that the \$750,000 now proposed to be appropriated, will make \$1,872,000; and the department says it will cost \$6,000,000 to complete the project.

There were in the original reservation 1,700,000 acres of land. There have been allotted 226,000 acres, and there are 150,000 acres of surplus lands.

The Indians have on hand only \$248,000; that is all the money that is left. Their total property is given as worth \$7,000,000. That includes all their possessions—lands and properties of all kinds. Here is a project that would take every dollar of the money the Indians have, even if it only cost what the Government says it will cost, and yet there is a statement from the department that last year these Indians, with all this expenditure of over \$1,500,000, only irrigated and farmed 950 acres.

Senators, this is the best case of the three cases presented to us for action, and, for the life of me, I do not see how this Congress can afford, in view of the showing made by the department, to continue this project. I should like to see the Senators from Montana withdraw all these amendments from the bill and confer with the department so as to see if some plan can not be devised to save this vast sum for the Indians, and, I think, at the same time save a vast sum for the Government, because I do not believe the expenditure will ever be reimbursed out of the money the Indians now have or out of their property.

As I said a moment ago, if you complete the project it will take every dollar of the Indians' money to pay for it. That is what is reported by the department. There has already been expended the vast sum I have indicated, and, as a result, as I have said, only 950 acres of land were farmed last year by the Indians. I repeat that the best showing is made as to this reservation of any of the three, and I do hope the Senate will refuse to continue these appropriations and this waste of money.

Mr. SMOOT. Mr. President—

Mr. CURTIS. I yield to the Senator.

Mr. SMOOT. The Senator said that there were only 950 acres of land irrigated by these Indians last year. Do the Indians lease their land to the white men, and, if so, how many acres are irrigated altogether under the project?

Mr. CURTIS. I regret that I have not the data at hand; but I think altogether some 10,000 acres were irrigated; I am not, however, sure about that.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from California?

Mr. CURTIS. Certainly.

Mr. WORKS. I want to ask the Senator whether the whole burden of maintaining this project rests upon the Indians and whether there is any other land under the irrigation system aside from reservation land?

Mr. CURTIS. The burden of putting in the project has been upon the Indians. The settlers under the project, in accordance with the law, are required to pay for their share of the project, but so far the reimbursement has only been \$440,000.

Mr. CLARK of Wyoming. Will the Senator yield for another question?

Mr. CURTIS. Certainly.

Mr. CLARK of Wyoming. Where is the water from this irrigation system to be used? Is it to be used entirely upon the reservation?

Mr. CURTIS. It is to be used upon the reservation and the surplus lands which have been sold.

Mr. CLARK of Wyoming. Which were originally a part of the reservation?

Mr. CURTIS. Which were originally a part of the reservation.

Now, it seems to me that Congress, upon the advice of the department, has made a very serious mistake in dealing with these Indians. The Senate knows it is difficult to get the ordinary Indian to engage in farming, even when it is not necessary to employ methods of irrigation; and, of course, it is much harder to farm irrigated land than it is ordinary land, which does not have to be irrigated. On irrigated land one must understand how to use the water and he must have other information that is not necessary in the case of farming on land which need not be irrigated; and yet the attempt is being made to transform the Indian from an ordinary owner of ponies and of cattle into an irrigation farmer, and after all of his money has been spent. What is the result? In this instance the result is 950 acres of land farmed by the Indians.

Now, why spend all this money? If you are going to irrigate this land and want to sell it, sell it; but sell it for what it is worth for the benefit of the Indians.

I have not looked into the question, but the Senator from Oregon [Mr. LANE] stated the other day to the committee that it was estimated that it would cost on an average of \$30 an acre to put in the project to irrigate this land. He also stated that the Indian received on an average of \$4.50 an acre for the land, and circulars are sent out from Montana that the minute this water is ready to go on this land the land will be worth \$100 an acre, and yet the Indian only has \$4.50 an acre for it, and the Indian's money was used to put the water on and the settler pays back his share for putting in the project, or about \$30 per acre.

Mr. MYERS. Mr. President, may I make a statement there?

Mr. CURTIS. The Senator may ask a question. I understand from the Senators—I want to be perfectly fair with them—that this new project or bill they are going to introduce will change that. I do not know whether it does or not. I have not had time to study the measure—

Mr. WALSH. Mr. President—

Mr. CURTIS. And I do not know enough about the irrigation project to pass upon a question of this kind.

Mr. WALSH. Mr. President—

Mr. CURTIS. But it does seem to me that rather than appropriate this money you should send this measure back to the committee, and let them agree upon and bring in here a proposition that will protect the interests of the Indians and that will save this money. I say to you that if you finish this project and expend this \$7,000,000, there will not be 10,000 acres of it farmed by the Indians. I say to you that you never will be reimbursed from the fund. You will have to lose a part of the money. It seems to me, though, that you could agree upon a plan for turning this matter over and handling it and only giving the Indians the surplus lands—the grazing lands—or just 10 or 15 or 20 acres each to irrigate and farm, and then arrange for the sale, the money derived from the sale to be put to their credit to pay these expenses; not pay \$4.50 an acre or \$34.50 an acre, but pay what it is worth. That is what it seems to me should be done by the Senate.

Mr. MYERS. Mr. President, will the Senator yield to me?

Mr. CURTIS. Certainly; I yield to the Senator for a question.

Mr. MYERS. I just want to state, in regard to the Senator's statement as to what was stated before the committee, that that was stated before the committee, it is true; but I think it is now established and recognized that the cost of putting this water on this land will be much more than \$30 an acre; probably about \$50 an acre.

Mr. CURTIS. Then, Mr. President, we should stop this business until we have some one at the head of it who can tell. It was stated upon the floor of this Chamber yesterday that \$70,000 would be necessary for one project, and that that was all the money that would be required. I have in my possession this morning a letter written from the department stating that

it will take about \$400,000 more to complete it. If these Senators and the department do not know how much money it is going to require, then I think we ought to stop this waste of money until the Senate is furnished with definite information as to what the project is going to cost.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. CURTIS. Certainly.

Mr. WALSH. I dislike to interrupt the Senator in the course of his remarks, and I would not do so except that I know he is not familiar with the facts and he would not like to misstate them.

Mr. CURTIS. I do not know anything about irrigation, and I do not want to misstate anything. If I have made a misstatement, I shall be glad to have it corrected by the Senator from Montana.

Mr. WALSH. The Senator, perhaps, was not present when the information was given to the Senate that regardless of what these lands may be worth when they are watered they have all been sold—that is to say, they have all been entered already, under the provisions of the act—except a very small area. Not only that, Mr. President—I feel justified in speaking about this now; I will say something about it later—not only that, but they have been sold by the Government of the United States, and the money has gone into the Treasury for the benefit of the Indians, under the promise to the persons who bought the lands that this irrigation project would be carried on. Now, the Senator proposes to repudiate that obligation to these people—

Mr. CURTIS. Oh, no.

Mr. WALSH. And to say to them: "The great Government of the United States induced you to come here and buy this land at the figure for which they offered it to you, under a promise that this irrigation work should be carried on; but now, having induced you to go there, we propose to repudiate the whole thing and abandon the project."

Mr. CURTIS. No, Mr. President. If the Government has induced the settlers to go there, if they have settled and taken up the land, I say keep the contract.

Mr. WALSH. That is what we are asking.

Mr. CURTIS. But let the Government pay the expense, if the Indians' money has been misused—take it from the Government and not from the Indians.

Mr. WALSH. Mr. President, that never would have been done at all. There never was a time when the Indians' money was to be used to pay for irrigating the white men's land. I want to say this, sir, in vindication of the men who stood upon this floor and advocated this measure before I came here, and men standing upon the other side of this Chamber, too. This project was introduced and was urged by them and not by us. They asked you for this appropriation, and you gave it to them. It is to their credit; and I do not care to have anybody stand here and assert that they have asked this Senate for Indians' money for the purpose of paying for the irrigation of white men's lands. The law never did impose such an injustice as that; and I speak in defense of the men who are not here to speak for themselves.

Mr. CURTIS. The fact remains, Mr. President, that every acre of Indian land is pledged to reimburse this Government. The fact remains that every dollar received has been turned back. Can the Senator from Montana defend a proposition that expends \$1,566,000, supposedly for the benefit of the Indians, when only 950 acres have been farmed by the Indians?

Mr. WALSH. No, Mr. President; the Senator from Montana wanted to have legislation passed to correct that error, and the Senator from Kansas struck it out by reason of urging his point of order.

Mr. CURTIS. The Senator from Kansas urged this point of order because he was not satisfied that the rights of the Indians were protected. I say now, as a member of that committee, that I am ready to meet with the Senators from Montana and the other Members and with the officers of the Indian Bureau and prepare, if we can, a measure that will save this money; but I am opposed, Senators, to continuing this project until we know that there is to be a sure return of the money taken to put in the project.

I have nothing further to say upon this subject. I want to discuss these other two amendments as they come up. I want to say to the Senators that the best showing is made here. The best amendment has been offered first. The others, I will show as we reach them, are not in anywhere near as good condition as is the Blackfeet; and yet they are insisting on going on and going on and providing that the Government shall be reimbursed, when they know that in the other projects there is nothing to reimburse the Government with.

If we want to give them the money, why, let us give it; but let us not take it with an idea that it is going to be reimbursed when we know that it can not be reimbursed.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment?

Mr. CURTIS. I yield the floor.

Mr. ASHURST. I wish very briefly to refer to one point made by the Senator from Kansas.

The Senator asked: "Why do not the Senators from Montana have a full, free conference with the Department of the Interior?" Why, Mr. President, the legislation that is proposed is a result of conferences between the Montana delegation and the Interior Department—not one conference, but many conferences, lasting, I should say, from time to time for two years.

The Senate knows that in the Indian appropriation bill which passed the Senate, but failed in the House because the conference report was not agreed to, this legislation—not verbatim, but this plan of legislation—was agreed to by the Senate, after much discussion; and I think the Senator ought to know and the Senate ought to know that this proposed legislation was in the estimates for this year. The language was prepared by the Interior Department, and is the result, I repeat, not of one but of repeated interviews and conferences on the part of the Montana delegation with the Interior Department. I think I state the facts correctly.

Mr. MYERS. That is a correct statement.

Mr. PAGE. Mr. President, I shall not take the time of the Senate very long in what I have to say upon this amendment. I wish, however, to refer briefly to the committee hearings that were held last year upon this same project.

The Deputy Commissioner of Indian Affairs, Mr. Meritt, came before us and said that he hoped that by legislation which he would suggest we might prevent the great wrong which was being done to the Indians in the way of providing that they could make beneficial use of water so as to save in part the money that was being appropriated, reimbursable out of their funds. When that matter reached the Senate the very provision recommended by the Commissioner of Indian Affairs was stricken out, leaving the Indian so that all this money which is being appropriated, presumably for his benefit, might be an absolute waste, so far as he was concerned, because the beneficial use of the water, of which the Indian was supposed to avail himself, was going to be so far delayed that the white man would step in in advance and make prior beneficial use of that same water.

Mr. ASHURST. Mr. President, will the Senator yield to me just on that point?

Mr. PAGE. Certainly.

Mr. ASHURST. The Senator has stated the matter correctly; and yet, if he will pardon me, he has only half stated it. That did not apply to this project. The Senator will remember that the provisions which the committee inserted in the bill, which the committee thought and I thought were necessary and were salutary legislation, went out on a point of order; but I call the Senator's attention to the fact that the provisions in the bill which failed last year with respect to the Montana project which we are now discussing were agreed to by the Senate. The language which the commissioner, Mr. Sells, and his assistant, Mr. Meritt, and Secretary Lane said was necessary for the adequate and complete protection of the Indian was the language agreed to, so far as this particular item is concerned, by the Senate. So the Senator certainly can not make the point that any language the Senate committee agreed to for the protection of the Indians in Montana was stricken out by the Senate, because the Senator wants to be accurate.

Mr. PAGE. Mr. President, answering the Senator from Arizona, I want to say that my recollection is quite distinct about that matter. It may have gone out on a point of order; but every feature suggested by the Commissioner of Indian Affairs to protect the Indian's rights was wiped out either by the vote of the Senate or on a point of order, leaving him absolutely helpless, and leaving him, as has been well said here, with the right to make beneficial use of this water, but with no power on his part to do so. He has no money with which to purchase cattle, no money with which to purchase plows, no money with which to purchase any of the equipment which is necessary to make beneficial use of this water. The Commissioner of Indian Affairs in all of his recommendations last year for the Montana irrigation appropriation conditioned them absolutely upon the fact that the Indian was going to be safeguarded and protected by legislation suggested by him, to wit, that if the Indian was unable to seasonably make beneficial use of his irrigable water, he should not thereby be deprived of his rights.

I remember that in discussing this matter before the committee last year the Senator from Montana [Mr. WALSH] made use of this language:

Now let me remark, Senator, that nothing that our State can do can by any possibility take away from the Indians any rights which they acquire by virtue of any treaty.

The facts are that before Montana was admitted to the Union a treaty was made with the Indians which gave them the right to sufficient water to irrigate their lands. I think I am correct about that. I know that under what is known as the Winters case that point was decided in favor of the Indian; but that law is not regarded as good law by the Senators who come from the Indian States.

I want to read further what Senator WALSH said:

I think you will appreciate that no matter how much we were disposed to do it, we could not do it. Now, what you mean is that although the Supreme Court of the United States decided in the Winters case that by virtue of that treaty the Indians were entitled to priority of right to the water of the Milk River as against the people who appropriated the water, and it was not necessary for the Indians to make any appropriation, they had their priority of right under and by virtue of that treaty. Now, those gentlemen still insist that the decision of the Supreme Court was wrong; that the only way that its effects can ever be obviated is by the Supreme Court reversing itself.

That matter, Mr. President, was discussed last year at length. I remember that my good friend from Arizona, Senator SMITH, took the position that the Winters decision was not good law. I think I am right about that. But if it is not good law, and if the Indians are putting in all this money, relying upon that decision for protection, may it not eventually turn out that the white man will step in and avail himself, by priority of appropriation, of the use of the Indian's water, and practically take away from him the very water which he is made to pay for by this appropriation?

As the junior Senator from Kansas has well said, we are taking the money which belongs to the Indians and investing it in a project from which, in my judgment, they are quite liable never to reap any fair return.

Here is a statement made by Mr. Meritt with regard to one of these projects. In answer to an inquiry by Senator CURTIS, "Is this a success?" he said:

Senator CURTIS. Is this a success?

Mr. MERITT. Yes, sir; it is a success, and the Indians as well as the white people under that project will get full value for the money invested. I can not say so much for the irrigation system on the Blackfeet Reservation. I have been on that reservation, and it is my personal opinion that it was a mistake ever to have begun that irrigation project on the Blackfeet Reservation. The Government has expended already about a million dollars on that project, and the Reclamation Service has estimated that it will cost approximately \$3,000,000 before the project is completed as planned by them.

Mr. President, I believe that this legislation is in the interest of the whites and absolutely against the interest of the Indians, and I can not feel that I have any right to stand here and vote for appropriations which I think will eventually mortgage the Indians lands with no other idea than that if the project is a success he will get very little benefit from it, and if it is not a success he suffers the entire loss. As the Senator from Kansas has well said, if we are going on with this project let us not take the money from the Indian fund, let us not mortgage his land to pay for it.

Mr. MYERS. May I ask the Senator a question?

Mr. PAGE. As soon as I finish the sentence. If we are to take that money, let us make it a gratuity appropriation; but do not let us take it from the Indian fund under a reimbursable clause, as we find it in this amendment.

Mr. MYERS. The Senator from Vermont has served upon the Committee on Indian Affairs for a long time and he is thoroughly informed in Indian matters and Indian legislation. If he thinks, as he says, that this appropriation is solely in the interest of the whites and entirely against the interest of the Indians, I will ask him how he would fix it in order to be fair to both whites and Indians? What change would he suggest? What course of legislation would he suggest?

Mr. PAGE. I would suggest that the interests of the white citizens of Montana be brought to the Senate and the question fairly placed before us, namely, shall we make a gratuity appropriation for the benefit of this project? So far as some of these irrigation projects are concerned, the Indian Department assures us almost unqualifiedly that they have been foolishly made, and that if we go on with them we shall spend three or four million dollars on them with very little benefit to the Indians.

Mr. MYERS. Will the Senator vote to take money out of the Treasury of the United States and expend it on this project as a gratuitous appropriation?

Mr. PAGE. When you ask me to take money from the Federal Treasury for that purpose I want an opportunity to care-

fully study and consider the matter. I would say, however, that if I were placed where I would have to accept one or the other, I would make a gratuity appropriation rather than take the money from the Indian fund, knowing, as I should, that the Indian was thereby going to be wronged.

Mr. MYERS. Has the Senator ever advocated that in the Committee on Indian Affairs?

Mr. PAGE. I do not say that I now suggest a gratuity appropriation. If made, I would only make it on good grounds being shown therefor.

Mr. MYERS. I ask the Senator if he would suggest a gratuity appropriation?

Mr. PAGE. I will meet that question when we get to it, and meet it squarely. I simply say that the Indians are being wronged, in my judgment, in this great appropriation. More than \$900,000 are taken from the Treasury under these three amendments. They are taken with the understanding that they are reimbursable from Indian funds.

Another word. Let me read what was said in answer to a question asked at a committee hearing by the Senator from Kansas [Mr. CURTIS]:

Senator CURTIS. I am told, Mr. Meritt, that these Indians are in a deplorable condition—the Blackfeet Indians—and I would like to know whether this legislation will enable them in any way to better take care of themselves in the way of producing more crops or encouraging them to go into the stock business, or something that will relieve them from their present unfortunate condition.

Mr. MERITT. This proposed legislation will not benefit the Blackfeet Indians to any great extent along industrial lines, unless they begin farming the lands that are now irrigable on the reservation.

Now, the facts are that the Indians are not in position to do this, and I wish to refer to a statement made by the Senator from Oregon [Mr. LANE]. He has been there and investigated this matter with a great deal of care. He says:

It would require three or four thousand dollars perhaps each to build their houses and barns and to furnish them plows and horses and harrows, and have enough left on hand to keep them until the crop came in. It is a country that is frost bitten at times, and only the hardier vegetables could be raised, and the Indian, unused to farming, if he went on the land, would have to have this capital, which he has not.

Mr. MYERS. I suggest that we are now considering an amendment for the Flathead project. The propositions are entirely different. We have not yet reached the Blackfeet amendment.

Mr. PAGE. All three of these amendments came to us as one. They are all substantially alike; they are taking the money of the Indian and paying it out for the benefit of the whites, in my judgment. I do not think the Indian is receiving a tithe of the benefits that come from this legislation. The white man, in my judgment, receives practically all of it; and it is wrong, it is robbery, and we, as Senators of the United States, have no right to stand here and see nearly \$1,000,000 appropriated as a reimbursable fund when the universal verdict of those who have studied the matter seems to be that the Indian will probably be grossly wronged in so doing.

Mr. MYERS. That is not Mr. Meritt's testimony as to the Flatheads. He says as to the Flatheads that the expenditures of the Government have been all right.

Mr. PAGE. But it was the testimony of one who has been there, and I again refer to the Senator from Oregon [Mr. LANE]. He says, "I have been there."

Mr. MYERS. The Senator from Oregon has never been on the Flathead reservation. I will ask the Senator from Oregon if he was ever on the Flathead reservation.

Mr. PAGE. I know that Senator LANE's statement before the committee was that these Montana Indians, at least some of them, have nothing with which to purchase material so that they could make beneficial use of these irrigation projects. I will be very glad to yield to the Senator from Oregon.

Mr. LANE. No; I do not want the Senator to yield. The testimony, as the Senator says, shows that the Flatheads are in a most deplorable state, but I did not personally investigate that matter. However, that testimony will not be successfully disputed.

Mr. MYERS. I say the testimony is that there are a few indigent and invalided Indians there in poverty on the Flathead reservation, just as there are some such Indians on every reservation in the United States.

Mr. PAGE. Mr. President, I think I do not care to say more. I do not feel that I can vote for this amendment, and I should like to put myself on record as opposing any measure that I think is so grossly wrong to the Indians.

Mr. WALSH. Mr. President, I would not say a single word at this time if it were not for the statement made by Senators who are not advised about the facts in regard to this matter that ought not to go uncorrected upon the record. If the Senators present will give me their attention for a few minutes, I

want to say a few things that will give a much more nearly correct view of the situation.

We are discussing the Flathead Indian appropriation. The Flathead Indian Reservation was opened under the provisions of the act of Congress passed in 1904. It contemplated that the Indians should select their allotment, and that the excess lands should be entered by the whites after their value had been appraised, and it also contemplated that there should be an irrigation system upon that land. The Indians were permitted to select their allotments under the project, and any allotments they did not select were then open to selection by white settlers.

Now, that original act—and I want it made perfectly clear—never provided for the payment of this work out of any Indian money. Appropriations were made from year to year, aggregating now \$1,625,000, exclusive of the appropriation here contemplated. I am saying much of this for the benefit of the Senator from Vermont [Mr. PAGE]. The act provided that the white settlers who took that land should pay their proportionate share of the expense of the project. I say this because, Mr. President, the act was passed when neither I nor my colleague was here, when our State was represented by two Senators who sat upon the other side of the Chamber. I read, accordingly, from the appropriation act of 1908, as follows:

Provided, however, That the entryman or owner of any land irrigable by any system hereunder constructed under the provisions of section 14 of this act shall, in addition to the payment required by section 9 of said act, be required to pay for a water right the proportionate cost of the construction of said system in not more than 15 annual installments, as fixed by the Secretary of the Interior, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.

So, Mr. President, every dollar that has been thus far appropriated for this project is to be paid, so far as any part of it goes to the improvement of lands that were lands of the whites, out of those lands, and is to be paid back and reimbursed to the Government not out of any Indian money except so far as the Indian lands shall bear their just proportion, but by the white men who take the excess land. Now, if that matter is clear in the minds of Senators, I want to pass to another error industriously instilled here in the minds of the Senators, honestly enough, but by Senators who are not informed of the facts.

Mr. JONES. Mr. President, I want to see if I understand the Senator correctly. I understand the act providing for the opening of this reservation provided that the surplus lands should be disposed of to white settlers and it also, in effect, promised that an irrigation system should be developed under which the lands could be irrigated, and that whatever the cost per acre might be any settler who took a tract of that land should pay that cost himself.

Mr. WALSH. His proportionate cost.

Mr. JONES. Of course, if it was \$30 an acre, he paid \$30 an acre for his 80 acres or 160 acres or whatever he took. Was there anything in the act anywhere that pledged any of these Indian funds toward the payment of that sum?

Mr. WALSH. Not at all, except as far as it was chargeable against the Indian land.

Mr. CURTIS. I should like to read right here for the information of the Senate—

Mr. WALSH. Just a minute.

Mr. CURTIS. Right on this point.

Mr. WALSH. I object to the Senator interjecting anything here. I am going to make my statement about this matter.

Mr. JONES. I merely wanted to get that point clear.

Mr. WALSH. If the Senator desires to ask me a question, I shall be glad to answer it.

Mr. JONES. If it is as I understand it, I can not see where there could be any objection to this amendment. This is the amendment appropriating \$750,000?

Mr. WALSH. Yes, sir.

Mr. JONES. That the Senator says is reimbursable, but, as I understand the Senator, it does not mean reimbursable out of the proceeds that belong to the Indians.

Mr. WALSH. Not at all. I will say to the Senator that the attendant legislation we have been obliged to excise made specific provision in respect to that matter, and it explains entirely the reimbursable feature. I hope that that legislation will go along with it, and if it does not, I will say to the Senator that it will be reimbursable in view of the past statute, which makes the part chargeable against the white men's land reimbursable by them.

Mr. JONES. There would not be any objection to placing in this amendment "reimbursable by the payment of whites for the land they occupy and out of the Indian moneys for the lands which they have the benefit of"?

Mr. WALSH. Not the slightest.

Mr. JONES. Then that would make it, it seems to me, perfectly clear right on its face.

Mr. WALSH. If there is any want of clarity about it, I would be very glad to have it made clear.

Mr. JONES. The impression I had when the amendment was read was that this sum will be reimbursable out of the Indian moneys, and I thought that that was the position the Senator from Vermont was taking; but when the Senator made his statement and read the section from the act it seemed to me that that was not correct, that it is not reimbursable out of the Indian money at all, but that so far as any Indian allotment is benefited he has to pay, and so far as any white man's tract is benefited the white man has to pay—not from the Indian fund at all.

Mr. WALSH. Exactly. May I say for the information of the Senator that under the law as it has been heretofore the amount chargeable to the Indian land is reimbursable out of the whole body of the tribal funds, thus imposing the burden as well upon the Indian who takes an allotment above the ditch as upon the Indian who takes an allotment below the ditch.

Mr. JONES. I do not think that is fair or just.

Mr. WALSH. No; that is what we wanted to correct.

Mr. JONES. I think that ought to be corrected. That is not right.

Mr. WALSH. That is what I insisted, and we very readily joined with the Indian Department in the legislation which was designed to correct it.

Now, Mr. President, if I have made myself clear to the Senator from Vermont and the other Senators who do me the honor to listen I desire to go a little further.

Mr. JONES. I do not want to interrupt the Senator except that I want to get this clear. The Senator from Kansas has just called my attention to a statement from the department that I would like to have some explanation about.

Mr. WALSH. I would be very glad to hear the Senator.

Mr. JONES. Mr. Meritt says:

Under existing law every dollar will be reimbursed out of the Indians' funds. It is reimbursable. The Government has been advancing funds for this project. The Indians' funds are held responsible for repayment to the Government, and we also hold the white owners on that reservation responsible for the charge for irrigating their land.

What does he mean by that?

Mr. WALSH. He means that the Indian lands are reimbursable out of the general body of the Indian funds, and so far as the white man's lands are concerned that portion is reimbursable out of them, and he wants the law changed with respect to the Indian lands. The language is perfectly plain and in entire conformity with the statement which I have made.

Mr. JONES. If that is correct, the statement of the Senator from Vermont is not correct.

Mr. PAGE. May I interrupt the Senator?

Mr. JONES. I can not see why he can make a statement of general language in that way unless there is something in the context or something that qualifies it to show what he really does mean.

Mr. PAGE. Let me say that not once but a dozen times—

Mr. WALSH. I objected to any argument by the Senator from Kansas, and I will be obliged to object to an argument by the Senator from Vermont.

Mr. PAGE. Very well.

Mr. WALSH. I will be glad to answer any questions.

Mr. PAGE. I will ask a question. The Senator is a member of the Committee on Indian Affairs. Was not the question asked many times of the commissioner during our hearings whether the Indians had the funds from which these appropriations could be made good, and did not he universally reply, "Yes; we have the funds, and every acre of land holden and every dollar of money holden to make good"? I ask the Senator if that was not the general language?

Mr. WALSH. I would not undertake to recall what was said about the matter. If any colloquy of that character took place at all, I am perfectly clear in my mind that the commissioner intended to say to the committee that the Indian lands, the allotted lands, will easily stand the charge, and that there is enough coming to the individual Indians in the way of tribal receipts and tribal funds to fully reimburse the Government for whatever portion of the expenditure is properly chargeable against their land.

Now, Mr. President, if I may proceed to another point, the Senator from Kansas wants this whole project abandoned and dropped—a million six hundred and twenty-five thousand dollars already spent in carrying out this project absolutely dismissed. He says the Indians are not making use of this project, and the Senator from Vermont is troubled very much in his

mind, because he says this is an appropriation of Indian money for the benefit of the land of white men.

Mr. President, when that land was thrown open to settlement it was appraised under the provisions of the act. Of course, all lands under the irrigation project were appraised at a very high price—\$10 per acre, exclusive of the water. The lands outside of the project were appraised at anywhere from \$2.50 to \$7 an acre. A settler had his choice. He could go and take land under the irrigation project, paying into the Treasury of the United States for the benefit of the Indians \$10 per acre, or obligating himself to pay his proportionate cost of the expenditure necessitated by the project, or he could go outside of the project and take land that he could get for \$2.50 an acre or \$4 an acre or \$5 an acre. A map was put upon the wall. The Indian Service, acting under the authority of Congress, laid out this project, set out upon the map the lands which were to be covered by water, and said to every comer, "Take your pick of these lands; take lands under the project or take lands outside of the project." Practically every acre of these lands under the project had been taken, and only 400 acres were left at the close of the year ending June 30, 1915. They had been taken at the appraised price; taken by those settlers under the promise of the Congress of the United States that, if they paid that \$10 into the Treasury for the benefit of these Indians, the Government would carry on this project, so that their lands could be irrigated. Now it is proposed to let those settlers occupy those dry lands, worth not a dollar more than the lands above the project, which they could have gotten for two dollars and a half an acre; it is proposed to let them stay there, and to say: "Although we held out these inducements to you to take these lands under the project, although you paid two or three times the value of these lands, if it were not for the fact that they were under the project, and the Indians now have the benefit of this money, we propose to abandon the whole thing and to leave you high and dry."

Why, Mr. President, I am astonished that any Senator should so compromise the honor of the United States and of the Congress of the United States as to make such a proposition in this body. Do you recognize no kind of obligation to those white settlers who went there at your invitation and upon your promise that this irrigation work should be carried on and that appropriations should be made, so that it should be hurried to completion as rapidly as the circumstances would permit? I want to ask the Senator from Kansas, if he will do me the honor to answer, what would he do as to those settlers?

Mr. CURTIS. Mr. President, I stated a few moments ago that I was not in favor of taking anything from the settlers. I would return this bill to the committee, and I would have the Senators from Montana and the other members of the committee meet with the Commissioner of Indian Affairs and with the men in the Reclamation Service and prepare a bill that would protect the rights of all. Then I would bring the bill in here as a separate measure, put it through, and protect the rights of the white settlers, protect the rights of the Indians, and protect the rights of the Government. That is what I would do.

Mr. WALSH. Mr. President, that is very honorable in the Senator from Kansas; that would be the right thing to do. Unfortunately he has not been here for two years; but that is what we have been doing for the past two years. Mr. President, this language is exactly the same as the language in the appropriation bill of last year, and it was tendered as an amendment in the appropriation bill of the year before. We have done just the thing which the Senator from Kansas wants us to do. Now, because, forsooth, the Senator has not been here for the last two years, he wants to push this aside and have us do the whole work over again, so that he may participate in the deliberations. I insist that his request is rather ungenerous.

Mr. CURTIS. Mr. President, I do not care whether I participate in the deliberations or not. What I desire is to see the interest of all concerned fully protected.

Mr. MYERS. Mr. President, I want to supplement what my colleague [Mr. WALSH] has so ably said by adding a few observations, largely from what I personally learned and observed on the Flathead Reservation when I visited it last summer. I first, however, want to make a few comments on some of the remarks made by the Senator from Kansas [Mr. CURTIS] in his usual earnest and vigorous manner.

I am greatly surprised that the Senator from Kansas should take the position which he now does in regard to this project. When the Senator from Kansas honored us with his membership in this body once before—up to three years ago, I believe it was—he was a member of the Senate Committee on Indian Affairs. The same projects, involving the same annual appro-

priations, under the same circumstances and conditions, were then each year before the Senate Committee on Indian Affairs, and he and I were both members of that committee. The Senator from Kansas at that time did not take the stand in regard to this project which he now does, and I thought he understood then just as thoroughly what he was doing and what the committee was doing as he now does. In fact, at that time and up to the time that the Senator from Kansas retired from the Senate, three years ago, I want to say that he was most helpful to me on the Indian Committee in behalf of this project.

Mr. CURTIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. MYERS. With great pleasure.

Mr. CURTIS. It is true that I was a member of the Committee on Indian Affairs at the time to which the Senator from Montana refers, and it is true I did not then oppose these projects; but the Senator from Montana will remember that I expressed grave doubt as to the matter. However, because it had been recommended by the department, I was then willing that Congress might make the experiment. I think the experiment has failed, and it having failed, I think we ought to stop spending the money.

Mr. MYERS. I think the Flathead reclamation project had then passed the experimental stage; the appropriations had been made annually for several years at that time; but I remember that on one occasion—I think it was the last year that the Senator from Kansas served here before he retired—the Senator very ably and kindly assisted me, and very efficiently assisted me, on the committee in getting the appropriation for the Flathead reclamation project increased from \$200,000, the amount which was contained in the House bill, to \$400,000, the amount at which it was placed by the Senate committee, and in getting the appropriation through the Senate at the latter figure. I am surprised now at the changed attitude of the Senator from Kansas, although I do not doubt he is entirely conscientious about it. The Senator from Kansas must have understood what he was doing then as well as now. Therefore I am greatly surprised at his change of attitude. I am not surprised at the opposition of the Senator from Vermont [Mr. PAGE]. His opposition to the Flathead project is perpetual. He has always opposed it.

Mr. PAGE. Mr. President, may I make a suggestion?

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Vermont?

Mr. MYERS. With great pleasure.

Mr. PAGE. If the Senator from Montana will convince me that the statement of his colleague [Mr. WALSH] is correct—that these payments are not chargeable to the Indians; that they are not absolutely reimbursable out of their property or their money—I will withdraw my opposition to the amendment.

Mr. MYERS. Mr. President, I do not think it is necessary for me to convince anybody that the statements of my colleague [Mr. WALSH] are correct. If my colleague did not convince the Senator from Vermont by his very clear and lucid statement of the matter, then I would be hopeless of anything convincing him.

Mr. WALSH. Mr. President—

Mr. PAGE. At the time we were hearing matters relating to Montana, the Senator from Montana [Mr. MYERS] was very faithful in his attendance upon the meetings of the Committee on Indian Affairs. I will ask if he does not recall the fact that Mr. Meritt was asked in regard to the Flathead property and whether the money was sufficient, so that the tribe could reimburse the Federal Treasury if they were finally compelled to do so?

Mr. MYERS. I do not recall all that was said, but I shall be satisfied with whatever the Record shows.

Mr. PAGE. Here is what Mr. Meritt said in reply to a question:

The Flathead Indians have tribal property worth \$7,000,000. There is no question about the Government being reimbursed.

That is the statement of Mr. Meritt.

Mr. MYERS. I subscribe to that; I think it is correct. If there were any question about it, I would not be here urging this appropriation; but there is no question about it.

Mr. PAGE. That is the point of difference between the Senator from Montana and myself. If all these payments are chargeable against those \$7,000,000 of Indian funds, then I say it would be doing the Indian wrong; but if, as the Senator's colleague has just stated, it is reimbursable only out of moneys received from the sale of the lands, I should say that you had removed a part of my objection.

Mr. MYERS. Has the Senator from Vermont ever read the law providing for the opening of this project to settlement? That is stated in that law. Has the Senator ever read the law?

Mr. PAGE. No; I have not.

Mr. MYERS. It is in the law, and I would advise the Senator from Vermont to read it, and he will be better informed. He will know more of what he is talking about.

Mr. PAGE. The plain, unequivocal statement of Mr. Meritt upon this matter is this:

Under existing law every dollar will be reimbursed out of the Indians' funds.

Mr. MYERS. Every dollar that is expended for irrigating Indian lands is reimbursed to the Government out of the Indians' funds, and the white settlers reimburse the Government for expenditures made in placing water on their land. That is fair.

Mr. PAGE. I understand that if the project proves to be a success and there is money enough to pay out, the Senator is correct. But suppose it should be a failure, what then?

Mr. MYERS. Then, if the white settler does not pay, the Government still owns the land in trust for the Indians, and some other settler will come along and it will be sold to him; it will be sold to somebody eventually who will pay. The settler who does not complete his payments forfeits everything he pays; it goes to the Government. The land, however, is there; it is security; it can not get away.

Mr. PAGE. That is right; but I should like to know the meaning of the English language when Mr. Meritt says:

Under existing law every dollar will be reimbursed out of the Indians' funds.

Mr. MYERS. In view of the plain provision of the law, I take it that Mr. Meritt must have been talking about money which is appropriated for irrigating Indian lands.

Mr. PAGE. He was talking about this provision of the bill.

Mr. JONES. Mr. President—

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Montana yield to the Senator from Washington?

Mr. MYERS. With great pleasure.

Mr. JONES. I think I see in the law a reason why the department makes that statement and why they take that position.

Mr. MYERS. I will be glad to have the Senator read the provision of the law.

Mr. JONES. I have it here, through the kindness of the Senator from Montana [Mr. WALSH], and it reads as follows:

SEC. 14. That the proceeds received from the sale of said lands—

That is, all of the lands in this reservation appraised and disposed of—

in conformity with this act shall be paid into the Treasury of the United States, and after deducting the expenses of the commission of classification and sale of lands, and such other incidental expenses as shall have been necessarily incurred, and expenses of the survey of the land shall be expended or paid as follows:

Now, that takes in the money that comes from the surplus lands, from the settlers, and from anybody who pays any money—

So much thereof as the Secretary of the Interior may deem advisable in the construction of irrigation systems, for the irrigation of the irrigable lands embraced within the limits of said reservation.

I take it that, under that language, the Secretary of the Interior, if he sees fit, can use every dollar, whether coming from white men or from the Indians, for the purpose of constructing these irrigation systems. As I understand, there is not now money enough to carry on the work, so that we are advancing the money. Consequently I think that under that law the department is justified in saying that this whole fund is a guaranty for the repayment to the United States of whatever money we appropriate for irrigating these lands.

I think we ought to change the law right here, if it is possible to do so, and expressly provide that for the lands the white settler has he shall be responsible for repayment.

Mr. MYERS. We tried to do that yesterday—

Mr. JONES. That is what ought to be done.

Mr. MYERS. But the Senator from Kansas made a point of order, which compelled us to abandon it.

Mr. JONES. I am sorry that he did, for that is what ought to be done—

Mr. MYERS. We wanted to do that. We are willing to do it.

Mr. JONES. And I think, if the Senator from Kansas really understood the situation there, he would not object to a proposition of that kind, because the settlers are going in there and irrigating the land, and we owe something to them.

Mr. ASHURST. Mr. President, if the Senator from Montana [Mr. MYERS] will allow me, as chairman of the committee I

want to say that it took us two years to reach that. That is exactly what this legislation does. The Commissioner of Indian Affairs agrees that it does; the Secretary of the Interior agrees that it does; the Senators from Montana believe that it does; I believe that it does; and I feel quite sure that, after the faithful service the Senator from Kansas has rendered to his country, he would not want to step in, put up his hand, and stay the execution of a law that would protect the Indians. I assert that the proposed legislation which the committee reported will protect the Indians, and I think the Senator ought, in justice to himself, withdraw his point of order and withdraw his opposition. It is a brave thing when a man sees he is wrong to withdraw from a position which he has taken. I have had that to do when I saw I was wrong, and the Senator from Kansas is big enough and brave enough to do it, and he ought to do it now.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. MYERS. I will yield for a question, but not for a speech to be made in my time.

Mr. GRONNA. I shall address the Senate later on.

Mr. MYERS. If the Senator wishes to ask a question, I will be very happy to answer it, if I can.

Mr. GRONNA. I will be satisfied to proceed in my own time, I will say to the Senator.

Mr. MYERS. If the Senator wants to make some remarks, I would rather he would proceed later; but if he wants to ask a question, I assure him I will be most happy to answer it, if it be in my power to do so.

Mr. GRONNA. May I ask the Senator from Montana, then, if there is any doubt in his mind that the Indian tribal funds are all held responsible for the payment of the cost of this irrigation project?

Mr. MYERS. The Indian funds are held responsible for the payment of the expense of putting the water on the Indian's land, but for putting the water on the white man's land the white settler himself is required to pay the expense and the Government holds the white man's land as security for that payment.

Mr. GRONNA. Is it not true that the white man's land would be simply a collateral security; and, in the first instance, are not the tribal funds responsible for all the money expended for this irrigation project?

Mr. MYERS. No; because the land is the primary and principal security; it is there; and if you do not get the money out of the land that land goes to the Indians. It is very plain. The land of the settlers is held as security for the cost of putting the water on it. The settlers themselves must pay that. Their land is held for it. They do not get patents to the land—they get no title—until all payments are made for the cost of putting the water on the land. If they do not pay it, the land is held for it. That part costs the Indians nothing. The cost of putting the water on the land of the Indians is held out of the tribal funds of the Indians. That is as plain as I can make it.

Mr. President, I will conclude soon, and I would rather not yield further unless for questions. I do not want to take too much time on this matter. I now want to comment on a few of the statements made by the Senator from Kansas [Mr. CURTIS].

The Senator from Kansas referred to the fact that very little of the Indian land covered by the water from this irrigation project is being farmed by the Indians. I want to say to him that a great proportion of that Indian land is leased to the whites. There is a ready demand for it. There are white farmers ready and willing to lease it at all times and to pay a good price for it under rules and regulations of the Indian Bureau; and if it be true that the Indians are not farming their land, the fact is that most of it is farmed by whites under leases, the Indians getting the proceeds. In that way they probably get more benefit from it than if they farmed it. The Senator from Kansas says we should get together and agree on some plan for the better protection of the Indians.

So far as getting together and devising adequate legislation is concerned, that suggestion is most discouraging. All suggestions of that kind are most discouraging. Some three years ago, I believe it was, the Indian Bureau under its present management began to object to the system under which appropriations were made for this project, although that system had never been objected to before. The predecessor in office of the present Commissioner of Indian Affairs had never objected, but had pronounced the plan of the project fair. But about three years ago there began to be objection, and for the last three years the Indian Commissioner, the Assistant Commissioner, the

members of the Montana delegation, and the Secretary of the Interior have labored on a plan of legislation to conform to what the Indian Bureau thought would be fair and adequate and afford protection to the uttermost limit to the rights of the Indians in this matter. The Indian Commissioner and his assistant, together with the Secretary of the Interior and their legal counsel, got up the very plan of legislation which was put into this bill this year; and the members of the Montana delegation were all consulted about it and agreed to it. We were only too willing and ready to agree to anything that might be considered fair to the Indians. Counsel approved of it, and I want to say that the Secretary of the Interior, Mr. Lane, himself was personally cognizant of the proposed legislation which had been prepared and approved of it. I want to say, furthermore, that it went into the Indian bill last year in connection with these projects, and was actually adopted by the Senate, so that the bill was passed by the Senate last year containing the identical legislation of which I am speaking and which was put in the bill this year with our consent and at the request of the Indian Commissioner and the Secretary of the Interior.

The Indian appropriation bill failed last year not because of failure to pass the Senate, but it failed in conference because the conferees could not agree upon some items that had nothing whatever to do with Montana, items relating to Oklahoma and South Dakota and other States, but not Montana; so that this identical legislation was approved and adopted by the Senate last year. We consented to it again this year, and now the Senator from Kansas meets it with a point of order that it is not permissible in an appropriation bill, and we are compelled to give it up. We are willing to adopt either one of two courses: We are willing to have the appropriation without the legislation and to have the legislation in a separate bill, or we are willing to have the appropriation and the legislation combined in the pending bill. We have done all we could in the last two or three years to get together, and if we have not gotten together and devised something fair it is impossible to do it. There would be no use of trying further. The Indians, under the allotment system followed, get the first choice of land. The land on this project was divided into dry land and irrigable land. If the Indians preferred to do so they had the privilege of going up on the foothills and benches and taking 320 acres of dry land, in no way subject to the costs of this irrigation scheme, and many of them did that. But the Indians who took irrigable lands down in the valleys and bottoms did it with their eyes open and knowing what they were doing, knowing it would be subject to irrigation charges.

I want to say right here that in my long and intimate connection with this project, covering now about five years, I have never yet heard of an Indian objecting to the prosecution of work on this project or to finishing it. I have been on the Flathead Reservation time and time again. Delegations have visited me at Missoula when I have been out there, and there never has been a word of objection coming from an Indian to the completion of this project. I have never heard a word from a Flathead Indian complaining that the plan pursued was not fair, right, and just to the Indians. There never has been an Indian from the Flathead Reservation down here at Washington objecting to the completion of this project. On the other hand, there was a delegation of Indians down here from the Flathead Reservation a few years ago which urged me and my colleague to secure an early completion of this project. They wanted the water on their lands and they wanted the money coming to them out of the lands from the whites. They were insistent on going ahead with the project. At Missoula a year or two ago a delegation of Indians from the Flathead Reservation waited on me and urged me to procure the early completion of this project.

No, sir; there never has been a word of protest from the Indians on the Flathead project against the completion of this project. All of the objection arises down here in Washington. It does not come from the Indians themselves. It comes from Senators who think they know better what the Indians want than do the Indians themselves.

There has been a good deal said about the value of this land. It was appraised, and practically all of it has been allotted to Indians or sold to white settlers. It has been disposed of. That is done for and past; but I want to say that before the water was put on the land the greater part of it was worth very little or practically nothing; a nominal sum, a dollar or two or three dollars an acre was a fair price for it.

Mr. JONES. Mr. President—

Mr. MYERS. I yield with pleasure to the Senator from Washington.

Mr. JONES. Right in that connection I want to ask the Senator whether, when the appraisal of these lands was made, account was taken of the probability of the irrigation of

some of the lands and lack of probability of irrigation of others and the appraisal made accordingly?

Mr. MYERS. Yes, sir. Those that were likely to be irrigated were appraised much higher than those that were not to be irrigated.

Mr. JONES. Can the Senator tell me the figure at which some of these lands that it was thought might be irrigated were appraised?

Mr. MYERS. Some of them were appraised as high as \$30 an acre.

Mr. JONES. Some as high as \$30 an acre without water rights?

Mr. MYERS. Yes, sir.

Mr. JONES. So that the settler who has gone on that land will pay \$30 an acre, and then, in addition, he will be required to pay whatever the charge is for a water right?

Mr. MYERS. That is the status; yes, sir. He will pay what they are appraised at, and the cost of putting on the water in addition.

Mr. LANE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oregon?

Mr. MYERS. With great pleasure, for a question.

Mr. LANE. What has been the average appraisal?

Mr. MYERS. Oh, I should judge about \$5 an acre for irrigated land, probably; five or six dollars an acre.

Mr. JONES. What was the average appraisal of the other lands?

Mr. MYERS. One or two dollars an acre, I think.

I shall not have much more to say, Mr. President. I have been interrupted a good deal, and have yielded freely. I always like to impart what information I can and to be courteous to my fellow Senators; but I have some things I want to say. Last summer I visited the Flathead Reservation four times, and I was over the project extensively; I went over all parts of it. If the Senators could see the condition of the white settlers, the poor, struggling homesteaders, on that project, who were invited there by the United States Government, who were solicited to go, and who went there in good faith, accepting the word and the faith and the honor of this Government to fulfill its obligations and its promises, relying on the good faith and honor of their Government to deal justly and honestly with them; if you Senators could see the plight they are now in, as I have seen it, I believe that some Senators here would view this matter in a different light. My heart bleeds for some of those unfortunate people and their pitiable plight. They are good people, patriotic people; industrious, law-abiding, peace-loving, home-making citizens. They are of the bone and sinew of the country; the class of people who have made the great West what it is; the people who fell forests, blaze the way of civilization, break the prairies, erect school houses and churches and build communities. They went there believing they would get a square deal from this great Government, and they feel they have not received it. They are right. They have not. I know they have not. I know their treatment.

The land under this project was thrown open to settlement. It was the announced determination of the Government from the beginning to irrigate it. In the first place, ninety-nine one-hundredths of the land is unfit for cultivation without irrigation. It is not a dry-land farming country. You can not go there and make a success of dry-land farming. The nature of the soil is such, and the lack of precipitation of moisture is such, that you must have irrigation in order to make farming it a success. More than that, if you are going to try dry-land farming at all you must have at least 320 acres. You can not make a success of 40 or 80 acres at dry-land farming, either there or anywhere else.

So the Government determined that this would be an irrigated project in large part. It was segregated. The land that was not to be irrigated was either allotted to the Indians or sold to the whites, as the case may be, in 320-acre tracts, intended for grazing purposes. The land that was to be irrigated, either for the benefit of the Indians or the whites, was divided into 40, 60, and 80 acre tracts, according to value and circumstances, the tracts ranging from 40 to 80 acres. The land was thrown open to settlement and to entry at the United States land offices in the vicinity. It was advertised that it would be an irrigated project as to all except the bench land 320-acre tracts. The people were invited to come there and enter it as irrigated land, and the tracts were divided, in large measure, into 40 and 80 acre tracts for that purpose. People who came there were asked at the land office, "Do you want a dry tract of 320 acres up there on the bench or 40 or 80 acres

in the valley?" Those who wanted irrigated lands took the 40 and 80 acre tracts.

To show good faith on the part of the Government, the reclamation project was actually started some six or seven years ago, and legislation to that effect was enacted after the Flathead Reservation had been thrown open to allotment and settlement. The Government started the reclamation work, made the surveys, had engineers on the ground, allotted a good sum of money with which to begin the work, and the settlers went there with every assurance that this reclamation project would be completed; that the work would be pushed expeditiously, and that water would soon be put on their lands; and they had every reason to believe that the work would be prosecuted with due diligence and completed at an early day in a businesslike manner. So the settlers went on there, paying the prices of irrigated lands—five, six, seven dollars per acre—and contracted with the Government to pay in addition the cost of putting the water on the land, and they broke the ground and built houses and went to farming, assuming that within a reasonable time, and at most two or three years, the project would be completed and water would be put on their lands.

That was about six years ago; and to-day, as to a large part of those irrigable lands settled by those poor white settlers, not a drop of water has ever reached the land; this, owing to the slow progress of the work and the parsimonious action of the Government in doling out a hundred thousand or two hundred thousand dollars a year, when the Reclamation Service was able to handle a million dollars a year and complete it in five years in a businesslike manner. It ought to have all been completed before now.

I was in the Little Bitter Root Valley, which is a part of this project, last summer. There never has been a drop of water put on any of the land in that valley. It is a big part of the project and a good part; and the poor settlers went there—honest people, law-abiding, patriotic American citizens, who are entitled to believe that they will get fair treatment from their Government, to which they give allegiance, and which they help to support by their services, their labor, and money. They came from Iowa, Illinois, Minnesota, Nebraska, the Dakotas, from eastern Montana, and some of them from the State of Washington to the West, and went there and took up land, believing that water would be put on it, and that they would be enabled to make a living. They believed their Government would keep faith with them. For six years they have starved and endured indescribable hardships there, some of them suffering for want of the necessities of life for themselves and their families, for food and clothing, and for shoes for their children in the wintertime, just because the United States Government would not keep its pledged word of honor with them and complete this project and put water on their lands and enable them to make a living and pay for their land, as they were induced to believe would be the case; old soldiers, some of them, who fought in the Union Army during the Civil War and offered their lives for their country and preserved this country from destruction in the time of its peril and the hour of its distress; they are now begging for justice at the hands of their Government. Shall they have it? Will you give it to them or will you turn a deaf ear to their appeals?

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Washington?

Mr. MYERS. I yield, with great pleasure.

Mr. JONES. I want to ask the Senator how much money we have appropriated to put in this irrigation plant?

Mr. MYERS. About \$1,600,000.

Mr. JONES. And what has been done with that?

Mr. MYERS. It has been expended on the project.

Mr. JONES. But what has been accomplished? That is what I want to know.

Mr. MYERS. Ditches have been put in, the main ditches, mostly. The laterals are yet to go in, mostly. Considerable of the land has been covered by ditches, but much has not been reached—not nearly as much as ought to have been.

Mr. JONES. Will the water for most of the land that is to be irrigated on this reservation be taken out in one main ditch, and then distributed in other ditches?

Mr. MYERS. Several main ditches; a system of canals.

Mr. JONES. Out of the stream?

Mr. MYERS. A system of canals, out of streams and reservoirs.

Mr. JONES. And you have to construct reservoirs?

Mr. MYERS. Yes, sir.

Mr. JONES. Has anything been done toward the construction of reservoirs?

Mr. MYERS. Oh, yes; a number of reservoirs have been constructed, and others are in process of construction, and there are plans for others.

Mr. JONES. And you have ditches now that will cover about how many acres of this land?

Mr. WALSH. Forty-nine thousand four hundred acres.

Mr. MYERS. That is correct. It is given in the latest report of the Reclamation Service.

Mr. JONES. How many acres are there altogether that it is expected to irrigate?

Mr. WALSH. One hundred and forty-three thousand.

Mr. MYERS. Yes; that is correct; about 143,000 acres. These figures are all found in the report of the Reclamation Service, which I have on my desk. Why, about one-third of this work has been done. Would you now stop it and throw away what has been done, and tell the settlers whose lands have not yet been reached by the irrigation system to get hence and look not to the Government to keep faith with them? What perfidy that would be!

Mr. President, I say it is a burning shame! Last summer I was in the Little Bitter Root Valley; and I want to say to you that three-fourths of the homesteaders' shacks in that part of this reservation are nailed up, the windows are boarded up, and the settlers and their families have taken to the road; have gone to some other part of the country to hunt for employment, where they could make a living, because their own Government has refused to keep its word with them, and has literally starved them out. I say that is not a fair way to treat citizens of our country. Three-fourths or four-fifths of the houses in the Little Bitter Root Valley are nailed up and the farms are deserted, because the United States Government would not keep its faith with the people who were drawn there through the representations of the Government.

It is pitiful. It is deplorable. It is a bunco game. It is not honorable conduct on the part of the Government. This land has practically all been taken up. There has been more than a million and a half dollars expended, and nothing is in keeping with good faith and fair dealing but to go ahead and finish this project. Why, if you should abandon it right now there would be hundreds more of settlers who would have to leave with their families and go out and face the world without a dollar. Some of them have sunk as much as \$5,000 or \$10,000 in their homesteads there, and they are not worth a dollar unless you go ahead and complete this project and put the water on the land. Others have put in a few hundred dollars, five hundred, a thousand, fifteen hundred dollars; their all, the savings of a lifetime. It is all to them; all is gone. They are now in desperate straits. They cry out for justice at your hands. Will they get it? Will they get simple justice? That is all they ask. For five long years they have waited for it.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. MYERS. I yield with pleasure for a question.

Mr. BORAH. I wanted to ask if there is any doubt about the practicability of this project, or of its being good agricultural land?

Mr. MYERS. None whatever. I am glad the Senator asked that question. I want to say that last summer they had an exceptionally rainy season, the greatest rainfall they have had in 40 years, and they raised crops there that will equal any in the United States—oats running as high as 100 bushels to the acre and wheat as high as 60 and 70 bushels to the acre—but they have not had before such a year in 40 years in that part of the country, and probably will not have another in 40 years to come. That shows what the land will do with water on it. It is rich land, wonderfully rich, but it has to be irrigated. These people can not make it pay without irrigation. With irrigation it will be a marvelous success, equal to any in the United States.

Mr. PAGE. Mr. President, may I ask the Senator a question?

Mr. MYERS. Yes; although I am in a hurry to close. My time is nearly out.

Mr. PAGE. Before the Senator sits down I want to ask him a question.

Mr. MYERS. All right. I want to say that this project was started in good faith by the Government. It was conceived and started by former Senators Carter and Dixon, our predecessors here. They were acting in good faith when they started it, and we are acting in good faith in asking for its completion.

It is tiresome to hear the Montana delegation accused continually, year after year, of standing here and trying to rob the Indians for the benefit of the whites. Robbing somebody! We have no such motive, and I know that our predecessors had no such motive in starting it. We want to rob nobody. We

want justice. This thing is thrashed over every year. There is the annual fight made on it by Senators who, it would seem, would kill this project, murder it, and turn the innocent settlers loose on the highways to become tramps on the face of the earth, they and their families.

I want to say that last year we received some very valuable aid and support from Senators on the other side of the Chamber, especially the Senators from Utah, the Senators from Idaho, the Senators from Wyoming, and other States which are represented on the other side of the Chamber. I do hope that their sense of fairness and justice will lead them to give us some help this year. Give us justice. Give us a square deal. That is all we want. We should have a million dollars this year, and will not be satisfied with less than three-quarters of a million.

Mr. PAGE. Mr. President, I should like to ask the Senator from Montana if what he has said in regard to these projects is applicable to all the projects for which he has applied for an appropriation at this time?

Mr. MYERS. The same conditions largely prevail on the Fort Peck project, because it has been thrown open to allotment and settlement. They do not prevail on the Blackfeet Reservation, because that never has been thrown open for allotment and settlement.

Mr. PAGE. I was going to remark that you ask for an appropriation for the Blackfeet Reservation. I think it appeared before our committee that the Government had already expended about a million dollars on the Blackfeet Reservation, and that the estimate of the Reclamation Service was that it would cost \$3,000,000 more in order to complete that.

Mr. MYERS. I will discuss the Blackfeet Reservation when we get to it. This amendment applies only to the Flathead Reservation.

