

"That course Mr. Harding is willing to follow."

The Democratic platform adopted at San Francisco July 2, 1920, contained the following:

"We can not make peace except in company with our allies. It would brand us with everlasting dishonor and bring ruin to us also if we undertook to make a separate peace."

"We commend the Democrats in Congress for voting against resolutions for separate peace which would disgrace the Nation."

At a meeting held October 7, 1921, the executive committee of the Woodrow Wilson Democracy unanimously placed itself on record as being opposed to the ratification of a separate treaty of peace with Germany and directed the president of the Woodrow Wilson Democracy to forward to each of the Members of the Senate of the United States a copy of this statement.

TREATY WITH GERMANY—"WHY RATIFY IT?"

Mr. HARRISON. Mr. President, I also ask to have inserted in the RECORD an editorial which appeared in the New York World of to-day entitled, "Why ratify it?"—referring to the treaty with Germany.

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

WHY RATIFY IT?

Had Mr. Wilson, after the final refusal of the Senate to ratify the treaty of Versailles, negotiated such a separate treaty of peace with Germany as that which is now before the Senate, it is safe to say that not a Republican Senator would have voted for it. It is equally safe to say that the administration would have been hard pressed to muster any Democratic support for it.

The Senate would not have divided on partisan lines. There would have been practically a unanimous opinion that, while an honorable separate peace could have been negotiated with Germany, the treaty submitted to the Senate was not a treaty in proper form, that it was not a treaty in any sense in which that term has hitherto been employed in the foreign affairs of the United States.

The Senators, Republicans and Democrats alike, would have called Mr. Wilson's attention to the fact that the text of the treaty that he had presented to them was unintelligible in itself. Nobody who read it could tell what concessions Germany had made to the United States or what it was all about. To find a key it would be necessary to turn to the text of a treaty to which the United States was not a party and which the Senate had twice refused to ratify. Even with this key there would still remain much doubt and confusion as to the meaning of this new treaty which the President asked the Senate to make a part of "the supreme law of the land." The Senators would have said, and said rightly, that they did not purpose to help enact a supreme law of the land unless they understood exactly what this supreme law purported to be—that to describe it as a treaty of peace without making clear and precise definitions of the terms of that peace was farcical and an insult to a coordinate branch of the treaty-making power.

All this and more the Senate would have said if Mr. Wilson had submitted the treaty with Germany that Mr. Harding asks the Senate to ratify, and no adequate answer could have been made to these objections. We can not see how the case is changed by the change in the political complexion of the administration. A treaty that would have been universally condemned as a bad treaty if negotiated by Mr. Wilson is still a bad treaty when it is negotiated by Mr. Harding.

The only argument thus far made in favor of the Harding treaty of Berlin is that it establishes peace with Germany. But what kind of peace does it establish? It is apparent that the administration has sought to grab everything that was awarded to the United States under the treaty of Versailles and to repudiate all the obligations and responsibilities that the United States assumed as one of the signers of the armistice, but even this is more or less conjectural. Thus far not a single responsible person, neither Mr. Harding nor Mr. Hughes nor Mr. Lodge nor any representative of the administration has ventured to say in simple, straightforward fashion, what this treaty means and what the definite legal relations between the United States and Germany will be in the event of ratification.

What is equally important, nobody has dealt with the complications with the Allies which must inevitably result from any attempt to arrive at an interpretation. Is there a single Senator who is prepared to say that under the terms of this treaty the United States and Germany will be free agents in the execution of the treaty?

The relations between the United States and Germany are not critical. The two countries have gone along for nearly three years without a treaty of peace, and it is admitted by the administration that this treaty must be supplemented by commercial treaties in order to re-establish the economic relationship. The duty of the Senate in the circumstances is to send the treaty back to Mr. Harding with a polite request to negotiate an intelligible treaty in proper form in order that the Senate may know what it is ratifying.

DISTRICT BUILDING AND LOAN ASSOCIATIONS.

Mr. CALDER. Mr. President, I am in receipt of a letter from the president of the Building Association Council of the District of Columbia, in which reference is made to an extract from some remarks delivered by the senior Senator from Minnesota [Mr. NELSON] during the debate several days ago in the Senate on the question of allowing an additional exemption of \$500 to investors in building and loan associations. I send the letter to the Secretary's desk and ask to have it read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the communication.

The reading clerk read as follows:

BUILDING ASSOCIATION COUNCIL OF THE DISTRICT OF COLUMBIA,
Washington, D. C., October 8, 1921.

Senator WILLIAM M. CALDER,
United States Capitol, Washington, D. C.

DEAR SENATOR: In the debate on the amendments to the revenue bill on October 1 in the Senate Senator NELSON made the following statement:

"I wish to say that some years ago, in connection with the appointment of a judge in the District of Columbia, I had occasion to look up what the building and loan associations here were charging the poor borrower who went in there for a loan. I found in the case of that

particular company here in the District—and the man had the papers, having made the loan and finally redeemed it—that he had been paying over 36 per cent interest to that building and loan association."

There are 22 local building and loan associations now doing business in the District of Columbia, and when my attention was called to this statement I made an investigation and found that for the last 20 years no local association had charged over 6 per cent interest. The association that Senator NELSON referred to must have been a national association which did business all over the country and had an office in Washington. All of these associations have long since been put out of business. The Senator further says: "It is the most expensive and burdensome way to borrow." Again the Senator is in error, as a building association loan in the District of Columbia is the least expensive and the least burdensome way to borrow. The only expense the borrower is required to pay is the examination of title, conveyancing, and a small fee of about \$4 to the appraisers who value his property. If he borrows from other sources than a building association, he will have to pay a broker's commission to renew the loan when it comes due. During the war period, when Congress raised the rate of interest in the District of Columbia from 6 per cent to 8 per cent, the building associations all agreed that they would not charge more than 6 per cent interest. On loans made other than through building associations the prevailing rate is 7 per cent and 8 per cent.