Mr. PAGE. If the Federal Government has made any promises to Montana, I want to have it keep those promises. I have not the slightest objection to the Federal Government taking from its Treasury all that it ought to take to make good any pledge it has made. I do not know about those pledges. When they come up and are presented to us in a proper way I will consider them, and I do not know why I will not agree that a reasonable sum may be taken from the Federal Treasury as a gratuity appropriation. What I am objecting to is this: We have begun those measures, and many of them are said to be failures. When we spend a million dollars on a project, and it will cost \$3,000,000 more to complete it, and confess that it is a failure, I want to know before we go on and appropriate, as we have under the proposals of this bill, over \$900,000 this year, that the sums so appropriated are not coming out of the Indians in the end. Just convince me that their money will not be taken for this purpose and I think I will support any reasonable measure.

Mr. JONES. Mr. President, I agree with the Senator from Vermont [Mr. PAGE] that this money ought not to come out of the Indians. I think that under section 14 of the act probably the department is justified in holding all moneys that come into that fund as a guaranty of the payment or repayment of the moneys that may be advanced; but the situation appeals to me in about this way: I know something about irrigable lands. I know something about what they are worth without water, and I know something about what they are worth in my section with water.

Under the act that we passed for the opening of these reservations we held out to the people of the country that there were lands on the reservations that could be irrigated, and from the statement of the Senator from Montana this was taken into account when these lands were appraised. Lands that it was possible to irrigate were appraised at a higher price than other lands, some of them as high as \$5, \$6, \$7, \$8, \$9, and \$10 an acre, and, as he says, even as high as \$30 an acre. The act provided then that the settlers on the land should pay this appraised price. When they took the land they had a right to expect that the lands would some day be irrigated.

There is not, however, any promise in the act that we would advance money out of the Treasury for the irrigation of that land. In other words, there is not any real promise from the Government of the United States that it would see to it that the lands were irrigated within any particular time, and not at all out of the Treasury of the United States. But the act does provide, in section 14, that of the funds received from the sale and disposition of these Indian lands the Secretary of the Interior may take such amount as he deems necessary for the construction of different irrigation works. So, taking it strictly, no settler has any ground of complaint against the Government that these lands are not irrigated unless there is some-

thing in the fund that can be used for their irrigation, and sufficient for that purpose.

But, as I understand it, we commenced several years ago to appropriate money out of the Treasury of the United States for the purpose of carrying on this reclamation with a provision, I suppose, that it should be reimbursable. Practically, we have taken money out of the Treasury and put it into this fund for the purpose of irrigating these lands. Possibly many settlers have gone on the lands since we have begun that policy. I do not know whether that is true or not; it is very likely, however.

Mr. MYERS. They have.

Mr. JONES. I think it is very likely. So they had in effect the promise of the United States that we would irrigate those lands, and that promise was especially made by our action in appropriating money out of the Treasury and putting it in this fund.

Mr. MYERS. Undoubtedly they so considered it.

Mr. JONES. I think they have a right to consider it so. I think if the Senator from Vermont [Mr. PAGE] had been induced to go upon land, in the absence of any positive assurance but with the suggestion implied in the fact that he would have to pay more for this land because of the possibility of reclamation, and with a positive provision in the law that out of some certain fund the land should be irrigated, he would have a right to expect those lands to be irrigated; and if the person who induced him to go on appropriated money from some other source and put it into this fund for the purpose of hurrying the reclamation, I think he has a right to assume that obligation will be carried out, and that these lands will, as soon as possible, be reclaimed so that he will get the benefit of the money that he paid in the first instance for the land and is then required to pay for the water cost.

That seems to be the situation here. It may be a bad proposition; I do not know about it; but I doubt it. I have seen some of this land in the Bitter Root Valley; I have seen some things they do and can do there by irrigation and reclamation; and unless extravagance and incompetence are practiced in the development of this irrigation system, I am satisfied that ultimately these lands will repay every dollar that is necessary to reclaim them.

The terms, as I understand it, are about 15 years for the payment of the water costs, and I think under that provision they will be able to take care of it.

These lands without irrigation, as the Senator from Montana said, are practically worthless. If they are of the character of desert lands in my State that are irrigated they are absolutely worthless without irrigation, and the more sure the probability is of irrigation the more you can get for the lands before the water is put on. But without water, and without any insurance of water rights, the lands are worthless.

These lands were appraised, I judge, at a pretty reasonable value. That money will go into the Treasury, and, in my judgment, even though this may cost more than we expected, and more than we think it probably ought to cost, it seems to me we have gone too far now to draw back. We have spent a million and a half dollars, and there is not any chance of ever getting that back unless we furnish water and make it possible for men who have gone on the lands to make a living and pay it back. Then, if we should abandon this proposition we would work a very great injury to men who have gone in there innocently, and with a perfect right to assume that some day, at any rate, the Government would irrigate and reclaim the lands.

In my judgment, the Government of the United States can not afford to work such a hardship upon the individual because it may be afraid that it will lose a little bit of money. I doubt if it will lose any; but even if it should lose some it can better afford to lose it than the men who have gone on this land upon the inducement of the Government, who not only spent the money for the land itself, but who have put in valuable improvements which would be absolutely all lost and destroyed if the lands are not reclaimed.

There is the situation, and I think we ought to take care of it. I agree with the Senator from Vermont and the Senator from Kansas that the Indian funds should not be held as a guarantee for the money that we advance for the reclamation of this land. It is not fair; it is not just to the Indian, and we owe them something; but under section 14 of the law we passed I am inclined to think the department is justified in holding every dollar that goes in that fund for the reimbursement of any money that we may appropriate. So I would urge that we appropriate the money to carry on this project and put in a provision in our law that the Indian land which is irrigated belonging to the individual Indian shall pay its proportionate part of such cost, and that the land upon which a settler has

located shall pay its proportionate part, and that we do not have the Indians guarantee that payment.

Mr. MYERS. That is just what we do.

Mr. JONES. I think that would be very easily covered by a provision something like we have in this same bill, put in by the House, in reference to the Yaquina Indian Reservation.

Mr. MYERS. That is just what the proposed legislation does.

Mr. JONES. I understand that, and I am sorry it was cut out; but I think possibly it might be done in a shorter way with a very simple provision. We ought to repeal that provision of the law which, in my judgment, really authorizes the department to hold all this fund and make it so that the Indian allottee shall be responsible for the cost of whatever water he gets for his land and the white settler shall be responsible for whatever water he gets for his land, and if anybody loses in the transaction it ought to be the Government of the United States instead of the Indians or the white settlers who have gone in there under the proposition as proposed by the law under which the land was reclaimed.

Mr. LANE. Mr. President, I should like to ask the Senator from Montana [Mr. MYERS] how much the Indians receive as rental for this irrigated land?

Mr. MYERS. I could not answer that question now. The lands are leased on bids. They get whatever the bids may be.

Mr. LANE. The Senator may have an idea about it, how much an acre per year?

Mr. MYERS. No; I do not now recall.

Mr. LANE. There is one thing that must have attracted the attention of anyone who has listened to this argument, and I think it applies pretty generally down the line to the management of Indian affairs. According to the statement of the Senator from Montana [Mr. WALSH] the people who have gone upon these irrigated lands are in a bad state. They have had their confidence betrayed and they are hard up and starving and are an unfortunate people. The Senator made a pathetic appeal for them on that subject.

On the other hand, if you look around to the Indians and see the unfortunate aborigines you will find them in equally as desperate a condition. Millions of dollars are to be spent and mortgaged upon their property, and the Indians in many cases are haunting the rear ends of the residences of the white people searching for food out of the swill barrels, and humbly thankful and grateful to God for a good, fat swill barrel when he finds one of that kind and it is possible for him from its contents to select something to eat for himself and his children.

I have introduced a bill and I am going to use this argument as presented here to-day to aid its passage. It is a bill to free the Indian of all such bad management and get rid of a condition which has been going on for 60 years apparently with no improvement.

Now, there is another phase of this matter which has not been studied. These lands subject to irrigation are paid for by the white settlers at the rate of not to exceed \$10 an acre, as near as I can ascertain. The most of them, I have been informed by the department, or representatives of the department, in the examinations we have had on the subject, probably go at an average price of, say, \$4.50, \$5, or \$6 an acre.

The whites, on the other hand, claim that when the lands are under irrigation these identical lands will be worth a hundred dollars an acre and can be sold for that price. The commissioner, through his assistant, informed me they could be irrigated for about \$30 an acre. Some one has since informed me that he has raised that figure.

The difference between the \$4.50 or \$10 an acre paid to the Indians for this land, plus the \$30 or \$40 an acre which it costs to put it under water, would leave a surplus of about \$50 or \$60 an acre, which does not go to the Indian. He does not get a dollar of that, not a penny of it. It goes to the white settler.

There is an injustice. If the lands are worth \$100 an acre to the whites, who will pay for it only \$35 to \$45, the difference between that sum and \$100 an acre should in justice go to the Indians and not to the white speculator, as it will under the present law. He is allotted about 80 acres of land. I will ask the Senator from Montana if that is correct?

Mr. MYERS. Of irrigable 80 acres and for nonirrigable 320 acres.

Mr. LANE. Eighty acres of irrigable land. It has been conceded by some one that unirrigated land is not worth a cent.

Mr. MYERS. No; I said not over \$2 an acre.

Mr. LANE. The irrigable lands are the most valuable, but what happens? The Indian is allotted 80 acres of land. He has not a dollar to go out and spend upon the land, either to build a house, a barn, to buy a harrow or a plow or so much as a package of garden seed. He must go on it with bare hands. He

has no capital. None of this surplus goes to set him up in business. It goes to the white man, and the Indian is left worse off than he was before it was made subject to reclamation and allotted to him, for then he could have gone out once in a while and killed a jack rabbit and ate it, or he could have killed a prairie chicken or a sage hen; but now he has not even that right left him. He is circumscribed, shut in on 80 acres, of which he can make no more use than he could out of a slice of the moon, for lack of money with which to improve it. He is unable to buy a bale of barbed wire to put a fence upon it, and it is expected that he shall show to the people of this country that when thrown upon his own resources he is equal to the white man and ought to become self-supporting. You might as well take him by the neck and drop him over the side of a ship in mid-ocean and tell him, "Here, there is good swimming and lots of it, and the water is full of fish." It is just about the same kind of a proposition. That is a part of the policy to which I object. They are a lot of poor, unfortunate, and helpless wards whom we have reached out for and grabbed by the scruff of the neck and then placed them under such conditions. The whole wretched business is a humbug and ought to be stopped.

I want to say to the Senators from Montana and to everyone else that if the Indian will not use his land and if the Indian can not use his land and the whites need it and must have it, let the whites have it; let them go and farm it. The Indians are not farmers. Those Indians were stockmen, and they are cut off even from raising stock. They have 320 acres of sagebrush land to raise stock upon. You can not do it. That does not pay; everyone who has ever tried it knows. If the whites need the land, let them have it; but, in the name of ordinary plain decency, let them pay the Indian its fair value for it. I do not see how a man who helps to continue the present condition can go out and look an ordinary burglar in the face without blushing. Let us get for the Indian what his land is worth and let him have a little of it to live upon.

It is a pitiable condition; it is a most miserable one. Here are those people with hundreds of thousands of acres of land, land that you can safely mortgage and raise \$7,000,000 on, and many of them are eating, as I said before, the cast-out refuse of the white people who live in certain portions of Montana. We have a special appropriation in this bill, if my memory serves me correctly, to relieve them of a little of their distress. An Indian can do nothing with his 80 acres of land. The Indian will lose on it. There is no chance for him to make a cent anywhere out of the transaction.

From the representation made by the senior Senator from Montana that the white man is in fully as bad a condition, the whole thing ought to be thrown out in fairness to both, and it seems to me it would be doing an act of merciful kindness to let them both get out. But if we could get for the Indian some provision for his future, something which would even give him the bare hope of getting out whole some day, I would not object. The white man is a better farmer than the Indian. The Indian never has farmed. By the evidence of the Senator from Montana, and I know it to be true, he feels that even a large percentage of those men—a respectable percentage—in Idaho, Oregon, Montana, Arizona, California, and Nevada have failed under like conditions, and when an Indian who knows nothing of farming is forced to go up against that kind of a game he is sure to lose. That is what I object to.

There is another point. The Indian must pay for this irrigation \$30, \$40, \$50 an acre, whatever it is. He must go on his 80 acres without a plow, without a harrow, without a horse, without garden seed, without a pick, a shovel, or a bale of barbed wire, and in 15 years pay back the cost of this irrigation and other expenses of establishing himself on the land, and no way on earth to get a cent of money with which to undertake the task. It is hopeless.

Mr. MYERS. Mr. President, just a minute. It is paid out of the tribal fund; that is, the Indian fund. He does not have to pay it.

Mr. LANE. Does he not have to pay a part of it?

Mr. MYERS. It is paid out of the tribal fund, whatever it may be.

Mr. LANE. He is one of the tribe and a part of the tribal funds belong to him. It is wrong.

Mr. GRONNA. Mr. President, I am a member of the Committee on Indian Affairs, and I do not wish to do an injustice to the able Senators from Montana, nor do I wish to do an injustice to the settlers who have gone out West and are now occupying those lands. I believe that some legislation must be enacted. I believe that some relief should be given to those settlers who are now occupying these Indian lands. But I think it is a mistake not to change the present law and relieve the Indians from the responsibility of reimbursement, or, in other

words, relieve the tribal funds from being convertible for the payment of this irrigation project after a large portion of the land has been sold to the white man.

The junior Senator from Montana [Mr. MYERS], in reply to a question a moment ago, indicated that the Indian funds are not subject to or held in payment for this project. If the Senator will kindly give me his attention—

Mr. MYERS. With great pleasure.

Mr. GRONNA. I read from the House hearings in 1914, page 183—

Mr. WALSH. Will the Senator yield to me for a moment?

Mr. GRONNA. Certainly.

Mr. WALSH. I desire to state to the Senator that the Senator from Kansas has signified to me that if this amendment were adopted he proposes to offer as additional amendments practically the whole of the amendment as it originally came before the Senate, and that will dispose of this whole matter. I will say for myself I shall be very glad to have the Senate adopt the amendment.

Mr. GRONNA. I am very glad that some change will be made. My interest in the matter is to protect the Indian, I will say to the Senator.

Mr. WALSH. I am sure of that.

Mr. GRONNA. But I wish to insert in the RECORD what the commissioner said in regard to this matter; and whatever disposition the Indian Office makes is final.

I quote:

The CHAIRMAN—

Speaking now of the Flathead Indian Agency—

Have they any money in the Treasury of their own?

Mr. MERITT—

Mr. Meritt is assistant commissioner, and, as we all know, a very able man—

They have some money in the Treasury, but it is largely hypothecated on account of work on irrigation projects.

The CHAIRMAN. Is it available for present use?

Mr. MERITT. No, sir.

Mr. President, I insist that the Indian money is being held for the purpose of repaying the Government of the United States for these irrigation ditches; and I am opposed to that. If anyone is to lose any money for these projects, then, sir, let the Government of the United States stand the loss and not these unfortunate Indians. I am in favor of an appropriation that will make it possible for the men who have gone out on these plains or these valleys to make their homes to get water and irrigate their lands; but, sir, I shall never submit to any proposition that will take this money out of the Indian fund and not out of the Treasury of the United States.

Mr. ASHURST. Will the Senator from North Dakota pardon me a moment?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Arizona?

Mr. GRONNA. Certainly.

Mr. ASHURST. I wish to take a moment to announce the status of the bill. Within five minutes I expect to ask the Senate to lay aside the bill. I understand that the differences regarding this amendment have been composed. I was just wondering if we could dispose of the amendment before the hour of 2.30.

Mr. GRONNA. Mr. President, I will say to the able Senator from Arizona that I did intend to occupy the floor for a few minutes, but with the statement of the Senator I am perfectly willing to desist at any moment. I simply wanted to say what I have said, that I am friendly to any legislation that the Senators from Montana ask that will be in the interest of that great State and the people of that great State—the settlers who have gone on that domain—but it must not be done at the expense of the Indians.

Mr. CURTIS. Mr. President, I think it would be better to let the whole matter go over until Monday. I should like to have a quorum here when this item is voted upon. I shall insist upon a vote upon each of the amendments, and I shall oppose each of the amendments.

Mr. ASHURST. Then, Mr. President, I beg pardon of the Senator from North Dakota for having taken his time. I did not mean to take his time, but if the Senator does not wish to continue I will ask that the bill be laid aside. Does the Senator wish to continue?

Mr. GRONNA. I will say to the Senator that I will make my speech at some other time, and I am very glad to yield to the Senator.

Mr. ASHURST. I thank the Senator. I ask unanimous consent that the bill be now temporarily laid aside.

The PRESIDING OFFICER. Is there objection to laying the bill temporarily aside? The Chair hears none, and it is laid aside.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE WITHERSPOON.

Mr. VARDAMAN. Mr. President, I ask that the resolutions of the House on the death of Hon. SAMUEL A. WITHERSPOON, late a Representative from the State of Mississippi, may be laid before the Senate.

The PRESIDING OFFICER (Mr. HUSTING in the chair). The Chair lays before the Senate resolutions from the House, which will be read.

The Secretary read the resolutions (H. Res. 157), as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

March 5, 1916.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. SAMUEL A. WITHERSPOON, late a Member of this House from the State of Mississippi.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. VARDAMAN. Mr. President, I offer the following resolutions (S. Res. 151) and ask for their adoption.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. SAMUEL A. WITHERSPOON, late a Member of the House of Representatives from the State of Mississippi.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended, in order that the Senate may pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. VARDAMAN. Mr. President, the Senate of the United States has set apart this hour to pay fitting tribute to the life, character, and achievements of one of the most excellent men and useful statesmen that has occupied a seat in the House of Representatives since the formation of this Republic. In the sublimity of his character he is splendidly unique.

SAMUEL ANDREW WITHERSPOON, son of Dr. Elias Bourdenot Witherspoon and Mrs. Elizabeth Dowd Witherspoon, was born in Lowndes County, Miss., near the city of Columbus, May 4, 1855, and died at his home in Meridian on Wednesday, November 24, 1915. In his early youth he attended the common schools in the neighborhood in which he lived. His father died when he was quite young; after which his mother, who was in rather impecunious circumstances, in order that she might afford her children educational opportunities, with SAM and two younger brothers moved to Oxford, Miss., in 1872. Young WITHERSPOON entered the University of Mississippi as a student in the preparatory department in October, 1872, and was graduated with honors from that institution in June, 1876. After his graduation he was for a while assistant professor of Latin in the University of Mississippi, during which time he prosecuted his study of the law. In 1879 he moved to Meridian, Miss., where he resided until his death. By close application and intense intellectual effort he advanced rapidly in his profession and became one of the most accomplished lawyers at the bar of Mississippi. But the study of English and American law did not affect his mind as is sometimes the case with men who attain great prominence in that profession. He was never a slave to precedent, but his mind preserved its native originality, and the elasticity of his reasoning faculties were not hindered nor handicapped by what somebody else may have said, however great its antiquity.

With a delicate sense of justice and the power to make accurate discriminations, he approached every subject, and through all of his mental processes the end invariably sought was the truth. His mind never moved in a groove, but rather in the broad field of uncircumscribed research.

In 1910 he was elected from the fifth congressional district of Mississippi to the House of Representatives, and was serving his third term at the time of his untimely death. Mr. WITHERSPOON'S election to Congress in 1910 was due very largely to the peculiar political conditions which existed in the State of Mississippi at that time. It was the result of a campaign for civic righteousness and was an emphatic protest by the people of the State against conditions which had culminated in what appeared then to be, and which we now know to have been, a complete denial by those in authority of the right of the people to rule the State for the benefit of the people. The man and the occasion met, and he took up the work to which he was called with the ease that always characterizes the ordering of destiny.

His services in the House of Representatives were of short duration, but they were long enough to make a record that will

live as long as heroism is a virtue; as long as independence of thought and intellectual honesty are regarded as attributes of real statesmanship in America; as long as fidelity to country, love of home, and adoration for God animate and glorify the human heart.

The majesty of his character consisted in the work he did, and the greatest ornament of his reputation was the dignity which characterized the doing. Though of modest demeanor and of a disposition to avoid all show and ostentatious display, his towering abilities attracted attention, and—

As some tall cliff that lifts its awful form,
Swells from the vale and midway leaves the storm,
Though round its breast the rolling clouds are spread,
Eternal sunshine settles on its head—

his name will live among the greatest and most useful men who have occupied seats in either House of Congress, and his fame will be cherished as a national asset.

I believe the most useful lessons are the lessons learned from other lives—from conduct and character. And I am also convinced that the real greatness of this Nation consists not in its unparalleled material riches, but rather in the moral qualities and intellectual acquirements of the men and women who compose its citizenship. Coming from a virile, rugged stock of clean-lived people, born and reared in the country, close to nature and to nature's God, with eyes trained to see things in their due proportions and ears attuned to hear the wise teachings of nature—by contact with men he became familiar with the wants, hopes, aspirations, and longings of the human heart, and his sympathy always went out to the silent toilers of the realm. His great heart was stirred to its profoundest depths by injuries wrought by unjust laws. He heard the howl of the wolf of Want at the door of Poverty, and from a distance the strains of music from the halls of mirth of the rich fell in melancholy cadences upon his sympathetic ears.

He was an omnivorous reader and broadly learned in the art of statesmanship, familiar with the forms of law, the history of peoples; he knew the causes that contributed to the building of great cities, the influences that wrought the civilizations, and the agencies which created the empires of the past; and he was also familiar with the influences that caused and brought about their disintegration and downfall and scattered the skeletons of bygone greatness upon the desolate shores of time.

A more splendidly equipped, superbly proportioned, patriotic character I have never known. He was gifted with a vision which enabled him to "dip into the future as far as human eye could see," and he saw the "visions of the world and all the wonders that would be." He possessed to as large degree as I have ever known that power which enables one to "hear the ocean in one shell" and see the "whole world's winter in one leaf." He was gifted with a rare power of speech, which often compelled men against their will. His logic was irresistible, as faultless and irrefragable as truth itself, and his devotion to the Constitution amounted to a religious zeal. When a question was presented to him he never sought for the popular or unpopular side—his only desire was to find the truth. If he determined that a certain course was the right course, he pursued it; his face was at once set in that direction, and no power beneath the stars, except the same cause that started him on his course, could make him change.

He was a Democrat after the strictest sect and devoted to his State. But above and beyond all, as high as the sun hangs above the earth, he was an American. I think the most beautiful trait of Mr. WITHERSPOON'S character was his devotion to the interests of the toiling masses. The great, silent, suffering, slow-thinking, toiling multitude, whose labor produces the wealth of the world—maintains its commerce in time of peace and fights its battles in time of war—these were the dearest objects of his heart's deepest solicitude.

He was brave and unyielding in his purpose. Like the "Hebrew children," who were threatened by the pagan king with death if they refused to bow to the golden god of infidelity, he answered the commands of predatory interests to bow to their behests by standing erect and declining to yield to any power or influence under the stars, save the truth. The fiery furnace of slander had no terrors for his heroic soul, and the detraction and vilification heaped upon him by the hired agents of the enemies of good government were brushed aside as inconsequential vaporings. The one god, the true god of duty, was the object of his adoration and the guiding star of his official course. He rather preferred to be right than popular. The approval of his own conscience and sense of justice were the end and object of his ambition.

I am reminded in this connection of a heroic incident of ancient history, which illustrates the habit of thought of Mr.

WITHERSPOON. It is said that when the Romans met the Volcians, Marcus inquired of Cominius in what manner the enemy's armies were drawn up and where their best troops were posted. Being told that the Antiates were placed in the center and were the bravest and most warlike, then Marcus replied, "I pray thee, place me immediately in front of them." Mr. President, that was always the request of SAMUEL ANDREW WITHERSPOON when fighting the battles of righteousness and defending the interests of the plain people of America, either in the Halls of Congress or on the field of politics. The furiousness of the conflict, the hardship of the campaign, did not concern him.

The more deadly the rain of shot and shell of misrepresentation, the fiercer the slander and detraction, the more truculent the opposition, the greater was his eagerness to be in the vortex of the contest. To do battle for the right was the consuming passion of his life. Armed with the truth, with an eloquence capable of charming the "wildest tempers" and moving to patriotic action the most sordid soul, absolute mastery of his subject, shielded with the armor of righteousness, and clothed with the consciousness of the rectitude of his own conduct and the unselfishness of his lofty purposes, these missiles of malignancy and hate fell harmless at his feet. From every conflict he emerged stronger with the people, more deeply entrenched in their love, and more highly exalted in their estimation than ever before.

I have seen him in the depths of pessimism, when the lowering cloud of doubt almost smothered his subdued soul, and then I have seen him come forth with an optimism as radiant as sunlight. Defeat gave him strength, and the righteousness of his cause always stimulated hope for the future of the Republic. He was—

One who never turned his back,
But marched breast forward;
Never doubted clouds would break;
Never dreamed though right were worsted wrong would triumph.
Held, we fall to rise, baffled to fight better;
Sleep to wake.

Pertinacity of purpose was one of the striking characteristics of his career. Really, it is the distinguishing difference between the truly great man, and the near-great man. Most men are capable of distinguishing between right and wrong—between the wise course and the unwise course—but very few men are willing to go the wise course if it happens to be unpopular or temporarily difficult of travel. Physical courage is a common attribute which belongs to the ordinary man as well as the lower animals, but moral courage is rare. And that is why all men admire it. Even the physically dauntless, moral coward, respects it. Mr. WITHERSPOON possessed that quality or attribute of character to a very large degree. He was in truth and in fact the sort of man described by Markham when he said:

Made of unpraisable stuff,
He went the ways when ways were rough,
He when the traitors had deceived,
Held the long purpose and believed,
He when the face of God grew dim,
Held through the dark and trusted Him;
Braver soul that fought the mortal way
And felt that faith could not betray.

But like most men who live above the fog in conduct and speech, who refused to grovel with mere timeservers, he was misunderstood. Some people spoke of Mr. WITHERSPOON as a mere dreamer, an insubstantial idealist. He pleaded guilty to the charge; he was grateful for the compliment; and, to show his appreciation, he continued to dream, and from the coign of vantage of an uncommon soul he looked through the dim vista of the future and read the story of destiny. He realized that the man with a vision is the only safe leader, and that the vision itself is the one unerring guide. He appreciated the fact that the practical man will clear away the forests, cultivate the lands, hold the offices, make money, and grow rich in the sordid things of life, but the dreamer is the protagonist, the pioneer who must blaze the way through the trackless wilderness. He was able to see himself in the perspective—to understand when he was right and, therefore, if he himself were misunderstood by others, he was willing to wait for the latest, best judgment.

He had a sustaining faith in the ultimate triumph of righteousness. He was intensely religious, but without bigotry. He knew by the witness of his own spirit that an "atheist laugh is a poor exchange for Deity offended," and when upon the rough sea of life, "tempest driven," with a "conscience but a canker," he realized that "a correspondence fixed with heaven is sure a noble anchor." He believed with all his heart that—

Out of the twilight of the past
We move to a diviner light,
For nothing that is wrong can last;
Nothing's immortal but the right.

There was more pleasure derived from the consciousness of duty well done than in the insincere applause which often accompanies ephemeral success. He would—

In spite of the stare of the wise and the world's derision,
Dare travel the star-blazed road, dare follow the vision.

He knew that it would—

Break like a hush on the soul in wonders of youth,
And the lyrical dream of the boy is the kingly truth.
The world is a vapor, and only the vision is real;
Yea, nothing will hold against hell but the winged ideal.

Flattery could not change his course. Defeat could not daunt him.

Tho' every leaf were a tongue to cry thou must,
He would not say the unjust thing was just.

Mr. President, I am a devout believer in the inspiration of the Scripture and the sovereign saving purpose of Christ's mission to earth. With all my heart I believe in the divinity of the Gallilean Carpenter. But I also believe in the divinity of every good man and woman who have lived and walked among men as the highest expression of God's love for "fallen humanity." To paraphrase the language of another:

We may all be saviours of the world if we believe in the divinity which dwells in us and worship it, and nail our grosser selves, our tempers, greeds, and unworthy aims upon the Cross, who giveth love to all, pays kindness for unkindness, smiles for frowns, and lends new courage to each fainting heart.

Never in the history of America was the need quite so great for men of Mr. WITHERSPOON's type as right now. The great issues which confront our people, and our manner of dealing with them, may be the crucial test of our capacity for self-government, our ability to preserve American institutions, and continue this Government for the people. Every national election in this country is a crisis in the life of the Republic. I believe that this time marks a turning point in the history of the Nation. The wave of hysteria, savored of blood lust, that is sweeping over the land seems to have destroyed the old landmarks and changed the viewpoint of men whose ability to guide the ship of state into the right channels has heretofore never been questioned. There is, I fear, a secret, silent, sinister influence affecting unconsciously the hearts and judgment of some of our bravest and best men.

Mr. WITHERSPOON's great ability would have served a noble purpose just now as an impregnable dike against the mad current of popular frenzy which runs through the present as an uncontrolled flood. Just why he should have been taken at the time he was is one of the mysterious dispensations of an All-Wise Providence. We can not understand.

Oh, why has worth so short a date?
While villains ripen grey with time,
Must thou, the noble, gen'rous, great,
Fall in bold manhood's hardy prime?

It is not ours to inquire why. But we know it is. In the hour of doubt, when question marks, like stars across the blue canopy of heaven, stand out before us, we can only wait. Our finite judgment tells us that his death was a national disaster; that his place can not be filled. He stood alone in the great work in which he was engaged. But in the darkness of doubt I am going to trust, I am going to draw inspiration from his life, which was to me a benediction. And it should be an inspiration, a beacon light to lead benighted men, blinded by selfish interests, into paths of rectitude and duty.

Such a life as his not only serves to mark the way to better living—a soul tonic to stimulate to higher endeavor—but it is also a rebuke to the timeserver, the sycophantic creature who would dishonor himself by "crooking the pregnant hinges of the knee that thrift might follow fawning." A truer, nobler, manlier man I have never had the honor and privilege of knowing. The world is better for him having lived in it. He contributed something to the stock of human goodness, and added to the sum total of human happiness—the highest accomplishment of all human effort. Peace to his sacred ashes and rest to his sublime soul.

Mr. SMITH of South Carolina. Mr. President, I am glad to have the opportunity to speak on this occasion, for the reason that I met Mr. WITHERSPOON under circumstances peculiarly qualified to give me an opportunity to know something of his real character. It was during the stormy days of 1904, 1905, 1906, 1907, when the cotton producers of the South revolted against the commercial system that had impoverished them, and was in a fair way to still further impoverish them and to perpetuate the disastrous conditions.

The Southern Cotton Association was organized for the purpose of stemming this tide of disaster. To organize for the purpose of protecting the weak and helpless producers against

the greed and avarice of the unrestrained financial pirates, the call of the association was to every southern man who was willing to contribute what he might to the betterment of this intolerable condition. No vocation or avocation, profession or calling, was barred from membership in this organization. A great majority, of course, who joined were farmers. They were the actual, or, more properly speaking, the principal, sufferers. Quite a number of merchants joined, not so large a number of bankers, and a few lawyers. There was not so great incentive for the merchants to join as the farmers, though the merchants were indirectly dependent upon the products of the farmers' crops, the bankers to a degree dependent, and the lawyers to a very much lesser degree, if really dependent at all. Thus the lawyers who came to our relief, who rendered the service of their time and brain and money, did it, perhaps, with a more unselfish and patriotic purpose than any other members of the organization. Among these was Mr. WITHERSPOON.

As an official of the national organization, I came into close contact with him more or less during a period of three or four years.

Mr. WITHERSPOON was unquestionably a Democrat in the real meaning of that term. He was so constituted that I do not believe he could have enjoyed wealth and leisure and luxury while the masses of his fellow men were suffering the privations of poverty and its attendant burdens. He realized that the proper adjustment of our laws, both financial and commercial, would be to give to everyone, under the law, an equal opportunity. He knew, as all of us know, that men are not equally endowed with power to seize and improve opportunity; but he knew that the function of law in a democratic government should furnish like opportunity to all and place the burden of failure upon him who was either incapable of seizing and improving the opportunity or who squandered or neglected it.

We are often unfair and unjust in our criticisms of a fellow man, because we have not taken the pains to know his viewpoint, to study the problems that have been thrust upon him, and to realize with him the things necessary to their solution. Mr. WITHERSPOON realized the burdens and limitations placed upon the impoverished farmers of the South. He realized the acuteness of their suffering—a proud people, the purest Anglo-Saxon blood in America, the highest ideals, the last expression in virtue, chivalry, and bravery; victims of a conflict that had stripped them of the opportunity of realizing the circumstances they were so splendidly qualified to enjoy.

He was impatient and intolerable of any compromise of the rights of the masses of the people. He believed, and fearlessly spoke the belief, that those who produced the wealth of the country were entitled to have such legislation as to guarantee them the enjoyment of a legitimate percentage of the wealth they produced. Both as a member of the great southern organization and of the Federal Congress, he never abated one jot or tittle his zeal for his people, and in his death the South has lost a valient officer in her army of patriots.

In every great reform, in every human conflict, opportunity is given to test and to know the real value of the individual. The tragic experience of the South from 1860 until now have given peculiar opportunity to know the real value of the American's character. Mr. WITHERSPOON met the test and proved his worth.

When a man dies there seems to be but an eddy in the current, a moment's pause, and then the steady stream of human events flows on seemingly undisturbed and unaffected. But the influence of that life, its contributions to the solution of human problems, are borne upon the tide of events and are forever factors in the progress and uplift of the race.

I am glad of this opportunity to hear this testimony to the memory of SAMUEL A. WITHERSPOON, to pay this tribute to his worth and character. In the vale of his character alone and the work he did, he has left a heritage to his family and loved ones that can never be measured in terms of silver and gold.

Mr. THOMAS. Mr. President, my acquaintance with Judge WITHERSPOON was somewhat brief. It had its beginning in the year 1913. We came into occasional contact only, but as time progressed our acquaintance ripened into friendship, and I am sure that if he had been spared we would have become intimate associates. His capacity, his convictions, and his views of public life were so completely in accord with my own that I was naturally attracted to him from the outset.

It so happened that in the month of February, 1913, I went to the other end of the Capitol upon an unimportant business errand. Upon entering the Chamber of the House of Representatives I noticed a group of interested and enthusiastic Members surrounding a gentleman who was engaged in the discussion of the naval bill of that winter. I joined the group and

soon became enthralled with the absolute familiarity exhibited by the speaker, who was Judge WITHERSPOON, with every fact and every detail not only of the American Navy but of all the navies of the world. With a facility that bordered upon the marvelous, he discussed the number and caliber of guns, the complements of officers and of men, the vessels of our own and of other navies, making comparisons between and drawing contrasts concerning them with the ease and perfection of a master. I have heard many discussions, Mr. President, but never have I heard one proceeding from a man so thoroughly familiar with the subject to which his address related. Upon the close of that argument I requested an introduction, and that was the occasion of my meeting Judge WITHERSPOON.

It was said by the Senator from Mississippi [Mr. VARDAMAN] a moment ago that the death of this most useful and well-informed public official at this time was a great misfortune. When I learned of his death that was the first thought that obtruded itself upon my mind, and I could not but contemplate the fact that in so many instances men are removed from their spheres of action in the very midst of usefulness and of need. I wonder, and have often wondered, why this should be so. It may be that, in the providence of God, the subsequent developments of time might operate to impair, if not to destroy, the splendid prestige which had reached or was approaching its meridian, and that, for reasons which will be in the great future disclosed to us, it were better that it should be so. But our poor human judgment protests against such conditions and fain would change them if it could.

Mr. President, the rarest manifestation of genius in this country is that which concerns itself with details, with the various facts and circumstances which underlie great propositions and great movements. It is, to my mind, the most useful because it is the most practical of all forms of genius; and it is genius, Mr. President, not only because of its rarity, but because of that peculiar mental structure the possession of which is essential to its exercise and development.

I venture to say that in the Congress of the United States to-day there are not 50 men capable of applying themselves to and mastering the homely, commonplace details of those great subjects and propositions with which we are called upon to deal, and thus become competent for the appropriate discharge of the duties devolved upon them. We differ in this respect from the Germans and the Japanese, where the prosaic, everyday, matter-of-fact affairs of life seem to appeal to the average intellect, in consequence of which the marvelous material progress of those two peoples has so long been manifest. When this country finds itself in possession of a public servant who has the will and the power, the industry and the inclination, to acquaint himself slowly, painfully, but thoroughly with every fact and every element affecting the subject matter to which for the time being he has devoted himself, his loss is a great public calamity.

I know of no man—although the occasion always produces the man—who is capable of filling the void made by the death of Judge WITHERSPOON. We are living, Mr. President, in parlous times. With the exception of the United States of America, every great nation in the world is engaged in a conflict which has no parallel in the history of civilization. We can no more escape the contagion of its influences than we can avoid the law of gravitation. Those influences manifest themselves in many ways, not the least of which is in the development of that hysteria which sees an armed enemy upon every coastline, and entertains visions of wars and rumors of wars which distract the judgment and unsettle the reason. At such times we are prone to magnify our dangers, and to rush into various schemes of protective legislation, some of which may be essential, but all of which may be condemned by the reflections of our more sober judgment. Hence, it was a sad day when, under circumstances like these, the Nation was deprived of the services of this great and most useful statesman, whose accumulated wisdom gave influence to his counsel and strength to his suggestions.

Judge WITHERSPOON's conceptions of duty were those prescribed by Edmund Burke, who said that every sense of public duty must be based upon a consciousness of public responsibility. He knew the responsibilities of his position; he observed those responsibilities, and was, therefore, animated by a sense of duty which, stimulated by the spirit of unquenchable industry, made him at all times an authority upon those subjects which fell to him and belonged to his peculiar province of legislation.

This man honored his people as their representative. They can not pay him too much honor by mourning at his bier.

Mr. BROUSSARD. Mr. President, it is unfortunately but too often that this life at the Capitol of the Nation, so full of moving events, finds itself impelled to halt from its busy activities to pay tribute to a departed colleague and friend. This is one of these occasions. Perhaps it is mete that this halt should take place, that the mind of the Members should turn from the public business and the grind of details, incident to the life of a legislator, to commune within itself and to take its bearings upon the circumstances of the coming and the going of those forming this important branch of our democratic Government.

We are too busy from day to day to mark attention to anything beyond the excitement of contending sides, in their several efforts to enact or defeat proposed legislation. But for these halts unfortunate as are the causes which command them, deeply as we grieve over these causes, much as we mourn those who depart from our very midst to the eternal borne, yet when they occur, they furnish a wholesome lesson. They bring forcibly to our mind the destiny of all living things which our activities in this Capitol would otherwise cause us to entirely forget. They remind us of the uncertainty of life, of the necessity for that preparedness which is as essential to the soul, that it may live eternally, as nourishment is to the body, that it may escape early dissolution.

We have suspended the transaction of important business of the highest order to pay tribute to the memory of SAMUEL ANDREW WITHERSPOON, of the State of Mississippi, whose death occurred during the pending session.

SAMUEL ANDREW WITHERSPOON was born at Columbus, Miss., on the 4th day of May, 1855. The death of his father, when he was but a youth, left him to the tender care of a loving mother, who, besides him, had other children whose welfare she must look after. She must have been a self-sacrificing as well as a loving mother, for in 1872, when SAMUEL A. WITHERSPOON had matured into young manhood, she realized the necessity of preparing him, so far as she could, for the exigencies of life. A proper education clearly was the first thing she thought of, and as an institution for higher learning was not in existence at her home, she that year moved to Oxford, Miss., so as to permit her son to enter the State University. SAMUEL WITHERSPOON graduated from that university, taking the degree of B. A. and subsequently, further pursuing his studies, took the degrees of M. A. and LL. D.

His education completed, and armed with authority to practice law, which his last diploma granted him, he cast about to find a location where there was prospect of advancement in his chosen profession. His eyes, scanning the many available places in Mississippi, selected Meridian as the proper field, and in 1879 he moved to that splendid little city. It did not require a long residence at Meridian for this ambitious young man, so well equipped under the loving guidance of a devoted mother, to build himself a position both socially and professionally. He was a good lawyer, lucid, logical, and forcible. I shall not speak much of this, because I did not have the pleasure of his personal acquaintance during the years to which I refer, and know of him during this period of his life only through hearsay. From my acquaintance with him, however, during the time when together we served in the House of Representatives, I can easily conceive of his power as an advocate in any branch of the law to which he directed himself. For he was possessed to a marked degree not only with the qualities which I have just described but he was one of the few really eloquent men that it has been my pleasure to listen to.

I first became acquainted with SAMUEL A. WITHERSPOON in 1910, shortly after his election, and on the day on which he was sworn in as a Member of the House, to which body I then belonged. I served with him for two full terms and continued my acquaintance with him after having become a Member of the Senate. I soon learned to like him and then to admire him. I liked him because he was a scholarly man, kind, considerate, and of as lovable a character as can be said of any man. He was honorable to the utmost and in the extreme faithful and loyal to principle. But he did his own thinking, accepted orders from no one, was always willing to discuss the belief which he had in him, and was open to conviction, if facts could be produced to overcome any erroneous conclusions which he might have reached. But he was tenacious of his conclusions, and it required facts and logic to compel his attention and change his conclusion.

He was a Democrat in the broadest sense of the term, and when I use that expression I do not mean to say that he was a man who was a Democrat exclusively because of his regularity to a party's action, but a Democrat who could give a reason for his democracy, and doing so he was not easily moved to take a

position purely upon assertions. It required that the matter at issue measured up to a principle of democratic ideal.

His intellectual honesty was not less developed than his personal honesty. I can best illustrate that which I wish to convey with regard to that splendid trait of the character of SAMUEL A. WITHERSPOON by calling attention to the fact that as a member of the Naval Affairs Committee, believing, as he did, that a democracy does not rest upon the power of might but upon the principle of right, he was immovable from his purpose to hold down governmental expenditures to the smallest amount commensurate with his conception of the safety of the country. True, I did not agree with him upon that question, since in applying this principle he invariably voted for insufficient sums to meet the governmental needs, but I none the less admired the intellectual honesty of the man who could neither be cajoled nor threatened to abandon those convictions which to him, student of our form of government, as he was, appeared to rest upon unassailable conclusions.

I said that his intellectual honesty was as marked as was his personal honesty, and I can illustrate the thought which I had in mind with regard to the latter quality of SAMUEL A. WITHERSPOON by calling attention to the fact that on entering upon the performance of his duties as a Representative, his first thought was to acquaint himself with the legal obligations, the legal powers, and the legal restrictions placed by the law upon the position he assumed. Investigation revealed to him the fact that there was a law on the statute books requiring that the absence of a Member of Congress from attendance upon the House on days of session without a legal reason deprived the Member of pay for that day's absence. This law has long been on the statute books, but is seldom applied. I even doubt, but for the fact that occasional resolutions are adopted in moments of emergency when public business is likely to suffer because of large numbers of absentees and a resolution is adopted directing the enforcement of this law, that Members of Congress generally are acquainted with this statute.

The fact that a resolution has to be adopted at times would indicate how dead that law would seem to be. I recall that at one time a great many Members were absent from the House attending to political campaigns in their various localities. It was hard to keep a quorum and the public business was threatened with suspension. Senator UNDERWOOD, of Alabama, was at the time the Democratic leader on the floor of the House, and, in order to insure the attendance of a quorum that the public business might be transacted, a resolution was introduced by him and adopted by the House requiring the Sergeant at Arms to withhold pay of absentees for days of absence while the House was in session. With the enforcement of this resolution, inquiry was made about the matter, and for the first time the membership of that House learned that SAMUEL A. WITHERSPOON had religiously doctored himself for every day's absence, when not on official business, from his very admission as a Member of the House of Representatives.

This incident describes the man's character better than anything that can be said. He followed the law, obeyed it in every respect, and never questioned others about him who looked upon it as a dead law. His personal integrity compelled him to obey the law regardless of the course of his neighbors concerning the same law.

It is a great pity that traits of character such as SAMUEL A. WITHERSPOON possessed are not more universally prevalent. But there remains of such virtues the example which such conduct always compels for the guidance of surviving humanity, so that even after death these virtues serve their useful purpose. They enlighten and encourage those who remain behind to emulate them.

Mr. POINDEXTER. Mr. President, perhaps it is sufficient praise of the late Representative WITHERSPOON to say that he was worthy of the traditions of Mississippi. In the formative period of our growth, when government under the Constitution was in its experimental stage, Mississippi, although one of the newer States, wielded a powerful influence in the councils of the Nation. In her earlier days, in the first flush of the prosperity which the opening of her fertile lands produced, there were congregated in her borders bold and aggressive leaders. They adapted themselves to the spirit of the times and the conditions of a new State. Physical courage, enterprise, and energy were in the ascendant. Among her leaders, however, were men of brilliant intellect who have left their names in the annals of the law and of the Government. It would be invidious to name any of them without naming them all, and I will not undertake it upon this occasion. The State became a leader in all the issues of those times.

In the heroic days of the Civil War, when she constituted one of the brilliant galaxy of States which sought to establish an independent government of their own, she was alike distinguished. From the poverty and ruin of that war Mississippi gradually arose, weakened it is true, but with her spirit unimpaired. Patiently and courageously she reestablished her institutions. Her courts have been distinguished for their learning and ability. Her schools, colleges, and churches have preserved the best educational and spiritual standards of the land.

It was inevitable that the man who achieved great and permanent distinction in such a State and among such a people should possess exceptional merit. It was a great compliment to Mr. WITHERSPOON that, though the people who had chosen him from among all their sons to represent them in the councils of the National Parliament may have differed with him at times upon specific questions, yet such was their confidence in the purity of his character and in the general soundness of his judgment that at the time of his death there was no indication that he might not have remained in honorable public life for an indefinite period.

I had no special opportunity or reason to form the acquaintance of Representative WITHERSPOON, but his activities attracted attention, and I knew him well. The demands and exactions of congressional duties are such that many of us here in different Chambers of this Congress collaborate for years together upon the legislation of the country without becoming personally acquainted, and with little or no opportunity for individual personal and social intercourse.

Very shortly, however, after Representative WITHERSPOON'S appearance in the House of Representatives his exceptional qualities of mind and character had so impressed themselves upon his associates that he became a man of marked distinction, even among the many distinguished men who sat with him in that Chamber. He very soon became a leader in the particular fields which he had chosen. In some positions which he took upon the difficult problems of the day I reached a conclusion entirely at variance with his, and yet such was his evident singleness of purpose, his love of justice, his tremendous thoroughness in what he undertook, that I formed a friendship and admiration for him.

I can not undertake with the limited opportunities I have had to give a complete analysis of his character, but I had many personal interviews with him, and deem it an honor and privilege on this occasion to pay a tribute to a man who I verily believe never had a thought in his public service but the public good; who loved justice and hated unfairness and oppression; who did his work thoroughly and well.

In the warfare of modern congressional life WITHERSPOON was a knight without fear and without reproach. He served his country well and left a stainless name.

Mr. ROBINSON. Mr. President, during the last 15 years the Congress has numbered among its membership no one more courageous in his official conduct or more decisive and independent in his views than the Hon. SAMUEL A. WITHERSPOON, late a Representative from Mississippi.

There is a tendency to develop a spirit of indecision concerning public questions among Members which sometimes approaches insincerity, and which too often is destructive of that firmness which should characterize our convictions.

It is, of course, proper and desirable that legislators should be informed as to the views of their constituents. It is also true that due consideration should be given to public sentiment concerning all questions with which we are called upon to deal. It is right that elective officers should take counsel of those who choose them. We may differ as to whether and when a Representative should waive his own convictions or conform them to the sentiment of the people whom he represents. No one can doubt that all important legislative reforms either originate with the people or find momentum among them. One of the greatest impediments to the proper discharge of legislative duties is found in the abuse of this principle. The practice now frequently pursued by unscrupulous or unselfish interests of manufacturing or misrepresenting public sentiment to coerce or influence the conduct of officers is subversive of the true representative spirit, but it is, nevertheless, quite potent and often successful. Taking advantage of the power of public sentiment, unfair agitation is often conducted, and by means of inaccurate and one-sided information widely distributed the real public sentiment on an issue may be clouded and obscured, to the detriment of interests which in justice should be promoted and conserved. We all know how often stereotyped letters are devised for the purpose of having them signed by our constituents, who thus appear to assert an opinion which, in fact, they may not hold, but which, to oblige another, they may thus express.

Prompted or inspired communications of this nature have little value in assisting the legislator to arrive at a correct conclusion. On the contrary, they are misleading and confusing. Sometimes a Congressman who has announced his position on a public question is besieged to change or modify it by appeals or threats from his constituents, who are induced to address him from no consideration of the public interest but through the activities of designing persons and organizations, whose ends and aims may deserve severest censure.

An executive officer is not charged with discretion in the enforcement of the law. His task is comparatively simple. The same is true in a different sense of a judicial officer. He sometimes finds great difficulty in determining what is meant by the law in a given case, but whatever he finds it to be he must declare it. The legislator, however, is concerned primarily with questions of policy and may rightly take into consideration the uncorrupted sentiment of the public concerning any measure presented. Few Congressmen are indifferent to public sentiment when fairly formed and expressed, and all are anxious to maintain the respect and confidence of the people whom they serve.

The late SAMUEL A. WITHERSPOON, a Representative in Congress from the State of Mississippi, was in many respects an unusual and interesting man. The dominant trait in his character was independence of thought and loyalty to his convictions of public duty. He exercised his best conscience and judgment in determining the merits or demerits of a measure, and when he reached a conclusion promptly and frankly announced his attitude. No influence could shake him. Of all the men whom I have known in public and in private life, he was the most decisive in his views on public issues. Mr. WITHERSPOON rarely hesitated and never vacillated. He was cautious and deliberate in the study of a problem, but when he reached a solution he never doubted its correctness, and maintained it without apology.

Many Congressmen experience great anxiety and worry over their attitude on public questions, even when they have done their best to promote the right. Mr. WITHERSPOON never feared to meet any issue presented, and once having taken his stand, felt no fear of disapproval by others and yielded to no influence however great which sought to move him. He advanced aggressively to every legislative combat, strengthened and sustained by the conviction that his cause was just.

This attribute of true greatness, the ability to know his own mind, and to be true to it, was his most distinguished characteristic. Enjoying the advantages of a comprehensive education, trained in forensic contests by 30 years' experience at the bar, his services in the House of Representatives were of recognized and permanent value. Mr. WITHERSPOON engaged in many sharp contests and in some bitter controversies. He emerged from them all with the unqualified respect of his adversaries. However his associates in Congress may have differed from him on public questions, not one doubted his sincerity or questioned his ability. It is inspiring to contemplate the career of a man devoted always to his duty, fearless always of opposition. It is not a mere eulogy to ascribe to him unyielding loyalty to his conscientious convictions. We need not invoke the license which custom grants when men pay tribute to their departed friends. Mr. WITHERSPOON earned this tribute. He enjoyed this reputation while living. His acquaintances universally ascribe to his memory the honor and the devotion which courage and determination alone command. In the annoyances and uncertainties of political life which at times must be experienced, the will to do right in defiance of the powers that some times make us hesitate, may be an un-failing source of strength and happiness.

Mr. WILLIAMS. Mr. President, the grave is a great equalizer and silencer, not only of social and other differences of station but of all human passions and human feelings. In its presence everything else sinks into insignificance. Men are no longer Democrats, or Republicans, or Presbyterians, or Catholics, or Frenchmen, or Germans, or Christian, or Jew; they are simply men, and men who have passed away. By its open portal all old acts of friendship are revived and remembered and emphasized; all old enmities are annihilated in the minds and hearts of all gentlemen.

Upon this occasion I recall my first race for Congress in the State of Mississippi in 1892, now a generation ago, and I recall that among the useful and efficient friends who then advocated my cause, who then strove to advance it and imposed upon me a debt of gratitude, gladly recognized, was SAMUEL ANDREW WITHERSPOON, of Lauderdale County, Miss. Both of us at that time were young men; he was born on May 4, 1855, and I less than a year previously.

I recall with particular appreciation a speech made by him at a banquet given in the city of Meridian, in which he paid me undeserved but much appreciated compliment. In all my association with him, though we had differences of opinion later, I never forgot that occasion or the kind and entirely too partial words which there flowed from his lips.

There is a philosophy of life which takes in "a contemplation of death." I am, in my humble way, a disciple of that philosophy. Its central point is to remember pleasant traits about others and pleasant points of contact between one's self and other people.

Mr. WITHERSPOON was a man far above the average in learning, breeding, and intellectual attainments and in liberal culture. He graduated from the University of Mississippi in 1876. The faculty showed its recognition of his scholarship by making him a tutor in Latin there for three years afterwards. Having earned the degree of A. B., the degrees of A. M. and LL. D. were subsequently conferred upon him by that institution, which has given to Mississippi and to the United States so many men of whom Mississippi is proud.

There is something better in the world, however, than educational equipment and mental culture, and that is personal and intellectual integrity. Mr. WITHERSPOON possessed it. However much one might differ from him about questions of public policy, nobody, I think, ever doubted his sincerity or his personal honesty and courage of conviction. He was a good husband, a good brother, and a good father. Much more than that can not remain to be said of any man.

I have always regretted very much that I was not able to attend his funeral, in the city of Meridian, when he died. I live out in the country, and the news came too late for me to make the railway station in time to be there. I especially regretted it because he had disapproved of some of my public conduct and opinion, and I wanted his wife and his children and his kinspeople, and him himself, in the other world, to know that, so far as I was concerned, all differences were buried in his grave, and that so far as I was concerned no real enmity had ever existed in my heart.

Mississippi has adorned the pages of American history with some men of great intellectual force and eloquence. She has seldom disgraced those pages by sending to either House of the Congress of the United States or to the Cabinet or to the field of battle any man who was not honest and brave and true and loyal to the best traditions and to the loftiest ideals of the American Republic. I do not think that those who stood against the opinions advocated by Mr. WITHERSPOON would or could say that he had ever been otherwise than honest, personally and intellectually, and true to his conception of what constituted the best traditions and ideals of his country.

The name is an old one. It was borne by one who signed the Declaration of Independence and by one who was a Member of the Continental Congress. The name was not dishonored by SAMUEL A. WITHERSPOON during his lifetime, but was worn in honor.

Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 38 minutes p. m.) the Senate adjourned until Monday, March 27, 1916, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

SATURDAY, March 25, 1916.

(Legislative day of Friday, March 24, 1916.)

The recess having expired, the House met at 11 o'clock a. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House was requested:

H. R. 13043. An act making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 2960. An act for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis.

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

Senate concurrent resolution 18.

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,000 additional copies of Senate Report No. 166,

Fifty-seventh Congress, first session, entitled "The Improvement of the Park System of the District of Columbia," of which 500 shall be for the use of the Senate and 500 for the use of the House of Representatives.

The message further announced that the President had approved and signed bills and joint resolution of the following titles:

On March 16, 1916:

H. R. 9225. An act granting the consent of Congress to Georgia Lumber Co. to construct a bridge across Flint River, Ga., between Dooly and Sumter Counties.

On March 17, 1916:

H. J. Res. 180. Joint resolution providing for an increase of the enlisted men of the Army in an emergency; and

H. R. 403. An act granting to the State of Oklahoma permission to occupy a certain portion of the Fort Sill Military Reservation, Okla., and to maintain and operate thereon a fish hatchery.

On March 20, 1916:

H. R. 4530. An act for the relief of Michael F. O'Hare;

H. R. 10032. An act to authorize the construction of a bridge across the Ohio River from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa.;

H. R. 10238. An act granting the consent of Congress to Interstate Bridge Co. to construct a bridge across Mississippi River;

H. R. 10487. An act reserving or excepting all ores or minerals on the lands, with the right of mining the same, on the site of the proposed post-office building at Calumet, Mich.; and

H. R. 11628. An act granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimack River.

On March 21, 1916:

H. R. 3636. An act to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. SAMUEL A. WITHERSPOON, late a Member of the House of Representatives from the State of Mississippi.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended in order that the Senate may pay tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

URGENT DEFICIENCY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the urgent deficiency bill (H. R. 13043), disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the urgent deficiency bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. FITZGERALD, Mr. EAGAN, and Mr. CANNON.

LEAVE OF ABSENCE.

Mr. WATKINS, by unanimous consent, was given leave of absence indefinitely, on account of serious sickness in his family.

IMMIGRATION.

Mr. SLAYDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the immigration bill.

The SPEAKER. The gentleman from Texas moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10334, the immigration bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS in the chair.

Mr. HAYES. Mr. Chairman, I yield eight minutes to the gentleman from Pennsylvania [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, although I have but a few minutes at my disposal, I wish to pay some attention to the address of the distinguished Representative from the State of New York [Mr. BENNET] delivered on this floor some days ago. And in referring to that address I will repeat and adopt as my own the words of the New York Representative then used as follows:

And before I vote to keep a Hebrew or a Catholic out of this country on account of his religion I will resign my seat in this House, much as I value it.

And I sincerely trust, Mr. Chairman, that this sentiment is concurred in by every Member of this House of Representatives.