The building associations of the District of Columbia feel proud of the record they have made, and it is the only financial institution that I know of that a man can borrow money from as cheap now as he could before the war. If you will kindly read this letter on the floor of the Senate and correct the erroneous impression that must have been created as to local building and loan associations by Senator NELSON's speech, we would greatly appreciate it.

Very truly, yours,

C. CLINTON JAMES,
President Building Association Council
of the District of Columbia.

HOUSE BILL REFERRED.

The bill (H. R. 6508) to amend sections 213 and 215, act of March 4, 1909 (Criminal Code), relating to offenses against the Postal Service, and sections 3929 and 4041, Revised Statutes, relating to the exclusion of fraudulent devices and lottery paraphernalia from the mails, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

The VICE PRESIDENT. Morning business is closed.

RECESS UNTIL MONDAY.

Mr. LODGE. The routine morning business having been concluded, I move that the Senate take a recess until Monday next at 11 o'clock a. m.

The motion was agreed to; and (at 2 o'clock and 20 minutes p. m.) the Senate took a recess until Monday, October 17, 1921, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, October 14, 1921.

The House met at 12 o'clock noon.

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

Almighty God, give us a happy sense of all our blessings and help us to look upon the bright side of our circumstances. May we not forget Thy benefits, but may we yield our grateful hearts to Thee. In all our labors and in all our ways may we acknowledge Thee as our Sovereign, and bring to Thee the offerings that we owe. Enable us day by day to be deeply conscious of the truth that unto the upright there ariseth a light in the darkness and the path of the just is as a shining light that shineth more and more unto the perfect day.

Grant that the richest blessings of our most holy faith and the consolidation of Divine Providence may abide with those who are to-day in the shadows of their honored and sacred dead. Through Jesus Christ our Lord. Amen.

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

THE LATE SENATOR KNOX.

The SPEAKER appointed the following committee to attend the funeral of the late Senator PHILANDER C. KNOX: Messrs. THOMAS S. BUTLER, BENJAMIN K. FOCHT, GEORGE S. GRAHAM, WILLIAM S. VARE, GEORGE W. EDMONDS, HENRY W. WATSON, LOUIS T. McFADDEN, HENRY W. TEMPLE, STEPHEN G. PORTER, JOHN M. MORIN, GUY E. CAMPBELL, THOMAS S. CRAIG, GEORGE P. DARROW, EDGAR R. KIESS, H. D. FLOOD, HATTON W. SUMNERS, W. BOURKE COCKRAN, JAMES W. WISE.

Mr. McFADDEN. Mr. Speaker, at a meeting of the delegation in Congress from the State of Pennsylvania, held yesterday afternoon, a committee was appointed to draft a suitable statement concerning the life and work of our late colleague, Senator PHILANDER C. KNOX. As chairman of that committee, I was requested to ask unanimous consent that there be read from the Clerk's desk this morning the statement which was

prepared, and that it be made a part of the record. I make that request now.

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

There was no objection.

The Clerk read as follows:

The members of the Pennsylvania delegation in the House of Representatives of the United States feel a deep sense of personal loss and sorrow in the sudden separation from them of their distinguished colleague and friend, PHILANDER CHASE KNOX, and they in common with the people of the State of Pennsylvania, whose native son he was, and with the people of the whole United States, in whose service and for whose welfare he was an outstanding figure of unselfish devotion to duty, mourn the passing of this great and good man. Indeed, the whole civilized world loses a constructive statesman, whose profound knowledge and abundant experience in the realm of international adjustments will be an irreparable loss to the American representatives in the forthcoming conference for the limitation of armaments, in whose participation he was destined to be a wise and conspicuous counselor. PHILANDER C. KNOX would have brought to that symposium of statesmen through our representatives contributions of a pure life and righteous purpose, of a mind refined and trained in the complex and vast domain of statecraft, of a developed and intelligent Americanism that understood and applied practically the genius of republican institutions and constitutional liberty, and qualities of heart that reflected the hopes and aspirations of Americans and of peace-loving peoples, as evidenced by his invaluable service on the Senate Committee on Foreign Relations.

To his intellectual attainments this great public servant added modesty and industry. Whatever the task, little or great, he performed it well and thoroughly. Whether as counsel to the humblest client or representing the Nation as its chief law officer in the Cabinets of McKinley and Roosevelt, he brought to bear his profound learning in the law in like degree and with that pertinacity of devotion to duty which characterized and molded his life. It was PHILANDER CHASE KNOX, whose unerring judgment, sound reasoning, and clear logic vitalized and brought into operation the provisions of the so-called Sherman antitrust law, innocuous for a decade, and opened the door to its application by subsequent judicial interpretation.

From the Senate, to which the people of Pennsylvania were proud to send him in 1904, he was called to be the premier in President Taft's Cabinet, where the display of his ability and talents distinguished him in the world's judgment as a dignified exemplar, as a worthy type of American citizenship, and a statesman of erudition, taking rank with the best of his illustrious predecessors in that exalted office. Ripe in experience, rich in talents, profoundly learned, lofty in purpose, unselfish in motive, retiring in disposition, an unusual combination of attributes in one man, recognizing his ability and delighted to honor him, the State of Pennsylvania again sent him to the United States Senate in 1916, in which great forum he was a foremost figure, influential in its deliberations, wise in his counsel, patriotic in every act and word, respected alike by political friend and foe, the author there of constructive legislation of broad national and international import, possessed of a reservoir of information of world conditions, ready and eager to apply his bountiful store of gifts in the discussion of a most momentous and vexed international question, upon the right solution of which the future civilization and the happiness of mankind may depend, he passes out from us.