For myself I desire to state frankly and forcefully that I have no sympathy with the spirit of religious intolerance that has been so rampant throughout our land in recent years. Frequently we find important political contests waged on the narrow issue of religious antagonism, to the detriment of the communities where such contests occur, and it is to be regretted that this issue has been thrust into the debate of an important measure before this great lawmaking body. Such a spirit is in direct opposition to the American principle of religious liberty founded by Roger Williams in Rhode Island, adopted by William Penn in Pennsylvania, encouraged by Lord Baltimore in Maryland, and now permeating the institutions of our common country. [Applause.]

I am therefore in full and hearty accord with my friend from New York, in so far as the principle of religious liberty is concerned, and likewise in agreement with another New Yorker, the great Chancellor Kent, who in his treatise on American law, after reference to the so-called absolute rights of man as laid down by Blackstone, namely, personal security, personal liberty, and private property, continues in these words:

The free exercise and enjoyment of religious worship may be considered as one of the absolute rights of individuals, recognized in our American Constitutions, and secured to them by law.

And this principle, in my judgment, is so firmly established in our institutions that when some of the other so-called but rapidly vanishing absolute rights have been materially lessened in importance as a result of present-day legislation, this right of religious freedom shall remain entrenched as a sacred if not an absolute right of an American citizen.

But while agreeing with my good friend and very desirable Member of this House, in so far as this principle is concerned, unlike him I am in favor of this bill. I remind the gentleman and the Members of this House that the Republican national platform of 1896, on which William McKinley was elected President, contained a provision demanding that the immigration laws be thoroughly enforced and so extended as to exclude from entrance to the United States those who could neither read nor write. This action on the part of the delegates to the convention could not have been based on information obtained later than 1895, and in that year the number of immigrants to this country from Europe amounted to 271,000 and more than 50 per cent of these came from Germany, the United Kingdom, Norway, and Sweden alone, so that the religious issue could not then have been involved.

I am in receipt of numerous letters, petitions, and resolutions from local labor organizations favoring this bill, signed in many instances, to my personal knowledge, by good and true Catholics, and I will not have it said on this floor without entering an emphatic denial that the religious question is involved in the consideration of this measure. Certainly it is not in so far as I am concerned, nor do I believe that it has any influence on any other Member of this body. Not only am I free from any feeling of religious antagonism but also from any racial antagonism, considering myself a child of the one great God and able freely and without restraint to extend the right hand of fellowship to the newcomer to our shores regardless of the country from which he comes or the religion which he professes.

The gentleman sought to strengthen his position by reference to a conversation with a representative of the Junior Order United American Mechanics, giving the impression—I think I correctly state his attitude—that the order referred to was favorable to the bill on religious grounds, and yet in that same conversation he tells us that the same representative of the order informed him that they had been fighting immigration for a period of 60 years. If this be true, then surely their opposition is not based on religious grounds, for I have already shown by reference to statistics as recently as 1895 that it has only been within comparatively recent years that the bulk of European immigration has been Catholic, and therefore the attitude of the Junior Order United American Mechanics being consistent with its position of former years can not be said to rest on any religious opposition.

Now, a word as to the merits of the measure. In these days, when our States have enacted compulsory education laws and child-labor laws, and this body, as recently as the present session, not only encouraging but seeking to force these laws on unwilling States by excluding certain child-made goods from interstate commerce, all of which has been done with a view to fitting the rising generation for the duties and responsibilities of a higher citizenship, and done in many cases at great cost and sacrifice to poor families, and especially to widowed mothers, it is but right and just and fair to say to those from without who seek the superior advantages of this country that

they should at least put forth sufficient effort to meet the limited requirements of this bill.

Of course this is a departure from the established policy of this Nation, but it is not the only departure of recent times from the ways and methods of the fathers. Oh, that was a grand speech by a grand old man delivered in this House yesterday [applause], but conditions have changed in recent years and these changed conditions demand new laws. Who 20 years ago would have proposed in this House such taxation laws as are now enforced? Who would have advocated such pronounced Federalism as is now practiced by the professed followers of Thomas Jefferson? Who would have strenuously championed a national prohibition amendment? Who would have seriously advocated universal suffrage? Yet these things are being done and they demonstrate how far and how fast we are traveling from the ancient landmarks. Possibly we have reached a point at which we might well pause before traveling farther from tried principles of representative government; but I can not discuss this problem now.

Let me impress you with the fact that we are confronted with vastly different conditions that require some change in our position. A short time since we looked upon Europe with comparative indifference as she grappled with her great social problems, as we felt her problems could never be ours. But to-day we are not only face to face with those social problems but are fast being carried into European militarism, from which God grant we may be spared. [Applause.] It was Carlyle who said, in effect, I do not pretend to quote his exact language: You may talk of your America and the prosperity you enjoy, but the secret of your success is that you have a great deal of land for a very few people. Density of population has brought its problems to our doors, and to solve them prudence coupled with wisdom must be applied. [Applause.]

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

Mr. HAYES. Mr. Chairman, I yield the balance of my time—11 minutes—to the gentleman from Ohio [Mr. Fess]. [Applause.]

Mr. FESS. Mr. Chairman, I hold that the justification of any legislation, of whatever character, must be found in a better citizenship. I do not believe that if we analyzed legislation we would find ourselves justified in passing any law, no matter what be its character, unless we could base it upon a civil reason, and that civil reason is to secure a higher grade of citizenship. If we look at this problem from that standpoint, I think we will find that our legislation on the immigration question in the past has been put upon that basis. There is a review in section 3 of the legislation on this question, and I find certain elements here. One is exclusive, another is restrictive, and another is selective. All of these elements have been employed in the past. We excluded the Chinese, we excluded the Japanese as far as treaty relations would allow us to do it; and I want to say right here and now that I would not vote for any measure of exclusion which I felt violated a treaty until the treaty was modified. This bill has an exclusive feature also with respect to the Hindu. I think that we are justified, Members of the House, on various grounds in enacting exclusive legislation. As a student of the future possibility of China, with a population of 425,000,000, with a possibility, as stated by men who know, that when China awakens what Japan has done in 50 years will be better done and more easily done by China, I think that the possibility of coming into competition industrially with that tremendous Empire is a most serious problem which every man must take into consideration in legislating. For that, as one reason, I think exclusive legislation is justifiable. Legislation has been also restrictive, and it is restrictive in this bill. Here is a restriction upon the mentally unsound, a restriction upon the physically defective, a restriction upon the morally delinquent, a restriction on the industrially vicious—those who will inevitably become a public charge upon the Government. I refer now to the beggars, to the vagrants, to the people with no standards of living, those who would come into industrial competition with our people, who could live upon what would starve an American. Our standard of living as we now strive to maintain it will be sustained only by such legislation. I think that admission to our shores of such peoples is industrially vicious, and for that reason I believe restrictive legislation in that respect is justified. There is also a restriction against the governmentally vicious, the anarchistic elements, those who are forcibly and organically and in organizations opposed to organized law and even government.

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

Mr. FESS. Certainly.

Mr. MADDEN. Is not that already in the law?

Mr. FESS. Yes. I am speaking of the past legislation, I would say to the gentleman. I am speaking of what we have already enacted into law. In other words, we have had legislation that is exclusive, also legislation that is restrictive, and now I desire to pass on to what this legislation means to be in addition to what we have had in the past.

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

Mr. FESS. Yes.

Mr. JOHNSON of Washington. While the gentleman said correctly that our laws now prohibit anarchists from coming to this country, he admits, does he not, that in the law as at present there is nothing which excludes those who practice sabotage, a condition which we seek to write into the law through the bill under consideration?

Mr. FESS. Yes. In other words, this law is supplementary to what we have already. This proposed law is not so restrictive in its purpose as it is selective. I would not be so unkind as to say that those who are opposing this bill would oppose all legislation that looks to restriction. That would not be fair to many Members. However, that statement is fair with reference to some Members who have spoken upon this bill. There are those who believe absolutely that any restrictive legislation is wrong; and one of the Members, speaking from his place yesterday, said that the purpose of this bill is the restriction of immigration, as if that were an argument against it. As I say, the general principle opposing this bill emanates from those who believe, as I think, that it is a mistake to make any limitations. There is where I differ from my friends. I think that this bill, which is selective rather than exclusive or restrictive, but which looks to a better class of immigrants, is absolutely justified, not only by what we have done in the past but by present demands and by what we must see are the demands in the near future. My reasons are these: This bill is initiated for the specific purpose of making a better citizenship—the purpose of all legislation. It is not intended to exclude those who will add in any measure to the importance and to the value of our citizenship.

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

Mr. FESS. Yes.

Mr. MADDEN. Does the gentleman think the power to read a few words in any tongue or write those words will add anything to the test of the qualifications of the man—morally, physically, or mentally.

Mr. FESS. I believe, frankly stated, that a mere ability to read 30 words is not a real and conclusive test. I would not for a minute say that it is, but I do believe that those who can not read 30 words and who have not energy enough to learn to read 30 words are not desirable, and I do believe that those anywhere in Europe who can not now read the 30 words but who have energy to learn to read have more promise for our citizenship when they come than the one who can not do it, and for that reason I will vote for the literacy test, believing it is a suggestion of the ability to be a more useful citizen because of ability and energy to learn.

The literacy test will probably start many evening schools to relieve the limitation provided by this law. Against that class of foreign individuals this literacy test will not be final.

Mr. MADDEN. How many citizens on this floor does the gentleman think would be here if their antecedents were required to be able to read and write before being admitted to America?

Mr. FESS. I know that Members of this House might say that I probably may be ungrateful when I say to you a thing I did not suppose I would ever say publicly, that my mother, in the shadows of the evening of life, living in her home in Lima, never went to school a day in her life, can neither read nor write, and while my mother did not want her children denied the opportunity denied her, because she lived in a community in which there was no school, she would not desire me to stand on this floor and say that that is the reason or a reason why we should not have a better citizenship. [Applause.] On the other hand, my mother said to me: "I can not have the advantage of schools, but there is one thing that I will work my finger nails off for, and that is that my children shall have the opportunity to learn to read." [Applause.]

Mr. BENNET. Will the gentleman yield?

Mr. FESS. I will.

Mr. BENNET. Is the gentleman aware that the very praiseworthy attitude on his part toward his mother, which we all admire, expresses the attitude of the foreign-born parents who insist on education for their children in this country?

Mr. FESS. I cheerfully admit it. I do not think there is anything that gives greater pride than to see in your city the

great ranks of foreigners waiting on the morning when the schools are to be opened to see whether their children are going to get in the schools and not be excluded; but they would not say that education is not a real value, as we have so often heard since this debate has opened. On the other hand, they want their children to learn to read. They would not urge that that is an argument for illiteracy, nor that our people should repudiate the value of education here. [Applause.]

This summation of reasons must be placed upon a legislative desire to insure a higher citizenship. The literacy test has been and is now indignantly attacked on many grounds. Those who favor it are stigmatized as narrow, bigoted, pharisaical, and as nativists with an old "know-nothing" flavor. These attacks should not be interpreted too seriously. It is most probable they would make them against restrictions of any sort, because they speak against any restriction. If we accept their statements for what they are worth, they plead the cause of ignorance rather than philanthropy. These men live in a country which has pronounced ignorance a crime, punishable under the law. Is it possible they declare it a crime for an American and a virtue for a foreigner?

We spend three-quarters of a billion dollars per year on our common schools in order to remove this incubus. We do it not so much for the youth but for the coming citizen of the country. If the American born must not grow up in ignorance because of the State, then why should the State admit the ignorant with open arms? Why should there be one standard for the native American and another for the foreigner?

I shall vote for the illiteracy test because it will select our immigrants. It will lift the standard of the foreigner. The one who comes to our shores should have a distinct purpose. If he comes to remain for a short time to take back his wages at a lower rate than our own labor, he does not help American conditions by breaking down our standard. If he can not read, he can not become a citizen. Why should we have a literacy test for citizenship and not for immigration unless we wish to encourage the coming here of the foreigners to remain as a foreigner until he desires to return? Note the 400,000 foreigners who returned to fight the battle of their rulers. Do we mean to encourage that sort of immigration? If so, why? Let those who favor such immigration contemplate its effect upon our standard of living among those who toil. Members of the House, whatever else we do to maintain our ideals of citizenship, our standards of living, we must not by law permit such an incubus to be fastened upon those who toil. Our purpose here should be to insure advance of these people, not retrogression.

While the literacy test, as I said before, is not a conclusive test, it is a step in the right direction. I have consistently stood for a protective tariff, as I said once before. I thoroughly believe in it. My chief reason is to prevent goods from cheap European labor competing with our goods of highly paid labor. Believing as I do in this protection of our labor, I can not and will not vote to indiscriminately bring in unskilled ignorant labor to compete with our labor. This is one of the chief reasons for my contention.

Mr. Chairman, to listen to some of the utterances in the discussion of this bill, where we hear Members compare the viciousness of some educated men with the virtues of some of those who can not read, we wonder in what land this discussion is carried on. How account for these encomiums upon ignorance and these invectives upon intelligence?

This bill demands that our standards of life shall not be lowered. It demands that our requirements for Americans must not be discriminated against in favor of immigrants. It demands that our unskilled labor shall not be too greatly increased. It demands that the problem of unemployment shall not be further confused by indiscriminate immigration. It demands a premium upon energy and intelligence.

This bill will not keep out the industrious and the energetic. Anyone who can not learn to read 30 or 40 words has not energy and industry enough to insure the country against his becoming a public charge. This bill will likely stimulate education in Europe as nothing else will—especially in those sections where the ignorant population live. This bill by this process of selection will not harm, but it ought to help, and I shall therefore use my influence to secure its adoption. Mr. Chairman, it may be again defeated, but, gentlemen of the House, you can do no more than defer it. You can not fight against the future. In this case time is on our side. This measure will become a law sooner or later. The judgment of the country demands it, and it must come, if not now then soon.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CASEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. SHAFROTH, and Mr. WARREN as the conferees on the part of the Senate.

IMMIGRATION.

The committee resumed its session.

Mr. SIEGEL. Mr. Chairman, I yield nine minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, my good, warm friend, the gentleman from Ohio [Mr. FESS], has made the strongest argument that could possibly be made against the literacy test. [Applause.] I am opposed to this test, because I sometimes think that mother might have been born in Germany, in England, or in Italy and that she might have been unable to read. In that event, this bill being a law, some of us would not have had the opportunity to be citizens of the United States, and we certainly would not have become Members of the Congress.

It is the humane side of this question that has induced me since I first came into this House to oppose this feature of a bill that otherwise is not so objectionable. The humane side of this question rises far above the question of citizenship, as it has been described by my friend from Ohio. I am persuaded that Jesus Christ on earth would not have included the literacy-test clause as it is here written. It is lacking those elements of that brotherhood of man which everyone of us in his innermost soul strives for, regardless of the country from which he hails. I agree with the proponents of this bill in this, that—

Mr. MEEKER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I have only nine minutes.

Mr. MEEKER. But will the gentleman yield to me?

Mr. MOORE of Pennsylvania. I will yield to the gentleman.

Mr. MEEKER. I would like to ask, if on the subject of a program the gentleman is calling in the Master as a legislator, would He stand for compulsory education?

Mr. MOORE of Pennsylvania. I venture to say that if the gentleman were preaching the doctrine of Jesus Christ he would not preach the preference of one set of human beings over those who have less favorable opportunities in the world.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I do.

Mr. JOHNSON of Washington. Would the gentleman in his spirit of broad humanity admit millions of Chinamen in the United States?

Mr. MOORE of Pennsylvania. The question of assimilation arises there—

Mr. JOHNSON of Washington. Or people from Brazil?

Mr. MOORE of Pennsylvania. As soon as Chinamen are willing to assimilate with the people of the United States we have another question. The difficulty with the gentleman is he will not assimilate with the Hindus and Japanese, and that gives some justification for the stand he takes.

Mr. JOHNSON of Washington. Would the gentleman admit those from Brazil and Mexico?

Mr. MADDEN. This bill admits them from Mexico.

Mr. MOORE of Pennsylvania. The gentleman will have to secure me more time if he desires me to answer.

Mr. Chairman, I must proceed. I agree with the proponents of this bill that we should restrict undesirable immigration, but I can not agree with them that worthy and hard-working immigrants who can not read are so undesirable that they should be excluded. We have plenty of law to keep out immigrants who are criminal, insane, anarchistic, or otherwise undesirable, and if any of them slip into the country it is due to the administration of existing law rather than to the law itself. The pending bill in a great many pages reaffirms existing law. It excludes undesirable immigrants who are already excluded by law and imposes an additional head tax upon those who are admissible. It enters upon ticklish ground in its treatment of Asiatics, but the chief new feature of the bill is the provision which excludes immigrants who seek a haven in the United States for no other reason than that they can not read. This provision is insisted upon by the ultraimmigration restrictionists despite the fact that it resulted in vetoes by Presidents Cleveland, Taft, and Wilson, which vetoes were sustained in every instance by Congress.

The eloquent gentleman from Alabama [Mr. BURNETT], who has championed this measure for many years, has indicated that its passage would correct many of our social and industrial evils, advancing his line of thought so far as to suggest it would stop the raids of Villa on the Mexican border. The confidence of the gentleman in this regard is as sublime as his faith in "our watchful waiting" policy in Mexico or the unthinkable thought that President Wilson, who vetoed this bill two years ago, will change his mind and approve it now. This bill will not stop the raids of Villa nor the smuggling of Asiatics nor the sneaking in of undesirables any more than any law will prevent murder or theft. If we were to adopt the thought of the gentleman from Alabama with respect to border raids or smuggling, it would be necessary for us to increase the Immigration Inspection Service to twice the size of the present standing army, plus the addition of the 40,000 men provided for in the Hay bill. For the sake of the present administration and in order that our overburdened Treasury may not be too speedily depleted it would be well for some political strategist to induce the gentleman from Alabama to eliminate the suppression of Villa from his immigration program.

My objection to this bill, Mr. Chairman, is due to the literacy test it proposes. Such a test is neither patriotic nor humane. It favors the worthless and designing immigrant who is capable of making trouble for this country and it casts down utterly the worthy toiler who struggles patiently and laboriously under the burdens imposed upon him by the strong and the heartless. Gentlemen in debate, spurred on by petitions and resolutions, dictated by expediency and without regard to the human side of the problem, have inveighed against the illiterate. Strange enough, many of these same gentlemen on other occasions have been the most persistent friends of the downtrodden and oppressed. It is not the criminal or the crook or the polished schemer they are after now; it is the man or woman who has the misfortune to toil on through the world without having learned to read. Not those who are scoundrels by profession but those who can not read must go back under this bill, back to the inferno of Europe, back to the hopeless gloom from which they came, denied even that ray of light, that hope of civilized living which was vouchsafed to those who now turn their hands against them. This literacy test does not stop the anarchist, for he can read; it does not stop the Cronos, who poison our food, for they can read; it does not stop the agitators who preach from the street corners, for they can read; it does not stop the artist or the lecturer who coins American dollars and spends them in Europe, for they can read. What this literacy test does is to stop the men who can not read, but who are willing to work under an American system until they themselves can earn enough not only to learn to read but to pay for the education of their children. The farmers of this land are now pleading for this class of untaught workers.

Mr. BAILEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I regret I can not yield.

This literacy test will bar the war-made widows of Europe for whom the housewives of America are now pleading. It will bar these widows and their orphans if they are so unfortunate as to be willing to work without stopping to read. This bill assumes to speak for American patriotism and labor by denying to the unfortunate who would come here to work the same right and the same opportunity that was held out to the oppressed people of the world when our forefathers founded this Republic. It proposes to reverse the order of history and tradition, destroy the universal belief in America as a haven for the oppressed or for those seeking relief from persecution or political or religious views by writing over our portals the inscription, "All hope abandon, ye who can not read." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman has that right.

Mr. SIEGEL. Mr. Chairman, I yield eight minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, yesterday as the debate upon this immigration question proceeded I sat here and listened with great attention to the discussion indulged in by the advocates of this measure, hoping to hear some plausible argument fall from their lips in justification of the literacy test which this bill proposes.

Several of the gentlemen who whipped their minds into a torrent of enthusiasm for this literacy feature are careful to correct and revise their remarks, and, as a consequence, they do not appear in the Record this morning.

In the printed remarks of the gentleman from North Carolina [Mr. Hood], a member of the Committee on Immigration, there appears a quotation from the speech of Hon. W. Bourke Cock-

ran, of New York, a former member of this House, which the gentleman from North Carolina presented, as it were, in defense of the literacy test in this bill. The quotation is as follows:

It is true—

Speaking of the immigrant—

that he crowds sometimes into a great city like New York, and it is also true that in more than one quarter of a great city you can find a population almost entirely foreign; signs over shops are in foreign characters, the language actually spoken is foreign, the habiliments of the people foreign, of the women especially, among whom that tendency to color so strong in certain European populations is very pronounced. As you see these aliens leading their lives according to habits that have grown up across the sea you might well wonder, as you go from one district to another, each inhabited apparently by people differing wholly from the others, if, indeed, there be not here a multitude of races beyond the capacity of even this Nation to digest.

[Applause.]

At the end of the quotation, the gentleman from North Carolina received some degree of applause, whereupon he proceeded to say that Mr. Cockran gave his reasons why this Nation can digest such conditions. The gentleman from North Carolina did not quote the reasons which he said Mr. Cockran gave, and I desire to read these reasons into the RECORD in order that the entire statement of the distinguished orator from New York may appear:

But this doubt can never linger in your mind longer than it takes to walk a single block. Because it is impossible to go more than that distance before you will see a solid building, unpretentious but simple, with a door at either end over one of which is inscribed the word "boys" and over the other the word "girls," and shortly after three every afternoon from these doors there pour out streams of boys and girls, every one of them speaking the United States tongue and whose greatest pride is that he or she is an American. To tell any one of them that he is an Italian, a "Dago," or an Armenian or a Scandinavian or a Hungarian, is the one offense that can be expiated only by a blow.

Mr. Chairman, the obnoxious literacy test in this bill has always been the head and front of its offending. Three times the bill has gone down to defeat because of this literacy feature. The fourth trial may finish it completely—a consummation devoutly to be wished.

Apart from the literacy test, the bill has many commendatory provisions; but this test so thoroughly vitiates it that it can not receive my support. I voted against it in the last and I shall register my vote against it in the present session of Congress.

So much has already been said respecting the literacy test that very little that is new can be offered. For the best part of 20 years it has been discussed in and out of Congress. Majorities in both Houses have favored it, but on every occasion of its passage it has failed of presidential sanction.

Whatever motives actuate the proponents of this literacy test, they appear to justify it on the ground that it will bar undesirable immigrants. My own belief is that it will exclude numbers of immigrants who can not read but who are in other particulars entirely worthy of admission. To my mind it is at once injudicious and unjust. It will welcome the degenerate, who is usually able to read, and repudiate the industrious foreigner. The accident of illiteracy is not a sound reason for shutting the gates of admission against an immigrant. Rather his health and strength, mental, moral, and physical, and his anxiety to earn an honest living in the exercise of his toil are warrant that no fear need ever be entertained that this country will be harmed by his coming here.

A literacy test provides for an aristocracy of immigrants, and is therefore discriminatory and un-American. It assails a class of immigrants who lack rudimentary education only because the key to obtain it has never been placed in their hands. This is not their fault, but their misfortune. Instead of keeping them out for the reason that they can not read it should be our purpose to admit them, if they are otherwise worthy, and endeavor to remedy the defect so far as it lies in our power. This, sir, is our present practice, and it makes for a more enlightened citizenship and is altogether compatible with republican institutions. We can Americanize the foreigner, and are doing so to-day by means of the splendid educational opportunities that this country offers. The children of immigrants are in many cases the unconscious agents of this transformation, for the influence of the school and library upon them, which is often transmitted to the parents, drives out many racial tendencies that otherwise might retard assimilation.

Mr. Chairman, this legislation lays down the proposition that an illiterate person is not fit to be admitted into the United States. The proposition is not only absurd, but it is subversive of every principle of justice on which our Government rests. We can not accept it unless we are willing to stultify ourselves and unlearn the history of all that the foreigner—the illiterate foreigner—has done in the marvelous development of our coun-

try. The millions that have come here at successive periods have done vastly more than increase the numbers of our population. Untaught by any teacher save the God of their fathers, unskilled and unschooled in any art or science, but depending wholly upon native muscle and sinew, they have struggled with the forces of nature, hewed down our forests, cultivated our fields, built our highways and railroads, constructed our canals, and thus transformed the entire country from its rude and primitive state to a land desired of all as a place of peaceful habitation.

I cheerfully accept the proposition that this Government should use every possible precaution to prevent vicious, immoral, and idle immigrants from seeking admission in our ports, for it is these classes alone that present the dangers that may arise from future immigration. This measure, however, does not accomplish the purpose, but rather sets up a standard which these classes are usually able to meet and which the honest, industrious, and God-fearing immigrant can not always attain. It presents a policy unworthy of the passive consideration of any real American, much less his active support.

If the presentation of this bill serves no other valuable purpose here, it will, at least, permit us to remind its advocates of what we owe to the foreigners who in the past have found a haven in our country. But for them the country would yet be struggling in infancy, its resources undeveloped, its soil unyielding, its marvelous wealth still hidden, and all the wonderful agencies of the land would not yet have arrived at their marvelous state of advancement; yes, even the buffalo and the beaver, with their hunter, the savage of the forest, would at this period of our existence, as they were in our early history, still be predominating inhabitants of a great portion of our country.

Notwithstanding the aversion manifested by the victims of alienophobia who, no doubt, would be quite willing to shut off immigration altogether, it must be admitted that there is yet much work to be done in the future development of the country. Vast and varied resources we have yet remaining whose development depends upon unskilled labor, which the foreigner must furnish and which makes immigration an entirely practical, if not a necessary proposition. We need the immigrant and we welcome him because he is useful. But his usefulness can never be determined merely by a capacity to read.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. I yield to the gentleman three minutes more.

Mr. KENNEDY of Rhode Island. I thank the gentleman.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. KENNEDY of Rhode Island. I have not time in which to yield.

Mr. Chairman, our wonderful institutions have been built up by our liberal policy of immigration. We have become a great Nation largely through extending an inviting hand to the sturdy sons of toil who have lived and struggled under a foreign yoke in the hope that some day they might be released from the shackles that bound them and be permitted to enter into and enjoy the blessings of a free country where labor is dignified and the spirit of freedom abides. Let us not now depart from that purpose by setting up a literacy standard, which is not the measure of man. Rather let us continue to make our selections on physical, mental, and moral grounds. Like Bassanio in the play—

Let us turn from the specious casket, which contains only the death's head and the fool's head, and fix our choice upon the plain leaden casket, which conceals the treasure.

Though very little enthusiasm exists at present for the ancient belief that this country must forever be a refuge for the victims of Old World oppression, it can not be that there still exists any trace of the spirit of other times, of days never to be recalled without a blush, days of dwarfish talents and narrow minds, the Know-Nothing days, so ably depicted and described by the distinguished gentleman from Illinois [Mr. CANNON], the golden age of nativism in American life. If such a spirit yet lingers anywhere in this country and, masquerading under false colors, contributes its portion to this renewed and unwarranted opposition to the foreigner, let those who possess it remember that their predecessors were cured when they found that the immigrants who crossed the ocean in the steerage of a ship were soon called upon and promptly answered the call to assist in steering the ship of state. Then we find them in large numbers enthusiastically fighting the battles and courageously bearing all the vicissitudes of the Revolution; later, in greater numbers, we see them gallantly and with the intense ardor of real patriotism in the war of preservation in 1812 and in our struggle with Mexico, and when the climax came in 1861 and all were called to the support of the Union, whose integrity was in danger, bravely they stood, fought, and died for the preservation of that Union and its institutions and of that flag so eloquently apos-

trophized yesterday by the gentleman from Missouri [Mr. MEEKER]:

Every race and creed,
There was no question then of native land,
But love the flag and follow it till death.

Hundreds, yes, thousands, of them were unable to read their names on the lists of enrollment as they marched into the service or upon the honorable discharges they received as they marched out, but this defect in education did not detract from their capacity to serve their adopted country nor defame their integrity or the high character of their citizenship.

In the onward march of civilization in which this Republic has been for a century and a quarter enlisted, the most passionate worshippers of our institutions and our liberties have come from climes across the seas. Campbell, the poet, in his Pleasures of Hope, paid well-deserved tribute to a race of people many of whose numbers will be rejected at our ports if this bill should become a law, in the following lines:

Hope for a season bade the world farewell,
And Freedom shriek'd as Kosciusko fell!

The statue of this gallant son of Poland, who was thus immortalized as freedom's ideal, adorns a park in this city named in honor of Lafayette, another archetypal son of liberty, who valiantly contributed to the victory we finally achieved in the days of our early struggles for national being. Shall we in this day and generation make freedom shriek by adopting this un-American measure and thereby deprive a bold and sturdy manhood of opportunities toward which our fathers fled from cruel and tyrannical wrongs? I hope not. We live and believe in a democracy where freedom ever dwells, and we have always shared that freedom with the downtrodden races of the world. Our mission as a Nation is not to monopolize freedom and shut the gates of mercy on mankind. [Applause.]

Mr. BURNETT. Mr. Chairman, I yield 17 minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, in the course of the few minutes that I shall ask the attention of the committee I expect occasionally to use the word "Mexican," but I want to say at the outset that it is not my purpose to discuss any question in relation to Mexico that is now or can be a subject of diplomatic correspondence.

Down in the Southwestern States, those that border on Mexico, we employ the word "Mexican" to define a race rather than the nationality. I want Members to appreciate the fact that in colloquial speech in all the States that border on Mexico the word is used in that sense. There are Mexicans in my State, as there are, no doubt, in New Mexico, Arizona, and California, whose fathers and grandfathers and perhaps great-grandfathers were born within what is now the territory of the United States. Yet in colloquial speech they remain "Mexicans."

What I am going to say is in reference to a series of events that took place in Texas during the summer and autumn of 1915, serious and important movements resulting in conflicts with arms and in bloodshed. I have been amazed, Mr. Chairman, to learn that there are numbers of gentlemen in this House, in the present Congress, who never even heard that there was a deliberate and serious effort, supported by arms and fostered—at least, an effort made to foster—such movements by actual conflicts on the field of battle, although the engagements in themselves were insignificant and always resulted in one way.

It is about that, and because it has a direct and an important bearing on the bill that we are now considering, that I shall talk. I have endeavored, Mr. Chairman, to put into a 15-minute speech three or four months of very stirring history. I have endeavored to set it down in chronological order, and if the gentlemen will give me their attention for a few minutes I think I may be able to tell those who have not heard of it—of the revolution in Texas during the summer of 1915—of the conspiracy hatched in a foreign country, the government of which, in my judgment, was in no way responsible for it, but was attempted to be put into execution in the State of Texas.

In order that I may be brief and not discursive, and not take up more time than has been allotted to me, I shall resort to my manuscript and confine myself to it, and if any gentleman shall be moved to ask me a question I will say now that I regret that I will not have time to leave this paper in order to answer it. However, if after I shall have concluded I have a moment left, I will be happy to do what I can.

Early in August, 1915, the people of Texas who were going quietly about their business were startled to learn that they were living on a volcano. They learned that a revolution had been started within the State itself and that serious and violent efforts were being made to dismember the State and to re-

attach the separated parts to Mexico. It was proposed to take about 22,000 square miles of west Texas, and in addition, all of New Mexico, Arizona, California, and Colorado.

It was a large enterprise, and when I first heard of it I was merely amused, for I did not believe the Mexicans in Mexico or any of the Mexicans in Texas could be so stupid or audacious. Subsequent events proved that I underestimated their stupidity and audacity. At first these movements, all of which were characterized by murder and robbery, were thought to be nothing more than the activities of bandits. No one in Texas dreamed that they had any connection with a serious political movement. We were to learn better in a few days after they began.

Early in August there was an invasion of Texas. A party of bandits came into Cameron County on August 2. They stole a dozen or more horses and fired rifles at citizens of Texas. The next day, August 3, some of the men of Troop A of the Twelfth Cavalry encountered the invaders only 18 miles from the city of Brownsville. Private McGuire of the troop was killed, Private Curtis shot in the ear, and Texas Ranger Joe Taylor had half his saddle shot away. There were supposed to be about 50 of the invading Mexicans in the bandit organization. Just how many Mexicans were killed was not reported, but no Texan ever blushes at the score in these encounters.

On the same day a railway train was fired on and a trestle 235 feet long was totally destroyed and the telegraph and telephone wires cut.

On the 5th of August some of the raiders went to the village of Sebastian and captured A. L. Austin and his son while they were at work in their field and executed both. A 19-year-old boy by the name of Millard recognized five or six of the gang as residents of the Sebastian neighborhood. This fact was taken as evidence that the marauders from Mexico had the co-operation of Mexicans resident in Texas.

The store of J. T. Alexander, who was also the Sebastian postmaster, was robbed on the same day by the Mexicans.

The elder Austin had been the head of a law-and-order league and had busied himself with the task of ridding the community of certain well-known bad Mexicans, and this was thought to be the reason for the attack on him and his son.

I will say, in passing, that the San Antonio Daily Express, from which I glean these bits of information, published in its issue of August 8, 1915, an interview with the Chief of Staff, Gen. Hugh L. Scott, who was in Chicago on the 7th of that month on his way to visit one Francisco Villa, of whom you have heard. The telegram from Chicago said that Gen. Scott was confident that he would be able to bring the warring factions in Mexico together. The general was quoted as saying: "You bet I am optimistic. There is no place in this world for a pessimist. When I start out on something I usually do not quit until I have done what I started out to do."

"Are you going to read the riot act to Villa?" the reporter asked. "No; I would not say that," was Gen. Scott's reply. "I will say, however, that Villa and I have always got along fine together. He once told me that whatever he and I set out to do along the Mexican border we would accomplish."

They still have the same purpose in view but differ in their methods. Our Chief of Staff wants Villa to visit the United States, but they can not agree on the time nor circumstances of the visit. Villa prefers to travel at night and to make surprise visits.

Mr. Chairman, I will further digress for a moment to say that the most amazing thing I have observed in connection with the whole Mexican movement was the obsession about Villa, the belief in him, the impression that he was a sort of Benjamin Franklin, Thomas Jefferson, or George Washington, or combination of all, trying to lead his people out of the tyranny of subjection to the capitalistic class into pure democracy.

Such a leader may have been needed, but a hardened criminal, a creature who had been convicted of base crimes and guilty of others for which he had never been brought to trial, was hardly a fit person for such leadership.

The people on the border knew this creature and were never deceived by him or his promises.

But let me tell the story of the celebrated San Diego revolution in chronological order. On the 6th of August—always referring to the year of 1915—a fight occurred at El Paso Real, about 30 miles from Brownsville, between Texas Rangers and some of the bandits. The laconic report says, "Three alleged members of the gang were soon disposed of."

On the 9th the residence of the manager of the Norias ranch was attacked by 60 of the Mexicans, who appeared to be fairly well officered and organized and perfectly armed.

The ranch was defended by seven civilians and four United States cavalymen. Four of the enemy were killed and six of the Americans were wounded. The published account of the fight is thrilling, but my limited time allowance in this debate will not permit me to give you the incidents that illustrate the high courage of Americans, even when fighting an enemy four times as great, from the point of view of numbers.

One of the wounded Mexicans, a citizen of Texas, captured on this occasion, gave the first reliable information of the real character of the raids. He said the purpose of all of them was to advance the revolution by which it was intended to detach from Texas all that part of the State west of the Nueces River and restore it to Mexico. Of course, he said that he had been forced to join the invaders.

I ought not to close this brief account of the very lively fight at the Norias ranch without saying that the negro cook at the ranch proved himself to be a real hero. No one fought with greater courage.

The report of the Norias fight made to the San Antonio Express contained these significant words:

There is little doubt here now that disorders among Mexicans are caused by their desire to return to Mexico that part of Texas lying between the Nueces and the Rio Grande. People here now recall the "Plan of San Diego," brought to light by the United States Government officials last winter when a Mexican was arrested on the charge of sedition. On his person a lengthy document was found which set out the purpose of a certain group of Mexicans to incite revolt in all the States bordering on Mexico and to hand them over to Negroes, Japanese, and Mexicans.

All white males over 16 years of age were to be killed.

After the Norias fight and the confession of the captured Mexican, all considered in connection with the "Plan of San Diego," the real situation was recognized, and the movement was commonly referred to as the "revolution."

The Mexicans themselves referred to the invaders and their Texas-Mexican allies as "the army of liberation for Mexicans in Texas."

Near Mercedes, which is not far from Brownsville, in a fight on the 10th of August, the saddle pockets of a Mexican were taken, and in them some documents that shed light on the situation. One of these was a handbill in Spanish. Under the general heading, "Army of liberation of Mexico and Texas," was printed a brief address, which ran as follows:

Mexicans! To-day we will accomplish a sacred obligation. The revolution has acquired in a few days gigantic proportions. We unite as brothers to expedite these fortunes of ours. In this solemn moment we will vindicate our rights and justice for all time. May the light shine upon us in all our undertakings, and may it crown our forces in all manners contemplated. This movement in Texas is of such consequence as to bring about the peace and justice we all long for.

By the time these things had happened, Mr. Chairman, the people on the Texas border were thoroughly aroused. Citizens who had the courage to defend their homes and who could look straight down a rifle barrel, with the assistance of the Rangers and the Federal troops began what the papers called a "silent, relentless, man hunt." The chaparral was full of bandits. Some of them never left the chaparral. From time to time there were encounters of more or less importance, the usual result being discomfiture for the enemy.

The Government in Washington had not yet become convinced that it was a real invasion, that the headquarters of the enemy was really south of the Rio Grande. At this juncture Mr. Garner and citizens of the Rio Grande Valley visited Gen. Funston and laid before him their reasons for believing that certain Mexican officials—and I now refer to officials of Mexico—were behind the movement.

Personally I do not believe that high officials of the Carranza government were associated with the raids, but that officers of lower rank encouraged them I do not doubt.

Gen. Nafarete, who was the Carranza commander at Matamoras, across the river from Brownsville, stoutly denied that his troops or any part of the Carranza army had any connection with the raids. Sometime we may know who was right, the American citizens headed by Mr. Garner or the Mexican general.

Raids from the other side of the river continued from time to time and there were occasional encounters with roving bands of Mexicans. That these invaders had the sympathy and active support of many Mexicans who were residents of Texas is certainly true. It is also true that even with the aid of disloyal citizens of our own country all such conspiracies against the sovereignty and integrity of our country and the State of Texas will fail. Such a project could only be born in a diseased brain, or be part of a deliberate scheme to create a condition that will facilitate plans for murder and robbery.

These raids into Texas continued into October. On the 18th of that month a train was wrecked and a number of citizens of Texas were murdered, among them a health officer of the State.

I will print as a part of my remarks, with the consent of the House, a story of the confession of one "Chano" Flores, who was arrested by the sheriff of Cameron County, Tex.

I will also print a copy of "The Plan of San Diego." This is a more important document, as it is a declaration of the purposes of the revolutionists and tells in some detail how their program was to be executed.

The lesson of this episode in the history of our country, Mr. Chairman, is that we can not be too careful about the character of people we admit to citizenship or even to residence.

It is proposed in this bill to regulate immigration to apply the same conditions for admission to Mexicans that operate as against people from Europe. The committee were, as I recall, of one mind on this point and confidently expect the House to agree with them. Disloyal people in the United States ought not receive recruits from any quarter. Against a class that has shown active disloyalty we should be specially on guard. [Applause.]

[From the San Antonio Express, Oct. 26, 1915.]

PLANS OF TEXAS INVASION BARED—MEXICAN UNDER ARREST TELLS OF PLANS FOR LOOT AND MURDER—BANDIT BAND HAS 500 MEMBERS—THEY ARE DIVIDED INTO COMPANIES OF 50 AND 60, AND OBJECT OF RAIDS IS TO SECURE INDEPENDENCE FOR MEXICANS IN TEXAS.

BROWNSVILLE, TEX., October 25.

A border bandit confession, claimed to have been received by the sheriff's department from a prisoner, not only admits participation in last Monday night's train wreck and murders near here, but involves several other Mexicans and leads the officers to believe they are on the trail of the chief offenders in the Texas border terrors of the past three months.

The Mexican who is said by the officers to have confessed is Chano Flores and was arrested Friday in the company of Luciano Chapa, another Mexican, who denies Flores's story. The sheriff's department is making arrests every day now, and has eight men suspected of complicity in the past week's depredations.

The supposed confession of Flores says that the prime object of the series of raids has been to "secure liberty and independence for Mexicans in Texas." Robbery and loot, it says, are of secondary importance.

TOOK PART IN OTHER RAIDS.

Flores is said to have confessed to taking part in a raid on a ranch at Sebastian, this county, several weeks ago, in which a father, son, and two stepsons were killed. After this, Flores's story takes him back to Mexico, where he says he remained, taking no further part in raids until the train wrecking near here last Monday night. The confession declares that Luis de la Rosa and Aniceto Pizano, reputed leaders of the "revolutionary forces," have been in Reynosa, Mexico, for several weeks, maintaining headquarters there.

Flores describes the so-called Texas revolutionary army as a force of about 500, divided into several companies, the one to which he belonged containing from 50 to 60 men. He has given the name of a man whom he charges was captain of the company which made the raid on the train last Monday night.

The companies which made the raids at Ojo de Agua, Progreso, and other points up the river from here were unknown to Flores, according to his statements, but that all are under the general leadership of De la Rosa and Pizano.

Flores is said to have confessed that on the night of the wreck some 30 Mexicans crossed the Rio Grande into Texas and were joined by 15 to 20 on this side. They then laid plans for wrecking the train, and he gave the names of three men who he said pulled the rail out just ahead of the engine.

HOW THE BANDITS ESCAPED.

Following the wreck and robbery, the members of the band who had horses struck out north through the Fresno tract, 11 miles north of Brownsville, intending to go as far as Raymondville, 49 miles north of here, with the further intention of doubling south and recrossing the Rio Grande to Mexico in the vicinity of Mission, Tex. Members of the band who were unmounted went northeast into the section of country about the Rio Hondo, east of San Benito, and in the region where the troubles originally broke out, with the idea of hiding in the Sebastian district, 33 miles north of here.

Flores did not say why the bandits killed the soldiers and shot Dr. E. S. McCain and H. J. Wallis, but permitted other Americans on the train to escape unharmed. He said that he did not know what became of the money the bandits got from the robberies, but supposed it went to the leaders for the purpose of carrying on the revolution in Texas.

Apparently the members got little or nothing of the loot. He said if the bandits saw a horse, a saddle, pair of shoes, or anything else they wanted, they got them regardless of what acts were necessary to get results.

DIARY HELPS OFFICERS.

Flores and Chapa are good examples of nativity of the bandits, the former coming from Texas, while Chapa is from far in the interior of Mexico, according to the officers.

It is reported here that following the fight at Ojo de Agua soldiers in chasing a man said to have been the leader of the band that attacked the soldiers there early Thursday came across a Mexican house, where this man was said to have attempted to compel a Mexican woman to give him a horse. The man left in a hurry because of the fear of soldiers, and is said to have dropped a diary, now in the hands of the officers. This diary contained, besides many names, probably the roll of the band, the rules and regulations to be observed by members of the band.

The committee of citizens named at a mass meeting here Saturday to visit Austin and Washington to make an appeal to authorities for early relief on the border departed this afternoon. Four left Brownsville and will be joined along the railroad by committee members from Hidalgo, Willacy, Brooks, and Kleberg Counties. They expect to be in Austin to-morrow to confer with Gov. Ferguson in the afternoon.

The home of Private Herman E. Moore, infantryman, who died to-day from the wound received in the fight last night, is at Crystal, Ind., instead of French Lick Springs, Ind. The proper address was learned to-day through a letter from Moore's father, Aaron Moore, of Crystal. No orders have yet been received for shipment of the body.

Plan of San Diego is as follows:

CITIES WERE TO COME FIRST IN SAN DIEGO PLAN—SIGNERS OF DOCUMENT TO GIVE THEIR LIVES FOR CAUSE IF NECESSARY—WOULD KILL THE MALES.

The first conflagration for the faithful to the plan of San Diego was scheduled to be lighted on February 20 last, when an uprising of the Mexicans, negroes, Japanese, and Chinese in Texas, New Mexico, Arizona, Colorado, and California would have occurred. The plan was for a simultaneous outbreak resulting in the seizure of these States.

But this plan was nipped in the bud when former Deputy United States Marshal T. B. Bishop, of Brownsville, arrested B. Ramos, jr., at McAllen, Tex.

Ramos was charged with seditious conspiracy against the United States Government. He was tried in the Federal district court at Brownsville by Judge Waller T. Burns, but the Government's charge was not proven. Ramos was alleged to have been secretary of the organization.

PLAN OF SAN DIEGO.

A copy of the plan of San Diego was obtained by United States officials. It was in Spanish, and is as follows:

"Plan of San Diego, State of Texas, January 6, 1915.

"We, who in turn sign our names, assembled in the revolutionary plot of San Diego, Tex., solemnly promise each other on our word of honor that we will fulfill and cause to be fulfilled and complied with, all the clauses and provisions stipulated in this document and execute the orders and the wishes emanating from the provisional directorate of this movement and recognize as military chief of the same Mr. _____, guaranteeing with our lives the faithful accomplishment what is here agreed upon.

"1. On the 20th day of February, 1915, at 2 o'clock in the morning, we will rise in arms against the Government and country of the United States and North America, one as all and all as one, proclaiming the liberty of the individuals of the black race and its independence of Yankee tyranny, which has held us in iniquitous slavery since remote times; and at the same time and in the same manner we will proclaim the independence and segregation of the States bordering on the Mexican nation, which are: Texas, New Mexico, Arizona, Colorado, and upper California, of which States the Republic of Mexico was robbed in a most perfidious manner by North American imperialism.

"2. In order to render the foregoing clause effective, the necessary army corps will be formed under the immediate command of military leaders named by the supreme revolutionary congress of San Diego, Tex., which shall have full power to designate a supreme chief who shall be at the head of said army. The banner which shall guide us in this enterprise shall be red, with a white diagonal fringe, and bearing the following inscription: 'Equality and independence,' and none of the subordinate leaders or subalterns shall use any other flag (except only the white for signal). The aforesaid army shall be known by the name of 'Liberating army for races and peoples.'

"3. Each one of the chiefs will do his utmost, by whatever means possible, to get possession of the arms and funds of the cities which he has beforehand been designated to capture in order that our cause may be provided with resources to continue the fight with better success, the said leaders each being required to render an account of everything to his superiors, in order that the latter may dispose of it in the proper manner.

MUST TAKE CITIES FIRST.

"4. The leader who may take a city must immediately name and appoint municipal authorities, in order that they may preserve order and assist in every way possible the revolutionary movement. In case the capital of any State which we are endeavoring to liberate be captured, there will be named in the same manner superior municipal authorities for the same purpose.

"5. It is strictly forbidden to hold prisoners, either special prisoners (civilians) or soldiers; and the only time that should be spent in dealing with them is that which is absolutely necessary to demand funds (loans) of them; and whether these demands be successful or not, they shall be shot immediately, without any pretext.

"6. Every stranger who shall be found armed and who can not prove his right to carry arms shall be summarily executed, regardless of race or nationality.

"7. Every North American over 16 years of age shall be put to death, and only the aged men and women and children shall be respected. And on no account shall the traitors to our race be respected or spared.

"8. The Apaches of Arizona, as well as the Indians (red skins) of the Territory, shall be given every guaranty, and their lands which have been taken from them shall be returned to them, to the end that they may assist us in the cause which we defend.

"9. All appointments and grades in our army which are exercised by subordinate officers (subalterns) shall be examined (recognized) by the superior officers. There shall likewise be recognized the grades of leaders of other complotts which may not be connected with this and who may wish to cooperate with us, also those who may affiliate with us later.

"10. The movement having gathered force, and once having possessed ourselves of the States above alluded to, we shall proclaim them an independent republic, later requesting, if it be thought expedient, annexation to Mexico, without concerning ourselves at that time about the form of government which may control the destinies of the common mother country.

"11. When we shall have obtained independence for the negroes we shall grant them a banner, which they themselves shall be permitted to select, and we shall aid them in obtaining six States of the American Union, which States border upon those already mentioned, and they may from these six States form a republic, and they may therefore be independent.

"12. None of the leaders shall have power to make terms with the enemy without first communicating with the superior officers of the army, bearing in mind that this is a war without quarter; nor shall any leader enroll in his ranks any stranger, unless said stranger belongs to the Latin, the Negro, or the Japanese race.

"13. It is understood that none of the members of this complot (or anyone who may come in later) shall upon the definite triumph of the cause which we defend fail to recognize their superiors, nor shall they aid others who with bastard designs may endeavor to destroy what has been accomplished with such great work.

"14. As soon as possible each local society (junta) shall nominate delegates, who shall meet at a time and place beforehand designated for the purpose of nominating a permanent directorate of the revolu-

tionary movement. At this meeting shall be determined and worked out in detail the powers and duties of the permanent directorate, and this revolutionary plan may be revised or amended.

"15. It is understood among those who may follow this movement that we will carry as a single voice the independence of the negroes, placing obligations upon both races, and that on no account shall we accept aid, either moral or pecuniary, from the Government of Mexico, and it need not consider itself under any obligations in this, our movement.

"Equality and independence."

Mr. BURNETT. Mr. Chairman, I have only one more speech on this side. I will ask the gentleman to use the rest of the time.

Mr. SABATH. The gentleman from New York [Mr. SIEGEL] I think is ready to proceed.

Mr. SIEGEL. Mr. Chairman, against the immigrant numerous offenses have been charged, which, when examined, immediately fade away the same as ice melts under the rays of a July sun. Some gentlemen have harped on the fact that the immigrant lacks patriotism and loyalty to our country. Facts should be our guide and not mere surmise.

Last year the gentleman from Massachusetts [Mr. GARDNER] gave a dinner to the Army Reservists of Class B. No doubt we are interested in knowing whether any foreign-born citizens were in that party that gathered around his table. I had a personal investigation made. From it I learned that 11 were foreign born, 6 were native born, and that the remaining 7 can not at present be located, but the names indicate that more than half were foreign born.

Mr. MEEKER. Will the gentleman yield?

Mr. SIEGEL. No; I have no time. My friend knows it.

Mr. MEEKER. I was asked to yield to him. Will he yield or not?

Mr. SIEGEL. I will not yield. I am sorry.

Let me recall to you a scene in New York City which occurred on May 11, 1914. As far as the eye could see the streets were packed with people. You hear the muffled drums and the soft, sweet, never-forgotten strains of Saul's Death March. Our boys are passing by. Yes; some of them on foot, but a number of them have passed to the far beyond and are coming home, escorted by the President. On each coffin you see our glorious flag. Across the Brooklyn Bridge the procession slowly winds its way and enters the gates of the navy yard. Tenderly each coffin is brought to the space before which a large stand has been erected. The roll is called and the names that are read off are as follows: Louis Frank Boswell, Gabriel DeFabbio, Francis P. DeLowry, Frank Devorick, Elzie C. Fisher, Louis Oscar Fried, E. H. Frohlichstein, Dennis J. Lane, George Poinsett, John F. Schumacker, Charles Allen Smith, Albin L. Watson, Daniel Aloysius Haggerty, Samuel Marten, Rufus Edward Percy, and Randolph Summerlin. [Applause.] The President speaks, and in his speech he says:

"Notice how truly these men were our blood—I mean of our American blood, which is not drawn from any one stock, which is not drawn from any one language of the modern world; but free men everywhere have sent their sons and their brothers and their sisters and their daughters to this country in order to make that great compounded Nation which consists of all the sturdy elements and of all the best elements of the whole globe. I listened again to this list of the dead with a profound interest because of the mixture of the names, for the names bear the marks of the several national stocks from which these men came. But they are not Irishmen or Germans or Frenchmen or Hebrews or Italians any more. They were not when they went to Vera Cruz; they were Americans, every one of them, and with no difference in their Americanism because of the stock from which they came. They were, in a peculiar sense, of our blood, and they proved it by showing that they were of our spirit—that no matter what their derivation, no matter where their people came from, they thought and wished and did the things that were American; and the flag under which they served was a flag in which all the blood of mankind is united to make a free nation."

Were these soldier dead loyal to their country? Yet the majority of them were either immigrants themselves or the sons of immigrants.

Reference has repeatedly been made that the newspapers published in foreign tongues in this country do not render material assistance in instilling patriotism in the minds of the newcomers. Their advertisement reads as follows:

"Many flags—one patriotism. Many papers teaching one Americanism. Many tongues uttering one word—'loyalty.' The 750 foreign-language newspapers exhibited here, with a combined circulation of over 8,000,000, though differing in language and creed, stand united for one country, the United States; one aim, to help preserve the ideals and sacred traditions of this our adopted country, the United States of America; to reverse its laws and inspire others to respect and obey them; to strive unceasingly to quicken the public sense of civic duty; in all ways to aid in making this country greater and better than we found it."

All men concede that the greatest flow of immigration here has been during the past 20 years. Where is the man who will say that during the same period of time that unions have not made their greatest progress, that wages have not increased, and that the hours of labor have not been shortened? Where is the man who can say that wages have not steadily increased,

child labor been practically abolished, and eight-hour laws promptly enacted where the immigrant has chiefly settled, as in States like New York, Pennsylvania, Ohio, and Illinois? Is it not, then, a most remarkable fact that those States which have practically no foreign-born population are the very ones where child labor is encouraged, longer hours for workmen tolerated, and where unions have made practically no progress in either obtaining legislation or increased wages for their members?

During the past three years it has been the custom to refer to a letter written by one Frederick A. Pope, prosecutor of Somerset County, N. J., which stated that the foreigners produced an extraordinary large number of criminals in his county. I went to Somerset County and made my own investigation. I will throw the mantle of charity over the gentleman and mildly say that the statements contained in his letter must have been made by him when his imagination held full sway. Returning to Washington, I wrote the following letter to the present prosecutor of Somerset County and received the following reply:

Hon. A. M. BEEKMAN,
Prosecutor, Somerset County, Somerville, N. J.

MY DEAR MR. BEEKMAN: In accordance with my conversation this morning, would you say that I inclose you herewith a copy of letter which Mr. Frederick A. Pope sent to President Taft on or about February 8, 1913.

Being a member of the Committee on Immigration and Naturalization, could I ask you to furnish me with the following information:

No. 1. Whether under the statutes of the State of New Jersey defendants who are found guilty of criminal offenses or plead guilty to criminal offenses are required to be asked whether they can read or write any language.

No. 2. Whether to your knowledge it has been customary in criminal courts in the State of New Jersey to make such inquiries, and whether the answers so received, if any, have been recorded.

No. 3. Have any official statistics been kept as to the number of illiterates who have been found guilty or pleaded guilty to criminal offenses in the county of Somerset, State of New Jersey?

No. 4. Have you found that defendants in the county of Somerset who were charged with criminal offenses to have been, as a rule, illiterate?

No. 5. Of the men charged with homicides during the year 1915 and up to date in your county, have they been illiterate?

No. 6. Can you state as to whether there has ever been 114 criminal cases of alien illiterates tried or disposed of in Somerset County in any two years?

No. 7. Can you state as to whether the alien residents in your county are making any effort to receive an education, and as to whether their children are making any effort to receive an education?

Thanking you for the trouble that I am giving you, I am,
Very sincerely, yours,

ISAAC SIEGEL.

OFFICE OF THE PROSECUTOR OF THE PLEAS OF THE
COUNTY OF SOMERSET,
Somerville, N. J., January 19, 1916.

Hon. ISAAC SIEGEL, Member of Congress,
Congressional Office Building, Washington, D. C.

MY DEAR MR. SIEGEL: I will answer the inquiries contained in your favor of January 17 categorically, as near as possible.

Question No. 1.—A. There is no requirement in this State that defendants pleading guilty and found guilty upon trial shall be asked whether they can read or write any language.

Question No. 2.—A. I have not tried any criminal cases outside of my own county, but have tried a number there, and since April 1 last have been prosecutor of pleas. I have never observed any custom in any of the courts of this State requiring criminals to be questioned as to their ability to write and read, and I know of no county where such record is kept. It is purely a local custom.

Question No. 3.—A. No official statistics have been kept in the county of Somerset from which the number of illiterates could be obtained.

Question No. 4.—A. My experience is that most of those who are charged with crime have been able to read and write some language. There is a percentage, however, unable to do so.

Question No. 5.—A. All three of the men charged with homicides during the year 1915 were able to read and write. Two were American born, one a naturalized citizen, and one a colored man.

Question No. 6.—A. There is no record from which such an assertion can be disputed. One hundred and fourteen criminal cases does not appear unusual for a period of two years, but as to the percentage of illiteracy I can not state.

Question No. 7.—A. According to my observation, the alien residents in Somerset County make diligent efforts to have their children educated. Such exceptions as occur are due to a child-labor system and the incident temptation to place the children at wage-earning employments. Some of the best and most serious-minded students in our public schools are the children of foreign-born parents.

I am, very respectfully, yours,

A. M. BEEKMAN.

Men have said that this bill is aimed at the Italian. I propose to insert into the RECORD a letter I wrote to Secretary Daniels on January 12 and his reply to me, dated January 18.