The busy, useful earthly career of KNOX is ended. He has entered "the gray eve between two shining days," the day of mortal past and the day of immortal future—what we call death, which a pagan philosopher centuries ago thus illustrated:

"As in many groups they were busied in diverse occupations, some in games and others in work, the master opened the door and with a smile beckoned to the leader of the busiest group, who, laying down his tools, went within and the door was shut behind him. His comrades waited for him, and finding that he came not realized that that was death."

We have seen it occur in our midst that the leader of the busiest group was beckoned into the open door. And as men we sorrow, but not without hope, for his deeds and his example will abide with us.

REAPPORTIONMENT.

Mr. SIEGEL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7882, a bill providing for reapportionment. Pending that, I ask unanimous consent that debate be limited to four hours—

Mr. BLANTON. Mr. Speaker, I make the point of order that this bill is not a privileged bill.

The SPEAKER. The Chair overrules the point of order.

Mr. BLANTON. Then I raise the question of consideration.

The SPEAKER. The motion to go into the Committee of the Whole raises the question of consideration.

Mr. WINGO. This is a privileged bill, Mr. Speaker.

The SPEAKER. The Chair so ruled. Will the gentleman state his request for unanimous consent?

Mr. SIEGEL. That debate be limited to four hours, to be divided into four parts—one hour to be controlled by the ranking Member of the minority, the gentleman from Georgia [Mr. LARSEN], one hour by the gentleman from Indiana [Mr. FAIRFIELD], one hour by the gentleman from Mississippi [Mr. RANKIN], and one hour by myself.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate upon the reapportionment bill be limited to four hours, one hour of which shall be controlled by himself, one hour by the gentleman from Georgia [Mr. LARSEN], one hour by the gentleman from Indiana [Mr. FAIRFIELD], and one hour by the gentleman from Mississippi [Mr. RANKIN]. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the reapportionment bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 139, noes 8.

Mr. BLANTON. Mr. Speaker, I object to the vote, because it shows the absence of a quorum, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-one Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the House resolving itself into the Committee of the Whole House on the state of the Union for the consideration of the reapportionment bill.

The question was taken; and there were—yeas 301, nays 3, answered "present" 3, not voting 124, as follows:

YEAS—301.

Ackerman	Doughton	Layton	Rose
Almon	Dowell	Lazaro	Rosenbloom
Andrew, Mass.	Drane	Leatherwood	Rossdale
Andrews, Nebr.	Drewry	Lee, Ga.	Rouse
Appleby	Dunbar	Leibach	Rucker
Arentz	Dupré	Lineberger	Sanders, Ind.
Aswell	Dyer	Linthicum	Sanders, N. Y.
Atkeson	Echols	Logan	Sanders, Tex.
Bacharach	Elliott	London	Sandlin
Bachhead	Ellis	Lowrey	Scott, Mich.
Barbour	Evans	Luce	Scott, Tenn.
Barkley	Fairchild	Lyon	Shelton
Beck	Fairfield	McFadden	Shreve
Beedy	Faust	McLaughlin, Mich.	Siegel
Begg	Favrot	McLaughlin, Nebr.	Sinnott
Bell	Fenn	McLaughlin, Pa.	Sisson
Benham	Fields	McPherson	Smith, Idaho
Bird	Fisher	McSwain	Smithwick
Bixler	Flood	MacGregor	Snell
Black	Foster	Madden	Snyder
Blakeney	Frear	Magee	Speaks
Bland, Ind.	Free	Maloney	Sproul
Bland, Va.	Frothingham	Mapes	Stafford
Boles	Funk	Martin	Stegall
Bowling	Garrett, Tenn.	Michaelson	Stedman
Box	Garrett, Tex.	Michener	Steenerson
Brennan	Gensman	Miller	Stevenson
Briggs	Gerner	Millsbaugh	Strong, Kans.
Brinson	Gilbert	Mondell	Summers, Wash.
Brooks, Ill.	Glynn	Montague	Swank
Brown, Tenn.	Goldsborough	Montoya	Sweet
Buchanan	Graham, Ill.	Moore, Ill.	Swing
Bulwinkle	Greene, Iowa	Moore, Ohio	Tague
Burdick	Greene, Mass.	Moore, Va.	Taylor, N. J.
Burroughs	Greene, Vt.	Morgan	Temple
Burness	Hardy, Colo.	Nelson, A. P.	Ten Eyck
Burton	Hardy, Tex.	Nelson, J. M.	Thompson
Butler	Harrison	Newton, Minn.	Tillman
Byrnes, S. C.	Haugen	Newton, Mo.	Tilson
Byrns, Tenn.	Hawley	Norton	Timberlake
Cable	Hayden	O'Connor	Tincher
Campbell, Kans.	Herrick	Ogden	Tinkham
Campbell, Pa.	Hersey	Oldfield	Towner
Cannon	Hickey	Olpp	Treadway
Carew	Himes	Osborne	Trsyn
Chalmers	Hoch	Overstreet	Upshaw
Chandler, N. Y.	Hogan	Padgett	Vaile
Chandler, Okla.	Huddleston	Palge	Vare
Chidblom	Hudspeth	Parker, N. J.	Vestal
Christopherson	Hukriede	Parker, N. Y.	Vinson
Clague	Hull	Parrish	Voistead
Clark, Fla.	Husted	Patterson, Mo.	Walsh
Clarke, N. Y.	Hutchinson	Patterson, N. J.	Walters
Classon	Ireland	Perkins	Watson
Codd	Jacoway	Peters	Weaver
Cole, Iowa	James	Petersen	Wheeler
Cole, Ohio	Jeffers, Nebr.	Pon	White, Kans.
Collier	Jeffers, Ala.	Pringley	White, Me.
Collins	Johnson, Wash.	Purnell	Williams
Colton	Jones, Tex.	Quin	Williamson
Connally, Tex.	Kelly, Pa.	Radeliffe	Wilson
Connell	Kendall	Ralney, Ill.	Wingo
Connolly, Pa.	Kennedy	Raker	Winslow
Cooper, Wis.	Ketcham	Ramseyer	Wood, Ind.
Coughlin	Kinkaid	Rankin	Woodruff
Crisp	Kirkpatrick	Rayburn	Woods, Va.
Crowther	Kissel	Reavis	Woodyard
Curry	Kline, N. Y.	Reber	Wright
Dale	Kline, Pa.	Reece	Wurzbaen
Darrow	Kopp	Reed, N. Y.	Wyant
Davis, Minn.	Kraus	Reed, W. Va.	Yates
Davis, Tenn.	Langley	Ricketts	Young
Deal	Lanham	Riddick	
Denison	Lankford	Roach	
Dickinson	Larsen, Ga.	Robertson	
Dominick	Lawrence	Rodenberg	

NAYS—3.

Blanton Kincheloe Parks, Ark.

ANSWERED "PRESENT"—3.

Cockran Fuller McClintic

NOT VOTING—124.

Anderson	Bowers	Browne, Wis.	Clouse
Ansorge	Brand	Burke	Cooper, Ohio
Anthony	Britten	Cantrill	Copley
Bond	Brooks, Pa.	Carter	Crago

Cramton	Hawes	Little	Robson
Cullen	Hays	Longworth	Rogers
Dallinger	Hicks	Luhning	Ryan
Dempsey	Hill	McArthur	Sabath
Driver	Houghton	McCormick	Schall
Dunn	Humphreys	McDuffie	Sears
Edmonds	Johnson, Ky.	McKenzie	Shaw
Elston	Johnson, Miss.	Mann	Sinclair
Fess	Johnson, S. Dak.	Mansfield	Slomp
Fish	Jones, Pa.	Mead	Smith, Mich.
Fitzgerald	Kahn	Merritt	Stiness
Focht	Kearns	Mills	Stoll
Fordney	Keller	Moore, Ind.	Strong, Pa.
Freeman	Kelley, Mich.	Morin	Sullivan
French	Kiess	Mott	Summers, Tex.
Fulmer	Kindred	Mudd	Taylor, Colo.
Gahn	King	Murphy	Taylor, Tenn.
Gallivan	Kitchin	Nolan	Thomas
Garner	Klecza	O'Brien	Underhill
Goodykoontz	Knight	Oliver	Voigt
Gorman	Knutson	Park, Ga.	Volk
Gould	Kreider	Perlman	Ward, N. Y.
Graham, Pa.	Kunz	Porter	Ward, N. C.
Griest	Lampert	Rainey, Ala.	Wason
Griffin	Larson, Minn.	Ransley	Webster
Hadley	Lea, Calif.	Rhodes	Wise
Hammer	Lee, N. Y.	Riordan	Zihlman

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. LONGWORTH with Mr. COCKRAN.
 Mr. JOHNSON of South Dakota with Mr. MCCLINTIC.
 Mr. FULLER with Mr. KUNZ.
 Mr. CRAGO with Mr. DRIVER.
 Mr. RHODES with Mr. HAYES.
 Mr. ROGERS with Mr. PARK of Georgia.
 Mr. ANTHONY with Mr. OLIVER.
 Mr. MUDD with Mr. RIORDAN.
 Mr. KREIDER with Mr. KINDRED.
 Mr. GRIEST with Mr. SULLIVAN.
 Mr. VOLK with Mr. THOMAS.
 Mr. MORIN with Mr. SABATH.
 Mr. HILL with Mr. KITCHIN.
 Mr. GORMAN with Mr. SEARS.
 Mr. KAHN with Mr. McDUFFIE.
 Mr. MCARTHUR with Mr. WARD of North Carolina.
 Mr. COOPER of Ohio with Mr. GARNER.
 Mr. BROOKS of Pennsylvania with Mr. O'BRIEN.
 Mr. PERLMAN with Mr. HUMPHREYS.
 Mr. MURPHY with Mr. SUMMERS of Texas.
 Mr. DALLINGER with Mr. LEA of California.
 Mr. STINESS with Mr. WISE.
 Mr. FRENCH with Mr. CANTRILL.
 Mr. HAYS with Mr. RAINEY of Alabama.
 Mr. ANDERSON with Mr. CARTER.
 Mr. KNUTSON with Mr. BRAND.
 Mr. DUNN with Mr. GRIFFIN.
 Mr. GAHN with Mr. TAYLOR of Colorado.
 Mr. EDMONDS with Mr. CULLEN.
 Mr. CRAMTON with Mr. HAMMER.
 Mr. SINCLAIR with Mr. GALLIVAN.
 Mr. KIESS with Mr. JOHNSON of Kentucky.
 Mr. LEE of New York with Mr. JOHNSON of Mississippi.
 Mr. BOND with Mr. MEAD.
 Mr. GRAHAM of Pennsylvania with Mr. STOLL.

Mr. ROACH. Mr. Speaker, I voted aye when the name of my colleague from Missouri [Mr. RHODES] was called. I have no doubt he would so vote if he were here, but I ask that the roll call be corrected accordingly.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7882) with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7882), which the Clerk will report.

APPORTIONMENT OF REPRESENTATIVES.

The Clerk read as follows:

A bill (H. R. 7882) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census.