DISCRIMINATION AT ANNAPOLIS.

JANUARY 12, 1916.

Hon. JOSEPHUS DANIELS,
Secretary of the Navy, Washington, D. C.

MY DEAR SECRETARY: Approximately one-quarter of the people of my district are residents who came from Italy or who are their descendants.

In New York City they have made steady progress in all the professions until to-day numbers of them are holding public office, both on the bench and in the Legislature of the State of New York.

We never hear in New York City of any discrimination of any kind or description, either in the administration of our civil or criminal law or in treatment accorded them in our schools, high schools, colleges, or universities.

The two midshipmen who heretofore represented the twentieth congressional district of New York at the United States Naval Academy, at Annapolis, have been from amongst them, and following my idea of the best manner of filling such vacancies, namely, by holding preliminary competitive examinations after due notice to all the residents of my district, I find a disinclination on their part to go to Annapolis, basing their refusal on the ground that those who have come from Italy or are their sons would never be permitted to graduate from Annapolis on account of social ostracism and unfair treatment.

To remove the impression, I would like to obtain the information from you as to whether there is any basis for any such conception as to what actual conditions are at Annapolis, and as to whether there has ever been any graduate from Annapolis amongst those who came from Italy, or their sons, and as to whether there are any such midshipmen now at the academy.

It is needless for me to refer to the fact that Italians have fought most gallantly, both on land and sea, and that many Italian officers have won the world's recognition for heroism and undaunted courage in times of war, and I would, indeed, be most surprised to learn that there is any discrimination of any kind at the present time at the Naval Academy against Italians, as I personally know that you would not permit same.

As I have set the examination for the 25th of January, could I ask you for an early answer to this letter?

Sincerely, yours,

ISAAC SIEGEL.

NAVY DEPARTMENT,
Washington, January 13, 1916.

Hon. ISAAC SIEGEL,
House of Representatives, Washington, D. C.

MY DEAR MR. SIEGEL: I have the honor to acknowledge the receipt of your communication of January 12, and hasten to assure you that there is no discrimination against midshipmen who are of Italian descent.

A glance at the names contained in the Navy Register will show you that descendants of persons belonging to the principal nations of the world are officers of the United States Navy.

Sincerely, yours,

JOSEPHUS DANIELS.

I may not know conditions in other parts of the country, but I must say that I have repeatedly and frequently met a large number of Italians, and I know of my own knowledge that they are a hard-working, honest, and conscientious people, badly and unjustly maligned, but striving very energetically to earn a livelihood and making every effort to educate their children. Corroboration of this fact is found in the New York Times of December 19, 1915, wherein Dean Frederick P. Keppel, of Columbia University, says:

I should say now that three out of five of our boys are New Yorkers in a real sense, although, of course, many of these are of foreign parentage.

Some of these foreign strains are very interesting. I think the keenest among them at present is the Italian. In earnestness and accomplishment the Italian boys are surpassing even the Russian Jewish boys, and that not only means that they are of high intelligence but that they are hard workers. They get on very well with their fellows of all races, too. We never have a Phi Beta Kappa election which does not result in the choice of from three to five Italians.

The great strength of the American university, and especially of Columbia, lies in the fact that the population from which students are drawn is made up largely of those who still are rising—of those who have not yet "arrived" at that ultimate of achievement which is likely to produce lethargy and a dulled ambition.

This is especially evident among New York Jews. If there were any means whereby I might ascertain how many of our students from other parts of the city, especially from the Bronx, Brownsville, and Jamaica way, come from families who once were residents of the down-town east-side section, I am sure that very interesting figures would develop.

Are the aliens coming here endeavoring to become citizens? Let us take a glance at the statistics. For the year ending June 30, 1910, there were 39,206 certificates of naturalization issued; 1911, 53,329; 1912, 69,965; 1913, 82,017; 1914, 102,558; 1915, 91,288.

The reason that there is not a greater number admitted to citizenship at the present time is because of the great difficulty in being reached on the calendars of the courts in New York City. It requires at least three days' time, besides taking away the applicant and his witnesses from their work. The courts hold one session a week instead of meeting daily, and I am now engaged in correspondence and consultation with the proper officials here so that arrangements can be made for making the time required to be spent in obtaining such citizenship less.

It has also been contended that the aliens produce in New York a very large number of insane patients. For the year ending September 30, 1915, we find that native-born patients committed numbered 3,276 and foreign-born patients 2,916, showing a tremendous decrease in the number of insane patients of foreign birth. Although there are thousands of native-born insane patients in private sanitariums and hospitals in the State of New York, the exact number is unknown, so that the public records do not give us full or accurate statistics on this very important subject. No record has been kept showing how long any of the foreign-born patients have been here, and we have a

right to assume that they must have been here for more than three years, otherwise they would have been deported.

I read the following letters, which show conclusively that educators and others are opposed to this bill because the illiteracy test is a mere subterfuge:

NEW HAVEN, CONN., January 16, 1916.

MY DEAR MR. SIEGEL: I have your letter of January 11. I have not changed my views in the matter of the Burnett immigration bill since I left the Presidency.

WM. H. TAFT.

HON. ISAAC SIEGEL,
House of Representatives, Washington, D. C.

HUNTER COLLEGE OF THE CITY OF NEW YORK,
January 13, 1916.

HON. ISAAC SIEGEL,
Representative from New York, Washington, D. C.

DEAR SIR: I regret that I have no accurate statistics concerning the percentage of students in Hunter College who are either immigrants or the daughters of immigrants. An estimate, however, made by one of our officers, fixes the percentage roughly at 60. It may be more, but I can not say.

As to my views upon the matter of the literacy test, I do not believe in it as an effective means of excluding undesirable people. Illiteracy is, I think, more often the result of a lack of opportunity rather than the result of choice or of indifference. This is shown to a great extent by the eagerness with which so many immigrants take advantage of the educational opportunities offered in this country.

Very truly, yours,

GEORGE D. DAVIS, President.

COLUMBIA UNIVERSITY, CITY OF NEW YORK,
January 12, 1916.

HON. ISAAC SIEGEL,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have yours of the 10th and write to say that I have never been convinced that the literacy test is a judicious one 34743—15361

to apply to immigrants. Those who know certain parts of Europe best say that some of the most desirable immigrants from these particular lands would be men and women who, by reason of the situation there, have never had opportunity to learn to read or write, but who are earnest, industrious, hard-working, and right-minded people.

Faithfully, yours,

NICHOLAS MURRAY BUTLER.

THE COLLEGE OF THE CITY OF NEW YORK,
January 14, 1916.

HON. ISAAC SIEGEL,
House of Representatives, Washington, D. C.

MY DEAR MR. SIEGEL: No immigration bill I have had the opportunity of reading provides a literacy test which seems to me satisfactory and free from unwise discrimination. I can understand that it is very difficult to draw up a satisfactory literacy test, but unless this is done, I should not think it best to pass such a bill.

We have no data on the question with regard to which you write gathered later than a year ago. This information shows that in this college 25 per cent of our students are foreign born, that the parents of 80 per cent were both foreign born, one parent of 6½ per cent was foreign born, and that the parents of 13½ per cent were both native born.

Hoping that this information may be of service to you, believe me,
Very sincerely, yours,

S. E. MEZES.

Among the others who are opposed to the bill are George McAneny, formerly president of the Board of Aldermen of the City of New York; William Dean Howells, dean of American authors; Dr. John H. Finley, commissioner of education of the State of New York, and one of the dearest and closest friends that Grover Cleveland ever had; Thomas W. Churchill, president of the board of education of the City of New York; Jane Addams, foremost settlement worker of the United States; Bishop David H. Greer; Seth Low, ex-president of Columbia University and ex-mayor of the city of New York; George Kennan, author of "Darkest Russia"; Roger W. Babson, well-known economist; Charles W. Eliot, leading president emeritus of America; Albert Sheels, director of reference and research of the department of education of the city of New York; Andrew Carnegie; Grace Abbott; Dr. G. Stanley Hall, president of Clark University; Dr. D. E. Jenkins, president of the University of Omaha; Dr. Thomas McClelland, president of Knox College, Galesburg, Ill.; Dr. William H. Maxwell, superintendent of schools, city of New York; Dr. C. J. Bushnell, president of Pacific University; Dr. Edward B. Craighead, president of the University of Montana; Dr. Harry Pratt Judson, president University of Chicago; Mr. Edward Cummings, president Spring Hill College; Dr. Lyon G. Tyler, president College of William and Mary; Dr. George Lewis Mackintosh, president Wabash College; Bernard J. Otting, S. J., president St. Louis University; Dr. James A. B. Scherer, president Throop College of Technology; Dr. John Cavanaugh, president University of Notre Dame; Dr. Winthrop E. Stone, president Purdue University; Dr. Herbert L. Stetson, president Kalamazoo College; Dr. Stephen M. Newman, president Howard University; Dr. George S. Davis, president of the Normal College of the City of New York; Dr. David R. Boyd, president University of New

Mexico; and Dr. A. W. Harris, president Northwestern University.

In the bill we find among the excluded classes "persons of constitutional psychopathic inferiority," and apparently the distinguished specialists on insanity have been permitted to add a new disease, in terms which the ordinary layman can not understand, but which undoubtedly will require their services to be made use of constantly by the Government. I do not know whether these gentlemen are going to volunteer to perform this work gratuitously; but if they are to be paid, the Government will have to expend extraordinary large sums to employ these gentlemen at each port or station of arrival. We are asked to add a new kind of class to be excluded, when the meaning can not be comprehended or understood by one who is not a specialist. I believe that I am not disclosing any confidence when I say that even the members of the committee had to rush to their dictionaries for the purpose of obtaining the meaning of this phrase or term, and even then there was a dispute as to what the term really meant to convey. Perhaps the experts will be able to explain the term in the same manner as they were able to decide on the insanity of Harry K. Thaw. Juries and others, however, have always, as a rule, been their own experts, but, unfortunately, our system does not provide for juries to hear the expert opinion in immigration cases.

Let me call your attention at this time to some additional statistics showing that crime is not greatest where the immigrant is the chief inhabitant:

	Popula- tion, 1910.	Arrests, 1915.
Kansas City, Mo.....	248,381	39,100 from Apr. 20, 1915, to Jan. 1, 1916.
Wilmington, Del.....	87,411	4,824 from June 30, 1914, to June 30, 1915.
Charleston, S. C.....	58,833	5,569 during the year 1914.
Houston, Tex.....	78,800	8,340, year 1915.
Denver, Colo.....	213,381	13,769, year 1915.
Norfolk, Va.....	67,452	10,101, year 1915.
San Francisco, Cal.....	416,912	44,131, year 1915.
Newark, N. J.....	347,469	11,230, year 1915.
Detroit, Mich.....	465,766	33,905, year 1915.
Birmingham, Ala.....	132,685	19,155, year 1915.
Philadelphia, Pa.....	1,549,008	89,502, year 1915.
Chattanooga, Tenn.....	44,604	5,126, year 1915.
Washington, D. C.....	331,069	37,219.
New York State.....	9,113,279	5,284 prisoners in State institutions, of which only 227 are illiterates.
Savannah, Ga.....	65,064	11,430.
New York City.....	5,047,211	160,162.
Richmond, Va.....	127,638	12,728.
Baltimore, Md.....	558,485	43,573, year 1914.
Boston, Mass.....	670,585	88,762.

¹ Census, 1915.

	Popula- tion, 1910.	Arrests, 1915.
Salt Lake City, Utah.....	92,777	7,983
Oklahoma City, Okla.....	64,205	6,413
Omaha, Neb.....	124,093	16,343
Buffalo, N. Y.....	423,715	131,093

¹ Of which only 20 could not read and write.

The very men who are in favor of this bill are the very ones who are opposed to properly preparing this country against a foreign foe by reasonably increasing our Army and Navy.

The Washington Post of February 9, 1916, had the following in its columns:

FARMERS OPPOSE DEFENSES.

Representatives of the National Grange, headed by L. J. Taber, of Barnesville, Ohio, opposed Army and Navy increases on the ground that they meant a burden of taxation that might really be a weapon in the hands of an enemy. He said the farmers were as patriotic as any other class of people and believed in efficient police protection, but not in creating the greatest Army and Navy.

President Dornblazer, of the Farmers' Union of Texas, and representing, he said, farmers' organizations of 22 States, including those in every Southern State, joined with the others in opposition to compulsory military service, opposition to any large increase in expenditures; a demand for economy in congressional appropriations, and approving only a "reasonable outlay" for coast defense by submarines or similar means.

The Philadelphia Inquirer, on February 9, said the speakers against preparedness "Were John B. Lennon, treasurer of the American Federation of Labor, and others."

Indiana has a population equal to one-quarter of New York, yet Adelaide S. Baylor, Indiana State supervisor, stated on February 22, at Detroit, that one out of every 140 inhabitants in the State of Indiana is an inmate of a charitable or corrective institution, and that the States cares for an average of 20,000 inmates. Surely it will not be claimed that Indiana is any worse than the average State in the Union, and yet the State

of New York, with its large foreign population, has a better record in proportion.

The argument has heretofore been advanced that we have a surplus of unskilled labor, and that therefore immigration must be restricted. No pretension can be made that we have with us this year more unskilled labor than we can use. If you pick up the daily newspapers you will find the general complaint that unskilled labor can not be had, and that in the entire East it is impossible to obtain a servant girl. The New York Tribune of February 20, 1916, contained an article, "Why we can't get a new maid." The servant-girl famine did not start right after the war began; we had hard times then, you remember. It was the prosperity, added to the war, that has done it. If they should suddenly troop in here, tens of thousands of them, I do not believe we would take long to find them places."

This bill deserves defeat, because it makes no provision for the admission of those who may suffer from political oppression. The commission recommended such an exception. In the work "Immigration Problem" Messrs. Jenks and Loucks say:

In the judgment of the commission, as well as of most other enlightened citizens, the United States should remain in the future, as in the past, the haven of refuge for the oppressed, whether such oppression be political or religious, and any restrictive measure should contain the provision making an exception of such cases.

Are we to overthrow all the traditions of this country, and are we to close the doors to the politically oppressed of the world? Shall we forever forsake the very principle upon which this Government was founded and under which we have made the greatest progress as a Republic that the world has ever seen? The foreign population in this country to-day is not larger in percentage than what it has been during the past 100 years. Each decade has seen an effort made to bar from this country men of a different race, who, when they first come here, have performed the hard manual labor which those who have come in previous years had finally declined to do. Is there any person who can truthfully and honestly say that the children of the immigrant are not making as great progress, if not greater, in education and in every walk of life as are the children of the native born? Is there a man who will say that the foreign-born citizen of this country and his children have not been as loyal, good, and law-abiding as the native born? If such there be, let me remind them of the degradation of the elective franchise only a few years ago in Adams County, State of Ohio, and of the regrettable incidents accompanying the exercise of the rights of the elective franchise last year in the State of Indiana. I say to you that wherever the immigrant has settled greater prosperity has come. I could perhaps allude to certain particular States in the Union where such a fact is more than noticeable. Where the immigrant has not been received with cordial treatment he has proceeded to another State, and contributed by the sweat of his brow toward its prosperity. In every fight for good government the immigrant can be found on the side seeking to better conditions.

Show me, if you will, better men than those who are foreign born or of foreign parentage in the city of New York. Mr. Justice Hughes is one of them. So are John G. Milburn, Oscar S. Strauss, Frederick R. Coudert, Morgan J. O'Brien, Mr. Justice Greenbaum, Samson Lachman, Arthur von Briesen, and numerous others.

I might call your attention to the fact that 3 judges of the Court of Appeals of the State of New York, 19 of the supreme court justices of the first and second judicial districts of the State of New York, and at least 30 per cent of the last constitutional convention of the State of New York are of the same descent.

"Let us proclaim to the world that in this country, at least, we are all American citizens of equal rank, character, and quality, equal in right and equal in duty and obligation, whether that citizenship be recently acquired or whether it be by nativity," and that we welcome to our shores those who are physically, mentally, and morally capable of becoming citizens of the same type as I have just referred to, prepared to make every sacrifice that the Nation may ever require in defense of our flag and country. [Applause.]

Mr. SABATH. Mr. Chairman, I yield five minutes to the gentleman from Rhode Island [Mr. O'SHAUNESSY].

The CHAIRMAN. The gentleman from Rhode Island [Mr. O'SHAUNESSY] is recognized for five minutes.

Mr. O'SHAUNESSY. Mr. Chairman and gentlemen of the House, I voted against this bill twice, and I voted to sustain the veto of President Taft, and would have voted to sustain the veto of President Wilson had I not been sick and absent.

I fail to understand the logic of the gentlemen who advocate this kind of legislation. I think it has the stamp of darkness, the blight of prejudice, and the curse of selfishness,

I took up this morning's RECORD and looked in it, but in vain, for that wonderful speech that was made yesterday by that grand old man, the Hon. JOSEPH G. CANNON, of Illinois. [Applause.] He ought to have a great deal of wisdom in his head after his many years of service in the House and after his great experience in the world. Unfortunately I was not present when he delivered that speech. But in looking over the RECORD this morning I found the speech of a gentleman who had supported this bill yesterday, and one thing about it that struck me particularly and forcibly was the statement therein that this Nation of ours, as he said, would survive "because it is a Christian Nation." The gentleman was contrasting this Nation with the old nations of the world, citing the decline and fall of Rome and of some of the old Grecian States. He said this great Nation of ours will survive and work out a splendid destiny "because it is a Christian Nation." And behold this bill—a sample of our Christianity. We are urged to stand at our ports of entry and say to the poor man who can not read a few words, "Because we are Christians you can not come here. You may be honest, manly, strong, rugged, God-fearing, with the hope of a new life in your soul, and anxious for the work of common citizenship in this great country, but we, being Christians, do not want you, because you can not read." Shades of the Pharisees!

That is the way it is proposed we shall follow the teachings of the lowly Nazarene, who took unto himself the lowly, uneducated, illiterate fishermen and bade them go forth to teach the world his gospel. [Applause.] That is the Christianity that we are going to indorse in this legislation.

The gentleman from Georgia [Mr. ADAMSON] challenges my statement about the fishermen being illiterate. Here is my proof (Acts iv, 4):

Now, when they beheld the boldness of Peter and John and had perceived that they were unlearned and ignorant men, they marveled.

We notice a remarkable circumstance when we consider the votes of some men in this House and compare them with their professions. Here we have men, when the opportunity is given to them to do something for humanity, to do something in a broad, liberal sense for the people who will make the citizens of the future, the children who work in the factories and in the canneries, when we propose to legislate to relieve them, these gentlemen not only vote against that legislation but stand here to justify their conduct and their voting. The remedy is in our own hands, and is not the foolish educational qualification which would bar needed laborers. Let us legislate for the children; let us legislate to take the burden from the women who toil; let us translate social justice into law, so that the man who works and toils will be given a fair wage and an honest return for his labor.

And in this particular instance let me remark: The great South, which is pictured here so beautifully by her orators—what a wonderful country it is; of what development it is capable—and lo and behold, the crying need of it is labor; and here the Representatives of the South are voting to keep out the very people they want. I can not understand their logic; and I ask myself, What is the "negro in the woodpile"?

Mr. Chairman, I read in the Providence Journal of yesterday morning an editorial which I think is very pertinent to the present discussion. It is entitled "Making better citizens." I read:

MAKING BETTER CITIZENS.

Every industrial corporation will find it good business to follow the plan of the Brown & Sharpe Manufacturing Co. for the instruction of foreigners in the duties and responsibilities of American citizenship. The United States needs patriotic men, and there is much good material in the aliens who come here because of the advantages offered by this country. The object of the local manufacturing company to encourage the taking out of naturalization papers and at the same time to explain the meaning of an oath of allegiance to the United States is a most praiseworthy one.

The plan for giving instruction in English to those who do not speak the language of this country insures a good groundwork for further education in the laws and customs of the United States. The next logical step is assisting the men in carrying through the naturalization process. Employers of aliens who take this course, besides obtaining more efficient workmen, render the Nation an invaluable service in raising the standard of citizenship.

That is the place to apply the educational test—when men come looking to be naturalized; no hurried grind of the mill; no perfunctory admission to citizenship, but a rigid examination on the part of the judge presiding, in order that the men may be qualified to discharge their duties as citizens. [Applause.]

President Wilson, speaking at Philadelphia to a body of newly naturalized citizens on May 10, 1915, spoke beautifully and encouragingly to those men. Let me quote him:

I certainly would not be one even to suggest that a man cease to love the home of his birth and the nation of his origin—these things are very sacred and ought not to be put out of our hearts—but it is one thing to love the place where you were born and it is another thing to dedicate yourself to the place to which you go. You can not dedicate yourself to America unless you become in every respect and with every

purpose of your will through Americans. * * * A man does not hope for the thing that he does not believe in, and if some of us have forgotten what America believed in, you, at any rate, imported in your own hearts a renewal of the belief. That is the reason that I, for one, make you welcome. If I have in any degree forgotten what America was intended for, I will thank God if you will remind me. I was born in America. You dreamed dreams of what America was to be, and I hope you brought the dreams with you. No man that does not see visions will ever realize any high hope or undertake any high enterprise. Just because you brought your dreams with you, America is more likely to realize dreams such as you brought. You are enriching us if you came expecting us to be better than we are.

By this legislation we deny to the honest toiler, seeking a field for his enterprise and a land to realize his dreams, the opportunity for which he hungers. A cruel law, as I said before, with the stamp of darkness, the blight of prejudice, and the curse of selfishness. What is ours we would deny to others, and we prate about the fatherhood of God and the brotherhood of man.

I am proud of my citizenship in this great Republic and deeply grateful for the opportunities this land has given me. It was fashioned after the dreams of centuries by men who knew the sweetness of sacrifice. It was evolved through the genius and the sword of Washington and his brave followers, conspicuous among whom stand the names of La Fayette, Rochambeau, De Grasse, d'Estaing, and other Frenchmen whose services to America should never be forgotten. France aided us to independence with men, money, and ships. Her services have been summed up by an American writer in the following words:

But the instincts of the French Nation were right; they assisted a people to gain their freedom, they took part in one of the great crises of modern progress, they helped the world on its onward march. * * * The reward is not to be found in more vessels sailing laden with wares, * * * but in the consciousness of the unselfish performance of good work, of assistance rendered to the cause of freedom, and to the improvement of man's lot on earth.

Mr. SABATH. Mr. Chairman, I regret exceedingly that the gentleman from Missouri [Mr. MEEKER] in his address to the House yesterday questioned the patriotism of the foreign-born citizen.

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

Mr. SABATH. I yield to the gentleman.

Mr. MEEKER. The CONGRESSIONAL RECORD this morning contains every word that I uttered yesterday, and the gentleman can not find any such statement in my speech. I want to say that in no place in my remarks did I question the patriotism of any foreign-born citizen. [Applause.]

Mr. SABATH. I am pleased to hear the gentleman make that statement. Therefore I take it for granted that he did not intend to make any such insinuation. Foreign-born citizens have demonstrated time and time again that they are loyal and patriotic, that they love the country of their adoption, and that they are willing at all times to protect the flag which is their flag, and the only flag under which they desire to live. [Applause.]

The history of foreign-born Americans is a history that speaks for itself, and one of which we may all be proud. [Applause.] Time does not permit me to enumerate the splendid work done by foreign-born citizens to build up our Nation.

Within the next few minutes the chairman of the Immigration Committee [Mr. BURNETT], my colleague and my friend, will in a passionate address again appeal to the House for the passage of this bill. The main reason that he will assign is that the laboring people of this country demand it, and that he feels it to be his duty to protect the American wage earner. Mr. Chairman, if it were true that this bill tends to protect the American wage earner I would not stand here to-day in opposition to it. I would rather lose my voice than oppose legislation which I knew to be for the wage earner. My record speaks for itself at all times. I have supported and advocated measures in the interests of labor, and I regret exceedingly that some gentlemen, misinformed and under the pretext of wishing to protect labor, are favoring this measure.

It has been said that we must protect the standard of the American laboring man. Within the past 20 years, Mr. Chairman and gentlemen of the House, the immigration to this country was larger than ever before; but notwithstanding that large immigration the statistics show and prove that the conditions of laboring men have improved, that wages have been increased, and that the hours of labor have been decreased.

A few representatives of railroad employees are strenuously urging the passage of this bill. I wish to say to these men that the immigrants who come to this country do not and can not take the place of any engineer, fireman, conductor, or other trainman; and in spite of the large immigration, which some people fear will beat down the wages of American labor, I wish to say that within the last 12 years the wages of railway engineers have increased 29 per cent, the firemen 32 per cent, the conductors 35 per cent, and of other trainmen 37 per cent. And what applies to railroad employees applies to all our

laboring men of this country, showing clearly that immigration does not beat down the wages of the American laboring man.

Mr. COOPER of West Virginia. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman.

Mr. COOPER of West Virginia. Will the gentleman tell us how much the cost of living has increased in the last 8 or 10 years?

Mr. SABATH. That is not due to immigration. The increase in the cost of living is due to the manipulations of trusts and monopolies, which some of you gentlemen on the other side have been aiding and assisting. [Applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Is it not a fact that any man who comes here from foreign shores participates as much in the cost of living as any native?

Mr. SABATH. There is no question about that.

Mr. MOORE of Pennsylvania. He spends just as much in proportion.

Mr. SABATH. In fact he pays a higher price for everything that he buys and consumes.

But the increase in price of labor applies not only to the railroad men, but it applies to all other classes of labor in the North as well as in the East. Therefore I can not understand, in view of these figures, how any man can maintain that immigration is detrimental to American labor. The immigrant performs the coarse and common labor which produces the raw material, and thereby creates a higher class of labor and a better wage follows. The man in West Virginia who works in the mine provides employment for thousands of others, the same as the man who works in the forest and the quarry. He produces the raw material which is worked into a product that creates a continuous demand for higher-paid and more skilled labor. This succession creates work for the skilled laborer, which is placed in the hands of the American laborer. This conclusively proves that the immigrant does not replace and put out of work the American laborer, but, on the contrary, furnishes him with a greater field to practice his art of skill.

In addition, Mr. Chairman, some of these gentlemen are attempting to make the House believe that they are favoring this bill because the immigration of the present day is not the same kind of immigration that we were getting 30, 40, or 50 years ago. If you will investigate the records, my friends, you will see that the same objections were then raised against the immigrants from Scotland, from England, from Germany—in the forties, the fifties, and the early eighties—as are being raised to-day against the present immigrant. I wish to assure the House that the immigration of the present day measures up to the immigration that we have been receiving heretofore. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, has the time of gentlemen on the other side been consumed?

The CHAIRMAN. All time has expired except that of the gentleman from Alabama.

Mr. BURNETT. Mr. Chairman, it is strange that when gentlemen come to discuss this question, instead of discussing it dispassionately so many of them undertake to make flings at the chairman of the committee and the section of the country from which I hail. Gentlemen have animadverted on the literacy conditions in my section of the country—the South. Those conditions have been deplorable, but that was not of the seeking of the people in my country; and was not and is not what is left of the South's illiteracy due to our unfortunate illiterate immigration? An immigration of illiterate, servile labor? Therefore ought not the South qualify as an expert with reference to illiteracy in immigrants?

My memory goes back to the sixties and the early seventies, when I knew how hard the struggle was for my people to keep the wolf from the door. I know that every boy or girl who could lift a hoe handle or follow a plow was requisitioned for the purpose of aiding in the support of our starving people. I know the conditions of their schoolhouses, because I attended those schools when in the cold blasts of winter the winds were whistling through the cracks of the log-cabin schoolhouses of my native State.

It was amid such conditions, Mr. Chairman, that many grew up who are now adult illiterates. But conditions are changing, and changing rapidly, and even those poor men and women are learning to read and write in those localities where illiteracy so long prevailed.

But, Mr. Chairman, instead of that being an argument against the literacy test in this bill, it seems to me that with the large number of illiterates whom we already have in our country we certainly do not want the millions of illiterates of other

lands and other climes, to whom we owe no obligation, to come here for the purpose of adding to our illiteracy and depriving our people of an education. We of the Southland feel we have all the illiteracy that we can struggle with for years to come. [Applause.]

Gentlemen have elaborated on the education that the second generation of these aliens get, and on down to the third generation. Well, Mr. Chairman, is it right for laboring men, women and children who are dependent on the laboring men of this country, to suffer starvation in order to wait for the second generation? It is the first generation, Mr. Chairman, that is bringing about the trouble all over this land. It was the first generation at Youngstown a few weeks ago that brought about that riot that the distinguished Member from that district has spoken of. It was that generation that drove out thousands of Americans, native and naturalized. Surplus men were kept there by the steel barons, and as was stated by the industrial commission in this city, two men were kept for every job. Men, heads of families—and we have the records here—worked for \$200 a year and had to support a family on that small amount. Sanitary conditions brought about by such a low standard of wages and low standard of living thus set up were such that it drove out the toilers, with the result that property was destroyed, men were murdered, riot ensued. Over 71 per cent of these people being from the southern part of Europe, practically every one of this surplus of cheap, servile labor this literacy test would have kept out of the country and thus tended to prevent such an awful state of affairs.

The gentleman from Maryland [Mr. COADY] said he had a contempt for men with foreign names who had written letters and signed petitions to him to keep out those of their own race. Mr. Chairman, he has rather a peculiar name, the name of COADY, and I wish the gentleman were here, in order that I might ask him if some of his kinspeople from the other side of the water were to come into his home and take the bread and meat out of the mouths of his children, if because they were his ancient cousins he would allow them to consume that for which he was toiling and suffering. [Applause.] If he undertook to put them out, as we want to keep that class out by this bill, according to the logic of the gentleman they could say to him, "Mr. COADY, we are your cousins, and therefore we are entitled to come in and take the bread from your children." That is the argument of the gentleman.

Before our Committee on Immigration appeared a gentleman who pretended to be a representative of the United Garment Workers of America. He held no commission to speak for them. Their officers have sent to Members of this Congress letters and petitions from the United Garment Workers of America—Jewish people, many of them, I have no doubt. I hold here a letter signed by Mr. Barger, general secretary of the United Garment Workers of America, saying:

We are firmly convinced that this bill means much to the United States and its citizens. As a result of our present law of immigration we find growing up in our country colonies the members of which never become Americanized and are under the influence and power of a foreign Government. We feel unrestricted immigration is a menace to American living standards and can not but result in disaster, not only to the workmen but to the small business men as well.

[Applause.]

There are numbers of these letters from labor-union officials. Seven hundred thousand workmen in Massachusetts—the State from which certain gentlemen from Boston come, where they assemble themselves in a little coterie and imagine that Boston is all of Massachusetts and most part of the United States, so far as this question is concerned. [Applause.]

These are the workmen of the country; and we hear the same thing from the gentleman's [O'SHAUNESSY] State of Rhode Island. He represents a certain class there, but the workmen, the toiling men, whose labor is being beaten down and whose standards of living are being undermined, are praying for the passage of this bill.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. BURNETT. I can not yield to the gentleman; I have not the time.

Mr. O'SHAUNESSY. The gentleman said something about Rhode Island and I wanted to correct him.

Mr. BURNETT. When I speak of Rhode Island I speak the truth.

Mr. O'SHAUNESSY. I want to say that my constituency is a complex one—

Mr. BURNETT. Mr. Chairman, I object to the gentleman's making a speech in my time.

Now, let me read what the Immigrants' Review says about them and their condition. I have here the Immigrants in Amer-

ica Review, and on page 14 of that review for March, 1915, published in the city of New York, it says:

In regard to the schools, there are 2,565,012 foreign born in this country 21 years of age and over that can not speak English and only 35,614 are attending public schools presumably to learn.

Only 35,000 out of more than two millions and a half are trying to learn to speak English. Mr. Chairman, they are the ones—the illiterates—that have congested the labor market in the coal fields of Pennsylvania, and yet the gentleman from Pennsylvania [Mr. MOORE] talked with crocodile tears in his eyes about the poor foreigners being driven back to their native lands by this legislation, but he never said a word about the poor Americans that the foreigners were driving out and whose places they were taking and whose families were being made to suffer by such ruinous cutthroat competition. [Applause.]

I can disagree with my Republican friends on the question of the tariff, and I can see where they may go to the laboring man and contend that the high tariff is for the good of the laborer. On the other hand, I can consistently argue that it is not that way, but how a man that favors a protective tariff to protect the products of labor of the factory or mine in which laborers work can favor an open door to those who come here to beat down the price of labor and to directly compete with the labor itself is something that I can not understand, and such a protectionist can not explain or reconcile. [Applause.]

They are the men who in the gentleman's State advertised a few years ago "Laborers wanted; Poles and Italians preferred." Why? For the same reason they preferred them over there at Youngstown—just as the railroads preferred the illiterate Mexicans in Kansas, when the letter of the railroad attorney was written to the Kansas delegation two years ago asking them to oppose the literacy test, because it was said the literacy test would keep out the Mexicans, 90 per cent of whom were said to be illiterate. They wanted these illiterate foreigners to beat down the price of labor.

Mr. MOORE of Pennsylvania. Mr. Chairman—

Mr. BURNETT. Mr. Chairman, I decline to yield. I stated at the beginning I did not have the time to yield, and I decline to yield, because I have only a short time in which to reply to all these innuendoes of gentlemen who are from the Steel Trust districts where they want a surplus of servile cheap labor from abroad to beat down American wages and standards of living. [Applause.] I never heard the gentleman utter a word in the interest of the boy or the girl of the American working for the Steel Trust in his State, not one. Gentlemen, who favor this bill? Great organizations of farmers in the North as well as in the South. I have here the last declaration of the Grange, with more than a million dues-paying farmers as members in the North, declaring, absolutely and distinctly, in favor of this bill.

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

Mr. BURNETT. I decline to yield, and I hope the gentleman will respect my declaration.

Mr. SABATH. Mr. Chairman, I wish—

Mr. TAYLOR of Colorado. Mr. Chairman, it seems to me that the gentleman from Alabama is entitled to the protection of the Chair and has a right not to be interrupted.

Mr. BURNETT. Mr. Chairman, I know that the "galled jade" winces, and I intend to apply the spur where it ought to go. [Applause.] Here is the declaration of the farmers' organization:

While recognizing that ignorance is not a badge of dishonesty and crime, we are satisfied that the higher the average of education among our people the better it is for our happiness and prosperity and stability. When the war now raging in the East is over and peace restored, Europe will unquestionably dump untold numbers of undesirables upon our shores. The better elements from these countries will not be permitted to leave if such a thing can be prevented. Right now is our accepted time for action.

That is the National Grange or Patrons of Husbandry of the North, Mr. Chairman. Then there are the great Farmers' Union of the South; the great Federation of Labor, with 3,000,000 toilers; the railroad brotherhoods, with over 500,000 members, which have indorsed it. Then there are the patriotic organizations that gentlemen have attempted to decry, which have indorsed it. And in attacking those organizations gentlemen have undertaken to inject a religious prejudice into the matter—it has come entirely from and been by those opposed to the bill—knowing that it is the song of the dying swan. One man undertook to pose as a Presbyterian elder and represent the great Catholic communities of the country. I answer that by reading from the declaration of a Member of this House who is himself a Knight of Columbus and a Roman Catholic. I read now from the speech of the gentleman from Kentucky [Mr. JOHNSON], criticizing a man named E. L. Scharfe, who perambulates around

this Capitol and the House Office Building claiming an ability to deliver the Catholic vote, but who has been expelled from the Knights of Columbus and been repudiated by the church officials. Congressman BEN JOHNSON said on this floor:

In that connection he, E. L. Scharfe, also said that he was a Knight of Columbus, and through that organization he could surely and certainly deliver those votes to me. Mr. Speaker, I wish to say that I am proud of being both a Catholic and a Knight of Columbus, and I emphatically deny that this man can do anything of the kind.

And further, on February 3, 1914, this distinguished gentleman from Kentucky said in this House:

It is not pretended by anybody that any provision of this bill is aimed at Catholic France, or at Ireland, or at Holland, or at Germany; neither is it aimed at England, where there is a union of church and state. Those who favor this bill out of apprehension of a union of church and state in this country are without argument, while those who oppose it simply because the others are for it are not sufficiently broad, and do not search for potent and substantial reasons beyond those fallacies.

Now, let us dismiss the goblin feature of this discussion and turn to serious questions.

In arriving at a determination to cast my vote for this bill, I have looked beyond conditions of to-day, although I believe that the present demands its passage.

The rich everywhere—all the world over—can take care of themselves. That is the case in the United States. It is the poor who should have our solicitude. The poorest of our fellow men are those who have to do hard, manual labor for a daily wage in order to support their families. They must have employment, and their earnings must not be minimized by those of other countries who have our sympathies. Every nation first owes support to its own deserving poor and assistance to its own struggling wage earners. Our country must observe that rule.

Gentlemen, it looks to me as though there was a lot of the right kind of religion in that as well as a lot of good sound common horse sense, uttered by that distinguished gentleman who has often been honored by his people—his people who honored themselves when they honored him. And his splendid service here for his country and his people is well characterized in the words of President Woodrow Wilson, who declared a year ago that Congressman BEN JOHNSON was "a terror to crooks and grafters."

Away back yonder in time the statement was made that he that provideth not for his own household had denied the faith, and is worse than an infidel, and at the same time was asked the question, How much better is a man than a sheep? To-day that question comes ringing down through the 2,000 years and is asked of those gentlemen who want to protect the great industries of the country and yet are not willing to protect the men who toil in those industries—how much better is a man than a sheep? [Applause.] Oh, these gentlemen from Bosting, I want to read just a little extract from Hon. Henry J. Skeffington, the commissioner of immigration at Boston. This United States official says in his official report for 1915:

One of the notable effects of our present immigration policy is seen in the gradual change of the character of population. The unrestricted inflow of immigrants directly tends to drive out the native stock, which obviously is unable to compete with those maintaining a lower standard of living. In Massachusetts the proportion of native stock gradually has diminished, in part through emigration to other States, but largely by failure on account of economic causes to reproduce itself. A similar decline has begun among those races that made up the bulk of our immigration during the greater part of the last century.

The foreign element of the population of Massachusetts, according to statistics, constitutes more than 60 per cent of the total population. These figures suggest the price that is being paid for unrestricted immigration.

Because we see the necessity of restricting immigration we hope the literacy test or some equally effective measure will be passed by the next Congress.

And among other things he mentions a condition which this bill would remedy when he says:

Evidence continues to accumulate in favor of higher and higher standards of medical inspection of immigrants. Of 334 alien residents who were reported by State officials in New England as public charges on account of mental or physical conditions existing prior to landing, very few received medical certificates of any sort at the time of arrival. These public-charge cases related largely to conditions "whose demonstration at the time of arrival calls for careful time-consuming mental examinations or organized laboratory work," facilities for which have been conspicuous by their absence.

And here is an editorial from the Dedham Transcript, of Dedham, Mass., of February 12, 1916:

AFTER THE WAR COMES THE DELUGE.

President Wilson and former President Roosevelt are strongly urging the need of preparedness. In this matter they have behind them the best sentiment in the country. The United States must not lag behind in this matter and so find itself in an awkward position to defend its people and their interests when the emergency arises. Free America should be ever ready to maintain the integrity of free Americans.

Not alone should we be prepared to face our enemies and a possible invasion of our shores by foes from lands across the sea, but we should be prepared to meet the great problem that is sure to be ours when the great European war is ended—the problem of immigration.

With the ending of that bloody contest there is sure to be an unprecedented rush to this country of the peoples in the lands now at war and from others not yet engaged in the murderous struggle. In 1914 the immigrant aliens to seek sanctuary on our shores numbered 1,403,081, but in 1915 the number dropped to 434,244. War put up a

barrier last year and that kept the number down, but once let that bar be removed, as it would be by a declaration of peace, and our country will be flooded by an army of undesirables.

Now is the time for our Nation to act. Now is the accepted time for it to close the gates to a horde whose coming to our shores will swell the masses of illiterates already here and create panic conditions in our marts of labor. The quality of the peoples who will come to our shores after the war will be very poor. On this point all who have given the matter any study agree.

At least let us keep out the illiterates, and this can best be accomplished by the passing by Congress of the Burnett bill.

"After the war comes the deluge." Gentlemen, there is no question about that. I have not time to read from the strong logical statements of President Gompers two years ago and Secretary Morrison last year and this year before the committee, and the statement of Prof. Jenks, who was a former member of the commission, calling attention to previous wars; but when the flags are furled and some great nations are defeated, who doubts that the best of those people will stay at home and the worst will be sent here? Mr. Chairman, I saw that condition in our own Southland. Those who were among the best stayed during the Civil War, and many of those who were not the best left for other sections. After that war was over—after the Stars and Bars was furled forever—those who stayed were the ones who rebuilt and who rehabilitated my desolated and ruined country. So, Mr. Chairman, it will be on the other side after this terrible conflict there. The patriotic people who love their homes, who love their families, moved and inspired by the spirit of true patriotism and love of country, will remain there; but the slums of the cities, the crippled, the defectives, the dependents, the despirited, and delinquents will be dumped upon our shores, and far worse conditions, I fear, will prevail than any of us can imagine. We should prepare for such a possible and probable emergency. No wonder every mail, gentlemen, brings you protests from men who labor, getting good wages now, it is true; but they can look into the future, a year or more, and see confronting them millions from those desolated foreign lands—from portions of southern Europe—sent over here. The profit-making foreign steamship companies will renew their activities and gather them in throughout those countries in order to make up for the transportation charges that they are not getting now, and then your working people will rise to condemn the man that now treads upon those asking relief.

If the deluge does not come, gentlemen, no harm can come from this legislation. If I am correct in my prophecy, and I believe I am, then certainly there could be no better time for the passage of this law than the present time.

Now, what are the facts in regard to crime? Gentlemen, here is a statement by Charles Overlander, one of the commissioners of State prisons in New York, in which he says:

That our records in county and State will show that foreign illiterates have committed at least 75 per cent of the entire crimes.

That is from Buffalo, N. Y., where the gentleman lives, and he is a member of the New York prisons commission. Gentlemen, you will find it that way. Why, gentlemen say, oh, it does not keep out the crooks, it does not keep out the educated rascals. Gentlemen, this bill tightens up and strengthens far more than our laws have ever been tightened and strengthened along that line. But suppose that were true, and we do not claim that the literacy test will keep them out. It is not proposed as a substitute for tests for keeping out educated criminals, literate insane, and other admittedly undesirables. The bill keeps them out, and, gentlemen, the reading test would keep out hundreds and thousands of illiterates who are such easy tools and pliant dupes in the hands of the literate Black Hand leader, under the padrone system, under the boss in the coal mines, and the corrupt ward heeler. If you defeat this bill and desire to take the consequences, then you can take the sweet unction to your soul that you have thrust a dagger in the vitals of the men who toil. Talk about men not being in favor of a literacy test and protecting labor by this legislation and yet having labor cards in their pockets and believing in the principles of organized labor!

My friends, when they say that the people of northwestern Europe will not do the work they ought to do—since when? Since they were driven out by a lower standard of wages, by inferior and lower conditions of living. It has not happened in the South, nor in the West. I heard my good friend, Mr. HELGENSEN, from North Dakota, while a member of my committee a few years ago, resent the imputation that the splendid Scandinavian citizenship throughout the West would not do the work. He said they did do it until some boss of cheap foreign laborers came and established a standard of living and a condition of wages that no decent white man could compete with. That is what happened. You talk about the textile mills all over the country, and child labor. Go with me to my home—and, by the

way, gentlemen have sought to inject the child-labor question. Gentlemen, I have always been in favor of laws in that regard. I was specifically paired for the child-labor bill recently and I voted for the bill creating the Children's Bureau. I voted for the child-labor bill last Congress. Why, when I was but a boy, as a member of the State legislature, in 1884, when we passed the first child-labor law that any State in the Union had [applause], people came from Massachusetts and asked to establish cotton mills at my town, and asked me to sign a petition to the Alabama Legislature to repeal it. I said, "No, gentlemen; I helped to pass that law and I am not going to help repeal it." Go with me to the textile mills of my State and I will show you there girls and women—many of them with hearts as white as the untrodden snow, every one of them speaking the English language and many of them toiling their lives out in order to aid some stricken father or mother or child. I realize some of you gentlemen are unfortunate and feel in a middle of a fix. I have heard some gentlemen say, "I believe the bill is right and I wish I could vote for it, but I can not do so on account of the foreign citizenship of my immediate community." [Applause.]

Now, is not that an unfortunate condition! I thank God, gentlemen, it has not come to the South yet, and I hope the time will never be when it will come to our country. I thank God that the great and boundless West has, at least, not yet been invaded with that class of immigration. We are not striking down the Irishman and it does not touch one of them. It does not touch the Scotchman or the Englishman or the German or the Frenchman or the Hollander or any of the Scandinavian people, or the Swiss up in the midst of God's snowy mountains. They are not the men whom we are after because our doors are wide open, and when I was with the Immigration Commission at Hamburg I said to some of those great German people, "Why do not more of these good people come to our country?" They said, "One reason is that we are prospering greatly. Another reason is because you are getting too many of those people from along the borders of the Mediterranean and our laboring people will not stand competition with them. We do not want our families raised in such surroundings and subject to such contamination." [Applause.]

Mr. Chairman, in regard to the Jewish people the law is even more liberal than before—

The CHAIRMAN. The time of the gentleman has expired. [Loud applause.]

The Clerk read as follows:

Be it enacted, etc., That the word "alien" wherever used in this act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians of the United States not taxed or citizens of the islands under the jurisdiction of the United States. That the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone or any insular possession of the United States and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. That the term "seaman" as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

That this act shall be enforced in the Philippine Islands by officers of the General Government thereof designated by appropriate legislation of said Government.

Mr. SABATH. Mr. Chairman, I move to strike out lines 3, 4, 5, 6, and 7, on page 1, which carry the first definition in the bill, which provides—

That the word "alien" wherever used in this act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians—

And so forth.

This is a new provision, Mr. Chairman, and I am of the opinion—

Mr. BENNET. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 3 to 7, inclusive, strike out the following language: "That the word 'alien' wherever used in this act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians of the United States not taxed or citizens of the islands under the jurisdiction of the United States."

Mr. SABATH. Mr. Chairman, I have no objection that this law should not apply to all the immigrants, but the tendency and aim is that it should apply to all aliens. Due to our lax naturalization laws we have in this country thousands upon thousands of residents of the United States who are not as yet American citizens, and therefore it matters not whether they have been residents for 5, 10, or 20 years, if they have not been naturalized, and they are obliged to visit the old country, per-

haps for the last time, to see their parents or a dying brother or sister, they can not reenter unless they are subjected as an immigrant will be, if this bill passes, to the same rigid examination and inspection that this bill provides for. The hardship will not be so great upon the male citizens as upon the female, because they have no reason to apply for citizenship.

And certainly we have a great number of splendid women who have resided here for many years who are not American citizens, but who are residents and make this country, and have made this country, their permanent home.

Mr. GARDNER. Will the gentleman yield?

Mr. SABATH. Yes; I yield.

Mr. GARDNER. The gentleman has overlooked that provision at the foot of page 10, which allows aliens who have declared their intention to become citizens and aliens returning from a temporary absence to an unrelinquished United States domicile of seven consecutive years to be admitted in the discretion of the Secretary of Labor.

Mr. SABATH. I have not.

Mr. GARDNER. Is not that the objection the gentleman has made?

Mr. SABATH. I have not overlooked that provision. But how many women will go and make application or file declarations to become American citizens? The gentleman from Massachusetts—

Mr. GARDNER. It does not require that.

Mr. SABATH. Oh, yes; it does.

Mr. GARDNER. If the gentleman will allow me to read it, it says:

That aliens who have declared their intention to become citizens, and aliens returning from a temporary absence to an unrelinquished United States domicile of seven consecutive years, may be admitted in the discretion of the Secretary of Labor and under such conditions as he may prescribe.

The two classes will be admitted—aliens who declare their intention to become citizens and aliens returning after temporary absence.

Mr. SABATH. Yes; I understand the provisions. They must first be residents of this country for at least seven years. But if in between that time they might have visited their homes, as many of these girls and women do—within the seven years—and will try to visit their homes again within the next seven years, they will be subjected to the provisions of this act. And for that reason I believe that that distinction should be eliminated and that the law should apply to the immigrants whom you are desirous to legislate against.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, this is merely a definition of an alien. Certainly that is the correct definition; it is a common-sense, logical definition, and, not only that, it is the definition of the Supreme Court of the United States itself, as it has virtually announced in a certain case. They are protected all the way through the bill. There is nothing in the world in the suggestion of the gentleman that it denies any protection whatever; and therefore, Mr. Chairman, I move that all debate be now closed on this amendment.

The CHAIRMAN. The gentleman moves that debate on this amendment be now closed.

Mr. GARDNER. On this paragraph?

Mr. SABATH. No; on the amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama.

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

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

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Alabama a question or two in regard to the insular possessions.

Mr. BURNETT. The insular possessions?

Mr. MANN. The bill for the first time provides that an alien living in one of the insular possessions of the United States, in going to any other insular possession or into the United States, shall come under the terms of this act. First, may I ask, under that definition is Hawaii an insular possession—

Mr. BURNETT. Yes.

Mr. MANN (continuing). Or an integral part of the United States?

Mr. BURNETT. Well, it is a Territory now, as I understand.

Mr. MANN. I understand it is a Territory. Still, I ask, as I suppose the gentleman is informed, if under the construction of this bill Hawaii is an insular possession or not?

Mr. BURNETT. It is a part of the United States and the people there are regarded as citizens of the United States, and are so recognized.

Mr. MANN. Of course, this language does not apply to anyone except an alien. It does not apply to a citizen of the Philippine Islands or a citizen of Porto Rico. But this is what I wanted to get at: I am not certain about Hawaii, but I am quite certain about Porto Rico. Will all people coming from Porto Rico to the United States, that board a steamship, be required to declare whether they are aliens or citizens in the same manner as they are required to declare when coming from a foreign country to the United States?

Mr. BURNETT. I understand that citizens of Porto Rico would not have to declare. Aliens coming from Porto Rico would have to do so.

Mr. MANN. Does not everybody have to declare now?

Mr. BURNETT. From Porto Rico?

Mr. MANN. In coming from any place.

Mr. BURNETT. Declare what?

Mr. MANN. Make some declaration so as to know whether they are covered by the terms of the bill or not.

Mr. BURNETT. The manifest, you mean? Certainly there has to be a declaration on the manifest kept by the ship companies.

Mr. MANN. How do you ascertain whether a man is an alien or not when he comes on board the steamship?

Mr. BURNETT. He has to state it.

Mr. MANN. He has to be asked, then, does he not?

Mr. BURNETT. There are forms of questions asked him.

Mr. MANN. Do you not have to ask everybody?

Mr. BURNETT. Yes.

Mr. MANN. That is what I say. He has to declare whether he is an alien or not?

Mr. BURNETT. Yes.

Mr. MANN. What I want to know is whether everybody who comes from Porto Rico and Hawaii is going to be put to the manifest nuisance each time of making a declaration of whether they are citizens or not, there being very few aliens who travel between these countries.

Mr. BURNETT. My understanding is, so far as Porto Rico is concerned, that they would, but they would not if they came from Hawaii and the Philippine Islands.

Mr. MANN. Of course I can see the reason for applying it to the Canal Zone, because they are not restricted when they go to the Canal Zone. But where you provide as to Porto Rico, for instance, that an alien can not go there except under the terms of this bill, I confess I can see no reason why you should subject everybody that travels between the United States and Porto Rico to the annoyance of making a declaration each time that they are citizens of the United States. People do not like it, I can assure the gentleman.

Mr. BURNETT. Well, I know it is a nuisance.

Mr. MANN. If there were many aliens traveling, that might be a good thing, but there are not.

Mr. GARDNER. Is it not true that every time I cross the border to Canada or back I have to make that declaration?

Mr. BURNETT. No; an arrangement is provided.

Mr. GARDNER. I have to make it.

Mr. BURNETT. No. I thought the gentleman meant those coming over to this country.

Mr. GARDNER. There is no greater hardship in coming from Porto Rico.

Mr. MANN. Nobody likes it coming from Canada, and unless there is reason for it I can see no reason why they should be subjected to the annoyance. Now, are the people who go to Porto Rico required to come within the terms of the act?

Mr. BURNETT. Yes.

Mr. MANN. I can see no reason why, having made the application going to Porto Rico, you should bother them again coming from Porto Rico to the United States, and traveling back and forth. It is a new thing in the bill. I do not know who got it up.

Mr. BURNETT. The trouble is Porto Rico has been used so often as a stepping-stone from other countries, to come from there, and it was thought best by the department to make that requirement.

Mr. SABATH. And for statistical reasons and purposes.

Mr. BENNET. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Illinois, to ask the gentleman from Alabama [Mr. BURNETT] a question.

Mr. BURNETT. There is nothing pending, Mr. Chairman.

Mr. BENNET. Oh, yes; I am opposing the pro forma amendment.

Mr. BURNETT. I understood it was withdrawn.

Mr. CLARK of Florida. I make the point of order, Mr. Chairman, that it is not permissible to discuss a pro forma amendment in opposition.

The CHAIRMAN (Mr. SAUNDERS). Of course, the motion to strike out the last word and the debate on it pro and con are matters of convention here. If the rule is insisted upon, of course, any amendment in the Committee of the Whole must be debated on the merits of the amendment.

Mr. BENNET. Then, Mr. Chairman, I move to strike out lines 13 to 15, on page 2, for the purpose of asking the gentleman from Alabama a question.

The CHAIRMAN. The gentleman from New York moves to strike out lines 13 to 15 on page 2.

Mr. BURNETT. What lines did the gentleman say?

Mr. BENNET. Lines 13 to 15, on page 2; that is, in the committee print. In the Union Calendar print those lines are 10 to 12, on page 2.

The question I desire to ask the gentleman from Alabama is this: That language in lines from 10 to 12 is substantially, I think, taken from section 6 of chapter 453 of the act approved February 6, 1905. It was in the first bill for the regulation of the Philippine Islands, and under section 38 that language is exempted from the repeal clause. On page 21 of the bill, lines 23 and 24, it is provided that "this act shall not be construed to repeal, alter, or amend section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905." That is, that the provisions of this section—section 11—shall be exempted.

This is rather an important matter, as it governs the enforcement of the laws of the Philippine Islands; and what I wanted to ask the gentleman from Alabama is, what would be the effect if this law passes in the form in which it is—exempting that particular law by section 38, reversing that in part by section 11, and substituting, under section 1, a portion of the language? I would like to ask the gentleman about that. I see he has not only his own large ability, but he has active assistants. I ask him what the situation would be?

Mr. BURNETT. That would not change it, I think. It would go on just as it was before. We have had the law that the gentleman speaks of for some time. I do not think this would affect it. That is the information I get.

Mr. BENNET. I recognize, I will say to the gentleman, that the Philippine act is still in force, having been exempted from repeal by the act of 1907; but as any lawyer, I think, would be, I am a little bit anxious as to the effect upon an act which is in existence, which is exempted from repeal in one part and then as to which there is elsewhere this curious language, which I never saw in any other statute, "and the provisions of this section shall be excepted from that portion of section 38 of this act."

Mr. SLAYDEN. Mr. Chairman, may I ask the gentleman from what page he is reading?

Mr. BENNET. Page 21.

Mr. SLAYDEN. And what line?

Mr. BENNET. Line 21, in the regular Union Calendar print of the bill, No. 36. It is not the committee print. The language is:

And the provisions of this section shall be excepted from that portion of section 38 of this act which provides that this act shall not be considered to repeal, alter, or amend section 6—

And so forth.

Now, Mr. Chairman, I do not believe that you can do such a thing as repeal a law for one purpose and then continue it for another. I never saw it done.

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

Mr. BENNET. I ask unanimous consent, Mr. Chairman, for two minutes.

Mr. BURNETT. Section 6 is the passenger act, as the gentleman will remember.

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

Mr. BENNET. I ask unanimous consent to proceed for three minutes, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BENNET. If the gentleman will turn to his own bill, on page 62, line 11—not the committee print, but the calendar print, No. 36—he will see that this act is there referred to as "Section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905." Then there is this further language, "or the act approved August 2, 1882." And then, if he will go back to page 21, he will find the same language: "Section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905, or the act approved August 2, 1882."

Now, what I want to get at is the legal construction, because the question of immigration into the Philippines is a very important matter, and I agree with the gentleman as to the ex-

clusion of some people that are now being excluded from the Philippines, and we do not want to do anything that will hamper the exclusion from the Philippine Islands by those people on whom is cast the duty of the execution of the laws. The gentleman will know that the most technical part of the enforcement of the immigration law is the Chinese portion of the law, and it is the Chinese that would not take the thirtieth part of a second to see any loophole that might be afforded them. If the gentleman has no objection, I would be glad if he would agree to pass over that section until we can pass upon it. I frankly say I am not prepared to pass upon it now.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words. It is provided in section 1:

That this act shall be enforced in the Philippine Islands by officers of the General Government thereof designated by appropriate legislation of said Government.

It is provided in section 6 of the Philippine act:

That the immigration laws of the United States in force in the Philippine Islands shall be administered by officers of the General Government thereof designated by appropriate legislation of said Government.

Now, this specifically says that the bill shall be enforced in accordance with the provisions of the act, so far as the Philippine Islands are concerned. Two years ago we put in at the end of the bill, in the repealing section, a provision excepting section 6 of the Philippine act from repeal; but when we came to the matrons and surgeons on board ship, in section 11, which the gentleman has recently been reading from, we made an exception to the exception.

Mr. BENNET. The gentleman is quite in error. Section 11 is the one that relates to epidemics, and not to the matrons and surgeons.

Mr. GARDNER. That has been changed from section 11 as it was.

Mr. BENNET. I also call the gentleman's attention to the fact that his other statement, that they put it in two years ago, is erroneous. It is a part of the existing law.

Mr. GARDNER. Yes. The gentleman is right. I was looking at the wrong section of the bill.

Mr. BURNETT. I suggest to the gentleman that this matter be passed over temporarily.

Mr. BENNET. The gentleman can ask unanimous consent that it be passed over temporarily for the purpose of looking into it. I am not captious about it.

Mr. BURNETT. I make that request, Mr. Chairman.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that this section be passed temporarily, to be returned to on his motion. Is there objection?

There was no objection.

The Clerk read as follows:

Sec. 2. That there shall be levied, collected, and paid a tax of \$8 for every alien, including alien seamen regularly admitted as provided in this act, entering the United States: *Provided*, That children under 16 years of age who accompany their father or their mother shall not be subject to said tax. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States, or by the alien himself if he does not come by a vessel, transportation line, or other conveyance or vehicle or when collection from the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance, or vehicle bringing such alien to the United States is impracticable. The tax imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied on account of aliens who enter the United States from the Dominion of Canada, Newfoundland, the Republic of China, or the Republic of Mexico for a temporary stay, nor on account of otherwise admissible residents of any possession of the United States, nor on account of aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory, and the Commissioner General of Immigration with the approval of the Secretary of Labor shall issue rules and regulations and prescribe the conditions necessary to prevent abuse of the exceptions: *Provided*, That the Commissioner General of Immigration, under the direction or with the approval of the Secretary of Labor, by agreement with transportation lines, as provided in section 23 of this act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That said tax, when levied upon aliens entering the Philippine Islands, shall be paid into the treasury of said islands, to be expended for the benefit of such islands: *Provided further*, That in the cases of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall upon application, upon a blank which shall be furnished and explained to him, be refunded to the alien.

Mr. BELL. Mr. Chairman, I offer the following amendment.

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

The Clerk read as follows:

Amendment offered by Mr. BELL: Amend, on page 2, line 14, by striking out "8" and inserting "10."

Mr. BENNET. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The gentleman will send up his amendment.

Mr. BENNET. I move to strike out "8" and insert "6."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. BENNET. Mr. Chairman, the gentleman from Alabama [Mr. BURNETT] and myself have always agreed on three things in connection with aliens: First, that they ought to be well treated after they get here; second, in relation to strict naturalization laws; and, third, that a high head tax ought not to be imposed for restrictive purposes. Now, I want to call the attention of the gentleman, the chairman of the committee, and the Committee of the Whole to the situation. We are committed to the policy of supporting the immigration system through the head tax, and I know that the gentleman from Alabama [Mr. BURNETT] does not desire to raise a dollar more than is necessary for that purpose, and does not desire a high head tax for restrictive purposes. Now, what does our head tax do? If you will look at the report of the Commissioner of Immigration for this year, on page 34, you will find that he says that up to the end of this fiscal year there has been collected over \$9,000,000 in excess of expenditures; and in the expenditures are included every building at Ellis Island, every building at Angel Island, every building in the port of Philadelphia, every building in the southern ports and everywhere. The cost of all those buildings has been paid out of the head tax, and still we have an excess of \$9,000,000 that we have collected from these immigrants.

Now, I dissented from the report of the Immigration Commission, of which the gentleman and I were members; but I said then, and I stand by it now, that I thought there ought to be more of a restriction placed on unmarried male aliens or married aliens not accompanied by their wives and families. Now, I want to put it very frankly to the gentleman from Alabama. Neither he nor I can prove, and the gentleman from Georgia [Mr. BELL] also can not prove, that any such sum as \$10 per head is needed for the support of the establishment. If the gentleman from Alabama is correct in his belief, and if we are going to have a flood of immigration after the war, a million or twelve hundred thousand, then we shall collect in one year \$10,000,000 under the amendment proposed by the gentleman from Georgia [Mr. BELL], and the expenditures of running the bureau are less than \$3,000,000.

Mr. HAYES. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. HAYES. I wonder if the gentleman has forgotten that his statement is exaggerated, because the head tax is not collected on children under 16 years of age?

Mr. BENNET. I acknowledge frankly that the gentleman from California is correct. I had forgotten that for the moment.

I am in sympathy with that part of the bill which attempts to put a higher head tax on the bird of passage, and I am glad to see the part of the bill which exempts children; but the gentleman from Alabama [Mr. BURNETT] and myself being on the same ground on this amendment, I want to say to him, until there is proof that we need more than \$6, do not let us go up any higher. I am willing to go as high as \$6 for the purpose of paying the expenses of the administration of the law. I offer the gentleman a fair bargain, an even division between what he suggests and the amount in the present law, and I do not believe that in his heart he favors either \$10 or \$8.

Mr. SLAYDEN. Mr. Chairman, the gentleman stated that the head tax is entirely removed from children under 16 years of age.

Mr. BENNET. It is only removed from children under 16 years of age who come in with their parents.

Mr. SLAYDEN. Yes; who come in with their parents. Now, I do not know what the average family is, or how many children usually come in with the head of a family.

Mr. BENNET. I do not know.

Mr. SLAYDEN. I doubt if the \$8 tax will yield as much revenue to the Government as the \$4 tax on all the family.

Mr. BENNET. I will say that if it does not, we have \$9,000,000, which will run the department over three years.

Mr. SLAYDEN. Well, the gentleman from New York is conspicuously active in encouraging expenditures and opposing the raising of revenue, and we will need all that to meet the bills the gentleman wants to contract.

Mr. BENNET. Oh, the gentleman is without foundation for that statement.

Mr. SLAYDEN. Is not the gentleman for practically unlimited expenditure for the Navy and the Army; and if the Government has got more revenue from this tax than is needed for the Immigration Service, we will need it to apply to his purchases.

Mr. BENNET. The gentleman and I voted the same way on the military bill.

Mr. SLAYDEN. We were not together on all the votes in relation to it.

Mr. BENNET. I was an earlier convert than the gentleman.

Mr. SLAYDEN. Mr. Chairman, I think the tax should be left as it is. If the heads of the family should be permitted to come in for \$8, I doubt if the Government would get as much revenue as it gets now; all except the men without families, the birds of passage, as the gentleman called them awhile ago, and there is no reason why they should not pay \$8. I hope the amendment will not prevail.

Mr. AUSTIN rose.

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

Mr. AUSTIN. I want to get into the debate in a parliamentary way.

The CHAIRMAN. There has been one speech in favor of the amendment and one against it.

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

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes.

Mr. BURNETT. And I ask for unanimous consent to speak for five minutes afterwards.

The CHAIRMAN. And the gentleman from Alabama asks unanimous consent to speak for five minutes. Is there objection to these requests?

There was no objection.

Mr. AUSTIN. Mr. Chairman, I would really like to have an opportunity to vote to increase rather than decrease this head tax. I can very well understand, in view of the position of the gentleman from New York [Mr. BENNET], that he is in favor of any proposition that will aid in the increase of immigration to this country. In 1913 there landed in this country over 1,400,000 immigrants. The literacy test would have reduced that 300,000, leaving 1,100,000. In 1914 there landed 1,200,000, and the enforcement of this proposed measure of literacy would have reduced it to 900,000.

The governor of New York, I think the last Democratic governor of the Empire State, issued a call for a conference of the various governors of the States to provide for meeting the enormous expense to the taxpayers of New York and other States on account of caring for the foreign immigrants who are filling their asylums and other public institutions, causing a very large expenditure, I think, of \$4,000,000 annually for this additional burden on the taxpayers of the State of New York alone. The great State of Pennsylvania had an additional burden of about two and one-half or three million dollars on account of caring for the sick, helpless, and insane dumped on the shores of America by a greedy, avaricious foreign steamship trust. So if we can increase the head tax and reduce immigration and keep down this enormous expense to the Empire and other States complained of by the late Gov. Dix, we will be doing a great and patriotic thing.

When the gentleman from New York [Mr. BENNET] computes the amount of the present head tax collected at the various ports, there is another side of the question as to what their landing means in the way of caring for those aliens in State institutions in New York, Pennsylvania, and every other State where there is a large number of them living, either permanently or temporarily. So if we have a large amount over and above the necessary expenses of the Immigration Bureau, the gentleman from New York [Mr. BENNET], instead of devising a scheme which will add additional burdens to his people in caring for this expense, should offer an amendment which will transfer some of the surplus to the State of New York, which is now appealing through a Democratic governor for aid throughout the country, and thus help New York and other States to meet this additional burden.

Mr. SABATH. Will the gentleman yield?

Mr. AUSTIN. If I have the time.

Mr. SABATH. Is the gentleman speaking for the great States of New York and Pennsylvania, and has either of the States made any request for a part of this fund to be turned over to them?

Mr. AUSTIN. The governor of New York, as I stated a few minutes ago, and I thought I made it plain, wanted a confer-

ence of the various governors of the States to devise means for coming to the relief of the people of New York and other States who have this extraordinary burden as the result of unrestricted immigration.

Mr. BENNET. Mr. Chairman, if I can have a minute and a half I would like to answer that.

Mr. BURNETT. I am willing that the gentleman should have the time.

Mr. BENNET. I think it is true that Gov. Glynn did issue a call, as the gentleman has stated, and then he ran for reelection and was beaten by 175,000 majority. So the State did not indorse his call. Of course, we have insane people in our State, as they have in Tennessee, but we put ours in asylums. [Laughter.] But the number of aliens in the insane asylums in our State is not out of proportion.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BENNET. My time has expired.

Mr. BUCHANAN of Illinois. I want to say that speaking of the governor of New York coming up for reelection, one of the most faithful opponents of the immigration bill was our friend Mr. Goldfogle, who was also defeated at the last election.

Mr. SABATH. Yes; Mr. Goldfogle was defeated because he was charged with not opposing the immigration bill to the best of his ability. [Laughter.]

Mr. BURNETT. Mr. Chairman, these statements are foreign to the proposition, and, in fact, the suggestion of the gentleman from Tennessee [Mr. AUSTIN] would be foreign, because if it were to amount to a hundred million dollars I would not vote for a cent of it going to support the alien insane in New York or any other State. I am supporting this \$8 proposition. The bill as I introduced it called for \$6. The committee in its wisdom thought, and after deliberation and discussion decided, that on account of the fact that since the law now is that every member of the family has to pay \$4 head tax that there would be a great reduction in the funds and that this fund ought to be at least self-sustaining. Not only that, but I concur with the view that while, as the gentleman from New York [Mr. BENNET] has said, I do not believe in bringing about any great restriction of immigration by an excessive head tax—and I never have favored that proposition—at the same time I do think and the committee felt that people coming here and bringing but little with them, coming to a ready-made civilization, to ready-made favorable conditions, ought to contribute something to paying the expense of the Government in admitting them.

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

Mr. BURNETT. Yes.

Mr. MANN. Did not the Supreme Court sustain the head tax, rather indicating that they did it because the Government had the right to levy a tax that would cover the cost to the Government of enforcing the immigration law?

Mr. BURNETT. Yes; that was some years ago, when the 50 cents was first put on; but since that time this Congress has diverted this fund from the immigration fund and it now goes into the General Treasury. In the first place we required all except \$2,500,000 to be covered into the Federal Treasury, but in some way it was gotten through Congress on an appropriation bill that all should go there.

Mr. MANN. Where it went would make no difference. The theory of Congress in levying the head tax was that it was doing it for the purpose of paying the expense that the Government was put to by reason of immigration.

Mr. BURNETT. Yes.

Mr. MANN. And I think that is what the Supreme Court held.

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

Mr. HAYES. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Alabama may be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, I think it has never been questioned since that time. While the Supreme Court so held, as suggested by the gentleman from Illinois [Mr. MANN], it has never been questioned that the money could be used in other ways, especially since the Congress itself diverted it. It seems to me that the reduction of the number of people who have to pay the head tax will take off a great deal of money, and then we believe that the enforcement of the literacy test will reduce the number of immigrants by some 200,000 in normal times. The gentleman from New York [Mr. BENNET] insists that there will be much less; that there will be no immigration.

If his contention is correct, certainly there ought to be a very great increase made. I am not for the \$10 proposition offered by the gentleman from Georgia [Mr. BELL]. He was once a valuable member of the Committee on Immigration, always rendering great service, and his contention has always been in favor of a head tax for restrictive purposes. I have not concurred in that opinion, but do believe that now, on account of the increased expenses, it is necessary to somewhat increase the head tax. There is no doubt that under this bill, outside of enforcing the literacy test, there will be a greatly increased expense in enforcing this new immigration law on account of policing the Canadian and Mexican borders. Then, too, we have tightened up the law in regard to smuggling in such a way that it is going to cost a great deal more to enforce the law. For those reasons and others the committee believed it ought to be increased to \$8. So far as I am concerned, I would not have been averse to the proposition the gentleman from New York [Mr. BENNET] suggested of letting people who come here without their families bear the greater part of the head tax, but if we put that to where it would be restrictive it would hurt a lot of mighty good people whom I do not want to see kept out. I am not an A. P. A. I never have wanted to cut off the people who come here with the intention of becoming bona fide citizens and who have the will and the ability to build up the prosperity of the country and become permanent citizens. Of course most of our people from northwestern Europe come with their families, but at the same time it would be so restrictive, if it were put high enough, to keep out good people whom I do not want to see restricted, that I could not support it.

Mr. HAYES. In addition to the reasons suggested, is it not also true that the bill as drawn has enlarged and perfected provisions in regard to the insane that will necessitate a large increase of facilities for the enforcement of the law?

Mr. BURNETT. Yes; and there are quite a number of other provisions that are for the benefit of the alien himself.

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

Mr. BURNETT. Yes.

Mr. FESS. The present law is \$4?

Mr. BURNETT. Yes.

Mr. FESS. And this is \$8?

Mr. BURNETT. Yes.

Mr. FESS. And the present law applies to all members of the families?

Mr. BURNETT. Yes.

Mr. FESS. And this only to those who are above 16?

Mr. BURNETT. Yes; that is, children under 16 coming with their father and mother are excepted.

Mr. FESS. Have you any way of estimating what \$8 under the reduced number would amount to?

Mr. BURNETT. No. I submitted that question to the Commissioner General of Immigration, and he thought, just as an off-hand guess—and it was just a guess—that it would perhaps leave it just about where it is now, or was in normal times; but we can not arrive at it definitely.

Mr. BENNET. The gentleman himself has shown by his bill when he put in his \$6 provision that that would do it.

Mr. BURNETT. Yes.

Mr. BENNET. The gentleman did not disagree with me.

Mr. JOHNSON of Washington. Is it not the hope that a more rigid enforcement of the immigration laws will take place on the border, and is it not further understood that carrying out further provisions of the bill in regard to matters other than the literacy test will cost more money?

Mr. BURNETT. Yes.

Mr. JOHNSON of Washington. Making \$8 necessary?

Mr. BURNETT. Yes.

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

Mr. BURNETT. Yes.

Mr. SABATH. I desire to say in response to the question of the gentleman from Pennsylvania that the report of the Commissioner of Immigration shows that last year out of 326,000 immigrants 52,982 were under 14 years of age; consequently there will be about 15 per cent, and we are increasing it 100 per cent.

Mr. BURNETT. There is one other suggestion I want to make, if I may be permitted to do so. There are a number of provisions in this bill in the interests of humanity to the immigrants themselves. For instance, there are two inspectors instead of one; there are two doctors instead of one, and various other things, but I just happen to think of those that are for the benefit of the immigrant himself. That is going to be an additional expense, and I think the \$8 is very reasonable.

Mr. GALLAGHER. Will the gentleman yield?

Mr. BURNETT. I will.

Mr. GALLAGHER. Does not the gentleman believe it would be a humanitarian move to spend this money to build stations

in which to house these immigrants compared with some of the places in which they are now housed?

Mr. BURNETT. I desire to say that some are horrible—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. I would like to have about one minute more.

Mr. BENNET. Mr. Chairman, I ask that the gentleman be given three minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears no objection.

Mr. BURNETT. Mr. Chairman, whenever it comes to furnishing good conditions under which the aliens are to see our country for the first time every gentleman who has followed my course on this floor knows, as my good friend from Illinois [Mr. GALLAGHER] does, that I have always been extremely liberal in all these matters.

Mr. GALLAGHER. And further, in face of the fact we are exacting upward of a million dollars a year more than necessary to carry out the provision of this law, and we are turning that money into the General Treasury; should not some of it be spent for suitable accommodations—

Mr. BURNETT. I agree with the gentleman; there ought to be; there is no doubt about that. The Bureau of Immigration, Mr. Chairman, has been cramped and handicapped by reason of the fact that they have not had proper accommodations for their work, but we have now a new immigration station at Baltimore and one started at Boston, and I believe, about completed. It has always been my desire to furnish the very best accommodations for these people who come to our land, and I believe we ought to make that provision; and I think the committee was wiser than I was when I introduced the bill at \$6, and I believe that the increase of \$8 ought to stay.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York to the amendment offered by the gentleman from Georgia.

Mr. BENNET. Mr. Chairman, I ask that the amendments be again reported.

The amendments were again reported.

Mr. BUCHANAN of Illinois. Mr. Chairman, a point of information on that amendment to the amendment. Does not the amendment read to strike out the figure 10 and insert the figure 6?

The CHAIRMAN. The amendment to the amendment will be again reported.

The amendment to the amendment was again reported.

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

The question was taken, and the Chairman announced that the yeas seemed to have it.

On a division (demanded by Mr. BENNET), there were—ayes 14, yeas 60.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment.

Mr. GILLET. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GILLET. Mr. Chairman, I wish to discuss the amendment.

The CHAIRMAN. Debate on this has closed.

Mr. GILLET. There has been no debate on the amendment itself; it was on the amendment to the amendment.

The CHAIRMAN. Perhaps the gentleman is right. The gentleman from Massachusetts.

Mr. GILLET. Mr. Chairman, I favor this amendment and will favor any amendment, pretty nearly, that will restrict immigration. I state frankly I vote for this increase not as a revenue measure, but I will be glad to vote for it even if it should decrease revenues if at the same time it decreased immigration. I get many protests against the literacy test. With many of them I entirely agree. I recognize that it is not a fair or ideal test. It admits many whom we would like to keep out and excludes many whom we would like to let in. But this is the only bill which can pass and which the majority will allow to come before us, and I vote for it now, not because it is the bill I would like, but because it does restrict and lessen immigration. I will vote for almost any bill which does that. I would go a great deal further than this bill; I would restrict immigration much more. I am not sure I would not vote to prohibit it entirely for a term of years except as to relatives of those now here until we can judge of the industrial effects of the present war. That would, to be sure, be a temporary abandonment of our old boast that this land was the free refuge of all the oppressed. Some would say it was not philanthropic. But a continent with 90,000,000 of people is a pretty sizeable field over which to spread our philanthropy. If we should for

a season exclude the rest of the world our philanthropy could have plenty of exercise and there is abundant need for it here.

All of Europe is just now selfish and belligerent. The times are peculiar and out of joint. "America first" is just now a good watchword, and it is a question whether it is not best for the future of the world as well as for the future of ourselves to protect ourselves for a time against the further dilution of our citizenship.

Recent events have brought home to us all the fact that we are a very composite Nation—that we have within ourselves jarring and irreconcilable elements. Many other nations are heterogeneous—Austria, for instance—but there the different parts are entirely separate and meet as an alliance. With us the different parts are inextricably mixed, yet the contents of our melting pot seem to be so diverse and chilled that they will not always fuse.

I do not wish to exaggerate our condition. I recognize fully our obligation to our immigrants. Indeed, this is a nation of immigrants. I believe thoroughly that the great body of our citizens who have come from abroad genuinely love their new home and will be zealous in its defense. Nor do I at all blame or criticize their affection for the land of their birth, wherever it is. Such affection and sympathy but prove that they have the disposition to become attached to the land of their adoption. I have no doubt the heat of a foreign attack upon us would rapidly melt and assimilate all our ingredients. But we hope to have no such conflagration. And I think our greatest need at present is that all our people should be permeated with a zealous spirit of American nationality.

Of course, prohibiting immigration even temporarily involves disadvantages. There would be an outcry that we would soon have no cheap labor. To me that is no objection. I would be glad to have no cheap labor, to have the value of wages relatively increased. The more equal distribution of wealth should be one of our chief aims.

It might check our invasion of the markets of the world. But by our tariff laws we could preserve and assure to ourselves our own markets, even if we had to surrender other markets to cheap labor. It is more important to Americanize and spiritualize our own population than to extract wealth from other nations.

There never has been a time when we could so well afford to ignore the rest of the world and devote ourselves to building up our own character and independence. Hundreds of millions of American securities have drifted here during the past year, and though I suppose we are still a debtor nation our obligations can not be large. The world is in turmoil, and no one can foresee the conditions which will follow the treaty of peace. It may be that the heavy taxation elsewhere will equalize higher wages here. We know it will not be prudent to be defenseless, and we are about to extend our armaments and our taxes. It will not be a safe or fruitful time to preach or practice worldwide philanthropy when all other nations are battling vehemently for their own interests. Why should we not then study our own interests, set our own house in order, raise our standards of citizenship, and for a period admit no dilution and cultivate a devotion to our own country? Thereby we would very likely make ourselves a better instrument to assist and stimulate the advancement of the whole world. "If any provide not for his own, and especially for those of his own house, he is worse than an infidel."

Such a course may be called narrow and reactionary. Temporarily it regards the interests of the United States more than of the whole world. It might shut us out of the world currents; it might raise up against us ill will and remonstrance, and very likely attack if we were unprepared; but it would make us a better, if not a richer, America, a more homogeneous, harmonious, united people, and perhaps a better instrument for the world's progress and a more powerful engine for the world peace and harmony, which is the ultimate ideal of us all. [Applause.]

Mr. SABATH. Mr. Chairman, the argument that the gentleman has made in favor of this amendment has been made before. The same fears that he now has were entertained many, many years ago. The gentlemen when they opposed immigration 100 years ago stated the same reasons that the gentleman assigns to-day, and were as wrong then as he is to-day. I have here an extract from a report which was made in 1817, not quite 100 years ago. At that time the so-called immigration commission that had been created reported that—

The immigrants should press into the interior. At the present time, also, we seem too congested on the frontiers.

And in those days the population of the United States was only between eight and nine millions.

In 1819 there were certain statements made by people, which I desire to quote. This is a statement from the second annual report of the managers of a society for the prevention of pau-

perism in New York City. There were paupers then. That was before this present-day immigrant ever dreamed of coming to the United States. And this is what the association says:

As to the emigrants from foreign countries, the managers are compelled to speak of them in the language of astonishment and apprehension. Through this inlet pauperism threatens us with the most overwhelming consequences.

Mr. Chairman and gentlemen, a century has elapsed since that statement was made. But 60 years ago we find that the people were still of the same impression and were as wrong on that question as they are to-day. Here is a report of 1835, made by a similar organization, and in that report they say:

Then we were few, feeble, and scattered. Now we are numerous, strong, and concentrated. Then our accessions of immigration were real accessions of strength from the ranks of the learned and the good, from enlightened mechanic and artisan and intelligent husbandmen. Now immigration is the accession of weakness, from the ignorant victims of the priest-ridden slaves of Ireland and Germany or the out-cast tenants of the poorhouses and prisons of Europe.

And the same arguments are made against present-day immigration. We can realize how fallacious and wrong were the statements of those early organizations. We know the startling and marvelous progress that was made since those reports. In lieu of this a great number of you gentlemen are pressing the same arguments. I prophesy a number of years hence the people will think you as ridiculous and absurd as we do now think of the early restrictive societies.

Mr. GARLAND. Mr. Chairman, I move an amendment to the amendment, to make it \$8.25.

Mr. MURRAY. Make it \$12.50.

Mr. GARLAND. I do this for the purpose of speaking for the amendment.

Mr. BURNETT. Mr. Chairman, I make the point of order that the amendment is not in order.

Mr. BENNET. Oh, yes. Although the gentleman is on the same side as the gentleman from Alabama, I think he has a perfect right to offer an amendment.

Mr. BURNETT. There were two amendments, were there not?

The CHAIRMAN. There was an amendment to the amendment, and one was voted down.

Mr. BENNET. Mine was voted down.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. The amendment was to make it \$8.25 instead of \$8 as provided by the committee.

Mr. BENNET. The amendment pending was to make it \$10.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

Strike out the figures "\$10" and insert in lieu thereof "\$8.25."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GARLAND] is recognized.

Mr. GARLAND. Mr. Chairman, there has been a strong tendency all through this session of this Congress in which I have sat, and it is my first opportunity to be in Congress, to hearken to the report of the committee. They are supposed to have and should have a large amount of all the wisdom that can be gathered on all of these subjects that are brought before them for report to this body. And I am glad to see that this wisdom has been displayed here to-day by the gentlemen who have this bill in charge. I am for it. I am going to vote for it because it will assist in keeping out pauper labor and also because it is a kind of a Republican measure. It is for the protection of the man who works, and it was so stated by the gentlemen who have the bill in charge. Now, then, I am challenging these gentlemen in return, that when a protective tariff measure comes up in this House for the protection of working peoples' wages, which will come before long, that they do likewise, and that so-called Democratic States will give as many votes for that measure as Republican States will give for this one measure. [Applause.]

But I have heard here the virtues of Alabama proclaimed, and I have heard the declarations against Pennsylvania and its alleged usages, and Ohio and its alleged usages, and the Middle States generally, from the gentleman from Alabama. Why, gentlemen, I was down in Alabama several years ago. It was about the time the first cotton mill was put up at Anniston, Ala., which I understand is in the gentleman's district; and I had the pleasure of going into the mill. The gentleman says that Alabama passed the first child-labor bill that was passed by any State. If so, it must have been to extend the hours for labor beyond 24 per day. I went into that mill and beheld a woman with a child at her breast attending a loom, and two children, that could not have been more than 4 and 6 years

of age, played back of her with rag dolls in their hands on the floor of the factory.

Mr. MURRAY. Eight hours before dinner and eight hours after dinner. [Laughter.]

Mr. GARLAND. Maybe I can not remember that, because it was some time ago, and possibly could not now bring proof, but maybe the gentleman from Alabama was then in the legislature which enacted the legislation that now exists, or did exist four years ago, in Alabama, in which they can make of a man who goes on a strike a vagrant—a bum.

Mr. MURRAY. Yes; a bum. [Laughter.]

Mr. GARLAND. A bum, a vagrant, and under the law they take him from his strike and declare that he is convicted of vagrancy, give him a sentence of servitude, put him back into the mine in which he was employed, and he does the same work in the mine for the State without pay that he did for wages before.

In addition to that, Mr. Chairman, that is one of the States—whether they have changed the law or not I do not know; they may have, like Georgia, reformed on labor laws and have changed recently, but we hear much of the virtues here on this floor of Alabama laws—as a matter of fact, that is one of the States where they worked their convicts in the mines, timber camps, and other industries, against free labor, in positive competition with the men who work for wages.

I can not forget those things, and I can not forget, when I look at the biography of the gentleman from Alabama and note that he was in the legislature that probably enacted some of, or all of, those laws. I feel that it comes with very poor grace, to say the least, that he should inveigh against Pennsylvania. [Applause.]

Mr. BURNETT. Mr. Chairman, I ask unanimous consent to close the debate on this section.

Mr. GARDNER. The gentleman can speak to the negative of this \$8.25 proposition.

Mr. BURNETT. I oppose it.

Mr. GARLAND. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GARLAND] asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, I move that all debate on this section and all amendments thereto close.

Mr. BENNET. I hope, Mr. Chairman, that the gentleman from Alabama will not do that. There have been no factious amendments offered and no factious discussion.

Mr. BURNETT. I mean these amendments. There are two amendments pending, the amendment offered by the gentleman from Pennsylvania [Mr. GARLAND] and the amendment offered by the gentleman from Georgia [Mr. BELL].

The CHAIRMAN. The amendment of the gentleman from Pennsylvania [Mr. GARLAND] has been withdrawn. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. BELL].

Mr. BURNETT. Mr. Chairman, I want to have opportunity to say a word or two in reply to the gentleman from Pennsylvania.

The CHAIRMAN. How much time does the gentleman want?

Mr. BURNETT. I did not inveigh against Pennsylvania. It was against some methods of Pennsylvania.

The CHAIRMAN. If the gentleman wants to speak in opposition to the amendment of the gentleman from Pennsylvania, the Chair will inform him that it has been withdrawn.

Mr. BURNETT. Then, Mr. Chairman, I ask for a vote on the pending amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. BELL].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. BELL. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 40, noes 64.

So the amendment was rejected.

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

The CHAIRMAN. The gentleman from Oklahoma moves to strike out the last word.

Mr. MURRAY. If I can get unanimous consent to extend my remarks in the RECORD, I will not take any time at all.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 3, line 3, add, after the period, the following: "The money thus collected, together with all fines and rentals collected under the laws regulating the immigration of aliens into the United States, shall be paid into the Treasury of the United States."

Mr. BENNET. Mr. Chairman, I will say to the gentleman from Alabama [Mr. BURNETT] that that is taken, word for word, from the existing law. It seems that under that law there is danger of confusion for this reason: Later on in the bill it is provided that all moneys collected from exclusive privileges shall be paid into the Treasury, and in another place it is provided that; from the moneys that are collected from fines, the Department of Justice, without any limit, can pay rewards, which, I think, is a rather dangerous provision, and there is no place where provision is made for paying over the other moneys into the Treasury. The privileges are not exclusive. Take the telegraph privilege, for instance. Both of the large telegraph companies in New York—and, I presume, in other parts of the country other telegraph companies—have the right to have their stations at these immigration stations; and I simply offer this amendment out of abundant caution.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit a question there?

Mr. BENNET. Yes.

Mr. SLAYDEN. I could not quite catch the gentleman's suggestion. The gentleman made the statement, as I caught it, that if this money were covered into the Treasury it might be expended on rewards.

Mr. BENNET. There is a provision in the bill that, as to certain fines collected, the department may pay rewards out of those fines without limit, and there are two cases now pending where sums running into tens of thousands of dollars are attempted to be collected under the contract-labor laws. It seems to me it ought to be made clear that the moneys collected from the head tax, from the fines and the penalties, and from the rental of all the privileges, whether exclusive or not, are to be paid into the Treasury.

Mr. SLAYDEN. Does the gentleman want to deny to the executive officers charged with the administration of the law the privilege of offering rewards for the apprehension of violators of the law?

Mr. BENNET. No. They have that privilege already under the existing statute. I want to call the attention of the gentleman from Texas to the fact that what I am offering is the very language that the committee which revised the law in 1903 thought was proper. It is the language that the members of the committee in 1907, including the gentleman from Alabama [Mr. BURNETT] and the gentleman from California [Mr. HAYES], thought proper to insert, believing it would do good, and no harm. It is also in line with the policy of this Congress, as shown in 1909, when in one of the appropriation bills they wiped out the immigration fund and provided that the money should be paid into the Treasury.

Mr. BURNETT. As I understand, then, there are some fines that do not go under that provision, and under this bill the Department of Labor can use them for the payment of rewards?

Mr. BENNET. Not the Department of Labor, but the Department of Justice. It is so stated in the language, that out of the fines the Department of Justice can, without limit, pay rewards to people other than employees of the Government.

Now, it seems to me—and I think the gentleman from Alabama will agree with me—that the moneys ought all to be paid into the Treasury, and that no department ought to have the right to collect forty or fifty thousand dollars and then pay out what it pleases for rewards. It is not very long since the Customs Department, under a then existing law, paid \$100,000 as a reward to a man in New York City, who was an employee of the Government. I think there ought to be some limit.

Mr. GARDNER. Will the gentleman from New York yield?

Mr. BENNET. I yield to the gentleman from Massachusetts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask unanimous consent that my time may be extended three minutes, to allow me to answer the gentleman's question?

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. GARDNER. On page 14, line 2, of the bill there is a provision to aid in the enforcement of the contract-labor law.

Mr. BENNET. That is what I was referring to.

Mr. GARDNER. It is there provided that—

The Department of Justice may from any fines or penalties received pay rewards to persons other than Government employees who may furnish information leading to the recovery of any such penalties, or to the arrest and punishment of any person, as in this section provided.

Mr. BENNET. Yes.

Mr. GARDNER. Now, if the gentleman's amendment is adopted with regard to the head tax, it would not affect that particular clause, would it?

Mr. BENNET. I am frank to say that the amendment I have sent to the Clerk's desk would cover fines, penalties, the head tax, and the money from exclusive privileges.

Mr. GARDNER. In other words, there would be no necessity for the gentleman's amendment at all if it simply applied to the head tax, because that is already in the existing law, passed in an appropriation bill. So that the gentleman's amendment is broader than merely paying the head tax into the Treasury.

Mr. BENNET. Yes; it is broader than merely paying the head tax into the Treasury.

Mr. GARDNER. And is it not true that in an appropriation bill we have already provided that the head tax shall be paid into the Treasury?

Mr. BENNET. We have provided that in an appropriation bill, but in this bill we repeal all acts in conflict with this act.

Mr. GARDNER. I think that is excepted.

Mr. BENNET. Oh, no; it is not.

Mr. GARDNER. It is not in conflict, anyway.

Mr. BENNET. I think it is. Let me ask the gentleman from Massachusetts, What earthly harm can it do to provide that the moneys collected by United States officials in the way of revenue shall be paid into the Treasury?

Mr. GARDNER. But I ask the gentleman if it does not interfere with that particular clause that we put in for the enforcement of the contract-labor law? I have no objection unless it interferes with that; but it seems to me that it interferes with the Department of Justice having funds at its disposal to pay informers and in that way help to carry out the contract-labor law.

Mr. BENNET. The Department of Justice collects thousands of dollars. While I was out of Congress on a temporary vacation I represented a gentleman who had to walk up to the captain's office and pay \$6,000 in one of these cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, the Department of Justice ought to have the use of some of these funds that the gentleman complained went into the General Treasury. They ought not to be left to the uncertainties of the General Treasury. Therefore I am opposed to the amendment, and I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BENNET].

The amendment was rejected.

Mr. BENNET. Mr. Chairman, I offer the following amendment.

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

Mr. BURNETT. Before that amendment is read, I ask unanimous consent that all debate on this section and all amendments thereto be closed in 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this section and all amendments thereto close at the expiration of 10 minutes. Is there objection?

Mr. BENNET. I object for the present.

Mr. BURNETT. Then I move that all debate—

Mr. MANN. Oh, do not do that. The gentleman from New York has some bona fide amendments.

Mr. BENNET. We have real amendments.

Mr. BURNETT. Let the amendments come in, but let us limit the debate. How much time does the gentleman want?

Mr. TILSON. Mr. Chairman, I should like to have at least 5 minutes, or 10 minutes if I can get that much time. I was deprived of any time yesterday in the general debate. This is the most important section in the whole bill.

Mr. SABATH. No; this is not the literacy test.

Mr. BURNETT. This is the head tax. How many amendments has the gentleman?

Mr. BENNET. I have this one, which I have sent to the desk, but which has not been reported, and one more.

Mr. BURNETT. Then I suggest 10 minutes on that side and 5 on this.

Mr. BENNET. All right.

Mr. BURNETT. Mr. Chairman, we agree on 15 minutes on the two amendments, 10 minutes to be controlled by the gentleman from New York and 5 minutes on our side.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this section and amendments thereto close at the expiration of 15 minutes, of which 10 minutes shall be controlled by the gentleman from New York and 5 minutes by himself. Is there objection?

There was no objection.

Mr. BENNET. Now, Mr. Chairman, I should like to have my amendment reported.

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

The Clerk read as follows:

Page 3, line 10, after the word "who," insert "after a residence of at least one year in such foreign country," so that the bill as amended will read:

"That said tax shall not be levied on account of aliens who after a residence of at least one year in such foreign country enter the United States from the Dominion of Canada," etc.

Mr. BENNET. Mr. Chairman, I should like to be stopped at the conclusion of three minutes.

Unless this amendment is adopted, it will simply, under this \$8 head tax, divert the traffic coming from Great Britain so that it will go via the Allan Line steamers and the Canadian Pacific, because it gives them a differential of \$16 in favor of the Canadian steamship companies as against the American steamship companies on every man and his wife coming to this country. In other portions of the bill we legislate so as to bring business to our own ports of Boston, New York, New Orleans, Galveston, and so forth. But if a man who wants to come from Great Britain to Chicago, or any place like that, finds that he does not have to pay any head tax if he comes over the Canadian line, he is very apt to save \$8 or if he comes with his wife \$16 by coming via Canada. I am in favor of American industry and against diverting business to Canadian ports.

Mr. SLAYDEN. They come in from Canada now without the payment of the head tax.

Mr. BENNET. There is no \$8 head tax.

Mr. SLAYDEN. But there is a \$4 head tax.

Mr. BENNET. Yes.

Mr. SLAYDEN. And the Canadian is exempt.

Mr. BENNET. He is.

Mr. SLAYDEN. This bill proposes to remove the exemption, except from those who live along the border and come over for a temporary stay.

Mr. BENNET. Do not make me laugh for my lip is cracked. [Laughter.] I think everybody will come over for a temporary stay. This provision will be availed of by everybody who wants to save \$16. I do not think the committee attempted to help aliens across the sea, but I think they had in mind to help people in Canada and Mexico to come over here for a temporary stay.

Mr. SLAYDEN. Those people who go back and forward in the course of a day's business.

Mr. BURNETT. Let me ask the gentleman, Is it the purpose of the gentleman to strike out the words "for a temporary stay"?

Mr. BENNET. Personally I do not care anything about that.

Mr. BURNETT. I think perhaps we might accept the amendment. Let us have the amendment reported again.

The Clerk again reported the amendment.

Mr. BURNETT. That is for the residents in Canada, Newfoundland, Porto Rico, Cuba, and the Republic of Mexico?

Mr. BENNET. Yes.

Mr. BURNETT. All right.

Mr. GARDNER rose.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may have five minutes in which to develop his view.

The CHAIRMAN. That can be done by unanimous consent, although chairmen have ruled that after the time was fixed—

Mr. MANN. That is only where the time was fixed by the House. Where the committee has fixed it by unanimous consent the ruling has always been that it can be changed by unanimous consent; but where the House has fixed the time the committee can not change it.

The CHAIRMAN. That comes back to the same thing that you can do anything by unanimous consent. What is the request of the gentleman from New York?

Mr. BENNET. I ask that the gentleman from Massachusetts [Mr. GARDNER] may have five minutes.

The CHAIRMAN. Is there objection?

Mr. HOWARD. Reserving the right to object, I would like to inquire if the request of the gentleman from Alabama was not granted for 10 minutes, to be controlled by the gentleman from New York and 5 minutes by the gentleman from Alabama?

The CHAIRMAN. Yes.

Mr. HOWARD. Has the gentleman from New York used all of his time?

Mr. MADDEN. He has another amendment.

Mr. HOWARD. He can yield some of that time to the gentleman from Massachusetts.

Mr. BENNET. I want that time on another amendment.

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

There was no objection.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent that the amendment be reported again.

The Clerk again reported the amendment, as follows:

Page 3, line 10, after the word "who," insert the words "after a residence of at least one year in such foreign country."

Mr. GARDNER. Mr. Chairman, that amendment does not restore the language of the existing law. We ought to do so if we are going to get rid of this amendment later on, providing for an exemption from head tax for those who come from Canada or Mexico for a temporary stay.

Mr. BENNET. We are not.

Mr. GARDNER. If we are going back to the provision of law providing for a residence of one year in foreign contiguous territory, I think it would be wise to restore the words of the existing law, which are these—

After an uninterrupted residence of one year immediately preceding such entrance.

Mr. SLAYDEN. What is the suggestion of the gentleman from Massachusetts?

Mr. GARDNER. The suggestion is this: The provision in the existing law relative to the exemption from head tax of residents of Canada and Mexico had this origin: Ever since we had a head tax—or at all events for a great many years—residents of Mexico and Canada have been exempted from head tax. This was done so as not to interfere with the freedom of intercourse between this country and her neighbors. Up to 1907 we exempted "citizens" of Canada and Mexico from the payment of the head tax. When the immigration law of 1907 was being prepared, the gentleman from Alabama [Mr. BURNETT] and I, together with the then Secretary of State, Mr. Root, held a conference in which the Secretary pointed out the danger of violating the most-favored-nation clause in some of our treaties if we continued to afford special exemptions to Canadians and Mexicans. He suggested that we should make residence and not citizenship the test. This we accordingly did. Now, this bill strikes out that particular wording and substitutes the words "for a temporary stay," in order to exempt those persons who go backward and forward across the border from the payment of a head tax every day. This wording in the bill also avoids all conflict with the most-favored-nation clause. The amendment offered by the gentleman from New York [Mr. BENNET] does not restore the exact words of the existing law.

Mr. SLAYDEN. That is just the point upon which I want to ask a question. Does the language agreed upon by the gentleman from Massachusetts and the gentleman from Alabama and Secretary Root go so far as to continue the exemption of these countries and the admission of immigrants to this country without the payment of the head tax?

Mr. GARDNER. Yes.

Mr. SLAYDEN. The gentleman says it will.

Mr. GARDNER. It will if the state of affairs exists as it does to-day.

Mr. SLAYDEN. Immigrants from Canada, Mexico, Newfoundland, Cuba, no matter how undesirable they may be, can come in without the payment of the head tax if your amendment is adopted.

Mr. GARDNER. The present law admits Canadians and Mexicans and so forth without the payment of a head tax, and so would the amendment proposed by Mr. BENNET.

Mr. Chairman, the gentleman is asking me whether my amendment to the amendment of the gentleman from New York [Mr. BENNET] will restore the condition of affairs under which immigrants from Mexico and Canada, no matter how undesirable, will be admitted free of head tax. The answer is, Yes; it will. The bill as printed and presented to us by the committee does not exempt Canadian and Mexican immigrants from the head tax, but it does exempt Canadian and Mexican visitors from the head tax if they come here for a temporary stay.

Mr. SLAYDEN. Does not the bill merely make the general immigration law apply to people from those countries just as it does to the people from Europe?

Mr. GARDNER. In my opinion it does.

Mr. SLAYDEN. Is that not just what we want to do?

Mr. GARDNER. The provision for a temporary stay is to take care of those persons—probably 100,000 daily—who cross the line every day between Detroit and Windsor, for example,

and at various other points on our northern and southern borders. Many people work in Detroit and sleep in Windsor, Ontario. Windsor is really a suburb of Detroit. The same condition exists in many other places. I have no doubt that is what the committee intended to take care of, and I believe they do take care of it with this provision about a "temporary stay." I do not think the provision is a dangerous one, because a few lines later in this bill the Commissioner General of Immigration is given power to adopt rules which will prescribe conditions to prevent the abuse of the head-tax exceptions. Therefore I do not agree with the gentleman from New York [Mr. BENNET]. However, when I found that the gentleman from Alabama [Mr. BURNETT] seemed inclined to accept this amendment, I suggested that if we are going to retain the existing law we ought to restore the exact words and run no risk of involving ourselves in a conflict with the most-favored-nation clause in some of our treaties. I agree with the gentleman from Texas that the bill as it stands is better than it would be after the adoption of the amendment offered by the gentleman from New York.

Mr. SLAYDEN. I think so, too.

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

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Chairman, I will ask the gentleman from Massachusetts if the bill, as reported by the committee, does not get away from any just accusation of violation of the favored-nation clause?

Mr. GARDNER. Yes.

Mr. SLAYDEN. It treats them all alike?

Mr. GARDNER. Yes.

Mr. SLAYDEN. And makes provision for the accommodation of people who live along the border, who cross from the south side of the Rio Grande to the north side on business and go back in the evening, or who cross the river between Canada and the United States, or the border at other points.

Mr. GARDNER. Yes; they are all provided for in the bill. It seems to me that the bill as it stands is better than it would be if amended as the gentleman from New York seeks to amend it.

Mr. SLAYDEN. The contention of the gentleman from New York was that as we drew the bill it would divert passenger traffic around through Canada.

Mr. BENNET. Mr. Chairman, if I can have two minutes, I will demonstrate that, and the gentleman from Massachusetts [Mr. GARDNER], I think, will agree with me. Here is what this language in the bill will do: A man goes to a steamship office in Liverpool and says that he wants to go to Chicago with his wife. The ticket agent will say to him, "If you buy a ticket on the Allan Line or on the Canadian Pacific Line, I can sell it to you for \$16 less for the two of you, because you do not have to pay any head tax; but if you want to go by the Cunard Line or the White Star Line, or any other line, you will have to pay \$16 more than you do on the Canadian lines, because coming to the United States directly you have to pay an \$8 head tax." Therefore we provide in an American law, in an American Congress, an \$8 differential on every ticket for a man making a trip to the United States in favor of the Canadian Pacific Line or the Allan Line of steamships, and I am opposed to that. I am for America.

Mr. SABATH. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SABATH. Mr. Chairman, I, as well as the gentleman from New York [Mr. BENNET], am for America, and if I thought that the bill as drafted would tend to divert the traffic as he suggests I would favor his amendment, but I am under the impression that he does not really appreciate the fact that each and every passenger would be obliged to state a falsehood before he could be permitted to enter under the bill without the payment of the tax, because only those that are coming for a temporary stay are excepted.

Mr. BENNET. I am assuming the case of a man coming for a temporary stay, and a man taking a trip, say, to the Yellowstone, or to California, or any place. He saves \$8 by going by the Allan Line or the Canadian Pacific Line because he does not have to pay any head tax, whereas if he goes on the White Star or the Cunard to Boston or New York, he has to pay an \$8 head tax.

Mr. BURNETT. Using the word "resident" instead of the word "citizen," and that is the gentleman's amendment; would

not that meet the objection that it might be a violation of the favored-nation clause?

Mr. BENNET. My amendment is after a residence of at least one year in such foreign country.

Mr. BURNETT. I know and I understood that the gentleman from Massachusetts thought that that would perhaps be in violation of the favored-nation clause.

The CHAIRMAN. The gentleman will suspend for a moment until the Chair ascertains the parliamentary situation. The gentleman from New York [Mr. BENNET] has seven minutes and the gentleman from Alabama [Mr. BURNETT] five minutes. Is what we are doing now being taken out of that time?

Mr. BENNET. No.

Mr. BURNETT. This is by unanimous consent.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLEY. Mr. Chairman, I would like to ask the gentleman from New York a question.

The CHAIRMAN. The gentleman from New York has not the floor.

Mr. KELLEY. I do not care who answers the question.

Mr. BURNETT. I will yield to the gentleman.

Mr. KELLEY. I would like to know whether or not, if the amendment of the gentleman from New York [Mr. BENNET] is adopted, an alien settling in Canada can come across the river back and forth, even for a temporary stay, without paying this head tax unless he is there a year?

Mr. BURNETT. That is provided for in the bill.

Mr. KELLEY. If a man settles in Canada, he can not cross for a temporary stay until he has lived in Canada for a year?

Mr. BURNETT. That is the effect of this amendment.

Mr. KELLEY. That is what I wanted to know.

Mr. GARDNER. Mr. Chairman, I offer an amendment to the amendment. I will read the amendment to the amendment myself first:

Page 3, at the end of line 10, after the words "United States," insert the words "after an uninterrupted residence of at least one year immediately preceding such entrance."

Also, on page 3, line 11, strike out the word "from" and insert the word "in."

That will restore the language of existing law, but I do not advocate either this amendment or the one offered by the gentleman from New York.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to modify my amendment by accepting the language offered by the gentleman from Massachusetts.

The CHAIRMAN. Is there objection?

Mr. BURNETT. Let us have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 10, after the words "United States," insert "after an uninterrupted residence of at least one year immediately preceding such entrance."

Also, on page 3, line 11, strike out the word "from" and insert the word "in."

Mr. BENNET. Now, Mr. Chairman, I ask unanimous consent to modify my amendment by accepting the language offered by the gentleman from Massachusetts.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The question now is on the amendment of the gentleman from New York as amended.

The question was taken, and the Chairman announced that the yeas seemed to have it.

On a division (demanded by Mr. BENNET), there were—ayes 55, noes 3.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will now report the second amendment offered by the gentleman from Massachusetts, which is really a consequential amendment, as the Chair understands.

Mr. GARDNER. No; it was accepted as a substitute.

The CHAIRMAN. The gentleman's second amendment came in at a different section of the bill.

Mr. GARDNER. No; it is the same section.

The CHAIRMAN. The Chair understood it was another line, a consequential amendment.

Mr. BENNET. Mr. Chairman, I move, in line 13, page 3, to insert, after the word "residents," the words "or citizens."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 13, by inserting, after the word "residents," the words "or citizens."

Mr. BENNET. Mr. Chairman, the reason for that is this: The Supreme Court of the United States, in the only case in which it construed the status of Porto Rico, has decided that the people who live in that island are at least citizens of Porto Rico, which is one of the possessions of the United States, and it seems to me it ought to be made clear that a citizen of a possession of the United States ought to have as much right as a resident.

Mr. BURNETT. Mr. Chairman, I hardly think it necessary, because if he was a resident he would probably be a citizen.

Mr. BENNET. Not necessarily.

Mr. BURNETT. There is no objection to it, however.

The CHAIRMAN. The question is on the amendment.

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

Mr. BENNET. Mr. Chairman, I offer the following further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, strike out all in lines 7 to 11, inclusive.

Mr. BENNET. Mr. Chairman, I want to call the attention of the chairman of the committee to what strikes me as a rather curious situation. If he will turn to page 2, line 13, he will find that the head tax is levied only on aliens regularly admitted. Now, this provision provides that in the case of aliens applying for admission:

That in the case of aliens applying for admission from foreign contiguous territory and rejected, the head tax collected shall, upon application, upon a blank which shall be furnished and explained to him, be refunded to the alien.

Now, the first part of the section that provides the tax shall not be paid except by the people admitted is right, but this in the last part seems to put in an absolutely unnecessary provision, which, in my judgment, refunds the money to the people who have not paid.

Mr. SABATH. Will the gentleman yield?

Mr. BENNET. I yield.

Mr. SABATH. I do not know whether the gentleman from New York reads the wording properly or not, but if he will carefully note the wording of it I think he will come to the conclusion that his contention is erroneous. It says "there shall be levied, collected, and paid a tax of \$8 for every alien, including alien seamen regularly admitted."

Mr. BENNET. Regularly admitted.

Mr. SABATH. The words "regularly admitted" refer to the seamen and not to the aliens.

Mr. BENNET. I am not sure, but there is a possibility the gentleman is correct, and I ask unanimous consent to withdraw my amendment.

Mr. SABATH. That is the meaning.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] Without objection, that will be done.

There was no objection.

The Clerk read as follows:

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property; prostitutes, or persons coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers

printed, published, or distributed in a foreign country; persons likely for any reason to become a public charge; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarcation at a foreign port the Secretary of Labor shall have consented to their reapplying for admission; persons whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labor; all children under 16 years of age, unaccompanied by or not coming to one or both of their parents, except that any such children may, in the discretion of the Secretary of Labor, be admitted if in his opinion they are not likely to become a public charge and are otherwise eligible; Hindus and persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing agreements as to passports, or by existing treaties, conventions, or agreements, or by treaties, conventions, or agreements that may hereafter be entered into. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, merchants, and travelers for curiosity or pleasure, nor to their legal wives or their children under 16 years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section 10 of this act.

Mr. BENNET. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET. Is this bill being read by numbered sections or by paragraphs?

The CHAIRMAN. It is being read at the desk in the way in which the sections appear.

Mr. BENNET. I want to be sure whether it is being considered by sections or paragraphs.

Mr. BURNETT. Why not finish the entire section?

Mr. BENNET. I have no objection, but I simply want to preserve my rights.

The CHAIRMAN. Just a moment while the Chair looks at it. The Chair will say it is being read by sections.

Mr. BENNET. I will ask unanimous consent, as the remainder of the section is very largely the literacy test, or rather, I will ask the gentleman from Alabama if he will not ask unanimous consent that this particular section be considered in two parts?

Mr. BURNETT. I should prefer reading the whole section. I do not think any rights will be prejudiced by reading the entire section, and it might facilitate the matter.

Mr. BENNET. You can offer amendments to any part.

Mr. GARDNER. I suggest, Mr. Chairman, that we read the whole section, and then, if possible, have unanimous consent to consider the literacy test separate from the rest.

Mr. BURNETT. And agree, if we may, on time.

Mr. BENNET. That is entirely satisfactory.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That after three months from the passage of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens over 16 years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over 55 years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith; all aliens who have been lawfully admitted to the United States and who have resided therein continuously for five years, and who have in accordance with the law declared their intention of becoming citizens of the United States and who return to the United States within six months from the date of their departure therefrom; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advo-

cate the commission, of an offense purely political: *Provided further*, That the provisions of this act relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possession or from the Canal Zone: *Provided further*, That aliens who have declared their intention to become citizens, and aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years, may be admitted in the discretion of the Secretary of Labor, and under such conditions as he may prescribe: *Provided further*, That nothing in the contract-labor or reading-test provisions of this act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of concession or privilege for any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such otherwise admissible alien mechanics, artisans, agents, or other employees, natives of his country as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Labor, may prescribe both as to the admission and return of such persons: *Provided further*, That the Commissioner General of Immigration with the approval of the Secretary of Labor shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary to control and regulate the admission and return of students and others applying for temporary admission: *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign Governments, nor to their suites, families, or guests.

Mr. MADDEN. Mr. Chairman, I move to strike out all the language on page 8 included in lines 1 to 3, inclusive.

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

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] offers an amendment. Will the gentleman report the amendment to the Clerk at the desk?

Mr. MADDEN. Mr. Chairman, I move to strike out lines 21, 22, 23, and 24, on page 7, and lines 1, 2, and 3, on page 8, of the bill.

Mr. SABATH. That in itself would strike out the entire provision, I wish to say to the gentleman from Illinois.

Mr. BURNETT. Mr. Chairman, I do not understand that there is any discussion yet.

The CHAIRMAN. Oh, no. The gentleman from Illinois asked for recognition to send up an amendment. If the committee desires recognition—

Mr. BURNETT. The committee desires recognition.

Mr. MADDEN. I thought I was recognized.

The CHAIRMAN. Just to send up the amendment.

Mr. MADDEN. I did.

The CHAIRMAN. Then the amendment is here. The gentleman from Alabama [Mr. BURNETT] is recognized.

Mr. BURNETT. Mr. Chairman, there are several committee amendments to the section, but they are mostly pro forma, and if it is agreeable I would like to dispose of the committee amendments before we get onto any of these other amendments.

Mr. SABATH. I have no objection to agreeing that we should consider the committee amendments first; and later on, when we come to consider the motion that will be made to strike out the literacy test, I am willing that an agreement should be entered into as to the time that should be allowed on that motion.

Mr. BURNETT. That will be perfectly agreeable, and I hope such an agreement will be reached. But I would like to dispose of these committee amendments if satisfactory to the gentlemen, before we take up these other matters.

Mr. SABATH. I have no objection to taking up the committee amendments first.

The CHAIRMAN. The request of the gentleman from Alabama is one of unanimous consent to first dispose of the committee amendments. Is there objection to that request? [After a pause.] The Chair hears none.

Mr. BURNETT. Of course, the gentleman understands that there is no effort to preclude or cut off other amendments that may be offered. I send up an amendment, Mr. Chairman.

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

The Clerk read as follows:

On page 5, line 1, after the word "committed," insert "or who at the time of seeking admission to the United States are legally charged with."

Mr. BURNETT. That would then read, Mr. Chairman:

Persons who have been convicted of or admit having committed or are legally charged with a felony or other crime or misdemeanor involving moral turpitude.

Mr. BENNETT. Mr. Chairman, I desire to be heard in opposition to that amendment.

As my recollection goes back, that amendment was in the bill as it passed the Sixty-third Congress and after full discussion was stricken out in the Senate, because, I will say to the gentleman and the committee, that we have not gone back on our old Anglo-Saxon tradition that a man is deemed to be innocent until he is proved to be guilty. What does "legally charged with" mean? It simply means this, as applied to a citizen of Russia, as it was in the Pouren case, that if a man had left for this country, after there was not any chance of trying him in his own country, they filed information, not backed up with proof to amount to anything, in an attempt to keep a man out of this country.