Be it enacted, etc., That after the 3d day of March, 1923, the House of Representatives shall be composed of 460 Members, to be apportioned among the several States as follows:

Alabama	10	Florida	4
Arizona	1	Georgia	13
Arkansas	8	Idaho	2
California	15	Illinois	28
Colorado	4	Indiana	13
Connecticut	6	Iowa	11
Delaware	1	Kansas	8

Kentucky	11	North Dakota	3
Louisiana	8	Ohio	25
Maine	3	Oklahoma	9
Maryland	6	Oregon	3
Massachusetts	17	Pennsylvania	38
Michigan	16	Rhode Island	3
Minnesota	10	South Carolina	7
Mississippi	8	South Dakota	3
Missouri	15	Tennessee	10
Montana	2	Texas	20
Nebraska	6	Utah	2
Nevada	1	Vermont	2
New Hampshire	2	Virginia	10
New Jersey	14	Washington	6
New Mexico	2	West Virginia	6
New York	45	Wisconsin	11
North Carolina	11	Wyoming	1

SEC. 2. That in each State entitled under this apportionment to more than one Representative, the Representatives to the Sixty-eighth and each subsequent Congress shall be elected by districts composed of a contiguous and compact territory and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of Representatives to which such State may be entitled in Congress, no district electing more than one Representative.

SEC. 3. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the district now prescribed by law until such State shall be redistricted in the manner prescribed by the law thereof and in accordance with the rules enumerated in section 2 of this act; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed; and if there be a decrease in the number of Representatives from a State and the legislature thereof in session after the passage of this act and before the ensuing election at which Members of Congress are elected fails to redistrict such State, or if the legislature of such State be not in session before the next biennial election, then and in either event the governor, secretary of state, and attorney general of such State are hereby empowered to redistrict such State according to the terms and provisions of section 2 herein.

SEC. 4. That candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates or governor, unless otherwise provided by the laws of such State.

The CHAIRMAN. The gentleman from New York is recognized for one hour.

Mr. SIEGEL. Mr. Chairman, the country's population at the present time is 105,710,620. We have at the present time 435 Members based upon an average ratio of 211,877 inhabitants. Under this bill the House would be increased to 460 based on an average of 228,882 persons for each congressional district. No State loses any representation except the States of Maine and Missouri. The States which would have an increase would be Arkansas, 1; California, 4; Connecticut, 1; Georgia, 1; Illinois, 1; Massachusetts, 1; Michigan, 3; New Jersey, 2; New Mexico, 1; New York, 2; North Carolina, 1; Ohio, 3; Oklahoma, 1; Pennsylvania, 2; Texas, 2; and Washington, 1. The proposition has been advanced to use as a basis the Harvard system of calculation which is known as a proportional system, and others have urged the old system known as the majority fraction system. The committee did not spend much time on that question because when we fixed the ratio at 228,822, and fixing the number of membership of the House at 460, both systems agree. Now, there has been considerable discussion here in the House and throughout the country as to whether there was required an increase of the House. I call your attention to the fact that new conditions have arisen since the last act was passed by Congress providing there shall be one Representative for every 211,877 inhabitants. We find in the recent war 4,764,670 men were called into the service of the country, and each congressional district on the average gave 11,000 men. The State of New York, for example, gave 493,892 men to the late war. That means each Member of this House will under the 460 number have to look after the wants of at least 11,000 ex-service men.

Now, the minority report calls attention to the fact that we can obtain additional secretaries in order to attend to the wants of these men. If we take one additional secretary or clerk for each of the 435 Representatives here, it will entail an expense of at least \$500,000 per annum, because the average clerk or secretary who can be of any real, practical use must be given at least \$1,400 or \$1,500 per annum. Under the provisions of the bill as reported, making the House 460, the total amount of the increased expenditure would be \$287,000. That includes salaries of Members, salaries of secretaries, telegraph expense, and mileage allowances. I say to you frankly that the soldier boys, the marines, and those who served in the Navy in this late war are entitled to have their individual cases handled by the Members of the House individually and not by additional secretaries. When they were called out into the service, they were called out by a selective draft law passed by us. Now, when they come back to us, as they are coming back to us and will continue to come back to us for at least another

seven years, they are entitled to receive the personal attention of the individual Members of the House and not the attention of secretaries.

I want to say to you here to-day that every expert in the medical and surgical world agrees that the crux of the number of men who have been wounded and required attention will arrive seven years from now. From now on these cases will increase by thousands and thousands until seven years from now; the number of insane and those who will have become sick from diseases like consumption will be more than trebled. Now, the country is not asking for such economy in the amount of money which we are going to expend for Members of the House and their secretaries. What the Nation demands of the House is efficiency and prompt service, and I for one feel that this House has rendered prompt and efficient service, regardless of what others may say or think.

Now, Mr. Chairman, in view of my time being limited, I ask unanimous consent to revise and extend my remarks.

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

Mr. SIEGEL. The majority report contains the following as part of its reasons for increasing the House to 460:

This bill provides that after the 3d day of March, 1923, the House of Representatives shall be composed of 460 Members, to be assigned to the States as follows:

Alabama	10	Nebraska	6
Arizona	1	Nevada	1
Arkansas	8	New Hampshire	2
California	15	New Jersey	14
Colorado	4	New Mexico	2
Connecticut	6	New York	45
Delaware	1	North Carolina	11
Florida	4	North Dakota	3
Georgia	13	Ohio	25
Idaho	2	Oklahoma	9
Illinois	28	Oregon	3
Indiana	13	Pennsylvania	38
Iowa	11	Rhode Island	3
Kansas	8	South Carolina	7
Kentucky	11	South Dakota	3
Louisiana	8	Tennessee	10
Maine	3	Texas	20
Maryland	6	Utah	2
Massachusetts	17	Vermont	2
Michigan	16	Virginia	10
Minnesota	10	Washington	6
Mississippi	8	West Virginia	6
Missouri	15	Wisconsin	11
Montana	2	Wyoming	1

Under this apportionment 30 States will retain their present number of Representatives, as follows:

Alabama	10	Nebraska	6
Arizona	1	Nevada	1
Colorado	4	New Hampshire	2
Delaware	1	North Dakota	3
Florida	4	Oregon	3
Idaho	2	Rhode Island	3
Indiana	13	South Carolina	7
Kansas	8	South Dakota	3
Iowa	11	Tennessee	10
Kentucky	11	Utah	2
Louisiana	8	Vermont	2
Maryland	6	Virginia	10
Minnesota	10	West Virginia	6
Mississippi	8	Wisconsin	11
Montana	2	Wyoming	1

The States in which there are gains in the number of Representatives are as follows:

Arkansas	1	New Mexico	1
California	4	New York	2
Connecticut	1	North Carolina	1
Georgia	1	Ohio	3
Illinois	1	Oklahoma	1
Massachusetts	1	Pennsylvania	2
Michigan	3	Texas	2
New Jersey	2	Washington	1

The States which lose Representatives are as follows:

Maine	1
Missouri	1

The committee adopted a ratio of 228,882 for each Representative. By fixing the ratio of population to each Representative at 228,882 the average congressional district under this bill will contain 17,005 more inhabitants than the average district under the last apportionment act.

Three States, namely, Delaware, Nevada, and Wyoming, have a population less than 228,882. Each of these States gets a Member under the Constitution, which provides that every State shall have at least one Representative.

Under the bill there will be an increase of 25 Members more than the present House.

In considering the question of the size of the House we must remember that we now have a population in continental United States of 105,708,771. We should approach the question of fixing the size of the House by bearing in mind that in no decade of the Nation's history has Congress faced more great problems than those which will have to be solved in the next 10 years.

Not merely will Congress have to determine how billions of dollars can be raised by tariff and taxation laws, but the big problem as to how the railroads are to be operated in order to produce a profit to the

stockholders and at the same time satisfy those who are employed by such railroads, bearing in mind that the rights of the public must be carefully considered and protected.

The question of maintaining peaceful relationship with the world at large will constantly remain at the forefront.

As long as the wireless was unknown and when it took from 10 days to 2 weeks to cross the ocean we could be isolated from European and Asiatic problems, for they were not of our direct concern. With the coming of the airplane, however, and the successful termination of the Great War in our favor, new conditions have arisen requiring America to take her place in the world to lead it along the lines of peace. How to do this will require the greatest statesmanship in Congress.

Those of us who have studied the census of 1920 know that the majority of our people are now living in the cities. How to encourage the rising generation to actively engage in agriculture is one of the big problems which must be faced.

To take proper care of those who donned the uniform for the Nation in the recent conflict and to bring about contentment and prosperity in this country are two of the subjects which will constantly come up before the next five Congresses.

Woman suffrage is now a reality.

The war called into actual service approximately 4,600,000 men. Under the provisions of this bill each Member of Congress will be looking after the interests and welfare of approximately 10,000 men who saw service. Doctors tell us that the number of cases of serious disease amongst these men will grow by leaps and bounds for at least 10 years. This being a fact, the work of looking after these individual cases will require the personal attention of each and every Member of the House.

It is true that some of those presenting the minority views take the stand "that additional clerks when necessary will undoubtedly care for any increase in the work required of Members." We feel, however, that the man who entered the service and as a result is suffering from handicaps and disease, is entitled to receive the personal attention of the individual Member of the House and not merely that of an additional clerk.

Few thinking people will deny that Congress is being called upon to legislate upon numerous questions which have heretofore been handled by the respective States. Also that slowly but surely, under a broad construction of the Constitution, the number of such problems brought to Congress for a solution has been growing.

In the public press and in other places we find a growing demand that the people be brought closer and nearer to their Representatives in Congress.

As a result of the demand to which we have referred, Congress has been in session during the past few years for a longer time than ever before. In view of the requests by the people for different kinds of laws, it is becoming self-evident that the Members will soon find themselves in a position that they will only be able to serve on one committee in order to become experts of the particular subject which the committee is handling. We all know that most of the legislation passed by Congress is enacted after the most careful and thorough consideration by its committees. In order to become thoroughly familiar with the work before such committees, it is highly advisable that Members serve only upon one committee.

We deny the proposition advanced by some of the minority that both in the Capitol and the House Office Building conditions are such that additional Members can not be provided for in both buildings.

Some of the minority have alluded to the expense which it is claimed the people of the United States will be put to if 25 additional Members are added to the House. It is not the amount of money which is spent for salaries of legislators, but the efficiency and kind of service which is received by the people which is most vitally important to them.

It would, indeed, be false economy were we to adopt the theory of the minority to provide additional clerks when we all know that what the people are seeking is representation through their Representatives and not through clerks. The expenditure for additional clerks, if the theory of the minority was to be followed, would be at least \$500,000, because each clerk would have to receive, if he is in any way competent, at least the sum of \$1,400.

The total amount which 25 additional Members of the House will cost the people of the United States is as follows:

For stationary	\$3,125.00
For telegraph frank	1,875.00
For mileage	12,865.64
For clerk and secretarial hire	91,000.00
For salaries, 25 Members	187,500.00

Total 296,365.64

For the information of the House we will state that an examination of the Statesman's Yearbook for 1920 shows that the popular branches of legislative bodies of the chief countries are larger in relation to their respective populations than is our House. They are as follows:

Countries.	Census year.	Number of members in lower house.	Ratio of members to population.	Population on which ratio is based.
United Kingdom	1911	707	45,516,259
England and Wales	1911	528	70,000
Scotland	1911	74	70,000
Ireland	1911	105	43,000
Belgium	1918	189	40,000	7,555,576
Denmark	1916	140	21,000	2,940,000
France	1919	626	66,255	41,475,523
Germany	1919	423	130,227	55,083,000
Greece	1913	315	16,000	4,744,725
Italy	1911	503	71,000	36,740,000
Jugo-Slavia (Serbia)	1919	166	86,233	14,319,459
Netherlands	1918	100	66,787	6,678,699
Norway	1910	125	18,982	2,391,782
Portugal	1911	164	36,329	5,957,985
Rumania	1919	347	50,124	17,393,149
Spain	1910	417	47,814	19,959,817
Sweden	1918	230	25,278	5,813,850
Switzerland	1916	189	26,127	3,937,000