Mr. Chairman, we have extradition laws to take care of the cases of men who are simply charged with crime. That is for the Department of State to pass on. And I am opposed now, and always shall be, to the substitution of the immigration authorities—who have nothing to do with our foreign relations or ought not to have anything to do with them—for the State Department, that has to do with the carrying out of our extradition treaties. This matter was considered in the Sixty-second or Sixty-third Congress, in the Senate—I think I can mention it historically—and, after a discussion which lasted two days, the language which is now attempted to be inserted was, according to my recollection, stricken out by unanimous vote of the Senate, which body reverted to its old traditions of what the law is and ought to be; that a man has an absolute right, coming to this country, to be deemed innocent until he is proved guilty, and if his own country wants to take him back to try him, let them come to our Department of State and have him extradited in the ordinary, usual, legal, accustomed way. Therefore I hope the amendment of the gentleman from Alabama [Mr. BURNETT] will not pass.

Mr. BURNETT. Mr. Chairman, if the amendment was not followed by another one I would agree with the gentleman, but I propose, if that amendment is adopted, to follow it by an amendment which says:

Unless the person so legally charged shows to the satisfaction of the proper officers that the charge or charges against him are without just foundation.

The only way that it takes out of the general principles of our law as to burden of proof in criminal cases which the gentleman speaks of is it changes the burden of proof. We hear every day and every week of criminals coming into this country. The department informs us that as to securing proof as to the truth of the charge they would have much trouble, because there are a great many that escape when they are legally charged on the other side with crime—fugitives from justice. Just as soon as they think some indictment or some presentation, or whatever they may have in that particular country, is made, and that the officer is going to get them, they flee at once.

I would not go to the extent of voting that a mere charge should exclude an immigrant, because it is too easy, as lawyers all know, to get trumped-up charges, and merely to say that a statement, with an affidavit or something else on which a warrant could be based, would be a legal charge sufficient to exclude a man would be unjust. I would not go that far, either. But, Mr. Chairman, we proceed to say in addition that if he can show—putting the burden on him and not on the Government, if there is a charge over there outstanding against him—that it is not a legal charge, certainly it ought not to be required that this Government should go and hunt up the proof and show that it is a legal charge. Therefore we might well presume, when a charge stands there against him, it is a legal charge, and he ought to be deported, unless he furnishes proof, which is very difficult for the Government to obtain, of the fact that it is not a proper charge.

I have practiced law and I have defended many a man indicted for crime, and I sympathize with gentlemen who know what the difficulties of defense are, and I know how frequently it is that men are sometimes jeopardized even when they are innocent, and therefore I believe in our old English common-law doctrine of drawing around the suspected criminal these safeguards of presumption. But here is a man coming to this

country, while in his own country there may be a charge against him. That is not in itself enough, if he can assume the burden of proof, which is over there, and which he can get if he is innocent more easily than the department can. The department has to rely upon the charge, but he may be able to show that it is a trumped-up charge, and if that is true he is not subject to deportation.

Mr. MADDEN. Is not that reversing all precedents with respect to the trial of lawsuits and punishing men for supposed guilt, and all that?

Mr. BURNETT. I just stated that it departed from that time-honored principle to that extent. But this man is no citizen. He is coming to this country by the grace of this country, and when he comes here with a charge against him that does carry with it at least an implication of crime it is for us to say that that man, in whose reach rests the evidence that it is a trumped-up charge, shall assume that burden of proof.

Mr. LONDON. Mr. Chairman, in opposition to the proposed amendment I want to urge that while it will be within the personal knowledge of the suspected person that he is innocent, it will be impossible for him to prove his innocence. Surely, he can not be expected to carry along with him witnesses who can prove his innocence. He can not be expected to carry with him documentary proof of his innocence of a charge of which he may have no knowledge up to the moment he is confronted with the charge.

You must treat the prospective immigrant as a man, whether you admit him or not. But once you refuse him admission, you should, at least, extend to him the rights that belong to every human being. You should treat him without prejudice, without bigotry, without repudiating a fundamental principle which in centuries of evolution has become a part of the organized system of the jurisprudence of every civilized country. Under this provision every blackmailer will be able to exclude an immigrant by filing a charge against him. Do you expect a helpless immigrant to refute a charge and convince a board of special inquiry consisting of a jury of laymen that he is innocent? It is an indefensible proposition, and the very suggestion of that amendment shows the spirit in which the bill is offered. [Applause.]

Mr. HOWARD. Mr. Chairman, will the gentleman yield there for just a moment?

Mr. LONDON. Yes.

Mr. HOWARD. The gentleman has referred to charges being made against aliens in this country by anybody in the nature of a trumped-up charge. The amendment of the gentleman from Alabama [Mr. BURNETT] refers, of course, to a charge that then and there existed against this man in his native land.

Mr. LONDON. Exactly.

Mr. HOWARD. The object of this amendment is to prevent the United States from becoming a refuge of fugitives from justice in other countries.

Mr. LONDON. We had two cases of this kind in recent history, during the presidency of President Roosevelt and President Taft, the case of Pouren and the case of Roudowitz. In both cases the charges involved moral turpitude. After years of investigation it was shown that the acts charged were not crimes involving moral turpitude, but were acts committed in pursuance of a revolutionary object in revolutionary days. They were charged with violation of the criminal code, but, as a matter of fact, they were revolutionists, fighting against the Government. It required the persistent efforts of a powerful organization to save the two men.

Gentlemen, I object to this amendment, and I appeal to you to reject it. [Applause.]

Mr. MANN. Mr. Chairman, the amendment was not in the bill as it passed the House last year, and it was not in the bill as it passed the Senate. In my recollection it has either been in the bill several times when it was brought into the House or else it has been proposed on the floor of the House, but, I think, while it has been discussed in either body, it has never been agreed to.

We are apt to deal with the question of charges against criminals or persons accused of crime according to our own methods in this country, and yet we are all familiar with the fact—by reading at least—that it has often been the practice of various foreign Governments, where they desired to punish or detain persons for political offenses, to charge them with some crime, and many times they have punished them for some crime that the persons did not commit, and in many instances punished them for alleged crimes which no one had committed at all.

Now, it would be the easiest thing in the world if we came to a situation where men seek to come to this country to escape political persecution—and that is liable to be one of the results

growing out of the war in Europe—for the Government of some foreign country or some one instigated by that Government to make a charge against those persons for crime. The gentleman from Alabama [Mr. BURNETT] says the persons would have the right to disprove it. They will have no opportunity to disprove it. It will not be a thing that can be disproved on this side of the water. It is not a thing concerning which the persons accused will have witnesses. They can deny, but that is no proof; and this provision lays down a principle which I think ought never to be established in this country, that a man charged with crime is presumed to be guilty. [Applause.]

I do not know, Mr. Chairman, but that I may vote for this bill, although I have voted against it four times heretofore; but I hope that this House will at least have self-respect enough and enough consideration for the history of the country not to say that Congress finds that a man shall be considered guilty until he proves himself innocent. I believe the old doctrine of the presumption of innocence until guilt is established is the very foundation of our liberties. [Applause.]

Mr. SABATH. Mr. Chairman, I am opposed to this committee amendment. I do not know whether I can advance any stronger arguments than those that have been advanced by the gentleman from Illinois [Mr. MANN] or the two gentlemen from New York. However, I remember that about three years ago there were the cases to which reference has been made here—the Pouren and the Roudowitz case. Those two men were charged by the Russian Government with committing crimes involving moral turpitude. They were held here for nearly six months. After a careful investigation the evidence disclosed that the charge against them was a false one. The statement made by the gentleman from New York is correct. I am fearful that if this amendment is adopted we will invite the Russian Government or other Governments to take advantage of this provision and use the immigration department for the purpose of holding people who are properly and legally entitled to enter the United States and to prevent them from entering. We who are acquainted with some of these oppressive Governments know how far they will go if they desire to persecute a man whom they dislike. In view of the eloquent appeals that have been made by others, I hope that this amendment will not prevail.

Mr. HOWARD. Mr. Chairman—

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. HOWARD. I ask unanimous consent for three minutes.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that he may proceed for three minutes. Is there objection?

Mr. JOHNSON of Washington. Reserving the right to object, as the debate has been exhausted I think we ought to get along with the bill.

Mr. MADDEN. Oh, the gentleman ought not to be in such a hurry.

Mr. JOHNSON of Washington. I will not object, but I think we ought to get along with the bill.

Mr. HOWARD. Mr. Chairman, the reason I inject my views into this debate is that there have been two or three speeches made against this amendment. I think it is a very wholesome amendment and that it ought to be adopted. The bill says:

Persons who have been convicted of or admit having committed—

And here is the amendment—

or who at the time of seeking admission to the United States are legally charged with—

And then the bill proceeds—

a felony or other crime or misdemeanor involving moral turpitude.

A political crime could certainly not involve moral turpitude.

Mr. SABATH. Will the gentleman yield?

Mr. HOWARD. I have only three minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. HOWARD. The proposition is simply this: The worst criminal in the world might be under indictment. He might be legally charged. He might flee to the United States for refuge. Without this amendment there is no way in the world to prevent that man coming into this country. The first instinct of a criminal, the very first thing that appeals to him if he is guilty, is to flee; and if he flees and there is a legal charge against him, this simply shifts the burden of proof upon him to show that the charges against him are not legal charges, or that he is guiltless of the charges which have been made against him in the land of his nativity.

Mr. YOUNG of North Dakota. Could not a criminal of the kind the gentleman speaks of be taken back to the country where the charge is pending against him?

Mr. HOWARD. We recognize that principle as between States to-day. The governor of the State of Georgia can ask for a requisition for a man in Texas or Illinois, and we recog-

nize that principle in our criminal law to-day, to extradite from one State to another a person accused of crime. This amendment of the gentleman from Alabama simply carries into effect, as between nations, the same principle that we recognize as between States; it simply says the applicant must present himself at our gate with a clean moral record, and should he not do so he will be excluded.

Mr. OGLESBY. Will the gentleman answer a question?

Mr. HOWARD. Yes.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOWARD. I did not know my time had expired.

The CHAIRMAN. The gentleman had only three minutes.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

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

There was no objection.

Mr. SIEGEL. Mr. Chairman, I believe frankly that a majority of the members of the Committee on Immigration and Naturalization are opposed to this amendment. I say so because I believe there is not a man on that committee who, if he realized the full import of this amendment, which was adopted hurriedly and without adequate discussion, would have consented to put in the amendment, and overturn what has been the tradition and policy of the United States in every criminal prosecution that has ever been had since the foundation of this Government.

The Pouren case, which has been referred to, was a case which attracted a great deal of attention, and enlisted the sympathies of Frederick C. Tanner, Seth Low, Mr. Butler, myself, and many others in New York, native born and otherwise, who rallied to the defense of that man. He had fled from Siberia, where he had been sent because he raised his voice to overturn conditions that we all know are appalling. We were appealed to, and we raised practically \$200,000 in order to disprove the evidence produced against him, and which finally turned out to be so false and untrue that there was not a scintilla of truth to back it up. The result was that there was no extradition. Are we going to say to every Government in Europe that on the filing of a charge against any person who wishes to enter this country—and in many places a legal charge simply means the issuance of a warrant—on the unsupported word of some Tom, Dick, or Harry, for purposes of revenge or something else, the entry of that person into this country may be prevented, and the burden placed upon him of disproving something of which he has no knowledge? I appeal to the Committee of the Whole to vote down the amendment.

Mr. BURNETT. If the gentleman from New York [Mr. SIEGEL] means that this amendment was not discussed by the members of the Committee on Immigration and Naturalization, he is mistaken, because it was discussed.

Mr. SIEGEL. Will the gentleman yield?

The CHAIRMAN. The time has expired on this amendment.

Mr. BURNETT. I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for three minutes. Is there objection? There was no objection.

Mr. BURNETT. This amendment was discussed at length by our committee, and I know that the members were utterly opposed to making this rule imperative; but they believed that our country having been made the dumping ground for thousands of criminals, we ought to have protection from fugitives from justice, and that there ought to be at least a prima facie case made, by the introduction of a legal charge, which the Government of the other country must institute. Now, when that Government has made its prima facie case by the institution of a legal charge, certainly a man who is asking admission to our gates ought to assume the burden of showing that the charge is without foundation. Gentlemen say that there ought to be a presumption of innocence, but they should remember that a person who seeks admission to this country by the grace of our Government, when there is a legal charge against him, ought to be required to show that that charge is not true. This does not impose any burden on political offenders, because the bill provides, on page 9, line 13—

That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political.

So that disposes of the proposition that the distinguished leader on the Republican side referred to when it is a political offense. But, gentlemen, I want to know if it is unfair or unjust to say that a man who comes with a legal charge hanging over him ought to assume the burden and show that he is not

a criminal fleeing from justice and seeking refuge on the shores of the United States?

Mr. OGLESBY. Is it not a fact that the amendment applies only to the form of the indictment and is entirely distinct from where you ask for a requisition from one State to another, where you have to prove that there is merit in the charge?

Mr. BURNETT. Oh, you do not. A legal indictment certified to in any of the States that I know anything about is sufficient. There might be a case in which the defendant himself, by habeas corpus, might raise the question of the right of the State to extradite him, but the presumption is, just as I state in this case, raised by the indictment itself. Therefore the burden ought to be on the man coming here. Gentlemen, it is absurd to talk about keeping criminals out when you want the Government to go to Italy to get proof that a fellow is guilty when he is under indictment or some other legal charge.

Mr. CONRY. Mr. Chairman, I would like unanimous consent to proceed for two minutes.

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

There was no objection.

Mr. CONRY. Mr. Chairman, the proposition here seems to be that the inquiry referred to must be made in regard to a legal charge against an alien. The gentleman from Alabama has proceeded in his discussion upon the theory that a legal charge involving moral turpitude against a fugitive from political persecution bears the same dignity and force as an indictment against a criminal charged with an offense in America. In other words, that a legal charge against a religious or political refugee is the result of a formal indictment legally submitted to constituted authority to establish a criminal record against an alien. Such is not and has not been the case in countries from which political refugees come to our shores.

In such countries as Russia, where there is a secret system of spies, or police espionage, where the people representing this system of governmental espionage have the authority upon their own initiative to make these charges, with all the formality and without the force of a formal indictment, as it is known and contemplated by the laws of our country.

It is a very significant fact that in every case where men who are fleeing from persecution in these countries where oppression is so bitterly imposed upon them for political offenses that the crime charged involves moral turpitude.

But this charge of alleged moral turpitude preferred against alien refugees, in almost every case subjected to the test in our courts, has been proven to be a mere pretext—a pretext invented by the police system of the foreign government to guarantee and accelerate the extradition of the political refugee. And the amendment of the gentleman from Alabama, if adopted, will have but one logical effect, and that is the destruction of these barriers, erected by our customs and our laws for the protection of the persecuted patriot fleeing to our shores from the terrors of persecution in his native land.

I am opposed to this amendment, not for sentimental reasons alone, but because I believe our country should ever remain a haven and a refuge for those who believe in and have the courage to make sacrifices for those blessings of political freedom which have found their sublimest exemplification in our system of democracy.

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

The question on the amendment was taken; and on a division (demanded by Mr. BURNETT), there were 52 ayes and 68 noes.

Mr. BURNETT. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Alabama, Mr. BURNETT, and the gentleman from New York, Mr. SEGEL.

The committee again divided; and the tellers reported that there were 69 ayes and 78 noes.

So the amendment was rejected.

Mr. BURNETT. Mr. Chairman, the next committee amendment is on page 6, line 7.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 6 by striking out in line 7 the words "for any reason."

Mr. BENNET. Mr. Chairman, there was so much confusion I could not hear. Did the gentleman give any reason for striking out these words?

Mr. BURNETT. These words at that place are unnecessary.

The CHAIRMAN. The question is on the committee amendment.

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

Mr. BURNETT. The next amendment is on page 7, line 1, to insert a semicolon after the word "Hindus."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 1, after the word "Hindus" insert a semicolon.

Mr. BURNETT. The reason of that was that after each classification where we exclude aliens there has been a semicolon. The Hindus there is added by amendment, and that is a clause by itself, so a semicolon makes it conform to the other classifications.

Mr. MANN. Makes a new rule of punctuation.

Mr. BURNETT. No; it is the old Quackenbos rule that the gentleman and I studied years ago.

Mr. GARDNER. If the gentleman puts in a semicolon that will exclude missionaries, lawyers, physicians, and chemists that happen to be in this class.

Mr. BURNETT. They are taken care of farther on.

Mr. GARDNER. No; if the gentleman will cast his eye on page 7, line 7, he will see the provision where it says "the provision next foregoing" shall not apply, and so forth.

Mr. MANN. Mr. Chairman, I am quite willing to take the amendment offered by the gentleman from Alabama, but I had supposed in reading this bill that one of the purposes of it was not to make it too obnoxious and indicate that Hindus were not entitled to become citizens of the United States by naturalization. We all know what one of the purposes of this clause is, although not disclosed on its face. I supposed this had been done intentionally—to say that the Hindus and persons not entitled to become naturalized citizens were to be excluded. It looked to me a bright way of saying something where you really did not want to use all the language you could use about it and cover the subject.

Mr. BURNETT. The committee want to say flatly that we intended to exclude Hindus, and in order not to have any doubt about it we made a different classification; and as the next was another classification of persons who were not eligible to become citizens of the United States by naturalization, we put in this amendment. Some courts have held that a Hindu could become a citizen.

Mr. MANN. I understand. It is a very difficult matter. The Hindus are British subjects, and I suppose citizens, in a way, of the British Empire, and to exclude them by class and name no one else might be considered quite objectionable, or to exclude other nationalities who are not entitled to become citizens in a class might be considered objectionable; but to exclude the two together as one class, and cover them all, I think no one has found was objectionable. I suppose it does not make any change in actual name whether you say Hindus and persons who can not become eligible to become citizens of the United States by naturalization, or whether you say Hindus; but to combine them, I think, takes away a lot of the bitterness, and it accomplishes the exact purpose.

Mr. BURNETT. Mr. Chairman, I agree with the gentleman from Illinois. I think it means the same thing with or without a semicolon, but there was some question whether, the Hindus having been declared to be eligible to naturalization by combining them with the others, there might not be some doubt in regard to the real meaning of it.

Mr. MANN. I should think the courts would be likely to construe it as the opinion of Congress that Hindus are not entitled to become citizens if you do not put any punctuation in there at all. As it is now it simply means Hindus and other persons, just as though you read into it the word "other," so that it would be the same as though it read:

Hindus and other persons who can not become eligible, and so forth.

Mr. BURNETT. Mr. Chairman, I think the gentleman is perhaps correct about that, and I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

Mr. BURNETT. Then, Mr. Chairman, I was about to offer an amendment inserting the word "two" between the words "the" and "provision," in line 7, so that it would read, "the two provisions next foregoing," but as I have withdrawn the other amendment it will not be necessary to ask for the adoption of this amendment, and that will be also withdrawn. That concludes the committee amendments.

Mr. SABATH. Mr. Chairman, I move to strike out, on page 7, beginning with line 21, all the remainder of the page, all of page 8, and all of page 9, up to and including the word "territory," on line 13.

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

The Clerk read as follows:

Amend, on page 7, beginning with line 21, by striking out all the rest of the page, all of page 8, and all of page 9, down to and including the word "territory," in line 13.

Mr. SABATH. Mr. Chairman, that is the educational test—the literacy test, so-called. I would like now to see whether we can not make some arrangement in respect to time.

Mr. BURNETT. How would half an hour on a side do?

Mr. MADDEN. Why not make it an hour and a half?

Mr. BURNETT. We have had seven hours of general debate, and I think we ought to limit this now to half an hour on a side.

Mr. MADDEN. But many gentlemen who are interested in this section of the bill did not speak in general debate. I do not think it is too much to ask for an hour and a half, which would give three-quarters of an hour on a side.

Mr. SLAYDEN. Does the gentleman from Illinois really think that we will hear anything new on the subject, with all due respect to those gentlemen who desire to speak?

Mr. MANN. Mr. Chairman, I will say to the gentleman from Texas that if I get a chance I think I can tell him something new. I would like to have 10 minutes.

Mr. SABATH. Furthermore, I am of opinion that if gentlemen who are in favor of this provision will listen to reason, we will agree that it should be stricken out.

Mr. MANN. I hope the gentleman will grant us an hour and a half. It is important enough so that it ought to be discussed. It is the most vital provision of the bill.

Mr. BURNETT. Very well.

Mr. GARDNER. Mr. Chairman, I have an amendment which I desire to make to the religious exemption provision, and I would like to have five minutes on that. Of course I am in favor of the literacy test.

Mr. BURNETT. Mr. Chairman, I will be very glad to yield the gentleman that time.

Mr. TOWNER. Do I understand that the debate is to be limited only to the motion to strike out?

Mr. BURNETT. Oh, I think we ought to limit the debate to the whole section and all amendments thereto.

Mr. SABATH. Oh, no. If my motion to strike out is defeated, then it is my purpose to offer an amendment to the political provision.

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Alabama that the debate be confined only to the literacy test. That is the bitterest bone of contention in the bill. An hour and a half is not excessive debate upon that. In fact, I was going to ask, if the hour and a half were granted, that I be yielded 10 minutes additional, for I did not wish to ask the time of either gentleman in control of it.

Mr. BURNETT. Then, Mr. Chairman, I ask unanimous consent that debate on the amendment of the gentleman from Illinois [Mr. SABATH] be limited to an hour and a half, one-half of that time to be controlled by the gentleman from Illinois [Mr. SABATH] and one-half by myself, and that in addition thereto there be granted 10 minutes' time to the gentleman from Illinois [Mr. MANN], to be occupied at such time as he desires to use it.

The CHAIRMAN. Does that apply to the section or the amendment?

Mr. MANN. Just to the amendment.

The CHAIRMAN. That is, anything relating to the literacy test?

Mr. BURNETT. It relates to the motion of the gentleman from Illinois or any amendment to his motion.

Mr. SABATH. To my motion or any amendment to the motion.

Mr. MANN. Let it relate to the motion and paragraph involved in the motion.

The CHAIRMAN. The gentleman from Alabama submits the request for unanimous consent that debate on the motion of the gentleman from Illinois [Mr. SABATH] and the paragraph to which it relates shall proceed for one hour and a half, one-half of that time to be controlled by the gentleman from Alabama and one-half by the gentleman from Illinois, and in addition to that the gentleman from Illinois [Mr. MANN] shall have 10 minutes, to be controlled by him. Is there objection? [After a pause.] The Chair hears none. The Chair recognizes the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I suppose the gentleman from Illinois has a number of requests. I have not been able to see the gentlemen who desire to speak on this now, and I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, I offer an amendment to perfect the section before the motion to strike out is put.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 9, line 1, after the word "by" insert the word "governmental."

Mr. GARDNER. Mr. Chairman, if I can have the attention of the gentleman from Alabama [Mr. BURNETT], I desire to say

to him I offered an amendment to which I desire his attention. Page 9, line 1, before the word "overt" insert the word "governmental." Now, my reason is this:

I am not in favor of this religious exemption at all, I will admit. It has been discussed for years and years and years. It was originally the Littauer amendment of 10 years ago, and I think that those who then advocated this religious exemption from the literacy test were willing to confine it to persons who were "solely" trying to escape religious persecution; in that form we agreed to it. Now it is proposed to exempt from the literacy test anybody who claims to be fleeing from religious persecution, no matter what other motives he may have for coming to this country. Under the wording of the bill this persecution may be evidenced by overt act or by laws or by governmental regulations. Now, unless you put in the word "governmental" before "overt act," here is the situation you are going to have. Take the case of the Armenian at the present day. We get a large Armenian immigration into this country. There is a large one into my own district, by the way. Most of it is good; some of it is not so good. These Armenians are being persecuted by the Turks. They are Turkish subjects and there is no question that there is persecution going on—religious persecution. Supposing some Armenian comes to this country and says to the immigration inspector, "Some Turks have been persecuting me on account of my religious belief," then, if he can convince the inspector, that Armenian can claim admission whether he can read or not.

I am not in favor of exempting people from this literacy test on account of alleged religious persecution. However, if you are going to put in an exemption at all, for heaven's sake make it clear that it is an overt act on the part of the Government which the exemption contemplates.

Mr. CONRY. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. CONRY. Suppose that the persecution is inspired by certain individuals in a community and that this persecution is countenanced by the Government. How are you going to distinguish?

Mr. GARDNER. Well, I do not think we can go into the motives of individuals. The question is, if the Government has got any laws and any regulations, and if they have laws or regulations, if they commit overt acts, well and good; and, if you choose, throw the thing open and admit all these people, whether they can read or not, Armenians and Hebrews—we might as well speak right out; that is what this clause in the bills means. It means that certain races are to be admitted into the United States on more liberal terms than anyone else, if they claim to be fleeing from religious persecution. I do not approve of it. I have the friendliest possible feeling for the Jews and the Armenians. I have warm personal friends among them. Nevertheless, I do not think that they ought to be given special privileges more than anyone else. But if you are going to do it, let it be clear that you mean governmental persecution. Do not let any man who chooses come before the immigration commissioners and say, "I have been persecuted at home by two or three men"—who are absolutely irresponsible—"from religious motives."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. Mr. Chairman, I desire to be called when I have used eight minutes. Mr. Chairman and gentlemen, there are some Members who are under the impression, in view of what has been stated, that I am in favor of repealing all of our immigration laws, or that we should have no laws on immigration. That is not true. I desire to say that I believe outside of three or four provisions in this bill that this is a good bill, and I believe a good deal will be accomplished if the bill be enacted into law providing we eliminate the educational test. The literacy test provided in the bill will not serve, as I stated frequently, to keep out the viciously inclined, the criminal, or otherwise undesirable alien. Experience has demonstrated the fact that with the educational facilities afforded in this land thousands of illiterates who, unhappily, were denied educational opportunities in their native lands, have learned to read and write here and have shown eagerness to acquire knowledge and fit themselves to become good citizens.

In my opinion the desirable immigrant is the healthy, law-abiding worker, who comes to this country in good faith, and the undesirable immigrant is the clever and educated schemer who immediately upon his arrival begins to find fault with our institutions. We agree that the criminal, the insane, and mentally defective, the pauper, the morally unfit, and those who are incapable of earning a living, ought, as the existing law now provides, to be barred. We know from experience that the educational test would inflict an unjust hardship upon some of the elements which we can not class among the undesirables.

The literacy test is neither the test of fitness nor of character. It is opposed to principles upon which our Government was founded and to the high traditions which have always been maintained in the American Republic. It is beyond dispute that many of the so-called illiterates come from countries where they have been compelled to live under laws which are oppressive, cruel, and unjust. They come here from places where the opportunities of education are denied them, and they come here because they believe they can secure that high and grand privilege and secure for their children that which has been denied them in the country of their birth.

If we enact this legislation, Mr. Chairman and gentlemen, we will preclude or stop some of our best citizens, or people who make the best citizens, people who have demonstrated that they are law-abiding, that they are men who love our institutions and love our flag, and the largest percentage who will be kept out under this provision will be the unfortunate Polish people, who are suffering to-day in Europe as no other people are.

And, unfortunately for the Polish people, the Polish Kingdom has been divided, and is now a part of Austria, part of Russia, and a part of Germany, and due to this division have been deprived of and denied an education, not that they are not anxious to secure it, but the countries and the monarchies under whose flag they are obliged to live, and from which countries they desire to emigrate, make it impossible for them to secure this education. Nearly 40 per cent of these good people will be deprived from entering our country, and what applies to the brave Polish people—descendants of Pulaski and Kosciuszko—who have aided and assisted our country in time of need, applies also to the people of the little nation of Servia. The people of that country, the same as the Belgians, have suffered untold want and misery. They, as well as the Polish people, are prevented there from securing that education, and we to-day are about to say to them that, because they have been deprived of that chance and opportunity in their country, and because they desire to secure it here, they can not have it, they can not enter; they can not come. This, I think, is manifestly unfair. Mr. Chairman and gentlemen, I have known thousands of people of these different nationalities who were unable to read and write when they entered our shores, but nevertheless I wish to assure you that they have made good citizens and should not be legislated against, as you are about to do.

The CHAIRMAN (Mr. GARRETT). The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I shall vote for the motion to strike out the literacy test from the bill, because, for sentimental reasons, perhaps, I never have believed that the test of a man or his value to himself or to the world was to be met by whether he could read a little or write a little. The reading and writing of a man depend upon opportunity. But, Mr. Chairman, having voted, I believe, four times against the immigration bill, I find a situation which has constrained me to take a reconsidered view of the subject. We do not know how soon the war in Europe will end, and no one knows what will be the result. It seems likely, on the one hand, that with the destruction of property and the loss of life and limb over there, all the people can be profitably employed at home in building anew. We employ great numbers of men here because we are building in a new country.

And there may be no immigration from Europe after the war. The countries over there will be inclined, probably, to keep their citizens at home, because the number will have been reduced materially as to the male working citizen, and the need will have increased considerably to replace and rebuild. On the other hand, I can see, as it seems to me, great possibilities on the other side. When peace comes over there, I think it is likely to be a temporary one. I doubt the ability of either side to absolutely crush the other. There has been bitterness enough engendered, and there will be bitterness enough remain to make both sides over there, after temporary peace comes, fear further war. Men are prone to fight when they are mad. Cool men are not prone to fight. And after they have gone through a war such as they have been going through over there, and what are left come back to their homes, counting up those who have gone to the other side and those who remain who have been maimed or diseased, with the possibility that war will come again, with the knowledge that the hatred has not passed away, it would not surprise me if everyone with ordinary common sense would desire to escape from their country for two reasons: First, to avoid possible war and military service; second, to avoid the enormous taxes which must be the result of the unparalleled burden of indebtedness. And unless these countries by their own legislation can prevent their citizens coming here, we are liable to have a flood of immigration such as no country in the world

ever experienced before. I am not willing to take the chances on it. [Applause.]

I have no great fear of the immigration that we have had. I do not fear a considerable number of annual immigrants. I believe we have tremendous powers of assimilation, but I am not willing at this time to take the chance on the world pouring onto us the enormous numbers which may want to and probably will seek to come to this country while the difficulties in Europe are yet unsettled. And I have made up my mind, after a great deal of hesitation, that I shall vote for this bill. [Applause.]

Mr. LEWIS. Will the gentleman yield?

Mr. MANN. If I have any time.

Mr. LEWIS. I would like to ask the gentleman whether, in view of the prospects that seem to him possible, he would not be in favor of a numerical limitation on the number coming to this country any year?

Mr. MANN. I will say to the gentleman that I can think of a great many ways that I believe would be better than the literacy test. One of them has been suggested by the gentleman from Maryland. But I am not confronted with that question. I am confronted with the question of whether I shall vote in the end for a bill containing a provision which I do not believe in. But I believe I ought to vote for the bill, notwithstanding my feeling on the subject. [Applause.]

Mr. BURNETT. Mr. Chairman, I yield 10 minutes to the gentleman from West Virginia [Mr. NEELY]. [Applause.]

Mr. NEELY. Mr. Chairman, during the decade immediately preceding the outbreak of the European war there came to our shores, with the momentum of an irresistible army, an average of more than ten hundred thousand immigrants every year. Of this mighty influx of humanity more than 25 per cent could neither read nor write.

In order to prevent the future coming of untold millions of unlettered foreigners to this country, and to avert the long train of evils that would inevitably follow in their wake, it is proposed to enact the literacy test of the pending measure into law. That test is the storm center of the bill. It simply provides that as a condition precedent to admission the immigrant shall be able to read not less than 30 words in ordinary use, printed in plainly legible type, and in a language designated by the immigrant himself.

It appears from evidence of record, and with which all the Members of this body are familiar, that the opposition to the passage of a bill containing the literacy test has been fathered and financed by the Shipping Trust that fattens on the fares paid by the immigrants for transportation, and by various other trusts that employ these helpless and unhappy people for wages at which the American standard of living can not possibly be maintained. [Applause.]

There are many sufficient reasons for passing this bill, but brevity of time permits me to specify but a few.

The competition of immigrant labor with our own has become so pernicious and notorious that employment brokers brazenly offer to furnish foreign laborers of any nationality, in any number and in any State, for wages lower than those paid to workmen who are native born. [Applause.] The effect of such a competitive system as this is to swell the army of the unemployed with those of our own flesh and blood.

We spend \$500,000,000 annually for education. Shall we at vast cost eradicate ignorance at home and then permit it to be imported wholesale from abroad? Shall we prepare our own people for the responsibilities and duties of citizenship at an expense of half a billion dollars a year and at the same time freely permit those to come into our midst who have had no preparation at all? [Applause.]

In all communities having an alien population it is found that the illiterate foreigner is the most frequent violator of the criminal law.

In New York, where the immigrants "most do congregate," the asylums have become so overcrowded with insane foreigners that the chief executive of that wealthiest of States has had to appeal to the Federal Government for assistance in caring for these afflicted people who have become a public charge.

The kind of foreigner that is crowding our charitable institutions and filling our jails is the kind that will be largely excluded by the passage of this bill. Even the literacy test will bar no one from entrance to this country who is qualified to discharge the duties of an American citizen, or worthy to bear that name.

Many of the immigrants who have come to us in the past, from all parts of the world, have proved themselves valuable additions to our population. They have caught the spirit of our institutions; they have kept step with the march of our progress; they have been loyal to our flag. This type of immigrant

we have welcomed in the past; this type we shall welcome in the future; but the type affected by the literacy test we shall, for our own protection, keep out of this country for all time to come. [Applause.] Of the desirable immigrants, we shall admit them all; of the undesirable, we shall exclude them all.

That the sentiment of the American people is overwhelmingly in favor of the adoption of this selective and restrictive test there can be no doubt.

Within the last 20 years the people's representatives in this House have passed eight different bills containing the literacy test by an average vote of more than 2 to 1. Within the same period of time the Senate has passed six different bills containing the test by an average vote of more than 3 to 1, while the last vote in the Senate on this measure showed a majority in its favor of more than 7 to 1. In 1896 Mr. McKinley was elected President on a platform that specifically demanded that the immigration laws be extended so as to exclude from entrance all who could neither read nor write. But for the exercise of the veto power by three different Presidents, the literacy test would to-day be a part of the statute law of the United States.

For many years the American Federation of Labor, the railroad brotherhoods, the farmers' organizations, patriotic societies, eminent educators, noted economists, and multitudes of the toiling masses of this country have petitioned and pleaded and prayed for the enactment of this law. [Applause.] So far their petitions have been rejected, their pleas have been spurned, and their prayers have been scorned. But patriotic and persistent effort is about to be rewarded, and before the adjournment of this session of Congress the Burnett immigration bill, with the literacy test included, will be written into our book of law. [Applause.]

We have no grudge or grievance against the illiterate people of other lands. As they are unfortunate, we sympathize with them; as they are poverty stricken, we pity them; as they are oppressed, we weep for them; but as they would injure our own laborers, burden our own taxpayers, and lower our own standard of life, we are obliged to exclude them. Our task is an unpleasant one, but wisdom assigns it, reason commends it, duty commands its performance, and patriotic legislators must obey.

If we are charged with being selfish in passing this bill, we shall remind those who make the charge that while our action may prove an immediate hardship to the illiterate foreigner, it will ultimately reveal itself, even to him, as a blessing in disguise. For when the peasants of Europe know that they can not come into the United States until they have learned to read some language, then schoolhouses will be built as if by magic in every community from the sterile steppes of Russia to the fertile valleys of the Tiber and the Po. Teachers will be multiplied and elementary education will become the birthright of every child, and ignorance, even in the most benighted province of Europe, will be no more.

By passing this bill we shall place a new value on American citizenship; we shall protect the American laborer, secure the American standard of wages, and preserve the American ideal of civilization; we shall make it impossible for any immigrant to enter here in the future until he is able to read at least 30 words in the Holy Bible and understand the lines:

My country, 'tis of thee,
Sweet land of liberty,
Of thee I sing.

[Applause.]

Mr. SABATH. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, when the gentleman from Alabama [Mr. BURNETT] and myself, who were members of the Immigration Commission, came to the conclusion of our labors, and later there was reported a bill, I summarized our conclusions in a paragraph, the contrary of which no one has proved from that time to this. I said:

As to the character of the immigrants who have come to this country in the past 25 years, the Immigration Commission—nine men of differing views—reported unanimously that conviction for crime is no more common among the new immigrants than among the native born; that they are far less the victims of disease than any other class of immigrants of whom statistics have ever been kept; that they are rarely found among the victims of alcoholism; that pauperism is relatively at a minimum among them; that in the most congested blocks of cities having the largest foreign-born populations five-sixths of the homes of the foreign born are well kept and two-fifths are immaculate—and this on the report of women investigators; that their children attend school in large numbers; and that such new immigrants are much more rarely found in the insane asylum than their predecessors.

That was what we found after the expenditure of \$700,000 and two years of work. Certainly it is not an indictment against the immigrants upon which to found new legislation.

The gentleman from Missouri [Mr. MEEKER] said he was in favor of literacy. If he is in favor of literacy, then he ought to

vote against this new illiteracy test, because the figures of the census of 1910 show that the most literate portion of our population are the children of foreign-born parents, only 1.1 per cent of them being illiterates.

The distinguished gentleman from Ohio [Mr. FESS] told us in an affecting way—as it always must be affecting when a man speaks of his good mother—of that mother denied the opportunity in early childhood, who has never learned to read and write. I assume, and the gentleman will admit, that that mother is an abler person than he, abler for a woman than he is for a man, and we all know how able he is for a man. Now, Mr. Chairman, in this literacy test we are asked to vote to keep out other mothers, equally able, equally deprived of opportunity, though for different reasons. I shall not vote to do that, because I think the gentleman stated the crux of the proposition that the failure to be able to read and write measures not lack of ability but lack of opportunity; and his good mother, able as he, simply typifies the thousands who come to this country, unable to read and write, but who see to it that their children, born either abroad or here, are the most literate and the most indefatigable in our schools. When my daughter stands at the head of her class, as I am thankful and proud as a parent to say that she does, I find that those who stand second, third, and fourth at her side are the children of the immigrants, put there and kept there by their parents, who, because themselves deprived of opportunity, are in precisely the same frame of mind as that lady in Ohio who, herself deprived of opportunity, made her son the president of a college. [Applause.]

Now, Mr. Chairman, there is really no argument to be made in favor of the literacy test. Nothing has been proved against illiteracy except lack of opportunity, and therefore I want to devote the remainder of my 10 minutes to the amendment that is going to be offered by the gentleman from Illinois [Mr. SABATH], as I understand, if this amendment fails, and that is to insert the words "or political" after the word "religious."

I differ from the distinguished gentleman from Massachusetts [Mr. GARDNER]. He says he is not in favor of letting in these Armenians. I am in favor of admitting them, and in my judgment they can not get in under the religious clause.

They were an independent kingdom. They did what some people wanted our country to do; they depended for preparation on the good will of their neighbors and they ceased to exist as a kingdom. The opposition to them in Turkey is political. I stated yesterday that 800,000 of them had already fallen under the sword and under the bullets of the Turks. One million two hundred thousand remain. Of course, only a small fraction will come, but those whose friends desire to have them come here ought not to be barred out simply because, being raised in the Ottoman Empire, they were deprived of an opportunity to learn to read. Many can not read, and if the words "or political" are not put in the Armenian stays out.

I wish there was time to read to the committee the individual cases of Armenians killed, as they have been in the last year and a half in that holocaust over there, where tens and hundreds and thousands and tens of thousands have been killed, and we here in the American Congress, in this great, broad, rich, largely undeveloped country purpose to reverse the policy under which our own parents and grandparents and ancestors came. My French Huguenot ancestors fled from persecution and landed on our shores in this country, and yet I am asked to keep out the Armenian of to-day, the ancestors of those to come to-morrow, and who would come in precisely the same condition that my ancestors came. I am not only going to vote to strike out the literacy test, but because the literacy test is in it I am going to vote against the bill. I am going to vote against it because while there are good things in it, the superlative iniquity of this specious test, in my judgment, is enough to cause any man who values the American past, who values the American present, and who hopes in all its breadth and vision, in all its beauty of idealism, that the present may extend into America's future; who objects to marring our history of toleration by this narrow-minded project—any man who holds these views ought to vote first to strike out the literacy test, and, second, if the test is not stricken out, to vote against the bill. [Applause.]

Mr. SABATH. Mr. Chairman, How much time has the gentleman from New York used?

The CHAIRMAN (Mr. GARRETT). The gentleman has used 10 minutes.

Mr. BURNETT. Mr. Chairman, I have yielded 20 minutes to the gentleman from California [Mr. HAYES] to be used as he pleases.

Mr. HAYES. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, I trust in the 10 minutes or less I shall occupy that I shall not be misquoted as many times on Monday as I have been to-day and yesterday.

I can not and would not vote for this bill unless I were thoroughly convinced in my own mind that under the bill this Nation is to provide an asylum for those who are persecuted because of their religion and those who suffer from political persecution. There is no man on the floor of this House who stands more nearly absolutely four square on the question of religious liberty than the man who is now addressing you. And the injection of any such sectarian talk into this issue is foreign to the question. [Applause.]

It is purely a question of a literacy test to be applied to the man who would come in here under ordinary circumstances. The extraordinary conditions under which a man might come have been provided for in this bill. I come from a State that has on its statute book a compulsory education law, and the same kind of talk was made in the Missouri Legislature against that law that has been made here against this one. It has been about our mothers and grandmothers who could not read, but I think the American Congress should legislate with its face to the future rather than to the past. [Applause.]

There are plenty of gentlemen on the floor of the House who, if their native ancestry had been required to read before their descendants could come to Congress, would not have been here, but that is no indication that we are to look backward and say because father could not do so the son must not. You are squarely against the issue, and how men can stand and plead for illiteracy, not only domestic illiteracy, but imported illiteracy, is more than I can conceive, when we have provided an asylum for the religious and political refugees.

If citizenship is not worth the attempt to acquaint oneself with the general channels for the distribution of knowledge, then citizenship in this country does not amount to much. We have been asked to do everything and the man coming here to do nothing. We are asked to overlook all shortcomings. Gentlemen, it is a peculiar argument that is advanced here in this discussion, people all of the time saying the black hander can come in because he is educated, as if we had not provided in the bill to shut out the black hander, the gambler, and every one else who is undesirable, the assumption being that because a man can read there is no other test. This bill provides against the black hander and for every other type of criminal. It goes further than any other bill that has ever been offered to this Congress to reach a criminal, even after he comes here, and put him out of the country. You gentlemen know the type of men we are trying to reach in this bill. We are after not the individuals so much as we are after the illiterate herd that is brought into this country for the purpose, and for no other purpose, of beating down American standards of living and American wages [applause], and I have not heard one of you say anything about that. Furthermore, I say that under our economic law and with our present program, it might be a kindness to the immigrant who is coming here to be exploited if we told him that he can not come. Some are looking at this from a sentimental side purely. If sentiment is all there is to this argument, let us put it all aside, let us open our doors and say to every one, come in. Let us take a single illustration. Bring a man from any section of the Old World that you may choose. Poor boys are growing up in the same community side by side. One boy by some method or other has mastered his language so that he can read and write, but the other has not. To the one we open the door; to the other we say "study." Gentlemen, the beginning of a real education is in reading and writing, or else our educational program in this country is all upside down when we teach our children to read at the beginning of school. It is the foundation of the spread of knowledge, and we need not try to dodge it.

When a man can read 30 words promiscuously given him by the official it means that he must have command of much more than 30 words. Some seem to think that this test would simply mean for a man to learn by rote 30 words sent to him by some friend in this country. But he does not know which 30 words are to be given to him. It is a test for larger preparation. Are we going to say that men who come here shall come to be exploited and put at the mercy of all of whom we have heard here to-day, simply because somebody's grandmother could not read a hundred years ago? Here is the question that we must face for ourselves. We must work out our home educational problem; it is not solved, and a man who thrusts back into the face of any individual saying, "Why do not you go back and sweep your own doorstep," is not answering the question. As I said yesterday, all of the illiteracy of our own Nation that we now have is a blight upon our Nation; and the schoolhouse, whether it be a school of the Methodist, the Presbyterian, the Baptist, the Catho-

lic, the Hebrew, or the great American school, is the foundation stone of our Government. [Applause.] Yet we would have men by a wave of the hand for the sake of somebody's grandmother ignore all demands we make upon others simply to let them come in here.

You speak of the political refugee. If the language is not distinct and plain on that one issue, then I can not understand how it is to be written. The revolutionist, your Kosciuszko, and all those men to whom reference has been made, could enter this country under this provision. This country will always remain the home of the religious and the political refugee, but we would just as well begin now to face that other problem of imported ignorance.

Talk as you please, I have generally found that the man who could not read had a slighter or smaller appreciation of the great things of the world around about him than the one who can read. Put this literacy test into your bill and pass it and it will be the first international compulsory-education law that was ever written. It will set a new standard and it will mean that coming into this land means more than the possession of thirty or forty dollars and a desire for a job for six months. It will mean the beginning of a new era, and if America has led thus far in her common school at home, has she not the right to demand universal training of men elsewhere? [Applause.]

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

Mr. BURNETT. I yield the gentleman three minutes more.

Mr. MEEKER. Mr. Chairman, the gentleman from New York [Mr. BENNET] has declared that he would vote against the bill because this is here, and a much more thoughtful man, if such could be, declared just preceding him that even though he did not quite agree as to this particular point and could not, yet he would vote for the bill with this in it. That is the difference in human nature. One man will not do anything unless he can get everything he wants and the other man is willing to be reasonable. [Laughter and applause.]

Mr. HAYES. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, the amendment proposed by the very earnest and able Representative from Illinois [Mr. SABATH] presents to this House the real question upon which the division of Members for and against this bill will take place. It is clear to the unprejudiced person that there are two lines of argument to be applied to the question before us.

When we consider that on three different occasions Presidents of these United States have vetoed such literacy tests, we on this side must admit that there is something of merit in the contention of the others; but I suggest to them that when they consider that on three different occasions the Congress of the United States has sent the test to the President, that they must admit that there is something of merit on our side. I have not the time in five minutes to refer to these arguments, but perhaps they can be summed up briefly in a single sentence—that while the spirit of altruism is most commendable, that that of self-preservation is still the first law of nature.

My friend from Illinois suggested a little while ago that the literacy test will not serve to keep out the viciously inclined, the criminal, or the otherwise undesirable. Of course, it will not, and nobody contends that it will, and as between education and character we will agree with him that character is by far the most potent; but given the character to work upon, education will do its possessor good and not harm. [Applause.] Otherwise you had better abolish your compulsory-education laws. And again I want to call your attention to this thought, that in legislating on this bill our first consideration is not the immigrant, for, however much we may desire to give him the opportunities afforded in this superior land, our first consideration is and must ever be this country of ours which should always be our chief concern. [Applause.] Let me direct your attention to the fact that conditions are vastly different to-day to those of former years and that we must meet them with different laws. In the pioneer days sturdy individualism and strong physical power was necessary in order to enable the immigrant to meet and overcome the difficulties encountered. The very conditions that confronted him were in themselves a selection of the most fit. We have passed beyond those conditions and the time has arrived when we as a country must look after our own interests, and in my judgment our interests require that while we are imposing an educational qualification upon our own people that we should ask those who come from without at least to meet the limited requirements of this bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. Mr. Chairman, I yield a half minute to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to withdraw my amendment which I offered to the paragraph which the gentleman from Illinois seeks to strike out.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw the amendment indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. HAYES. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, at the beginning of the last century Pestalozzi went over to France and sought an interview with Napoleon. His purpose was to impress upon the great leader the importance of general education. That interview was denied, and when that great Swiss educator returned home he was asked whether he saw the First Consul, and his reply was, "No; and the First Consul did not see me, either." Pestalozzi made a pilgrimage to Prussia, and was received by the queen, who was so impressed by what the great educator said regarding the possibilities of education that she sent 17 of the choice young men of Prussia to the school presided over by Pestalozzi. Among that group of 17, mark you, was found Froebel, Germany's greatest educator, the founder of modern education in Europe. Among them was also found Réaumur, second only to Froebel. The stimulus to scientific research began then that now is so scientifically worked out in Germany. Modern research in Germany is but a comment upon that influence. It is simply a suggestion of the value of education. When the Fathers planted our country the State of Massachusetts required at a very early date that every 50 families must provide for what we call an open school, and every 100 families must provide for a high school. While it is admitted our common-school system was not started until the thirties of the last century, Massachusetts provided for general education early, and yet I find that the State that has given Harvard to our country's history and the first general school system of the country, as well as the man who inaugurated our widely popular common-school system, as we now know it, is represented very largely here on this floor by men who are now opposing the literacy test for those immigrants who come into the country. For, Mr. Chairman, as I now recall, but two of her distinguished delegation supported such a measure in the last Congress, and yet they stand very high for education for those who are in the country. And when I think of Rhode Island, I think, of course, of the strong appeals of her Representatives, such as my genial and lovable friend on the front seat, Mr. O'SHAUNESSY, and I think of Roger Williams, our early greatest scholar, who taught John Milton to read the Dutch language.

Roger Williams established Rhode Island upon an educational basis, out of which has come Brown University, that my friend eminently represents on this floor. Why, my friends, Brown University gave to the country Horace Mann, this country's greatest educator, and the founder of the common school system of America. He was a son of Massachusetts, but an alumnus of Brown. It gave Mr. Justice Hughes, who is much talked about to-day in the country. [Loud applause.] It gave our country the United States' greatest State university president, namely, Prof. Angell, of Michigan University. [Applause.] And it gave a former superintendent of the public schools of Chicago, President E. Benjamin Andrews. Mr. Chairman, the States so advanced on educational lines, with such achievements to their credit, see their Representatives vote against this educational test. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. Can not you yield him one more minute? I want to ask him a question.

Mr. BURNETT. I yield to the gentleman one minute more.

Mr. ADAMSON. The gentleman from Ohio is a teacher, and has great observation, and I want to ask him a practical question. Does he not think we have enough ignorance in this country already without going to the trouble of importing more?

Mr. FESS. I certainly do. I am with you on that proposition.

Mr. GALLAGHER. I want to ask the gentleman from Ohio a question. Is Hughes nominated now? [Laughter.]

Mr. FESS. I think my answer will be more emphatic when a Republican sits in the presidential chair. When Ohio leaves off the habit of supplying the nomination we may come to the Supreme Court. [Applause.]

Mr. BURNETT. I did not give the gentleman another minute to nominate a President. [Laughter.]

Mr. FESS. Mr. Chairman, I withdraw the nomination. [Laughter.]

Mr. SABATH. Which is very sensible.

Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

[Mr. TOWNER addressed the committee. See Appendix.]

Mr. SABATH. Mr. Chairman, I yield five minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, my friend from Pennsylvania [Mr. FOCHT], in general debate yesterday, was probably indulging himself in the usual oratorical license when he spoke of traveling three blocks in my home city of New Haven before finding a person who could speak the English language. When the gentleman made this reference I happened to be sitting on the extreme right of the Democratic side, quite appropriately in view of the mixed politics of this bill, and as his remarks were addressed to the Republican side of the House and there was some confusion, I did not at the moment catch what he said. Whether his illustration is historically accurate really is immaterial. I feel quite certain, however, that if he refers to an actual occurrence it was during the hours when our public schools were in session and the children of school age absent from the street.

There are probably a number of blocks in New Haven where the parents in every house were born abroad, but in none of them would he find children of school age unable to read and speak the English language. In fact, he would find them all in our excellent public schools learning to speak, read, and write the English language. He would find further, if he examined the records of our schools, that these very children of foreign-born parentage are among the brightest students and best scholars. He would find also, if he carried the investigation far enough, that the percentage of illiteracy among the people living in the very city blocks he has indicated is lower than the percentage of illiteracy in the district so ably represented by the gentleman from Pennsylvania.

As to my friends representing southern constituencies, who are declaiming so loudly against ignorant foreigners, I challenge them to compare the illiteracy of their own States with that of the most exclusively foreign-born section of my city. They will find to their chagrin that the percentage of illiteracy among their own people is far and away above that of our latest arrivals.

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

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Georgia?

Mr. TILSON. Yes.

Mr. HOWARD. Does the gentleman know why there is so much illiteracy in the South among the white people? I will tell you. We have had a burden of a million and a half niggers in Georgia ever since the Civil War, who were turned loose on us in their ignorance.

Mr. TILSON. Mr. Chairman, it is not my intention to abuse anybody for the lack of education. Least of all is it my intention to reflect unkindly upon the people of the South for the high percentage of illiteracy there. Like my distinguished friend from Illinois [Mr. CANNON], who on yesterday addressed the House with such eloquence and power, I, too, was born in the South and not very far from where the distinguished former Speaker was born. Before I was born the Civil War had come and gone, leaving devastation and poverty in its train. My people lived among the mountain whites. Throughout that whole mountainous section at that time opportunities for education were of the most meager and precarious character. Well do I remember the longing of my childhood days for an opportunity to learn from books, and no opportunity for doing so was lost. Through the long spring, summer, and autumn for as much as 12 hours a day we labored upon a somewhat grudging soil with rather primitive farm implements to earn a livelihood, and at night, when I should have been sleeping, I often pored over my books by the flickering blaze of a burning pine knot. [Applause.] I know what it means to lack opportunity for acquiring an education. There are thousands of others throughout the mountainous section of the South who have had to contend against the same meagerness of opportunity.

With the experiences of my own earlier years still fresh in my memory, I can not bring myself to say to anyone who has been denied those privileges which were mine in such scanty measure, "You can not come to this land of abundant opportunity, because in that other land whence you came you had no opportunity to learn to read." No; I would rather say to him, "Are you sound in body, mind, and character?" "Are you ready to do your full part, whatever it may be, in this hospitable country?" "Are you willing and able, if need be, to do the very hardest work of all?" Measuring up to these requirements, he should be admitted.

It was just a little more than 28 years ago that I, still seeking further opportunity to acquire an education, left my southern home and came to the city of my adoption, where my friend

from Pennsylvania imagines the English language is seldom spoken. At that time the great tide of immigration from southern Europe was only setting in. Only comparatively few had then arrived, but enough to start the cry among the alarmists that the country was in danger of being swamped by immigration from Italy.

Both those who had prophesied evil and those who had faith in the coming immigrants, as I had, waited and watched the result. They had not long to wait. Soon the Italian immigrant began to make himself felt in the community he had chosen for his home. In business, in all the professions, and in every walk of life he soon began to make his place. One of them became surgeon general of the State, and is generally recognized as one of the most brilliant surgeons in the entire State. One went into the theatrical business, and is now one of the princes of that business, owning a string of theaters from Worcester to Washington. Hundreds of others, too numerous to mention, made and are making their places in the community.

Along with the Italians came the Russians, Poles, Hungarians, and other nationalities, both Jews and Christians, who in their turn, beginning at the bottom and working up, have also "made good." In every walk of life they have not only made good, but preeminently good. They are at the forefront of our leaders at the bar, in the commercial world, in the manufacturing world, in every walk of life. Only a few weeks ago one of the most gentle and noble among the Jews residing in New Haven went to his reward, mourned by an entire city, whose every resident had reaped the benefit of his fruitful labors and his great benefactions. Another related to him by marriage is now universally conceded by our people of all races, nationalities and religions to be one of the foremost men not only in his own city but in the entire State. For seven years he was president of the Chamber of Commerce of the city of New Haven and took a leading part in all the development of the city during that time. His hand is always extended, never to receive anything for himself, but always to help others, to help them not only by giving, but, what is far more important, by doing. I could go through the list and mention scores of others, but it is not necessary. These I have mentioned will afford illustrations of what immigrants and the sons of immigrants have done already and give indications of what we may expect of them in the years to come.

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

Mr. TILSON. May I have three minutes more?

Mr. SABATH. I can give the gentleman one more minute.

Mr. TILSON. We are told that organized labor is in favor of this bill. I doubt that assertion stated so broadly. No man in this House has more intelligent organized labor in his district than I, and yet I have heard from only a very few among the scores of local unions throughout my district on the subject. I have heard from a few, who have expressed their opinion in favor of the bill, but they have been kind enough to extend to me the same right which they themselves enjoy, of having convictions of my own on the subject. My sympathies are naturally with the workmen. My own life has been one of arduous toil from early boyhood. I know by experience what it means to earn my bread in the sweat of my face. I honor the able leaders of organized labor—national, State, and local. It happens that the president of the Trades Council in my home city is one of my warmest personal friends. He is of that fine strain of Irish immigrant stock which came to this country half a century ago. He was formerly sergeant in the National Guard company of which I was captain, and he was a fine soldier, as he is now a useful, patriotic, respected citizen. Possibly he may prefer that I should vote for this bill, but I know he would not wish me to do so against my honest convictions.