The membership and ratio of the different apportionments heretofore had and when enacted is as follows:

Census.	Date of apportionment act.	States.	Members.	Ratio.
1790	1792	13	65	30,000
1800	Apr. 14, 1792	15	105	33,000
1810	Jan. 14, 1802	16	141	33,000
1820	Dec. 21, 1811	17	181	35,000
1830	Mar. 7, 1822	24	213	40,000
1840	May 22, 1832	24	240	47,700
1850	June 25, 1842	26	223	70,680
1860	May 23, 1850	32	234	98,423
1870	May 23, 1850	34	243	127,381
1880	Feb. 2, 1872	37	293	131,425
1890	Feb. 25, 1882	38	325	151,911
1900	Feb. 7, 1891	44	355	173,901
1910	Jan. 15, 1901	45	386	194,182
	Aug. 8, 1911	46	433	211,877

One of the minority is opposed to the adoption of a provision in the bill which provides that in those States where there is a decrease in the membership, if the legislature does not act, that the governor, secretary of state, and attorney general should be empowered to redistrict such State.

We are all familiar with the rule that the House has repeatedly declined to interfere with the act of a State in changing the boundaries of a congressional district, but this is the first time that it has been seriously contended that where a State declines, fails, or refuses to redistrict such State after the passage of a reapportionment act by Congress that Congress does not possess the power to direct such redistricting to be done by three officials of such State.

We can not assent to the proposition that Congress does not possess such power and that it is helpless in a case of that kind.

In conclusion, let us state that there has been no reduction in the membership of the House since the act of 1843. This is not a question of benefiting any particular district or State. Members of Congress take an oath to uphold the Constitution of the United States and to serve the entire country to the best of their ability. We feel that the best interests of the Nation at large will be served by increasing the size of the House to 460, as provided in this bill. We feel that careful consideration of the facts stated herein must convince every thinking American citizen who has no personal ax to grind and no hobby to uphold that what the Nation needs most in the next 10 years is real efficient service in Congress, and that he is prepared to stand the small additional expense which this bill calls for in order to obtain it.

The tables are as follows:

Population, number of Indians not taxed, and population exclusive of Indians not taxed, by States, 1920.

State.	Total population, 1920.	Indians not taxed, 1920.	Population, exclusive of Indians not taxed, 1920.
Alabama	2,348,174		2,348,174
Arizona	334,162	24,408	309,754
Arkansas	1,752,204		1,752,204
California	3,426,861	830	3,426,031
Colorado	939,629	468	939,161
Connecticut	1,380,631		1,380,631
Delaware	223,003		223,003
Florida	968,470		968,470
Georgia	2,895,832		2,895,832
Idaho	431,866	1,424	430,442
Illinois	6,485,283		6,485,283
Indiana	2,930,390		2,930,390
Iowa	2,404,021		2,404,021
Kansas	1,769,257		1,769,257
Kentucky	2,416,630		2,416,630
Louisiana	1,798,509		1,798,509
Maine	768,014		768,014
Maryland	1,449,661		1,449,661
Massachusetts	3,852,356		3,852,356
Michigan	3,668,412		3,668,412
Minnesota	2,387,125	1,460	2,385,665
Mississippi	1,790,618		1,790,618
Missouri	3,404,055		3,404,055
Montana	548,889	7,378	541,511
Nebraska	1,236,372		1,236,372
Nevada	77,407	1,587	75,820
New Hampshire	443,083		443,083
New Jersey	3,155,903		3,155,903
New Mexico	360,350	6,922	353,428
New York	10,385,227	4,240	10,380,987
North Carolina	2,559,123		2,559,123
North Dakota	643,872	2,123	641,749
Ohio	5,759,391		5,759,391
Oklahoma	2,028,283		2,028,283
Oregon	783,389		783,389
Pennsylvania	8,720,017		8,720,017
Rhode Island	604,397		604,397
South Carolina	1,683,724		1,683,724
South Dakota	635,547	5,303	630,244
Tennessee	2,337,885		2,337,885
Texas	4,663,223		4,663,223
Utah	449,393	1,008	448,385
Vermont	352,428		352,428
Virginia	2,309,187		2,309,187
Washington	1,356,621	2,025	1,354,596
West Virginia	1,463,701		1,463,701
Wisconsin	2,632,037	762	2,631,275
Wyoming	194,402	915	193,487
Total for 48 States	105,278,049	60,870	105,217,179
District of Columbia	437,371		437,371
Total, United States	105,715,420	60,870	105,217,179

In November, 1920, the Review of Reviews contained an article discussing the question of the census, and in view of its importance I deem it advisable to insert same:

IS THE NATION GROWING IN RIGHT WAYS?

The chief business of the United States hitherto—looking to the country's future—has been the creation of an American nationality. Far more desirable than mere growth in numbers are evidences of the right kind of development. When the Census Bureau and other agencies for obtaining accurate information show us that, in one way or in another, the Nation's development is proceeding wrongly, we have before us the duty of correcting harmful tendencies. It is well on the announcement of the main facts that are ascertained every 10 years by the Census Bureau to study thoroughly the tendencies that are indicated and to help the public to grasp the lessons that should be learned. Up to a certain point sheer growth makes for strength. Beyond that, uneven or discordant growth may make for weakness. It is worth many times what the census taking costs to have the figures as an aid to intelligent statesmanship.

THIRTY MILLIONS GAIN SINCE 1900.