In closing let me say to the gentleman from Pennsylvania that New Haven is more, however, than the home of the immigrant. It is the home of culture and refinement, as well as the home of honest business and civic progress, in all of which the immigrant is doing his share. It is the home of Yale University, whose motto is "Light and truth," and whose influence is felt throughout the length and breadth of the land for education that shall mean service to mankind. It was the home of Noah Webster and the birthplace of his great dictionary, which has had a greater influence upon the English language in America than perhaps any other book, excepting only the English Bible. [Applause.] It is the home of the descendants of the Puritans and of the Pilgrims as well as of all the rest of the best blood of New England. Under the classic shades of its few remaining elms the sons of the blue bloods and the sons of the immigrants are dwelling and working together. No part of the city's life would be complete without all. Together they make up the heart and lifeblood of a great cosmopolitan city which in itself is a shining

example of the true American melting pot in actual operation. Blending their energies in a united and harmonious effort, they are together working out the destinies of a great, modern, progressive American city. [Applause.]

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

Mr. SABATH. Mr. Chairman, I yield four minutes to the gentleman from New Jersey [Mr. HAMILL].

The CHAIRMAN. The gentleman from New Jersey [Mr. HAMILL] is recognized for four minutes.

[Mr. HAMILL addressed the committee. See Appendix.]

Mr. SABATH. I yield three minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, my good friend from Ohio, Mr. FESS, for whom I have the most profound respect, hurriedly broke from his brief reference to Harvard University in his desire to pay a tribute to Brown University and some of its distinguished sons. As a fellow president of an American college, he knows that one of the greatest educators in our splendid history, the president emeritus of the foremost educational institution in all America, President Elliot, of Harvard, is absolutely opposed to the literacy test in this bill. [Applause.] I wish that my able colleague had told you, what he will gladly admit, I know, and what I, a graduate of that ancient institution of learning, now say to you, that fair Harvard needs no defense and no apology; there she stands, mother of all the colleges of our glorious land, with her eternal "Veritas" proudly emblazoned upon her shield. I know full well she has no greater admirer in all the land than the distinguished Representative from the Buckeye State [Mr. FESS].

Yes, Mr. Chairman, I wish he could have told you something else which I can not refrain from uttering, and I speak here as the son of an immigrant father, who came to this country 75 years ago, unable to read and write a single word of any language; yet this Irish "alien" sent three of his boys to Harvard College, two of them graduating from that university with the degree of A. B. and the third emerging with his A. B., A. M., and Ph. D., all fairly earned and bestowed; yes, sir, this Irish father saw his four daughters complete with honor the educational course provided in one of the leading Roman Catholic academies in his adopted State, the Academy of Notre Dame. And yet, if this unjust literacy test had been the law of the land in his day and generation, America would have deprived that splendid man of the opportunity of making the contribution, which he at least tried to make, to the progress of this Republic. [Great applause.]

Mr. Chairman, I have yet to hear from the advocates of this test a single word as to the reason why the illiterate immigrant has been deprived of an opportunity to get an education in the land of his birth. Oh, I recall the story of the Irish peasant in the old days of cruel British oppression. His only schoolmaster was the priest of his church, who brought to the heart-broken sheep of his flock not only the consolation of religion but a smattering of letters that they might acquire at least a little knowledge of books and of men. A cruel oppressor forbade the giving of this instruction to the Irish peasant. And I recall reading the story of those sainted priests, hunted from mountain to valley, from valley to lake and river, yet still true to their duty and their God, giving up all for conscience sake, a price upon their heads, and, oh, very often gaining the martyr's crown, because, in the language of Newman, at the grave of his friend Wilberforce, "They had made fools of themselves for Christ's sake." [Applause.]

That is the story of the Irish immigrant of the last generation, Mr. Chairman. But how glad I am to say to you here in this Congress of the United States that you can not reach the Irish immigrant of to-day with this bill, and it is not in his behalf I raise my voice in protest against its passage. I think of the unhappy and illiterate immigrant from the Russias—the son of Israel and the son of Poland—oppressed, scourged, almost destroyed in spirit and in life, with no opportunity in his native land for either letters or religion. I think of the boy and the girl from the Province of Lithuania who begs admission to this free country, and I think of the sons and daughters of sunny Italy—these are the children of the desert that your unfair, unreasonable, un-American, un-Christian, inhuman test seeks to stop from entering within our gates. If any man within the sound of my voice ere dreamed the Irish immigrant, in this year of our Lord, is not the peer in learning of your average native son let him awake to realize that when the Irish youth knocks at the door of Ellis Island or enters the port of Boston he comes, sir, almost ready and more than willing to try your examination for a bachelor of arts. [Long-continued applause.]

Mr. Chairman, I have made no reference during this discussion to that phase of the controversy just touched on by my good friend from New Jersey [Mr. HAMILLE]. I have felt keenly for some time that there was a strong touch of bigotry and religious prejudice back of this whole fight. On my honor, I am yet to be persuaded that I have formed a false opinion. Carefully concealed in this debate, the animosity that stirs some men to action against the "alien" is the animosity that strikes at the church of his fathers. I sometimes like to repeat to myself, when I think of the bigot and the blackguard who assails that church, the finest American speech I ever read. It fell from the lips of a Catholic priest at the laying of the corner stone of the first Catholic college in New England, Holy Cross College, in Worcester, Mass. On the 21st day of June, 1843, the Rev. C. Constantine Pise, D. D., of New York, an immigrant priest, officiating as orator of the day, said:

The Catholic Church has always cherished within her bosom a sacred and undying solicitude for the education of her people. * * * Catholic education inculcates the necessity of virtue, morality, and charity toward all mankind. It breathes an inextinguishable spirit of patriotism into the ingenuous bosom, and bids the American youth remember and be grateful for the inestimable privileges he is destined to enjoy under the freest and happiest Government on earth; privileges which he would not sacrifice to any foreign authority; a Government in defense of which he would regard it the noblest act to die, if necessary, at the cannon's mouth. The college, of which the corner stone has just been placed will rear up its walls for an education proper to the soil and constitution of the State in which it is situated. The youth who will be here formed to letters will also be taught, first, the necessity of religion, the practice of virtue, the maxims of charity; then and firmly an entire devotion to the glorious institutions of our country. They will be instructed to recognize no temporal power over this free land in any foreign authority, whether secular or ecclesiastic. They will be taught that the sovereign Pontiff, whose spiritual jurisdiction, as Catholics, we admit and revere, possesses and claims no right to exercise any sway over us as citizens of this great Republic. That they must be ready to defend the prerogatives and liberties of their country against any aggressor, no matter who he may be. Our youth will be taught that he who is not faithful to his country will not be true to his God. [Applause.]

Here, Mr. Chairman, is the gospel of patriotic devotion. Here is true Americanism. Yes; ultra Americanism, and from the lips of an eloquent immigrant.

Mr. BURNETT. I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, there is one feature of this bill in which I have taken a great deal of interest from the beginning. I know that the committee were actuated by the same motive that I was, and that was to exempt from the operation of the restrictive immigration law those people who leave their home countries to avoid religious persecution.

When that phrase is used two peoples come into the mind of every man who is familiar with the history of Europe in the last 50 years. The Jews, in countries that I will not name, have been persistently persecuted. It is a persecution that has run through centuries, and every man who has known the history of that great race which has given us so many philosophers, poets, musicians, soldiers, philanthropists, and men of great enterprise in the commercial world has felt intense sympathy with them in their sufferings.

They deserve well of the American Congress. In our early history they were patriots. In the War of Independence they gave freely of their means, and they shared the perils of battle. George Washington himself testified to the courage and ability of the Jewish soldiers that were under his command. They played the part of patriots in the War of 1812, and again in the Civil War they were found on both sides battling for their opinions. And while we have felt it was necessary in the interest of the country to strengthen the immigration law, we have all earnestly desired to exempt, as far as possible, from its operation the Jews of certain countries in Europe who come to the United States because of religious persecution, a barbarous thing that was inexcusable even in the Dark Ages.

They have made good citizens. It has been my good fortune to have personal, intimate, social, and business relations with them during the whole of my manhood. I have had among them many warm personal friends, and have had them for associates in business, and the more intimately I have known the Jews the more I have thought of them; the more I have learned of their history the more I have admired them, and I for one find no objection to their coming here.

There are few Socialists among them. I believe there is one political party in the House composed exclusively of Jews [laughter], but there are no anarchists and comparatively few criminals among them; there are no beggars, and they are not burdens on the State. The Jew is a philanthropist. He is a man of vast charities, and always his charity is directed by common sense and good business judgment, as it should be. The Jew's charity does not make beggars. It sets men up and makes them self-respecting and self-supporting.

The war in Europe, the great war in Europe, the unmatched crime of all time, has been specially hard on Jews. Some of them live in countries that deny them religious liberty and social and civil rights. But, true to their nature and history, they are not denied the privilege of sacrifice. They are compelled to fight the battles of countries that do not reward the service. In a quarrel they did not make, in support of dynasties that have never been even fair to them, they are required to make the supreme sacrifice. They are driven to the cruel task of risking their own lives in wars they did not want and to take those of their kinsmen and coreligionists in other armies. No fate could be harder; none more cruel and unjust.

These, Mr. Chairman, are the thoughts that directed me when in committee I labored to shape this bill so as to make it what the American people demand and at the same time accommodate this wonderful and unhappy people.

Another class comes into the minds of people charged with the duty of writing a law of this kind, and that is a people who, through centuries, have been persecuted by the people of Mohammedan faith. They have manifested the possession of qualities which we ought to cultivate. They possess a virility and persistency and adhesion to a faith and to high ideals that we can not encourage too much. The Armenians should not be killed because of religious faith, nor their women subjected to the infamy of being sent to a harem. The torture is more than most people could bear; most religious faiths would break down under a persecution like that, Mr. Chairman, but they have kept the faith and they deserve the exemption. We wrote this bill with these two people in mind, the Jews and the Christians. Certainly, sir, no man can fairly charge that there was any religious bigotry in the committee when they came to consider a paragraph which sought to protect and to admit these two classes of people, two religionists of diametrically opposite religious faith. No man in the committee, so far as I am advised, ever was actuated by any such motive as has been intimated on the floor of this House on more than one occasion. Such argument, such groundless assertions, rather, ought not to be used here. It is not only without foundation in fact, in so far as it refers to the committee headed by Mr. BURNETT, but it is, I fear, deliberately mischievous. Our work speaks for itself. Jew and Christian were treated alike, as they should be, in and before the law. Both are a tragic people. Massacre has been the portion of each, and, Mr. Chairman, just as far as my effort may do it, there shall be no slaughter of the innocent and helpless in America or elsewhere.

The CHAIRMAN. The gentleman's time has expired.

Mr. BURNETT. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has three minutes and the gentleman from Illinois has eight minutes.

Mr. BURNETT. Is there not some mistake, Mr. Chairman, about my time? I had 45 minutes.

The CHAIRMAN. The gentleman yielded 20 minutes to the gentleman from California, and that would leave him 25, and the Record shows that he yielded 5 and then 10.

Mr. BENNETT. And the gentleman also yielded to the gentleman from Massachusetts [Mr. GARDNER].

Mr. SABATH. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I shall vote for the motion of the gentleman from Illinois to strike out the illiteracy test in this bill. Whether that motion prevails or not, I shall vote for the passage of the bill. My object in voting against the literacy test as prescribed in this bill is that it is basing the admission of citizens into this country, in my judgment, on an erroneous theory. It predicates admissions on the want of opportunity instead of extending to them opportunity. It is denying the opportunity which this Government has heretofore extended to the people of all the world, reversing the policy which has been in practice since the foundation of our Government, and one which has contributed much to our greatness as a world power, leading the other nations of the earth in those things which make a nation great, powerful, and enduring.

The educational test provided for in this measure is as follows: The alien shall be required to read "not less than 30 nor more than 40 words in ordinary use," printed in plain type and in the language he may select. This does not appeal to me as much of a test of literary qualification. He is only required to read it, not to understand or comprehend the meaning—only to read it. Upon this qualification his right of admission is settled. This, in my judgment, is little less than farcical. For the want of compliance with this ordinary test good citizens, those who would assist in building up the grandeur of the country, defending its flag, extending its indus-

trial operations, shall be denied citizenship, while others who could comply with it shall be admitted, though they will add nothing to its wealth or progress, but, on the contrary, become a burden to its people. There have come to our country during its existence people unable to read, because of the want of opportunity to prepare themselves, some of the best citizens the country has had, people who have not only been model citizens but patriots, and who have rendered valuable contributions in industrial affairs to the welfare and upbuilding of this great country. They felt and regretted their want of opportunity to secure an education and acquire knowledge which would have aided them in the prosecution of their work. They secured for their children what the want of opportunity had denied them. Because of their admission to citizenship the country did not suffer, but, on the contrary, profited.

If we glance at the history of events under the operation of the policy we have followed on this question, we must confess the country has suffered quite as much in its criminal history from the educated foreigner as from the uneducated. Many of the most atrocious crimes committed against person or property have been committed by the educated, who were not in sympathy with our public policies or the men who had charge of their administration. Events of this character are fresh in the minds of us all, hence it can not be safely contended that education alone makes good citizens and a law-abiding people. It takes more, and the quality required to make a good citizen may reside as well in an uneducated man as in an educated one.

We are not underestimating the value of education; we all know and recognize its necessity, its assistance to every citizen in the prosecution of every good pursuit, and we recognize its assistance to the man who is bent on mischief in carrying into effect his unlawful purposes. It is an instrument either of good or harm, as occasion may direct it. The educated man to be the good citizen must have a noble purpose and a laudable ambition. The uneducated person may possess these requisites and contribute much to the healthful progress of the country and society.

Again, it is anticipated that with the conclusion of the European war many from Europe will flock to this country for two reasons, one to escape other wars which it is feared will follow there, and further to escape the awful burden of taxation which necessarily must be levied on that people to pay the enormous debt which is now being created because of the war. Such as may come from these causes are not the classes against which this legislation is directed. All such will be of the thrifty classes, people desirous of building up fortunes instead of tearing them down; men hoping to accumulate instead of wasting property. Such classes as may come on account of such causes will be the better class of citizens, looking for peace and prosperity. No pauper ever feared taxation; he leaves no country because of high taxes or property destruction. The tax gatherer is no menace to him, because he has no property to tax and none to be wasted by war. It is the thrifty person who fears the desolating ravages of war and the burdens of high taxation. He seeks to husband the result of his years of toil and self-sacrifice. But the pauper has no anxiety of this kind. The tax gatherer has no terrors for him. People who from these causes will come to our country will be the better class, people who will assist in improving our conditions both socially and industrially, add their mite to the upbuilding of this the greatest country in the world. It may be some of these can not comply with the 30-word test, but no one would doubt for a moment their good purpose, pure intention, and the value of their citizenship. Let us do nothing to deny their admission, because they will come to increase the demand for the employment of labor, and increase the production of industry, and enjoy the better opportunities which this country affords. [Applause.]

Mr. SABATH. Mr. Chairman, I yield to the gentleman from New York [Mr. CHANDLER].

Mr. CHANDLER of New York. Mr. Chairman, the citizenship of a nation, like the morals of character or the blood of the body, should be kept free from poison, corruption, and contamination. Undesirable immigrants should not be permitted to come into our country. The criminal, the lunatic, the anarchist, the pauper, the invalid, and the degenerate should not be allowed to land upon our shores. All these things I cheerfully concede. This principle of public policy I heartily indorse and advocate.

On the other hand, I do not believe that immigration should be unnecessarily or unreasonably restricted. I believe that the century-old, liberty-loving, open-door policy of the Republic in matters of immigration should be steadily maintained. I am convinced that the humanitarian traditions of our country should still be observed, and that foreigners of sound body,

mind, and morals, of good and patriotic intentions toward our country and its institutions, and of sufficient means to justify the assumption that they will not become public charges, should be welcomed into our midst, made to feel that they are at home, and extended all the blessings of law and liberty that our Constitution and our flag afford.

I voted against the Burnett immigration bill during its passage through the Sixty-third Congress. I shall vote against it again at this time, because it contains an unjust, undemocratic, and un-American provision, the so-called literacy test. In my judgment this test is not only unjust and un-American, but is silly and senseless as well.

PRESENT IMMIGRATION LAW AMPLY SUFFICIENT TO EXCLUDE UNDESIRABLE ALIENS.

After all, the law embodied in the Burnett immigration bill is not really necessary to protect us against undesirable immigrants. The present immigration law, now alive upon the statute books, is all sufficient, if properly enforced, to guard our people against the evils of unhealthy additions to our population. If our real desire is to exclude the criminally inclined, the physically diseased, the mentally defective, the morally unfit, and the financially deficient, we have ample means at our disposal at the present moment to accomplish the results desired.

Section 2 of the present immigration law, the law now on our statute books, provides as follows:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become public charges; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive, in whole or in part, the proceeds of prostitution; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons, hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within a year from the date of application for admission to the United States, deported as having induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; all children under 16 years of age unaccompanied by one or both parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payment for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets of passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned professions, or persons employed strictly as personal or domestic servants.

I respectfully submit that these provisions of our present immigration law are comprehensive and exhaustive and that they amply provide for the exclusion of all really undesirable aliens. But the authors of this bill do not seem to think so. They insist that another test must be added, and they have given us the literacy test, one that is essentially whimsical and illogical, unjust and un-American.

At bottom, the authors of this measure really desire to restrict immigration in general, but they do not dare to say so, for they know that the public policy and the national traditions of a century of glorious American history would be violated by it and that the American people would not tolerate it. It has been found necessary, therefore, to avoid open declaration in favor of unqualified restriction by inventing a pretext of patriotism and of solicitude for the welfare of the citizenship of the Republic. And, instead of selecting as a test the shape of the head, the color of the hair, or the size of the feet, they have proposed the plan of testing the immigrant's qualifications for good citizenship by his ability to read a few words upon a printed slip which may be handed him. To my mind, this test is ludicrous and absurd and I am opposed to it.

THE LITERACY TEST.

Let us consider the exact language of the literacy test and of the method of its application as it appears in the pending bill. It is as follows:

All aliens over 16 years of age, physically capable of reading, who can not read the English language or some other language or dialect, including Hebrew or Yiddish.

That for the purpose of ascertaining whether aliens can read, the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than 30 nor more than 40 words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants.

This is the test and the method of its application, and the immigrant who can not stand it is to be banished from the country. Is such a requirement just and reasonable? Is it in harmony with the theory and practice of our Government in matters of immigration for more than a century? Is the innovation proper, even if we have never before known such a thing in our national life? Will the application of the test give us a better quality of citizenship from abroad? Let us consider these questions briefly.

LITERACY TEST A POOR STANDARD OF GOOD CITIZENSHIP.

The fundamental error in the test proposed is the implication that the mere ability to read a few words upon a printed slip tends to qualify men and women mentally and morally for the duties of good citizenship; that it is evidence of that mental training and moral fitness that elevate the citizenship of a country. In the light of human history and experience this reasoning is unsound and absurd, since it is foolish to contend that the mere ability to read is proof that the intellect has been strengthened and illuminated or that the heart has been made honest, generous, and pure.

The simple ability to read is a mere instrument of the mind that may be devoted to base or noble uses and that may be made to accomplish good or bad results. It is a mere medium of the soul for the acquisition of mental and spiritual wealth or for the accumulation in the mind and heart of the filth and dross of life. The possession of this instrument of the mind and medium of the soul may be a blessing or a curse, according to the uses to which it is put. If the purposes are noble and fruitful, the result is a good man and a useful citizen; if the purposes are base and unworthy, the result is a bad man and an undesirable citizen. In any event, it is impossible that the literacy test should determine the essential qualifications of good citizenship, since the mere ability to read can not determine human motive, good intentions, and beneficent designs or gauge the products of the human mind and soul along lines of fitness for the duties of good citizenship. In other words, it is wrong to attempt to identify the bowl and the wine or to mistake the telescope for the star.

Genuine education, it is cheerfully conceded, not only ennobles the individual but contributes greatly to the formation of desirable citizenship in the State. But the education that accomplishes these results is not the mere ability to read or write or calculate in elementary mathematics. It is that form of culture, born of genuine education, that illuminates the intellect with noble thoughts, causes the heart to overflow with love, and fills the soul with the worship of the beautiful in nature and in art and with the adoration of Almighty God. Any other kind of education is a curse rather than a blessing.

It needs no argument to convince you, my colleagues, that brilliant education and the most scholarly accomplishments are frequently possessed by men of the most abandoned characters and profligate habits. Julius Caesar was the best educated public man in Rome, with the possible exception of Cicero. He was the author of the Commentaries, and therefore a man of letters. He was a great mathematician, an excellent grammarian, a clever linguist, a magnificent statesman, a mighty general, and one of the most powerful orators of his day. And yet, with all these things, his low and unworthy habits were the scandal of his age and race. Aaron Burr was the most brilliant and scholarly man of our early national life, at the same time that he was an acknowledged rake and libertine and a suspected traitor to his country. These are illustrious historical examples, and it is needless to multiply illustrations. Suffice it to say that our own observations in the ordinary walks of life are amply sufficient without having to invoke the great lessons of history. Every day in the streets we meet college graduates of superb attainments who have anarchy in their brains and perhaps murder in their hearts, while close beside them are walking law-abiding citizens of moral habits and industrious lives who can neither read nor write, but who fear God, love their fellow men, and would ask no happier

death than to die upon the battlefield for their country and its flag.

The false and vicious philosophy of the literacy test consists in this: That a big, strong, brave, sober man, of clean life and patriotic motives, applies for admission to our country and asks to be permitted to enjoy the blessings of freedom and of equal opportunity in America. He wishes to go West or South with an ax to clear the forests or with a pick to build a railroad at \$1.50 or \$2 per day, a thing that the average American will not do at any price. It is his purpose to obey the law, support his family, and help develop the mighty resources of the land. But he is denied admission because poverty and oppression in his native country have prevented him from learning how to read 30 little words upon a slip of paper. At the same time and on the same ship comes a graduate from Oxford, Heidelberg, or the Sorbonne. He has no love for the domestic ties, no manly regard for womanhood, no reverence for the Deity, and no respect whatever for the country's Constitution or its flag. But he is admitted because he can read 30 little words on a slip of paper handed him by the immigration inspectors. I submit that the exercise of this discrimination would be not only an outrage upon common sense but an assault upon all the charities of the heart. It would certainly be an insult to and a subversion of the best and noblest traditions of our country.

OPPORTUNITY OF EDUCATION SHOULD NOT BE DENIED IMMIGRANTS.

It was Emerson, I believe, who said that America and opportunity were synonymous. By this, many phases and privileges of life are suggested—the opportunity to acquire wealth, to enjoy political freedom, to worship God according to the dictates of individual conscience, and to acquire that education that ennobles existence and contributes joy and dignity to life. And the great objection to the literacy test proposed is that it shuts the door of opportunity to many of the unfortunate and oppressed of earth in the matter of acquiring an education that has been denied them in their native lands. To be illiterate on account of lack of opportunity arising from persecution and oppression in foreign lands, and to come to America, the boasted land of opportunity, to be shut out because of an illiteracy which it was impossible to avoid, would be a solemn mockery and a grim travesty upon the much-heralded freedom and opportunity of America.

I believe in public schools and in public instruction as a means of creating good citizenship and of perpetuating free institutions among men. I believe that the public-school system is designed to create nobler and better results than the mere ability to read or write or spell. I believe that the public-school building may be made at once the cradle of learning and the temple of freedom. I believe that the denial to the alien who is otherwise worthy and acceptable the right to enter this cradle of learning and this temple of freedom is unjust and un-American, because it practically destroys the beneficent theory of opportunity upon which our Republic was founded.

The illiterate immigrant and his children should be welcomed and not rejected by us if they are sound and healthy in body, mind, and morals, and if they come with patriotic motives and with good intentions to be a part of us and help us work out an honorable and happy national destiny. Let us welcome such immigrants cheerfully and with open arms. Let us send them at once to the public-school building, over which floats the Stars and Stripes and upon whose walls are the portraits of Washington and Lincoln. There, through competent instruction, let us teach them not merely to read and write, which is but the beginning and the lower form of genuine education, but also all the elements of the beautiful, the good, and the true. Let us teach them the English language and imbue their minds and hearts with all the precepts and ideals of American national life. Let us teach them the great patriotic chapters of our history—the foundation of the Republic, the growth of our constitutional freedom, and the preservation of the Union, culminating in the sacrifice and martyrdom of Lincoln. Let us teach them regard for the rights and feelings of others and obedience to the laws of government and of God. Let us fill their souls with the spirit of the American Constitution and with the glory of the American constellation. The result will be a patriotism broader and deeper than that proclaimed in the platform of any political party and a morality grander and purer than that to be found in the tenets of any religious sect.

It is at once astonishing and gratifying to learn with what eagerness the children of newly arrived immigrants rush into the public schools, how rapidly they learn the English language and other subjects taught, and with what cheerful enthusiasm they embrace the intellectual freedom of America and all that

it implies. One year at school is amply sufficient to make the young immigrant an American in all but law and to make him long for the opportunity to demonstrate the quality of his patriotism as an American and as a defender of her institutions and her civilization.

It is also astonishing and, from the American viewpoint, slightly distressing to learn that the children of immigrants excel the children of native-born Americans in school. The United States Commissioner of Education, in his letter of transmittal of Bulletin No. 51, issued in January, 1914, and entitled "Education of the Immigrant," says:

That these people—
Meaning immigrants—

are interested in education of their children, or at least obedient to the school-attendance laws, is shown by the fact that the least illiterate element of our children is the native-born children of foreign-born parents. The illiteracy among the children of native-born parents is three times as great as that among the native-born children of foreign-born parents.

This statement of the Commissioner of Education is borne out by census statistics:

Class.	1890	1900	1910
	<i>Per cent.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Native white of native parentage.....	7.5	5.7	3.7
Native white of foreign or mixed parentage.....	2.2	1.6	1.1
Foreign-born white.....	13.1	12.9	12.7

This table shows that the illiteracy among native white of native parentage is 3.7 per cent, and among the native white of foreign parentage is only 1.1 per cent.

This hunger and thirst for knowledge on the part of immigrants and their children should itself appeal most powerfully to our generosity and our compassion, and we should hesitate long to shut the doors of educational opportunity in the face of those who have been taught to believe that the word America and the word opportunity are synonymous.

ILLITERATE IMMIGRANTS AND THE LABOR QUESTION.

Again, it is contended that immigration of illiterate foreigners to our shores lowers the wages of labor and tends to degrade American social and industrial life. But is this contention supported by facts and figures? Is it not true that both literate and illiterate immigrants have been coming to our country during all our history? Is it not equally true that during all that time the wages of labor have been constantly increasing and that the conditions of social and industrial life among laboring men have been growing constantly better?

During the last 20 years there has been a great stream of immigration to America from Europe of both literate and illiterate foreigners. The influx of aliens during that time has been greater than during all the previous years of the history of the Republic. And yet the rate of wages of laborers has been gradually increasing and the conditions of social and industrial life among laboring men have been growing better with each advancing year. In 1890 the average earning of the laboring man in the United States was about \$335, while to-day it is more than \$550. It has almost doubled in two decades.

In addition to increase in wages, the condition of the American laborer has been very greatly bettered by shorter hours of work, by better tools with which to work, and by easier, happier, and more sanitary environments of labor. In consequence, his employment has been rendered vastly more agreeable and his life and health ennobled and improved.

The American workingman of to-day has more of the comforts and the conveniences of existence, more carpets upon his floor, more pictures upon his walls, more musical instruments in his home, more money in the savings bank, and more leisure for reading and recreation than ever before in our history. It is difficult, then, in the face of these facts, to understand how immigration, which has been overwhelming in the last 20 years, lowers wages and tends to degrade American social and industrial life.

The fact of the matter is that the immigrant has been a positive advantage in more ways than one to the American people in general and to organized labor in particular. He has come, not to compete with the skilled laborer but to do the work of the unskilled laborer. He has come to do the work that the native American will not do, to build the railroads and work the mines. He has met the great demand for unskilled labor and has met it well, and the fact that he could not read or write has not affected the proportions, deteriorated the quality, or marred the beauty of the finished product of his labors.

Gentlemen of the opposition have repeatedly declared during the debate on this bill that vast numbers of illiterate immigrant laborers come to America each year for no other purpose

than to make money to take back with them to their native lands and that by doing this they help to drain the country of its wealth. These plausible declaimers and polished sophists seem to fail to note the ludicrous contradictions in their own arguments, for they evidently forget that they have denounced illiterate foreign labor as cheap, and, having done so, they would not dare to assert that these poor, illiterate, alien workmen have not left behind them 100 cents for every dollar that they have taken away with them in the development of the country, in forests felled, mines opened up, and railroads built in the sweat and blood of their lives and toil. A better target for the ridicule and invective of Members of this House would be the degenerate Americans who have expatriated themselves and carried with them fabulous wealth acquired in their native country to buy low titles of nobility for their daughters and themselves in foreign lands.

It is sometimes charged that the immigrant and his rate of wages are detrimental to the trade-unions of America. This charge is refuted, however, by the statistics of the Immigration Commission, which show that unions are as strong among foreign-born as among native American laborers. The following table shows percentages of different classes of organized labor. This table is taken from Senate Document No. 696, Sixty-third Congress, second session:

Organization of native and immigrant labor.

Nativity of wage earners.	Percentage organized.
Native born of native father:	
White.....	13.9
Negro.....	17.9
Native born of foreign father.....	14.1
Foreign born.....	13.4

It is a remarkable fact, in connection with the charge that immigrant labor is detrimental to the plans and purposes of labor unions, that in those sections of the country, notably in the Southern States, where the foreign-born population is small and scattered, child labor is encouraged, longer hours for working-men are tolerated, and trade-unionism makes its poorest gains. And, as if the irony of fate had ordered it, more than 50 per cent of the executive committee of the American Federation of Labor, whose leaders are said to favor restricting immigration, were originally immigrants to this country. The irony and the sarcasm of the situation are only emphasized and accentuated by the fact that Mr. Samuel Gompers, the great leader of the Federation of Labor, was an immigrant from England, and that Mr. Morrison, the secretary, came from Canada. In addition to these are some of our best-known public men, now enjoying high positions in official life, notably Hon. William B. Wilson, Secretary of Labor of the United States, and Hon. Franklin K. Lane, Secretary of the Interior, both of whom were immigrants to this country. The appointments of these men to positions of public trust were either bad or they form a silent and yet emphatic protest against the charge that immigrants are a menace and a detriment rather than an aid and a blessing to the country.

If we consent to leave the present for a moment and cast a reminiscent glance upon the early history of the Republic a curious and instructive chapter relating to illiteracy and the immigrant will confront us. A few years ago, in one of the magazines—Scribner's or in the Century, I have forgotten which—appeared an article containing actual photographic copies of the signatures to deeds conveying lands in Virginia. Many of these signatures were made by marks, indicating that the grantors could not write. Many of the signers to these deeds were newly arrived immigrants and were the fathers and mothers of those who afterwards proudly boasted of their membership in the first families of Virginia. Under the present literacy test these progenitors of the blue-blooded aristocrats of the Old Dominion would have been shut out and the names of many of the illustrious men who made the Commonwealth along the Potomac "the birthplace of Presidents and the burial ground of heroes" would not have appeared upon the pages of our history.

The father of Abraham Lincoln could not read or write, and if he had been born abroad and had come seeking admission to our country he would have been excluded under the present test. The big, strong man, the great rugged child of nature, who came from the forests of Kentucky and Illinois, who threw aside the maul and wedge to become the leader and savior of a nation in its hour of supreme distress, that Lincoln who freed the slave and maintained the Union, whose fame strides the earth like a Colossus, and whose martyrdom falls like a solemn and per-

petual benediction upon his countrymen everywhere, would not then have been given to America and to civilization.

ILLITERATE IMMIGRANTS AND THEIR RELATIONSHIP TO CRIMINALITY.

We are told by the authors of this bill that illiterate immigrants are a danger to the country because they are prone to criminality; that is, the percentage of crime among them is greater than among other classes of citizens. This charge seems to rest upon as feeble a foundation as many other charges made. They furnish us with statistics that are known to be partial and unreliable. It is admitted to be a fact that only partial and, in many cases, unreliable statistics can be secured.

During the debates upon the literacy test in the immigration bill in the Sixty-third Congress the advocates of the test made great point of a certain letter by Mr. Frederick A. Pope, late prosecutor of pleas, Somerset County, N. J., to President Taft, of date February 8, 1913. In this letter Mr. Pope establishes to his own satisfaction by statistics which he himself voluntarily prepared and kept, but which were not required to be prepared or kept by any provision of New Jersey law, that illiteracy tends to increase criminality.

Fearing that the information furnished by the Pope letter was unreliable and misleading, my colleague from New York, Hon. ISAAC SIEGEL, a member of the House Immigration Committee, made a personal investigation of the truthfulness of the assertions of Mr. Pope by conversing first and then by correspondence with Mr. A. M. Beekman, present prosecutor of pleas of Somerset County, N. J., and successor of Mr. Pope in that office. The entire correspondence, consisting of the letter of Mr. Pope to President Taft, of the letter of Mr. SIEGEL to Mr. Beekman and his reply thereto, is contained in the hearings before the Committee on Immigration and Naturalization of the House, of dates Thursday, January 20, 1916, and Friday, January 21, 1916. This correspondence is decidedly instructive and illuminating, and I give it herewith entire.

Letter of Mr. Frederick A. Pope to President Taft:

My duties as prosecuting attorney of Somerset County, N. J., have given me an excellent opportunity to check up in one important particular the investigations and conclusions of the immigration commission with reference to the literacy test. During the last two years I have kept a careful record of the last 114 criminal cases that I have prosecuted against aliens, with the following interesting results:

	Illiterate.	Literate.
Homicide.....	3	0
Atrocious assault and battery.....	34	6
Simple assault and battery.....	9	2
Larceny.....	14	2
Sexual crime.....	7	1
Perjury.....	2	1
Excise.....	11	5
Marriage.....	3	1
Frauds.....	2	4
Miscellaneous.....	6	1
Total.....	91	23

The following conclusions are deducible from the above:

- (1) Of the 114 crimes committed by aliens 54 were acts of personal violence, and of these 54, 46 were committed by illiterates while only 8 were chargeable to those able to read and write.
- (2) Of the 46 committed by illiterates, 3 were homicides, 34 were atrocious assaults (by maiming and wounding with a deadly weapon), and only 9 were simple assaults, showing conclusively that the illiterate alien 37 times out of 46 makes use of a deadly weapon in order to avenge his wrongs, fancied or real.
- (3) Out of 16 cases of larceny (stealing of all kinds), 14 defendants were illiterates.
- (4) Out of 8 sexual crimes, 7 were committed by illiterates, 3 of these being carnal abuse of infants under 10 years of age.
- (5) Out of 3 perjury cases, 2 were against illiterates; that is, of those brought to justice.
- (6) Out of 16 cases of violation of excise laws, 11 were illiterates, showing an utter disregard for law.
- (7) Of the 4 crimes against the institutions of marriage, 3 were illiterates.
- (8) Only in cases of fraud did the literate exceed the illiterate.

I am Mr. President,
Sincerely, yours,
FREDERICK A. POPE,
Prosecutor of Pleas, Somerset County, N. J.

FACTS PROVING FALSITY OF STATEMENTS IN POPE LETTER.

Hon. A. M. BEEKMAN,
Prosecutor, Somerset County, N. J.

MY DEAR MR. BEEKMAN: In accordance with my conversation with you this morning, would say that I inclose you herewith a copy of letter which Mr. Frederick A. Pope sent to President Taft on or about February 8, 1913.

Being a member of the Committee on Immigration and Naturalization, could I ask you to furnish me with the following information:

- No. 1. Whether under the statutes of the State of New Jersey defendants who are found guilty of criminal offenses or plead guilty to criminal offenses are required to be asked whether they can read or write any language.
- No. 2. Whether, to your knowledge, it has been customary in criminal courts in the State of New Jersey to make such inquiries and whether the answers so received, if any, have been recorded.

No. 3. Have any official statistics been kept as to the number of illiterates who have been found guilty of criminal offenses in the county of Somerset, State of New Jersey?

No. 4. Have you found that defendants in the county of Somerset who were charged with criminal offenses to have been, as a rule, illiterate?

No. 5. Of the men charged with homicides during the year 1915 and up to date in your county, have they been illiterate?

No. 6. Can you state as to whether there have been 114 criminal cases of alien illiterates tried or disposed of in Somerset County in any two years?

No. 7. Can you state as to whether the alien residents in your county are making any effort to receive an education and as to whether their children are making any efforts to receive an education?

Thanking you for the trouble I am giving you, I am,
Very sincerely, yours,
ISSAC SIEGEL.

OFFICE OF THE PROSECUTOR OF PLEAS
OF THE COUNTY OF SOMERSET,
Somerville, N. J., January 19, 1916.

Hon. ISAAC SIEGEL,
Member of Congress, Congressional Office Building,
Washington, D. C.

MY DEAR MR. SIEGEL: I will answer the inquiries contained in your favor of January 17, categorically, as near as possible.

Question No. 1: A. There is no requirement in this State that defendants pleading guilty and found guilty upon trial shall be asked whether they can read or write any language.

Question No. 2: A. I have not tried any criminal cases outside of my own county, but have tried a number there, and since April 1 last have been prosecutor of pleas. I have never observed any custom in any of the courts of this State requiring criminals to be questioned as to their ability to read and write, and I know of no county where such record is kept; it is purely a local custom.

Question No. 3: A. No official statistics have been kept in the county of Somerset from which the number of illiterates could be obtained.

Question No. 4: A. My experience is that most of those who are charged with crime have been able to read and write some language. There is a percentage, however, unable to do so.

Question No. 5: A. All three of the men charged with homicide during the year 1915 were able to read and write. Two were American born, one a naturalized citizen, and one a colored man.

Question No. 6: A. There is no record from which such an assertion can be disputed. One hundred and fourteen criminal cases does not appear unusual for a period of two years, but as to the percentage of illiteracy, I can not state.

Question No. 7: A. According to my observation, the alien residents in Somerset County make diligent efforts to have their children educated. Such exceptions as occur are due to a child-labor system and the incident temptation to place the children at wage-earning employments. Some of the best and most serious-minded students in our public schools are the children of foreign-born parents.

I am, very respectfully, yours,
A. M. BEEKMAN,

This correspondence is valuable only as showing the presence of the personal and the absence of the official element in the matter of securing reliable statistics in relation to illiteracy and crime. From Mr. Beekman's letter we are to infer that Mr. Pope was not required by law to make any record or keep any statistics of illiteracy and crime. Why Mr. Pope did this without legal obligation to do so is not revealed to us in his letter to President Taft. What his motive was in tabulating statistics not required by law is open to question and suspicion. In the absence of legal requirement to do so and without proof of proper motive other than idle curiosity, we may reasonably doubt whether such a record was every really kept.

But, admitting that such a record was really kept, we then have before us only two sets of conflicting opinions and varying observations, during different terms of office, by two different prosecuting attorneys performing the same official duties at the same place and over substantially the same class of people. One of these prosecutors, Mr. Pope, says that the three homicide indictments prosecuted by him were all against illiterates. The other prosecutor, Mr. Beekman, plainly says that—

All three of the men charged with homicides during the year 1915 were able to read and write.

Mr. Pope's tabulated figures show that a large majority of those prosecuted by him were illiterate criminals. On the other hand, Mr. Beekman emphatically makes this statement in his letter to Mr. SIEGEL:

My experience is that most of those who are charged with crime have been able to read and write some language.

The only inference justified by this correspondence is that all such criminal statistics are personal, partial, unofficial, and unreliable. And I submit that this class of statistics is a fair sample of the unreliable data most commonly used by the advocates of the literacy test in attempting to prove their case.

We are willing to admit that in most if not all the States of the Union approximately correct statistics of illiteracy and crime are kept in penal institutions where felons are confined. But only a small fraction of the criminals of the country ever reach these penal institutions where official records of illiteracy and crime are kept with any accuracy and completeness. The large majority of men who are accused of crime are charged with misdemeanors whose penalties never land them in penitentiaries, and outside of these penal institutions criminal statistics are meager and unreliable.

When we come to consider the records of penitentiaries where felons are confined and where statistics in their relationship to illiteracy and crime are approximately accurate and complete, we find that the very large majority of the inmates of these penal institutions are not illiterate. Indeed, Mr. R. S. Fulton, writing in the Independent of February 14, 1916, declares that—

Comparative statistics show that 87 per cent of criminals in jails and penitentiaries can read and write.

This statement is doubtless absolutely correct, and the reflection is forced upon us that serious crimes whose penalties lead to penitentiaries are committed by educated criminals, while misdemeanors, minor offenses, are committed by illiterates. The illiterate immigrant criminal offender will in a condition of intoxication commit assault and battery or petty larceny and the following day confess his crime and pay the penalty with a small fine or be discharged under suspended sentence. On the other hand, the educated criminal, the polished native rascal from an American college, and the well-educated black-hand criminal from Italy, are the really dangerous criminals of the land, the instigators to riot and murder, the wreckers of banks, the seducers of confiding women, the forgers, perjurers, and grand-larceny thieves.

It has been to me a matter of some satisfaction and no little amusement to note that during the present debates on the Burnett immigration bill little or no reference has been made to the Pope letter, which was so loudly proclaimed in the debates on the same subject during the Sixty-third Congress. The Beekman letter seems to have completely exploded the Pope letter, leaving behind only ashes, debris, and bad odors. However, if there be those still in this House ready to place reliance upon Mr. Pope's unofficial statistics in relation to illiteracy and crime, I would respectfully recommend to them serious consideration of the following significant sentence from the letter of Mr. John Martin, chief of police, of Buffalo, N. Y., of date February 2, 1916, to Hon. ISAAC SIEGEL, in which he discusses the number of crimes committed in Buffalo in the year 1915 and their relationship to illiteracy:

Of the total number arrested, 31,076 were able to read and write and 20 were unable to read and write, a grand total of 31,096.

As for myself, I repeat that all such statistics are partial and unreliable, but if certain Members insist upon giving credence to letters like those of Mr. Pope to President Taft, I must insist that due consideration be given to letters on the same subject like those of Mr. Martin to Hon. Isaac Siegel. If this is done, the case of the advocates of the literacy test in its relationship to crime must fall for want of satisfactory proof.

ILLITERATE IMMIGRANTS AND THEIR RELATIONSHIP TO INSANITY.

As there seems to be no real relation between illiteracy and crime, it may be confidently asserted that there is also no real relation between illiteracy and insanity, as the authors of this bill seem to contend by the equally partial and unreliable statistics and data that they have furnished us along with statistics and data touching upon the relation between illiteracy and crime. It is elementary that the mere ability to read or write is no real indication of mental strength or character. Imbeciles and idiots have been known to read and write without being able to comprehend what they were reading or to explain what they were writing.

In the matter of illiteracy and insanity, I only wish to add that our present immigration laws, if properly enforced, will shut out lunatics, imbeciles, idiots, and the feeble-minded from our shores. If immigrants who are strong minded when they are admitted to the country become afterwards insane, it is an inevitable misfortune which the country must bear with composure and compassion, since the matter can not be helped.

As a matter of fact, lunatics and other feeble-minded persons are excluded annually by the thousands under the present immigration laws. Other undesirable immigrants are also excluded by the thousands and tens of thousands every year. In 1914 more than 33,000 undesirable aliens were kept from our ports. And yet it seems to be a public impression that the present laws do not sufficiently protect us against immigration.

THE VETO MESSAGES OF THE PRESIDENTS.

A discussion of this subject would not be complete without calling attention to the fact that three Presidents of the Republic, Mr. Cleveland, Mr. Taft, and Mr. Wilson, have vetoed similar bills to the one which we are now debating. It might also be well to add that no President has ever signed an immigration bill containing a literacy test. I wish to submit herewith the veto messages of the three Presidents heretofore referred to:

VETO MESSAGE OF PRESIDENT CLEVELAND.

MARCH 2, 1897.

To the House of Representatives:

I hereby return without approval House bill No. 7364, entitled "An act to amend the immigration laws of the United States."

By the first section of this bill it is proposed to amend section 1 of the act of March 3, 1891, relating to immigration by adding to the classes of aliens thereby excluded from admission to the United States the following:

"All persons physically capable and over 16 years of age who can not read and write the English language or some other language * * *."

A radical departure from our national policy relating to immigrants is here presented. Heretofore we have welcomed all who came to us from other lands except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the zealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

A contemplation of the grand results of this policy can not fail to rouse a sentiment in its defense, for, however it might have been regarded as an original proposition and viewed as an experiment, its accomplishments are such that if it is to be uprooted at this late day its disadvantages should be plainly apparent and the substitute adopted should be just and adequate, free from uncertainties, and guarded against difficult or oppressive administration.

It is not claimed, I believe that the time has come for the further restriction of immigration on the ground that an excess of population overcrowds our land.

It is said, however, that the quality of recent immigration is undesirable. The time is quite within recent memory when the same thing was said of immigrants who, with their descendants, are now numbered among our best citizens.

A careful examination of this bill has convinced me that for the reasons given and others not specifically stated its provisions are unnecessarily harsh and oppressive, and that its defects in construction would cause vexation and its operation would result in harm to our citizens.

GROVER CLEVELAND.

VETO MESSAGE OF PRESIDENT TAFT.

To the Senate:

I return herewith, without my approval, S. 3175.

I do this with great reluctance. The bill contains many valuable amendments to the present immigration law which will insure greater certainty in excluding undesirable immigrants.

The bill received strong support in both Houses and was recommended by an able commission after an extended investigation and carefully drawn conclusions.

But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagel's letter to me I can not approve that test. The Secretary's letter accompanies this.

WILLIAM H. TAFT.

The WHITE HOUSE,
Washington, February 14, 1913.

VETO MESSAGE OF PRESIDENT WILSON.

To the House of Representatives:

It is with unaffected regret that I find myself constrained by clear conviction to return this bill (H. R. 6060), "An act to regulate the immigration of aliens to and the residence of aliens in the United States," without my signature. Not only do I feel it to be a very serious matter to exercise the power of veto in any case, because it involves opposing the single judgment of the President to the judgment of a majority of both Houses of the Congress, a step which no man who realizes his own liability to error can take without great hesitation, but also because this particular bill is in so many important respects admirable, well conceived, and desirable. Its enactment into law would undoubtedly enhance the efficiency and improve the methods of handling the important branch of the public service to which it relates. But candor and a sense of duty with regard to the responsibility so clearly imposed upon me by the Constitution in matters of legislation leave me no choice but to dissent.

In two particulars of vital consequence this bill embodies a radical departure from the traditional and long-established policy of this country, a policy in which our people have conceived the very character of their Government to be expressed, the very mission and spirit of the Nation in respect of its relations to the peoples of the world outside their borders. It seeks to all but close entirely the gates of asylum which have always been open to those who could find nowhere else the right and opportunity of constitutional agitation for what they conceived to be the natural and inalienable rights of men; and it excludes those to whom the opportunities of elementary education have been denied, without regard to their character, their purposes, or their natural capacity.

Restrictions like these, adopted earlier in our history as a Nation, would very materially have altered the course and cooled the humane ardors of our politics. The right of political asylum has brought to this country many a man of noble character and elevated purpose who was marked as an outlaw in his own less fortunate land, and who has yet become an ornament to our citizenship and to our public councils. The children and the compatriots of these illustrious Americans must stand amazed to see the Representatives of their Nation now resolved, in the fullness of our national strength and at the maturity of our great institutions, to risk turning such men back from our shores without test of quality or purpose. It is difficult for me to believe that the full effect of this feature of the bill was realized when it was framed and adopted, and it is impossible for me to assent to it in the form in which it is here cast.

The literacy test and the tests and restrictions which accompany it constitute an even more radical change in the policy of the Nation. Hitherto we have generously kept our doors open to all who were not unfitted by reason of disease or incapacity for self-support or such personal records and antecedents as were likely to make them a menace to our peace and order or to the wholesome and essential relationships of life. In this bill it is proposed to turn away from tests of character and of quality and impose tests which exclude and restrict; for the new tests here embodied are not tests of quality or of character or of personal fitness, but tests of opportunity. Those who come seek-

ing opportunity are not to be admitted unless they have already had one of the chief of the opportunities they seek, the opportunity of education. The object of such provisions is restriction, not selection.

If the people of this country have made up their minds to limit the number of immigrants by arbitrary tests and so reverse the policy of all the generations of Americans that have gone before them, it is their right to do so. I am their servant and have no license to stand in their way. But I do not believe that they have. I respectfully submit that no one can quote their mandate to that effect. Has any political party ever avowed a policy of restriction of this fundamental matter, gone to the country on it, and been commissioned to control its legislation? Does this bill rest upon the conscious and universal assent and desire of the American people? I doubt it. It is because I doubt it that I make bold to dissent from it. I am willing to abide by the verdict, but not until it has been rendered. Let the platforms of parties speak out upon this policy and the people pronounce their wish. The matter is too fundamental to be settled otherwise.

I have no pride of opinion in this question. I am not foolish enough to profess to know the wishes and ideals of America better than the body of her chosen Representatives know them. I only want instructions direct from those whose fortunes with ours and all men's are involved.

WOODROW WILSON.

The WHITE HOUSE, January 28, 1915.

OPINIONS OF PRESIDENT ELIOT OF HARVARD AND OF CARDINAL GIBBONS.

In addition to the above it may not be inappropriate to submit at this point the views on the literacy test of two other very great Americans, one, President Eliot, of Harvard, an eminent educator, and the other, Cardinal Gibbons, an eminent Catholic clergyman.

President Eliot, of Harvard, has made the following statement upon this important question:

I beg leave to invite your attention to the following statement of the principles which should govern the national legislation on immigration:

First. Our country needs the labor of every honest and healthy immigrant who has the intelligence and enterprise to come hither.

Second. Existing legislation is sufficient to exclude undesirable immigrants.

Third. Educational tests should not be applied at the moment of entrance to the United States, but at the moment of naturalization.

Fourth. The proper educational test is capacity to read in English or in the native tongue, not the Bible or the Constitution of the United States, but newspaper items in some recent English or native newspaper which the candidate can not have seen.

Fifth. The attitude of Congress and the laws should be hospitable and not repellent.

The only questions which are appropriate are, Is he healthy, strong, and desirous of earning a good living? Many illiterates have common sense, sound bodies, and good characters. Indeed, it is not clear that education increases much the amount of common sense which nature gave the individual. An educational test is appropriate at the time when the foreigner proposes to become a voting citizen. He ought then to know how to read.

Cardinal Gibbons has used the following language:

I am not in favor of any educational test as applied to immigrants desiring to enter the United States. Such a law, if passed, would, in my opinion, work great harm, for illiteracy is by no means always ignorance. If the immigrant is industrious and thrifty he will make a useful citizen, whether he be literate or illiterate. The educated schemer is in more ways than one more dangerous than the honest workman, even though he be illiterate.

The cumulative testimony of the three great Presidents, the great educator, and the great ecclesiastic against the literacy test is overwhelmingly convincing and should be a determining factor in the deliberations of this House.

PROTEST AGAINST RACE PREJUDICE AND RELIGIOUS BIGOTRY.

In concluding my speech, I now approach a phase of the discussion with extreme hesitation and with deep regret. I wish to call attention to a feature of the debate which has more than once claimed the attention of Members on this floor. I refer to the racial and religious elements which are said to be wrapped up in the literacy test. And, at the very outset, I wish to declare my feelings of embarrassment and distrust at the mere mention of the subject, feeling as I do that the American Congress should be the last place on earth where racial and religious prejudice should find countenance and encouragement in debate and in public effort to solve human rights and promote the welfare of the Republic.

However deep my convictions that sinister racial and religious motives were behind this bill, I would have hesitated long to express them if it had not happened that others more candid and more fearless than I had already declared race discrimination and religious bigotry to be important factors in the consideration of the literacy test. The question having been raised in serious and animated form, it does not become the courageous Representative to dodge or run. It is his duty to meet the issue fairly and squarely and express his convictions honestly and fearlessly.

The races and religions, the Jewish and Catholic, believed and asserted by many Members of this House to be the intended victims of racial and religious discrimination under the operation of the proposed literacy test, are important elements of the population of my district, and it is my duty to defend them at all times and in all places when they are unjustly attacked.

At the hearings of January 20 before the Immigration Committee Miss Grace Abbott, of Chicago, a Protestant lady of fine character and extensive experience in immigrant affairs, gave expression to the following deeply significant sentiment:

I think many people oppose the recent immigration because it is Catholic and Jewish instead of Protestant, as the earlier was. I am neither Catholic nor Jewish.

This declaration was born of the experiences and observations of many years of devoted service spent in helping immigrants, and Miss Abbott knew full well whereof she spoke.

A few days ago on the floor of this House my colleague from New York [Mr. BENNET] boldly declared that "this bill is aimed at immigrants who are Catholic," and I may add that I agree with him. I do not mean to say by this that the sole purpose of the literacy test is to exclude Catholics, but I am profoundly convinced that their exclusion is an important consideration in the make-up of the measure. The reply of the author of this bill [Mr. BURNETT] on a subsequent date to the charges of Mr. BENNET and others that religious discrimination is back of the advocacy of the literacy test was more entertaining and amusing than convincing. In the face of so many indications that the test is designed to exclude Catholics and Jews it was almost facetious to hear my distinguished colleague from Alabama declare that "gentlemen have undertaken to inject a religious prejudice into the matter."

In this connection I can only express my deep regret that the religious aspects of the debate on the pending measure should have stirred up such bitter feelings culminating in the hot exchange of ugly epithets between the gentleman from Texas [Mr. STEPHENS] and the gentleman from Massachusetts [Mr. GALLIVAN]. It is to be deeply deprecated that the gentleman from Texas should have seen fit to refer to the gentleman from Massachusetts as in a class of "ghouls who delight in digging into the graves of the past," and as a man of "ghoulish instincts." It is equally to be deprecated that the gentleman from Massachusetts should have been compelled to refer to the gentleman from Texas in the following language:

Almost from the first day that he entered this House I have known something of his narrowness and bigotry, and when he speaks of "ghoulish glee" let me say to the gentleman from Texas that I am a better Democrat than he is, and that every time I open my mouth in this House I am serving my party better than he has served it in his entire career. I never hear the religious question raised in this House except on this side of the aisle, and the gentleman ought to be ashamed of himself to raise it in this enlightened era.

At another time during this debate I caught this sentence from my colleague from Massachusetts [Mr. GALLIVAN], which indicates his deep conviction upon the subject:

I have felt deeply for some time that there was a strong touch of bigotry and religious prejudice back of this whole fight. On my honor, I am yet to be persuaded that I have formed a false opinion.

On the same day similar sentiments were expressed by the gentleman from New Jersey [Mr. HAMIL].

In short, both Protestant and Catholic Members of this House have not hesitated to give public expression to the rumors, whisperings, and charges, heard every day in the cloakrooms, of race prejudice and religious bigotry supposed to be at the bottom of the advocacy of the literacy test.

Aside from the opinions of Members, what evidence have we, you may ask, that anti-Jewish and anti-Catholic influences have been at work in behalf of this measure? What indications are there that solicitude for the welfare of the citizenship of the Republic is not the only motive at the back of the agitation for this legislation? Let us note a few indications.

During the Fifty-ninth Congress the gentleman from Massachusetts [Mr. GARDNER] was a member of the Committee on Immigration and Naturalization of the House. The immigration bill of that Congress was accompanied by his report, in which he furnished the percentages of different peoples who would be affected by the literacy test, the chief feature of the bill. On page 21 of the report (No. 3021) are presented the following figures on the percentages of illiteracy:

	Per cent.
South Italian	56
Polish	40
Slovak	25
Hebrew	23
North Italian	14
Magyar	12

Those are the major percentages. The minor percentages are as follows:

	Per cent.
German	4
Irish	3
English	1
Scandinavian	1

By these figures the gentleman from Massachusetts [Mr. GARDNER] brought forcibly to the notice of the House the fact that the northern and Protestant races, except the Hebrews,

were not greatly affected by the literacy test, while the southern and Catholic races were the ones that would be excluded in greatest numbers.

These figures, standing alone, would have little significance as indicating race prejudice and religious bigotry, but when taken in connection with other facts and circumstances they are full of meaning. They indicate at least the effect and the result that would follow the adoption of the literacy test, and in legislation as in law men will be presumed to know and to design the natural consequences of their acts. It is just as logical to reason from effect and result back to cause and motive as it is to reason from motive and cause to effect and result.

When an irrational and arbitrary method of restricting immigration is proposed we are justified in looking for sinister motives and bad designs. When still other indications strongly support these figures of percentages we are justified in concluding that a certain class of people are intended to be reached by the operation of the literacy test. What other indications have we that it is intended to exclude Jews and Catholics chiefly by the test proposed?

Is it not strange, I may ask, in this connection that there should be an obstinate determination to pass the literacy test in the face of the repeated vetoes and protests of three Presidents, both Democratic and Republican? It would not be strange if the present immigration law did not provide fully for the exclusion of all undesirable aliens. It would not be strange if the authors of this bill should declare it to be their intention to restrict immigration in general and that they had adopted the literacy test as a basis of restriction. But when it is denied that unqualified restriction of immigration is the object of the pending measure and when it is considered that the present immigration law provides amply for the exclusion of all undesirable immigrants, the suggestion of an arbitrary and whimsical test of good citizenship in the matter of immigration carries with it the presumption that certain people most directly affected by it are intended to be affected by it.

As a further indication that Jews and Catholics are intended to be excluded by the literacy test, is it not strange that when Congress has passed immigration bills containing this test, delegations of Jews and Catholics, and they alone, rush to the White House to beseech the President to interpose his veto power? Is it not a fact that Jews and Catholics feel that their race and religion is the direct object of attack and their coreligionists the intended victims of exclusion? After all, are they not the best judges of the meaning and effect of the literacy test?

A further indication, and the most pointed and powerful, that the literacy test is designed to exclude Jews and Catholics is the well-known anti-Jewish and anti-Catholic propaganda now rampant in many States of the Union. The influence of this undemocratic and un-American agitation, which amounts to religious persecution in its meanest form, of necessity and even unconsciously casts its baneful influence upon the deliberations of this House, molding the opinions and shaping the votes of Members; for it must not be forgotten that as water can not rise above its level the average Congressman can not rise above the political convictions and religious sentiments of the people whom he represents.

However, I do not wish to be misunderstood in this connection. I do not mean to impugn the motives of my colleagues on this floor. The influences that have made this measure anti-Jewish and anti-Catholic are forces that operate outside of rather than within this House. I candidly confess that I have no positive proof that a single Member of this body will vote for the literacy test on racial or religious grounds, and I am compelled, therefore, as a matter of charity and of honor, to absolve each and every one of them from base motives in this regard. But my general proposition holds true, nevertheless, that anti-Jewish and anti-Catholic organizations and newspapers throughout the country, under the false and hypocritical professions of patriotism and anxiety for the welfare of the Nation, have urged the literacy test upon their representatives in Congress when their only real motives were to exclude Jews and Catholics, and chiefly Catholics, from our shores; and many Members of this House have doubtless been unconsciously influenced by the subtle and unholy influences of this propaganda. It is interesting to note in this connection that when heretofore votes have been taken on the literacy test in the various immigration bills before Congress anti-Catholic newspapers throughout the land, whose readers are numbered by the millions, have classified the vote not as "ayes" and "nays," or votes for and against, but as anti-Catholic and Catholic, as enemies of the Pope and friends of the Pope, as friends of the country and enemies of the country. This classification of the votes on the literacy test by the anti-Catholic organs of the country is the very surest indication that we have of the ex-

istence of a religious movement in the Nation at large to curb Catholicism, to accomplish covertly in Congress what it is feared can not be accomplished in the columns of a free press or in the forum of debate.

I am neither Catholic nor Jew. I am a Presbyterian Protestant, and I hold the tenets of my faith as dearly as does any man. But I despise racial intolerance and religious bigotry, and I hate persecution as I do the spirit of the devil and all his ways. I believe that the best hope of this Republic lies in the maintenance forever of the groundwork of religious freedom upon which the fathers founded it. When that foundation crumbles the Republic will crumble with it.

I feel that it is almost needless, my colleagues, to call your attention to the circumstances of the colonization of the first States of this Union and to tell you how the first immigrants to our shores fled from the storms of religious persecution in Europe to find safety and asylum in America. I feel that it would be also superfluous to remind you that the Bill of Rights in our Federal Constitution and in the constitutions of the States is intended as a perpetual guaranty of full religious freedom to all the citizens of the Republic regardless of condition, race, or creed. I feel, furthermore, that it would be an imposition upon your time and a partial insult to your intelligence to remind you that we as Members of this House are the guardians, in a sense, of the sacred altars of religious freedom in our country, and that to violate this trust of guardianship would be little less than sacrilege and treason.

In closing, I wish to pay the tribute of my respect and confidence to the good motives of the Members of the Congress in the matter of alleged religious influences that have been brought to bear to effect the passage of the literacy test in the pending immigration bill. But I want to take this occasion to denounce in serious terms the anti-Jewish and anti-Catholic agitations in almost every State of the Union that threaten to array permanently one class of our fellow citizens against another and to disturb forever the peace and good will that should exist among our people everywhere and at all times.

It is a truth well known of all intelligent men that racial prejudice against the Jew has not completely vanished from the minds and hearts of Gentiles; that political freedom in an enlightened age has not brought with it full religious tolerance and social recognition; that the Jew enjoys the freedom of the letter, but is still under the ban of the spirit. I wish to protest in vehement terms against any persecution of the children of this race that gave to Christianity its Savior, to mankind its noblest religion, and to civilization much that is best and most beautiful in literature, music, and art.

The marvelous contributions of the Jewish people to the spiritual and intellectual wealth of the world entitle them to the gratitude and homage—not the hatred and persecution—of mankind. And if gratitude were a supreme virtue of nations, as it should be of individuals, there would never be any organized governmental persecution of the Jews. The parliaments and congresses of enlightened nations whose peoples are truly grateful, civilized, and free should in the future extend to the Jewish race—the chief benefactors of mankind—a positive protection, and should guarantee to each and every one of them who is honestly guided and righteously disposed a free hand with a full swing in the struggle of life.

To my mind there will be positively a pathetic feature in the matter of the application of the literacy test to the Jews of Russia and of Poland if this bill passes and finally becomes a law. We are all perfectly familiar with the horrors and savagery of the great European war now being waged with every circumstance of cruelty and barbarity. We have learned from telegraphic dispatches that in the last two years the Russian and the Austrian-German contending armies have swept forward and backward five times across Poland and the Russian Jewish "Pale," in which territory nearly one-half of the Jews of the earth live. Needless to say that those who have survived the wrecks of carnage and destruction have been reduced to conditions bordering upon vagabondage and starvation. Our hearts have been sickened, moreover, by reports that have reached us that, while Jewish soldiers were fighting bravely and dying grandly on battlefields and in battle trenches, their fathers and mothers, wives and children, were being persecuted, plundered, and murdered back at home by the very people for whose Government and Czar they were shedding their blood and giving their lives.

When this frightful war is over—whether it be long or short—we can imagine the sorrow and desolation that will hang like a pall over all Europe, including the land and homes of the Jews in Russia and in Poland. We know that many thousands of them will try to seek new and better conditions of life in the

Western World. They will crave a change, as a matter of hope for the future as well as of forgetfulness of the past. We know that in Russia Jewish illiteracy, especially among the women, is great, because of bitter Russian persecution and oppression of the Jew in matters of educational advantages as in everything else in life.

Now, let us suppose that from the battle-swept, poverty-stricken plains of Poland and of the Russian Jewish "pale" a band of wretched Jewish immigrants apply for admission to our country. They are sound in body, mind, and morals. They come well disposed toward our country and its institutions. They desire to live honest, peaceful, and industrious lives among us. They have managed in some way through Hebrew benevolent organizations or otherwise to bring with them sufficient money to form a guaranty that they will not become public charges. But they can not read 30 words upon a slip of paper handed them by the immigration inspectors at Ellis Island. Are they to be driven back into the desert wastes of Russia and of Poland to become again the barbarized and impoverished victims of Russian despotism and persecution? If so, I protest against this outrage upon the elementary rights of human beings to live somewhere upon the earth in liberty, peace, and happiness. I protest against the insult to the civilization of the twentieth century involved in this barbarous proposal. I solemnly protest in the name of the genius and of the spirit of the American Republic whose Goddess of Liberty in the harbor of New York brandishes forever a torch of welcome to the distressed and oppressed of all the earth. I protest in the name of the Sermon on the Mount, the chart of the soul on the sea of life, whose Beatitudes are the glorifications of the virtues of mercy, gentleness, and love. In the name of all these things I register my solemn protest.

And finally I wish to make vigorous and earnest protest against the anti-Catholic propaganda in many sections of the country that is becoming a menace to the peace of the Nation, that is furnishing a solemn mockery of our boasted religious freedom, and that would destroy the corner stone of the Republic if allowed to become effective. As a Presbyterian, who believes that there can be no religious freedom for the Protestant unless there is equal religious freedom for the Jew and Catholic, I protest against the widespread anti-Catholic agitation in America.

It is not possible, my colleagues, that the nature and character of this propaganda are unknown to you. The purposes are seriously and solemnly proposed and proclaimed by certain anti-Catholic organizations and anti-Catholic newspapers to restrict the political rights of Catholics in America by denying them as far as possible the privilege of holding public offices under the Government. Could any proposal be more undemocratic and un-American? Could a more dastardly project be suggested to undermine the spirit of the Constitution and to destroy religious freedom in our country? And do you know that these agitators advocate this religious discrimination in spite of the first article in the Federal Bill of Rights which guarantees religious freedom to all, in the name of free institutions and as a means of preserving and perpetuating public liberty? Have you stopped to consider that they seriously contend that Catholicism and despotism are identical and interchangeable and that Catholic domination would be the destruction of free institutions in the United States?

These anti-Catholic propagandists tell us that if Catholics reach a numerical majority in the country, and get control of the machinery of government, the Pope, instead of the President, the Congress, and the courts, will rule us. They boldly assert that we are even now threatened with Catholic domination, and they point with alarm to numerous offices held by Catholics under the State and Federal Governments, as if Catholics were not constitutionally entitled to hold offices if the people see fit to elect them. In their fear and trembling that Catholics will seize the Government and overturn the Republic, they do not seem to understand that Catholics do not now hold and that they have never held public office in America, except in a few cities, in proportion to their percentage of the general population. There are approximately 20,000,000 Catholics in the United States, about 20 per cent of the whole people. But, except in a few cities, like Boston, New York, and Chicago, they do not hold public positions in proportion to their numbers. On a proportional basis Catholics would be entitled to more than 80 Members in this House. They have only about 40. They would be entitled to 19 Members of the United States Senate. I understand that they have only three or four. And what is true of Congress is true of nearly every other branch of both the State and Federal Governments of this Union. How we are seriously threatened with Catholic domination, then, it is impossible for me to comprehend.

The silly and preposterous charge that Catholicism is hostile to free institutions is made in the very face of comparatively recent radical democratic developments in the histories of two of the most powerful Catholic countries in the world, of Italy and France, where the separation of church and state is as positive and pronounced as in our own country. What support for their arguments, may I ask, do these anti-Catholic agitators derive from the outcome of the Garibaldian revolution, from the separation of church and state in Italy, and from the imprisonment of the Pope in the Vatican by Italian Catholics themselves? What support have they in the separation of church and state in France, the beautiful and brilliant among the nations, whose chivalric sympathies sent Rochambeau and Lafayette as ambassadors of freedom to our shores, whose school children presented to our Republic the Liberty Goddess in the harbor of New York, and whose "Liberty, Equality, and Fraternity" of her famous revolution has reverberated like a splendid anthem around the earth for more than a hundred years?

What have these anti-Catholic propagandists, who charge that Catholicism is a menace to free institutions, to say when they are told that every Republic on this earth, more than 20 in number, excepting the pagan Republic of China and the United States, is predominantly Catholic in population and in government? Far from being antagonistic to free institutions, is there not a strong suggestion in this fact that Catholicism and republican government are identical? Is there not a further suggestion of republican heredity when we consider that nearly all the Catholic races of modern times are direct descendants of the people of the ancient Roman Republic?

Are the anti-Catholic agitators, we may ask, ready to declare that Catholics of other republics are advocates of freedom and are friendly to free institutions, while the Catholics of the United States are hostile and unfriendly? Would not such a charge be a gratuitous insult to the patriotism and an ungrounded slander upon the heroic conduct of American Catholics in every crisis of our history? Is it not a matter of common knowledge that Irishmen, chiefly Catholics, have always been foremost as defenders of American liberty, whether as statesmen in the councils, generals in the tents, or soldiers in the ranks of freedom? Has there ever convened a single Congress of this Republic in which Irish Catholic Members were not present and ready to defend American constitutional freedom if occasion arose and necessity required defense? Has there been a single battle field of this Republic upon which their blood has not richly flowed in defense of liberty and of the Union? Then, why this unfounded calumny, these ungenerous insinuations, these cruel attacks upon their religion and their patriotism?

Let me express the hope, in closing, that the bitter debates and scenes of scandal in which scathing invective was used and insulting epithets hurled on account of charges of religious bigotry will not soon again disgrace the deliberations of this body. Let me remind my colleagues of their exalted character and of the sacred and solemn obligations resting upon them as national Representatives of the foremost Republic of the earth. If ungenerous and un-American impulses and fierce and unbridled passions must kindle the fires and stir the hatreds of religious bigotry among the people at large, let us here, at least, in the sacred confines of this Hall, preserve a dignified and patriotic equanimity, a statesmanlike composure, and a courageous attitude as the legislative guardians of civil and religious freedom on this continent. Let us, above all things, not forget that this Republic was not designed by the Revolutionary fathers to be Protestant, Catholic, or Jewish, but was intended as a perpetual asylum of religious freedom, where Protestant, Catholic, and Jew might each worship Almighty God after the dictates of his own conscience, and this all in obedience to the sublime doctrine first proclaimed by Roger Williams in the forests of Rhode Island, that the magistrate should rule in civil matters only, while man is answerable to God alone for his religious faith.

There is certainly no place for religious intolerance and race prejudice beneath our flag. In vain did Washington, marching in Liberty's vanguard, "lead Freedom's eaglets to their feast"; in vain the proclamation of the Declaration of Independence and the adoption of the Constitution at Philadelphia a hundred years ago; in vain the bonfires and orations of the Nation's natal day, if our boasted liberties are to exist in theory but not in practice, in fancy but not in fact! [Applause.]

Mr. BURNETT. Mr. Chairman, I desire in the three minutes I have to conclude the debate.

Mr. SABATH. Mr. Chairman, I think all my time has been taken up.

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

Mr. BURNETT. And I have three minutes?

The CHAIRMAN. The gentleman from Alabama has three minutes.

Mr. BURNETT. Mr. Chairman, if the gentleman from New York [Mr. CHANDLER] who has last spoken does not get his historical facts any more correctly than his genealogy of some of the officials, then there is not much dependence to be put upon them.

The Commissioner General of Immigration, Mr. Caminetti, is not an Italian, not an immigrant, but was born in the United States, and is a "native son of California." His grandfather was an immigrant. But, Mr. Chairman, that is not the question after all. The question is the character of the man who is coming. Whether he comes from Italy or whether he comes from Germany or whether he comes from France, if he comes here for the purpose of aiding in building up the material prosperity and staying here, I have got nothing against his coming. But it is these birds of passage, they are the fellows this bill is aimed at, and as the distinguished gentleman who preceded me referred to the fact that Dr. Eliot was one of the opponents of the literacy test, I call attention to the fact that Dr. Eliot is one of those whom Secretary Morrison, of the American Federation of Labor, showed to have said that the strike breaker is a hero and the laboring man who strikes is a criminal. Hence I hope the gentleman will furnish better authority when he is talking about the interests of the working people than an avowed enemy of organized labor. He referred to Harvard University and its ex-president, Dr. Eliot, as opposed to the test and the bill, but failed to state the fact that the present president of Harvard, Dr. A. Lawrence Lowell, is a warm advocate of the reading test.

Now, the gentleman has referred to the lack of opportunity—I refer to the gentleman who spoke last. There is no lack of opportunity among those who are the most illiterate on the other side, Mr. Chairman.

When I was with the Immigration Commission over there I saw in southern Italy fifty-odd per cent of the adults illiterate, and in northern Italy there were less than 7 to 8 per cent who were illiterate, and I asked the commissioner of immigration why it was that there was that much difference between the two—they had the same King and the same Parliament and the same compulsory education—and he said it is the difference between the white man and the man of mixed blood; that the man of northern Italy had more initiative and more ambition and more aspiration. Another thing I desire to call the attention of this committee to, and that is the good that this agitation has been doing on the other side. The Commissioner General of Immigration has furnished me a statement, which is as follows:

MARCH 24, 1916.

STATEMENT CONCERNING THE ACTIVITIES OF THE IMMIGRATION COMMISSION OF ITALY REGARDING ILLITERACY AMONG THE PEOPLE OF THAT COUNTRY.

In view of the many proposals made in the American Congress to prevent the landing in the United States of illiterates, the commissioner of immigration undertook to bring the question to the attention of the country, first, by furnishing to the minister of foreign affairs for diplomatic purposes the elements necessary to explain diplomatic action, and, secondly, with the minister of public instruction.

The Italian commissioner of immigration remarks that as far back as 1903, through the council of emigration, of which such officer is chairman, Italy took positive action to prevent illiteracy among the people, and made appropriations with that purpose in view. In 1904 the council, in harmony with its previous deliberations, declared its desire to endeavor to remove illiteracy, urging the minister of public instruction to institute night schools for adults. In 1904-5, under the law of the former year, 3,000 schools were so aided and 450 additional schools added to the system. In 1912-13 the minister of public instruction of the Kingdom authorized the opening of such schools in all the Provinces of Italy, but particularly in those in the south and central part of the peninsula. The commissioner reports having obtained authority from the minister of public instruction to prepare circulars to the school offices of these Provinces inviting and urging them to become interested in this propaganda and to frequent public schools open for the purpose of instructing illiterate adults. For the last-named fiscal year there were authorized 6,087 night schools for illiterate adults, and during the same period 5,779 were established. For the same fiscal year record is given of the attendance at such schools, from which is gathered the following:

Total attendance (first class).....	146, 535
Total number present at the examination (second class).....	117, 318
Total number successful in examination (third class).....	94, 196
Divided as follows:	
Northern Italy—	
Of the first class.....	13, 255
Of the second class.....	9, 815
Of the third class.....	7, 950
Central Italy—	
Of the first class.....	14, 344
Of the second class.....	12, 930
Of the third class.....	9, 203
Southern Italy—	
Of the first class.....	118, 936
Of the second class.....	96, 210
Of the third class.....	77, 013

So, gentlemen, you see Italy is trying to meet the conditions, and we will have better men here—

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise.

Mr. MAPES. Mr. Chairman, will the gentleman withhold his motion?

Mr. BURNETT. I will.

Mr. MAPES. I desire to ask unanimous consent to speak for two minutes. I will not take more time.

The CHAIRMAN. The gentleman asks to proceed for two minutes. Is there objection?

Mr. SABATH. Mr. Chairman, reserving the right to object, why does the gentleman have any objection to taking a vote now on this amendment?

Mr. BURNETT. I thought it was understood that I would make this motion when we concluded debate; that the committee would then rise.

Mr. SABATH. Has the gentleman ever said anything of that kind to me?

Mr. BURNETT. I thought it was generally understood.

Mr. SABATH. I desired to ask the gentleman, because the gentleman is making the insinuation I am not keeping good faith—

Mr. BURNETT. I withdraw it.

Mr. SABATH. I wish to be understood I never have failed to do so in my life and will not do it now.

Mr. BURNETT. Well, that is understood.

Mr. SABATH. But I did not want the gentleman to make the insinuation.

The CHAIRMAN. Does the gentleman from Illinois object?

Mr. GALLIVAN. Mr. Chairman, reserving the right to object, and I will not object, I just want to say to you gentlemen and the gentleman from Alabama that we have persuaded President Eliot that he made a mistake when he called a strike breaker a hero, and to-day he is a better friend to labor than the gentleman from Alabama.

Mr. BURNETT. Well, Mr. Chairman, I am very glad to hear of his reformation, and I have no doubt by this time he has made another change and is in favor of the literacy test.

Mr. MAPES. Mr. Chairman, taking for a text the statement given out at Chicago on Tuesday of this week by the chairman of the Republican national campaign committee, Mr. Hilles, I take this opportunity to call attention to the matter of presidential primaries and the necessity that some action be taken during this Congress if there is to be any national legislation in the very near future authorizing the nomination and election of President by the direct vote of the people.

In his statement Mr. Hilles calls attention to the unsatisfactory condition and the confusion arising from the fact that the legislation in the several States provides so many different ways of selecting the delegates to the national conventions. This statement, coming from the source from which it did, has perhaps received greater publicity and attention than might otherwise have been the case, and it seems to me makes it appropriate to call the attention of the House to the matter to-day. I can only call attention here to a few short extracts in the statement, although it is, to my mind, an interesting and convincing argument in favor of national legislation on the subject.

Among other things Mr. Hilles said:

The situation that has developed through the extension of the primary idea with respect to national political party organizations calls most urgently for standardization of State primary laws so far as they apply to the election of delegates to national party conventions.

More than half the delegates to national conventions of 1916 will be elected or instructed through some primary medium, but the primary laws are so widely at variance in many particulars that a sadly confused state of affairs has resulted.

Again—

In the first place, there is the question of the difference in time at which the various primaries are held.

If all primaries which relate exclusively to delegates to presidential conventions were held simultaneously, there would result a distinct benefit, in that one State would not exercise an undue atmospheric influence over another. It then would be impossible for the partisans of one candidate or another to move from State to State for the purpose of artificially accelerating sentiment in favor of such candidates.

Mr. Hilles continues:

Under some State laws the hands of the delegates from that State are tied, while in others such delegate is left freedom of action. This makes the relationship between the delegates from different States entirely incongruous.

Again, he says:

It is not only the question of a wrong principle in connection with certain of the primary laws that merits attention, but as well the question of the wisdom of having delegates elected under such varying rules and sitting in conventions in such widely divergent relationship. Here is shown the necessity for standardization above all else.

The remedy he proposes is as follows:

And finally the facts as to the character of political party organizations should not be forgotten or wholly disregarded. With the due respects to the relation they bear to the public, they ought not to be unreasonably restrained. A safe and sane uniform primary law might well be drafted by a committee to be appointed for that purpose for the Republican convention in June.

It will be seen that Mr. Hilles advocates uniform legislation by the States instead of Federal legislation, but as a practical proposition uniform legislation in all the States would be very difficult to obtain, and even if it were practical, how much better it would be to have a national law on the subject applicable alike to all the States.

Everyone knows that President Wilson in his first annual message to Congress advocated the passage of a national primary election law as a part of his legislative program. At that time the President said:

I turn to a subject which I hope can be handled promptly and without serious controversy of any kind. I mean the method of selecting nominees for the Presidency of the United States. I feel confident that I do not misinterpret the wishes or the expectations of the country when I urge the prompt enactment of legislation which will provide for primary elections throughout the country, at which the voters of the several parties may choose their nominee for the Presidency without the intervention of nominating conventions.

Our distinguished Speaker at the time he appeared before the Democratic national campaign committee in this city, to urge that committee to hold the next Democratic national convention in St. Louis, was reported in the newspapers as saying in substance—if my recollection serves me correctly—that if he had his way about it, there would be no more national conventions for the purpose of nominating candidates for the Presidency, but that they would be nominated by a direct vote of the people.

Notwithstanding the indorsement of the principle by these two acknowledged leaders of the Democratic Party, no action has been taken by Congress to enact legislation on the subject.

Soon after the President's address to Congress, in which he advocated the passage of a presidential primary law, the Committee on Election of President, Vice President, and Members of Congress, which has jurisdiction over the subject, met with the then Secretary of State, Mr. Bryan, and the then counselor for the State Department, Mr. Folk, in order to get the benefit of their advice and counsel. They advocated the passage of such a law and did not believe that there was any constitutional barrier in the way.

That committee started out at that time in good faith, I believe, to consider and draft an adequate law, but shortly thereafter it was whispered about that such a law would be unconstitutional, that no valid law of the kind could be passed under the Constitution, and the matter was thereupon apparently abandoned.

There are eminent lawyers who do not agree with the opinion that it is necessary to amend the Constitution in order to provide a valid and constitutional presidential primary election law. For myself, although I would be willing to resolve the doubt as to the constitutionality of such a law in favor of the Constitution, I am willing to admit that there is some question concerning it, and as long as the Constitution remains as it is, there would always be some who would oppose the passage of such a law on that ground.

In order to do away with any question or objection on that ground, I introduced in the last Congress a resolution proposing an amendment to the Constitution which, if adopted, would give Congress the direct authority to pass legislation providing for the nomination and election of the President and Vice President by a direct vote of the people. I have reintroduced the same resolution in this Congress.

That resolution is as follows:

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States in lieu of paragraphs 1, 2, and 3 of section 1 of Article II of the Constitution and of the twelfth amendment to the same, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"The executive power shall be vested in the President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, shall be nominated and elected by the direct vote of the people of the several States. The electors for President and Vice President in each State shall have the qualifications requisite for the electors of the most numerous branch of the legislature."

I have no pride of opinion about the language of this resolution. It, no doubt, could be improved upon after consideration by the committee, but it furnishes a starting point.

As the resolution is drafted it would also authorize Congress to do away with our cumbersome electoral-college system.

It is, of course, too late for the present Congress to pass any law that would become operative in the election this year; but if some such resolution as I have proposed could be passed during this session of Congress, it could be submitted to the legislatures of the several States next winter, as they convene in January, and, if adopted by three-fourths thereof, Congress could pass a presidential-primary law during the next term, which would go into effect before another presidential campaign without any question being raised as to the constitutionality thereof.

With the leaders of the two principal political parties of the country practically indorsing the proposition and the people as a whole favoring it, why can not this Congress take the necessary action to pave the way for the passage of such a law?

The Democratic Members of the House held a caucus last night to determine upon a legislative program for the balance of the session. The morning papers gave us that program, as recommended by the President and adopted by the caucus, but I looked in vain to find any mention of presidential-primary legislation in it, although the President said over two years ago that he hoped it could be "handled promptly and without serious controversy of any kind." I submit that nothing could be incorporated in that program of greater importance, and nothing that would be more favorably received by the people, than the indorsement of such a resolution as the one I have proposed, and no more opportune time for taking such action will ever be found than the present.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10384) to regulate the immigration of aliens to and the residence of aliens in the United States and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. RUSSELL of Missouri. Mr. Speaker—

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

Mr. RUSSELL of Missouri. To submit a request for unanimous consent. I ask unanimous consent that on next Monday at 5.30 o'clock p. m. the House take a recess until 8 o'clock p. m., and at that hour it will be in order to consider bills on the calendar from the Invalid Pensions Committee and the Pensions Committee, and that the House adjourn not later than 11 o'clock on that evening.

Mr. HAMILL. Reserving the right to object, what becomes of the Unanimous Consent Calendar for next Monday?

The SPEAKER. There is not any.

Mr. MANN. It is District day, and that has gone to the wind up there. You will see it in heaven when you get there.

The SPEAKER. The gentleman from Missouri asks unanimous consent—

Mr. RUSSELL of Missouri. I would like, if necessary, if it can be permitted, to embrace in my request the consideration of conference reports from the same committees.

The SPEAKER. The gentleman from Missouri asks unanimous consent that on next Monday the House recess at 5.30 o'clock p. m. until 8 p. m. and run not later than 11 o'clock p. m., for the purpose of considering bills on the Private Calendar from the Pensions Committee and the Committee on Invalid Pensions, and for the consideration of conference reports from the same committees. Is there objection?

Mr. SABATH. Reserving the right to object, Mr. Speaker, I would like to know whether that would eliminate the consideration of this bill after that hour. If we should not be through with the bill we would have to go into Tuesday, I presume.

Mr. MANN. You will have to do that, anyhow.

The SPEAKER. Perhaps you may not. The Chair thought that the immigration bill would be finished to-day.

Mr. MANN. I understand the request is that no other business be transacted.

The SPEAKER. No other business, except pension business from the two different committees, and conference reports on pension bills. Is there objection?

Mr. BURNETT. Mr. Speaker, was 5.30 p. m. the time suggested?

The SPEAKER. Yes.

Mr. BURNETT. I was in hopes that the gentleman would make it 6 o'clock, for I hoped to get through with this bill Monday.

Mr. RUSSELL of Missouri. I have no objection to that.

Mr. MANN. I am not willing to quit at 6 o'clock and then come at 8 o'clock.

The SPEAKER. Is there objection? Does the gentleman change it to 6 o'clock?

Mr. RUSSELL of Missouri. The gentleman from Illinois said that he would object to that, and I do not desire to change the time.

Mr. BURNETT. I will not press it, then.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair would like to inquire of the gentleman from Alabama, as the rule is not right at hand, if it provides that the House shall meet at 11 o'clock as long as his bill is under consideration?

Mr. BURNETT. Yes.

ADDRESS TO CONFEDERATE VETERANS' ASSOCIATION.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to insert in the RECORD an address of my colleague Mr. STEDMAN, delivered on the 21st of March, 1916, at Confederate Memorial Hall, District of Columbia, by request of the Confederate Veterans' Association of the District of Columbia.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent to extend his remarks in the RECORD by inserting a speech made by his colleague, Maj. STEPMAN, in Washington, giving a historical account of the North Carolina troops during the Civil War. Is there objection?

There was no objection.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, a Senate concurrent resolution was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 18.

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,000 additional copies of Senate Report No. 166, Fifty-seventh Congress, first session, entitled "The Improvement of the Park System of the District of Columbia," of which 500 shall be for the use of the Senate and 500 for the use of the House of Representatives—

to the Committee on Printing.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2960. An act for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 5 o'clock and 59 minutes p. m.) the House adjourned until Monday, March 27, 1916, at 11 o'clock a. m.

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 chief clerk of the Court of Claims, transmitting list of congressional cases referred to this court by the House of Representatives, which cases were dismissed by the court on motion of the defendants (H. Doc. No. 937); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting list of congressional cases referred to this court by the House of Representatives, which cases were dismissed by the court on stipulation of parties, estate of C. M. Briggs and estate of Ann D. Lipscomb (H. Doc. No. 938); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting list of congressional cases referred to this court by the House of Representatives, which cases were dismissed by the court on the question of loyalty (H. Doc. No. 939); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a list of congressional cases referred to this court by the House of Representatives, which cases were dismissed by the court on motion of the claimant's attorney (H. Doc. No. 940); to the Committee on Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a list of congressional cases referred to this court by the House of Representatives which were discontinued by the court

on motion of the claimants' attorneys (H. Doc. No. 941); to the Committee on Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting lists of congressional cases referred to this court by the House of Representatives, which cases were dismissed by the court for want of prosecution (H. Doc. No. 942); to the Committee on Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Joseph West v. The United States (H. Doc. No. 943); to the Committee on War Claims 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. NOLAN, from the Committee on Labor, to which was referred the bill (H. R. 5783) to provide for the establishment of a national employment bureau in the Department of Labor, reported the same with amendment, accompanied by a report (No. 424), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4657) to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River, near Chattanooga, in Hamilton County, in the State of Tennessee, reported the same without amendment accompanied by a report (No. 425), which said bill and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3977) to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns to construct a railroad bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa., reported the same with amendment accompanied by a report (No. 426), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4603) to authorize the Jackson Highway Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tom Beckby, commonly called Tombigbee, River at Princes Lower Landing, near Jackson, Ala., reported the same with amendment, accompanied by a report (No. 427), which said bill and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3978) to authorize the Catawissa Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the west branch of the Susquehanna River from the Borough of Milton, Northumberland County, Pa., to the Borough of West Milton, Union County, Pa., reported the same with amendment, accompanied by a report (No. 428), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13397) granting an increase of pension to Elizabeth Commons, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. DOREMUS: A bill (H. R. 13709) forbidding the importation or the carriage in interstate commerce, except for export, of watchcases made, in whole or in part, of an inferior metal, having deposited or plated thereon, or brazed or otherwise affixed thereto, platings, coverings, or sheets composed of gold or of an alloy thereof, bearing words or marks importing a guaranty of wear for a specified time, and of watchcases made of an alloy of gold (of less than 9 carats in fineness) and bearing the word "gold," and of watch movements not properly marked in respect to the number of their jewels and their adjustments, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BLACK: A bill (H. R. 13710) for the erection of a public building at Paris, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. SMALL: A bill (H. R. 13711) to provide for the preparation and report to Congress by the Chief of Engineers of the Army, under the direction and through the Secretary of War, of a preliminary plan for a system of improved national highways, and to provide for the payment of the expenses of said report; to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 13712) to enlarge the military post of Fort Bliss, Tex.; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 13713) to provide for the erection of a public building in the city of Mountain Grove, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13714) to provide for the erection of a public building in the city of Lebanon, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. GOODWIN of Arkansas: A bill (H. R. 13715) granting the consent of Congress to C. M. Simpson, Z. T. Hedges, J. C. Hackney, and Mark Brown to construct a bridge across Bayou Bartholomew, Ashley County, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: A bill (H. R. 13716) authorizing the Secretary of the Interior to make final and detailed survey of the Lower Pit River and adjacent irrigable territory, in Shasta County, Cal., to determine the feasibility and completed estimates of cost of the irrigation project thereon known as the "Lower Pit River project," and to make appropriation for such surveys and estimates; to the Committee on Appropriations.

By Mr. MAHER (by request): A bill (H. R. 13717) for the regulation of the practice of podiatry in the District of Columbia and for the protection of the people from empiricism in relation thereto; to the Committee on the District of Columbia.

By Mr. PETERS: A bill (H. R. 13718) to authorize the maintenance and operation of dams across the St. Croix River at Baileyville and Grand Falls, Me.; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 13719) providing for an investigation of the power possibilities and opportunities for the manufacture of nitrogen products on the Shoshone River in the vicinity of the Shoshone Dam, and on the Platte River in the vicinity of the Pathfinder Dam in the State of Wyoming; to the Committee on Agriculture.

By Mr. SHERLEY: A bill (H. R. 13720) to amend section 4894 of the Revised Statutes relating to patent applications; to the Committee on Patents.

By Mr. HAYDEN: A bill (H. R. 13721) amending section 4 of the public building act approved March 4, 1913, providing for the purchase of a site for a building for post office and customhouse at Nogales, Ariz.; to the Committee on Public Buildings and Grounds.

By Mr. PARKER of New York: A bill (H. R. 13722) to provide for a site and public building at Mechanicsville, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: A bill (H. R. 13723) to provide funds from the tribal funds of the Chippewa Indians of Minnesota for the drainage of lands upon the diminished Red Lake Chippewa Indian Reservation in said State; to the Committee on Indian Affairs.

By Mr. TREADWAY: Resolution (H. Res. 183) directing the Attorney General to transmit to the House full information relative to prosecutions under the Sherman Act in connection with the transportation and sale of gasoline; to the Committee on the Judiciary.

By Mr. TAVENNER: Resolution (H. Res. 184) to print 500 copies each of Senate Document No. 187, Fifty-eighth Congress, third session, and of Senate Document No. 532, Sixtieth Congress, first session; to the Committee on Printing.

By Mr. DYER: Joint resolution (H. J. Res. 188) proposing a national anthem; to the Committee on the Library.

By Mr. LEVER: Joint resolution (H. J. Res. 189) creating a commission to ascertain the best methods of producing within the United States nitrogen compounds and potash for use in the manufacture of fertilizers and munitions of war; to the Committee on Agriculture.

By Mr. DYER: Joint resolution (H. J. Res. 190) authorizing the President to call for volunteers to protect the lives and property of citizens of the United States in Mexico; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ALLEN: A bill (H. R. 13724) granting an increase of pension to Regina Daum; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 13725) granting an increase of pension to Thomas Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13726) granting an increase of pension to Joseph Evans; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 13727) granting an increase of pension to Hannah Stoudnour; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 13728) for the relief of the J. L. da Roza Estate (Inc.), of Elk Grove, Cal.; to the Committee on Claims.

By Mr. DARROW: A bill (H. R. 13729) granting a pension to Mrs. Mary Baker; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 13730) granting an increase of pension to William White; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 13731) granting a pension to Nathan H. Williams; to the Committee on Pensions.

Also, a bill (H. R. 13732) granting a pension to Albert Coble; to the Committee on Pensions.

Also, a bill (H. R. 13733) granting an increase of pension to Frank Waters; to the Committee on Pensions.

Also, a bill (H. R. 13734) to correct the military record of Smith F. Carroll; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 13735) granting an increase of pension to Ninian R. Van Deren; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 13736) granting an increase of pension to Thomas Dumphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13737) for the relief of Warren V. Howard; to the Committee on Military Affairs.

By Mr. GOODWIN of Arkansas: A bill (H. R. 13738) granting a pension to Robert W. Johnson; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 13739) granting an increase of pension to Charles S. Hubbard; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 13740) granting an increase of pension to Davis G. Milliken; to the Committee on Pensions.

Also, a bill (H. R. 13741) granting an increase of pension to Edward J. McCauley; to the Committee on Pensions.

Also, a bill (H. R. 13742) granting an increase of pension to Roy Tow; to the Committee on Pensions.

By Mr. HELVERING: A bill (H. R. 13743) granting an increase of pension to David Hood; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 13744) for the relief of the estate of Mark D. Hathaway; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 13745) for the relief of George Beyersdoerfer; to the Committee on Claims.

By Mr. KELLEY: A bill (H. R. 13746) granting a pension to John F. Dodder; to the Committee on Pensions.

By Mr. LINDBERGH: A bill (H. R. 13747) granting a pension to John T. Tawls; to the Committee on Pensions.

By Mr. MAHER: A bill (H. R. 13748) for the relief of John Hartnett; to the Committee on Claims.

By Mr. MEEKER: A bill (H. R. 13749) for the relief of the heirs of Jacques Clamorgan; to the Committee on the Public Lands.

By Mr. MONDELL: A bill (H. R. 13750) granting a pension to Effa M. Rule; to the Committee on Pensions.

By Mr. OAKEY: A bill (H. R. 13751) granting an increase of pension to Ann Connelly; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 13752) granting an increase of pension to Giles J. Burgess; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 13753) granting an increase of pension to Janet W. Smith; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 13754) for the relief of Charles A. Carey; to the Committee on Claims.

By Mr. RUSSELL of Ohio: A bill (H. R. 13755) granting an increase of pension to Maria B. Lepley; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 13756) granting an increase of pension to James P. Aney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13757) granting an increase of pension to Albert Rollins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13758) granting an increase of pension to Alvena A. Dunham; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 13759) for the relief of the widow of Josephus Peed; to the Committee on Claims.

By Mr. STOUT: A bill (H. R. 13760) granting a pension to Julia Van Iderstine; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 13761) granting an increase of pension to Andrew W. McCornack; 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 the SPEAKER (by request): Memorial of Media (Pa.) Society of Friends, urging that no preparedness bills be passed; to the Committee on Military Affairs.

Also (by request), memorial of members of Skull Lick Farm Club, of Centralia, Mo., favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. ALLEN: Memorial of board of health, Cincinnati, Ohio, favoring investigation of sanitary conditions of milk industry; to the Committee on Rules.

Also, memorial of U. S. Grant Camp, Sons of Veterans, Cincinnati, Ohio, favoring an increase in national defense; to the Committee on Military Affairs.

Also, memorial of Woman's Christian Temperance Union of Northside, Cincinnati, Ohio, against shipment of intoxicants to Africa; to the Committee on the Judiciary.

By Mr. ANTHONY: Petitions of sundry merchants of the State of Kansas, favoring tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of W. A. Hoover and others, of Holton, Kans., against House bill 652, relating to Sunday work in District of Columbia; to the Committee on the District of Columbia.

By Mr. ASHBROOK: Petition of Lady Garfield Council, No. 24, Daughters of America, of Mansfield, Ohio, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Radnor (Ohio) Grange, No. 1977, and Plainfield Grange, No. 1326, of West Lafayette, Ohio, against the Madden rider to Post Office bill; to the Committee on the Post Office and Post Roads.

Also, evidence to accompany House bill 13237, for relief of Thomas W. Ford; to the Committee on Invalid Pensions.

Also, memorial of Local Union No. 172, of International Brotherhood of Electrical Workers, Newark, Ohio, favoring Federal inspection of dairy products; to the Committee on Rules.

Also, petition of 12 citizens of Hebron, Ohio, and H. H. Helter Bible Class, of Mansfield, Ohio, favoring House joint resolutions 84 and 85, for national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of sundry citizens of the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Johnstown, Pa., against passage of House bill 491, to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. BEAKES: Petition of V. K. van de Venter and 100 voters of Dundee, Mich., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of the Clinton Woolen Manufacturing Co., Clinton; the Michigan City Tanning Co.; the Penninsular Paper Co., Ypsilanti; the Adrian Knitting Co., Adrian; and the Boehme & Rauch Co., Monroe, all in the State of Michigan, favoring a tariff on dyestuffs; to the Committee on Ways and Means.

Also, petition of Working Grange, No. 509; Hanover Grange, No. 698; Springport Grange, No. 45; Ypsilanti Grange, No. 56; Limecreek Grange, No. 712; North Leoni Grange, No. 1453; Madison Grange, No. 384; Onsted Grange, No. 279; Pomona Grange; and Frenchtown Grange, No. 749, all of the State of Michigan, protesting against increased expenditures for the Army and Navy; to the Committee on Military Affairs.

Also, petitions of A. C. Bourdeau and 34 citizens of Kalamazoo; Mrs. J. E. Barron and 13 citizens of Kalamazoo; William Moore and J. H. Pangburn, of Palmyra; O. P. Smaller and 52 citizens of Alden; Buelah M. Bliss and 13 citizens of Battle Creek; Clyde E. Ripley and 13 citizens of Battle Creek; F. P. Goodwyn and 30 citizens of Albion; T. H. Butler and 19 citizens of Ithaca; E. A. Piper and 34 citizens of Traverse City; Charles F. Weier and 13 citizens of Flint; M. J. Perry and 12 citizens of Petoskey; and W. A. Smith and 10 citizens of Vassar, all in the State of Michigan, protesting against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. BRUCKNER: Memorial of Chamber of Commerce of the State of New York, favoring preparedness; to the Committee on Military Affairs.

Also, memorial of Bronx Board of Trade, favoring passage of House bill 6915, relative to pensioning aged employees of Postal Service; to the Committee on the Post Office and Post Roads.

Also, petitions of D. Bader and I. Neusbaum, of Bronx, N. Y., favoring passage of the Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Society of the Chagres, relative to a bill to reward members of the Isthmian Canal Commission; to the Committee on Appropriations.

By Mr. CASEY: Petitions of 160 people of Shicksburg; Baptist Church of Wilkes-Barre; 133 people of Shicksburg; Welsh Congregational Church, of Edwardsville; citizens of Edwardsville and Kingston; citizens of Wilkes-Barre; citizens of Wyoming; Parish Methodist Episcopal Sunday School, of Wilkes-Barre; citizens of Laurel Run, Wilkes-Barre; Presbyterian Church of Forty Foot Borough; voters of Luzerne County; voters of Wilkes-Barre; and Welsh Presbyterian Church, of Wilkes-Barre, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of 750 people of Wilkes-Barre; 1,800 people of West Pittston; Methodist Episcopal Church, of 200 people, of Wanamie, and 75 people of Wanamie; 32 people of Wanamie; 26 people of Wanamie; 500 Presbyterian people of Pittston; Woman's Christian Temperance Union, 180 people, of Pittston; First Baptist Church, 325 people, of Pittston; 250 people of Wilkinsburg; Methodist Episcopal Church of Shickshinny; and St. Luke's Reformed Sunday School, of Wilkes-Barre, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of P. M. Church citizens of Nanticoke; Christ Memorial Reformed Church, of West Hazleton; 56 people of Wanamie; 14 citizens of West Hazleton; 172 people of Methodist Episcopal Church of Kingston; Woman's Christian Temperance Union, 100 people, of Kingston; Mountain Gap citizens; and citizens of Parsons, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of Wilkes-Barre; Ashley Plains Local Temperance Union; First Methodist Episcopal Church of Nanticoke; 11 citizens of Wyoming; citizens of Nanticoke; Broad Street Methodist Protestant Church, 200 people, of Pittston; Baptist Church citizens of Plymouth; Men's Brotherhood, of Plymouth; First Baptist Church of Wilkes-Barre; 17 citizens of Wilkes-Barre; citizens of Pittston; 1,500 people of Wilkes-Barre; 270 people of Wilkes-Barre; and 750 people of Wilkes-Barre, all in the State of Pennsylvania, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Resolutions by the Chamber of Commerce of Northern San Joaquin County, Cal., favoring a national park service and an appropriation of \$300,000 for the Yosemite National Park this year; to the Committee on Appropriations.

Also (by request): Petition of 41 citizens of Orangevale, Cal., against the passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of Typothetae of the City of New York, indorsing House bill 11621; to the Committee on the Post Office and Post Roads.

By Mr. DALLINGER: Petition of First Cambridge Woman's Christian Temperance Union, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of R. A. Vail and 61 others, of Elba, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DARROW: Petition of 62 members of Men's Bible Class of Fifth United Presbyterian Church of Philadelphia, Pa., against passage of bills to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. DENISON: Petition of Pleasant Ridge Sunday School, of Rockwood, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of citizens of Tams, Sand Ridge, and Carbondale, all in the State of Illinois, against passage of bills to amend the postal law; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry merchants of the State of Illinois, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. FLYNN: Petition of citizens' committee of the fire department of the District of Columbia, indorsing House bill 433; to the Committee on the District of Columbia.

Also, memorial of Typothetae of the city of New York, in favor of House bill 11621; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of W. S. Bennett and 12 others, opposing bills to amend the postal laws, House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of General Federation of Woman's Clubs, favoring House bill 8668, to establish a national park service; to the Committee on the Public Lands.

By Mr. GALLIVAN: Memorial of National Association of Dyers and Cleaners, indorsing House bill 702; to the Committee on Ways and Means.

Also, memorial of General Federation of Woman's Clubs, indorsing House bill 8668; to the Committee on the Public Lands.

Also, petition of John T. Dyer Canning Co., of Norristown, Pa., in re legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of William S. Bellews, of Springfield, Mass., indorsing House bill 6915; to the Committee on the Post Office and Post Roads.

By Mr. GREEN of Iowa: Petition of sundry residents of Menlo, Iowa, not to pass House bill 6468; to the Committee on the Post Office and Post Roads.

Also, petition of sundry residents of Menlo, Iowa, not to pass the compulsory Sunday-observance bill (H. R. 652); to the Committee on the District of Columbia.

By Mr. GUERNSEY: Petition of sundry citizens of Oldtown, Dover, and Foxcroft, all in the State of Maine, urging passage of prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, memorial of Maine State Board of Trade, urging legislation on the Johnson and Hinds bills, to destroy dogfish; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Maine State Board of Trade, against the Government entering the shipping business; to the Committee on the Merchant Marine and Fisheries.

By Mr. HEATON: Petition of 41 citizens and Calvary Baptist Bible School of Shenandoah, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of J. P. H. Henderson and others, of Smithfield Grange, Smithfield, Ohio, opposing any change in the parcel-post laws; to the Committee on the Post Office and Post Roads.

By Mr. HOPWOOD: Petition of Men's Bible Class (Lutheran) of Connellsville, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of Slocum Post, No. 10, Grand Army of the Republic, of Providence, R. I., opposing the Works bill, relative to use of Mountain Branch National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. KING: Petition of the Galesburg Ministerial Association, of Galesburg, Ill., representing 12 clergymen and signed by Rev. Charles E. McKinley, favoring the adoption of a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of the Home Culture Club, of Galesburg, Ill., representing 30 persons and signed by Mildred Z. Field, favoring the adoption of a national prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. KONOP: Petitions of Methodist Episcopal Church of Maple Valley; 24 people of Medina; Methodist Episcopal Ladies' Aid Society, 60 people, of Medina; 22 people of Kaukauna; First Methodist Episcopal Church, 1,200 people, of Appleton; 50 people of Gillett; Hichny Church, of Suring; Methodist Episcopal Church, 80 people, of Kaukauna; Townline Church, of Jewett; C. E. Bordbery; and Methodist Episcopal Church, of Suring, all in the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS: Petition of mass meeting of 300 people of Myersville and 200 people of Myersville, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Jarrettsville (Md.) Grange, favoring the postalization of the wires; to the Committee on the Post Office and Post Roads.

By Mr. LITTLEPAGE: Petition of citizens of Dunbar, W. Va., against House bill 6486; to the Committee on the Post Office and Post Roads.

Also, petitions of B. Eakle and 35 citizens of Clay County; B. C. Eakle and 25 citizens of Ivydale; and women's societies of St. Albans, all in the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOUD: Petition of H. B. Wescott and 165 other citizens of Bay City, Mich., protesting against House bills 6468 and 491, to amend the postal law; to the Committee on the Post Office and Post Roads.

By Mr. McCLINTIC: Petition of citizens of Ellis County, Okla., protesting against passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Gorge, Okla., protesting against passage of House bill 625; to the Committee on the District of Columbia.

By Mr. MEEKER: Petition of National Association of Dyers and Cleaners of St. Louis, Mo., in favor of House bill 702, providing for a tax on dyestuffs; to the Committee on Ways and Means.

By Mr. MOORES of Indiana: Petition of 26 citizens of Indianapolis, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of Universal Portland Cement Co., of Pittsburgh, Pa., favoring House bill 10845, for extension of military training in civil educational institutions; to the Committee on Military Affairs.

Also, petition of John A. Franz, George J. Franz, A. A. Franz, and Robert Shanafelt, of Pittsburgh, Pa., against the United States becoming involved in European war; to the Committee on Military Affairs.

Also, petition of K. H. Talbot, of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of General Federation of Women's Clubs, in favor of House bill 8668; to the Committee on the Public Lands.

Also, petition of M. B. King, director of industrial education of Pennsylvania, in favor of House bill 11250; to the Committee on Education.

By Mr. MOTT: Petition of Barnes Corners Grange, Lewis County, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. OAKEY (by request): Memorial of Workmen's Circle, Branch 184, of Hartford; Elite Social Club, of Hartford; Monasterist Sick Benefit and Aid Society, of Hartford; Hartford City Lodge, No. 202, Hartford; Relief Society for the Political Victims of the Russian Revolution and the Odessa Progressive Benevolent Association, of Hartford, all in the State of Connecticut, against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also (by request), petition of Congregational Church of Glastonbury, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Hazardville, Conn., favoring censorship of motion pictures; to the Committee on Education.

By Mr. PADGETT: Petition of sundry citizens in re woman suffrage; to the Committee on the Judiciary.

By Mr. PHELAN: Petitions of Central Methodist Episcopal Church and Wood Memorial F. B. Church, of Lawrence, and Anchor of Hope Lodge, No. 92, of Lynn, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PRICE: Petitions of sundry citizens of Cambridge, Md., against passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petitions of sundry citizens of Cambridge, Md., against passage of bill to close barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Mardela Springs, Md., against Madden rider to postal delivery system; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petition of the Glenwood Grange, of Brooklyn, indorsing the Britten bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Lilla R. Willcox, of Brooklyn, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Ernest Glyn, of Brooklyn, N. Y., indorsing the Emerson resolution; to the Committee on Foreign Affairs.

Also, memorial of American Association of Masters, Mates, and Pilots, opposing passage of House bill 9628; to the Committee on the Merchant Marine and Fisheries.

Also, petition of N. Langler & Sons, of Brooklyn, N. Y., indorsing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Farmers' Educational and Cooperative Union of America and the National Grange, in re pending legislation; to the Committee on Agriculture.

By Mr. SIMS: Petition of citizens of Adamsville, church people of Westport, 850 people of Paris, and 60 people of Camden, all in the State of Tennessee, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Camden, Big Sandy, and Mount Vincent Woman's Christian Temperance Union of Tennessee, favoring Federal censorship of films; to the Committee on Education.

By Mr. SIEGEL: Six memorials against passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SULLOWAY: Petitions of Gilmanton Iron Works, of Belknap; 27 Christian churches, 24 Bible schools, 14 Young People's Societies, 17 organized Bible classes, 12 granges of the Patrons of Husbandry, making 94 organizations, all in the first congressional district in the State of New Hampshire, for passage of House joint resolutions 84 and 85, proposing an amendment to the Constitution of the United States prohibiting the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, petitions of 959 citizens in the first congressional district in the State of New Hampshire, for passage of House joint resolutions 84 and 85, proposing an amendment to the Constitution of the United States prohibiting the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, petitions of 870 voters in the first congressional district in the State of New Hampshire, for passage of House joint resolutions 84 and 85, proposing an amendment to the Constitution of the United States prohibiting the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

By Mr. TINKHAM: Petition of sundry American citizens, indorsing House joint resolutions 14 and 81, and similar bills; to the Committee on Foreign Affairs.

Also, memorial of Roxbury Presbyterian Church and citizens of Roxbury district, Boston, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. VARE: Memorial of Philadelphia (Pa.) Chamber of Commerce, favoring passage of the Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Frankford Arsenal Association, of Philadelphia, Pa., relative to system of salary regulation for Government employees; to the Committee on Reform in the Civil Service.

Also, memorial of Retail Grocers' Association of Philadelphia, Pa., favoring tariff on dyestuffs; to the Committee on Ways and Means.

Also, memorial of Vessel Owners and Captains' Association, of Philadelphia, Pa., favoring retention of 13-hour rule for crews on inland and harbor tugs; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Fraternal Patriotic Americans of Philadelphia, Pa., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Pennsylvania Branch of the Loyal Legion of the United States, relative to preparedness; to the Committee on Military Affairs.

By Mr. WASON: Petitions of 29 residents of Greenville and 17 citizens of Newport, all within the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions of Sunday school, representing 30 people, of Errol; Woman's Christian Temperance Union of East Colebrook; Woman's Christian Temperance Union, representing 10 people, of Errol; South Congregational Church, representing 250 people, of Newport; Christian Endeavor Society of First Baptist Church, representing 30 people, of Newport; Methodist Episcopal Church, representing 100 people, of Peterborough; Women's Temperance Union, representing 150 people, of Franklin, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

SENATE.

MONDAY, March 27, 1916.

Rev. G. Livingston Bayard, chaplain, United States Navy, offered the following prayer:

O God of Nations, Lord of Lords, and King of Kings, who has taught us in Thy Holy Word that "Righteousness exalteth a nation, but sin is a reproach to any people," help us, we pray Thee, so to apply our hearts unto wisdom that we may know Thy purposes and do Thy will to the end that truth and justice may prevail and the glory of Thy name be proclaimed among us and our children's children forever and forever.

We acknowledge Thy goodness, O Lord, which has guided our people in the paths of truth and righteousness, and has blessed this Nation with peace and happiness.

Humble us, we pray Thee, under the burden of the new duties and responsibilities with which we are charged. Grant, O God, that this Nation, conceived in war, born in battle, and baptized in blood, may, under Thy patronage, fight its way through with its honor unsullied and its integrity unimpaired.

to that one far-off divine event when the war drums beat no longer and the battle flags are furled, when men shall beat their swords into plowshares and their spears into pruning hooks, and peace reign everywhere. These blessings we ask in the faith of Him who died that we might live—Jesus Christ our Lord and Savior. Amen.

The Journal of the proceedings of Saturday last was read and approved.

SENATOR FROM INDIANA.

Mr. KERN. Mr. President, Hon. THOMAS TAGGART, who has been regularly appointed a Senator from the State of Indiana by the governor of that State to fill the vacancy occasioned by the death of the late Senator Shively, and whose credentials have been heretofore presented to the Senate, is now present and ready to take the oath of office.

The VICE PRESIDENT. The Senator appointed will be presented at the Vice President's desk and take the obligation.

Mr. TAGGART was escorted to the Vice President's desk by Mr. KERN; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

PETITIONS AND MEMORIALS.

Mr. OVERMAN presented a memorial of sundry citizens of Wilmington, N. C., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Reidsville, N. C., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of sundry citizens of Yoakum, Alpine, Garland, and Gregory, all in the State of Texas, praying for national prohibition, which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Austin, Tex., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE. I present resolutions of the House of Representatives of the Commonwealth of Massachusetts, favoring the securing of moral support of the United States for the oppressed Jews in Europe. I ask that the resolutions may be printed in the Record and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1916.

Resolutions favoring action by Congress toward securing the moral support of the United States for the oppressed Jews in Europe.

Whereas at the close of the war of the nations that is now devastating Europe there will be a readjustment of the rights and privileges of citizenship in the belligerent countries; and

Whereas in some of the warring countries the Jews have been refused the privileges and responsibilities of full citizenship, denied equality before the law, and have been the subjects of persecution and oppression; and

Whereas the Commonwealth of Massachusetts has ever stood foremost for the assertion of human rights and has ever championed the cause of the weak and the oppressed: Therefore be it

Resolved, By the House of Representatives of Massachusetts that the Senators and Representatives in Congress from Massachusetts are hereby requested at the proper time to take concerted action toward securing the moral support of the United States for the oppressed Jews in Europe in their efforts to obtain full, complete, and honorable citizenship in the countries to which they have given loyal and patriotic devotion.

Resolved, That copies of these resolutions, attested by the secretary of the Commonwealth, be sent by said official to each of the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted March 17, 1916.

A true copy. Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. LODGE presented petitions of sundry citizens of Worcester, Middleboro, Haverhill, Methuen, Andover, and Hudson, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Branch No. 5, United National Association of Post Office Clerks, of Boston, Mass., remonstrating against the separation of the Cambridge (Mass.) postal stations from the Boston (Mass.) post office, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Massachusetts State Board of Trade, praying that an appropriation be made for the construction of an intracoastal waterway from Boston, Mass., to Pensacola, Fla., which was referred to the Committee on Commerce.