The total population of the 48 States making up the contiguous territory of this country, as listed early in the present year and announced in October, is 105,683,108. (Now reported to Congressman SIEGEL, chairman of the House of Representatives Census Committee, as 105,710,620.) There are also about 12,000,000 people living under the American flag outside of the continental area of the Union, but we are not here concerned with these additional populations in Alaska, Porto Rico, Hawaii, and the Philippines, the final figures not having been announced for these Territories. Within the area of the 48 States there are 13,710,842 more people than in 1910. The gain in the previous decade had been larger, both in percentage and in absolute numbers, having been 15,977,691. In 20 years this continental stretch of the United States from the Atlantic to the Pacific and from the Canadian line to the Rio Grande and the Gulf of Mexico, has added, in round figures, 30,000,000 people to the number found in 1900. Using approximate rather than exact figures, we had 76,000,000 people 20 years ago and we have 106,000,000 now.

NATIONAL GROWTH BROUGHT UNITY.

The total population of the country in 1840, after more than two centuries of settlement, was only 17,000,000. Thus we have added as many new people to our population in the past dozen years as our total population amounted to in 1840. When the census was taken in 1850 we had rounded out our continental possessions by the acquisition of Texas and California. Our total number at that time amounted to 23,000,000—considerably less than the surplus added in the two decades since we entered upon the twentieth century. We had a total population, North and South together, of 31,500,000 in 1860, just before the outbreak of the Civil War. We still have veterans of the Civil War serving us in Congress, and we have millions of people living who were old enough in 1865 to remember vividly to-day the rejoicing over the peace that came with Lee's surrender at Appomattox and the sorrow that shook the Nation with the assassination of Lincoln. Yet we have more than three times as many people in the United States now as there were in 1865.

That war involved, indeed, the slavery issue, and it had relation to the doctrine of State rights. But it was won by reason of the growth and shifting of population in the decade or two preceding 1860. In building up the new States of the Mississippi Valley we were creating the dominant forces of American nationality. If this westward development had not taken place, the secession movement would have been successful.

FURTHER GROWTH AND EXPANSION.

After the Civil War and the reconstruction days the further westward growth of the Nation was accelerated. In that generation up to the end of the century—a period of 30 years—we added 100 per cent to our population. Our resources had been largely developed; our present railroad system had been for the most part constructed, and the Nation was beginning to feel some sense of maturity. It was under these circumstances that we began to assert a broader international influence. We intervened to end the deadlock between the insurgents and the Spanish forces in Cuba, and the result has been a new era for the West Indies. We assumed a leading place in the regulation of the affairs of the Pacific, annexing the Hawaiian Islands; acquiring control of the Philippines; helping to settle the war between Japan and Russia; waiving the Chinese indemnity; confirming the Alaska boundary and beginning to develop that great Territory; and as a crowning step creating the Panama Canal as a national enterprise and a token of our permanent policy to safeguard and secure development of the Western Hemisphere.

INFLUENCE FOR ORDER AND PEACE.

Since we used our Navy to liberate Cuba and establish peace in the Caribbean region there have been no wars by land or by sea between nations in the Western Hemisphere, nor armed strife of any magnitude except the factional domestic contests in Mexico. Furthermore, since we became sponsor for the international well-being of Hawaii and the Philippines and helped to end the inevitable conflict between the Japanese and the encroaching Russian czarism, there has been unprecedented security for commerce and for human progress in all the lands that face the Pacific Ocean. Thus there was undoubtedly an advantage of great historical moment in our rapid national growth from 1850 to 1900. That growth moved the center of gravity away from the original States of the North and South, and the result was our own permanent national stability. Our further growth from Atlantic to Pacific gave us such intrinsic strength in sheer numbers of capable people and in the material as well as moral resources of efficiency that we were able to exert a new kind of influence for peace and order in the world. Our powerful influence was producing harmony throughout the Western Hemisphere and pointing the way toward security and peace on the Pacific and in the Far East.

Mr. SIEGEL. 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. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 7882, had come to no resolution thereon.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent that all debate upon this bill may be limited to four hours, to be equally divided between the gentleman from Georgia [Mr. LARSEN], the gentleman from Indiana [Mr. FAIRFIELD], the gentleman from Mississippi [Mr. RANKIN], and myself.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate be limited to four hours, one hour to be controlled by himself, one hour by the gentleman from Georgia [Mr. LARSEN], one hour by the gentleman from Indiana [Mr. FAIRFIELD], and one hour by the gentleman from Mississippi [Mr. RANKIN]. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, does the gentleman think that four hours of general debate is a long enough time to discuss a question that goes to the working efficiency of one branch of the legislative department of this Government?

Mr. SIEGEL. I do.

Mr. COOPER of Wisconsin. I do not; and I object.

Mr. SIEGEL. Then, Mr. Speaker, I move that debate be limited to four hours, and be divided amongst the four gentlemen just named by me.

Mr. GARRETT of Tennessee. You can not divide the time.

Mr. SIEGEL. Mr. Speaker, I move that the debate be limited to four hours, to be equally divided—

Mr. GARRETT of Tennessee. Will the gentleman yield to me before that question is put?

Mr. SIEGEL. Yes.

Mr. GARRETT of Tennessee. May I ask the gentleman from New York, for the benefit of Members on both sides of the Chamber, if it is the purpose to attempt to carry this bill to final passage during to-day's session?

Mr. SIEGEL. It is.

Mr. GARRETT of Tennessee. That may or may not necessitate an evening session, but whatever the condition may be, it is the purpose of the gentleman to press this matter to final passage before the House finally adjourns to-day?

Mr. SIEGEL. Yes.

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7882, and pending that I move that general debate be limited to four hours.

The SPEAKER. The gentleman from New York moves that general debate be limited to four hours.

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

Mr. BANKHEAD. Division, Mr. Speaker.

The House divided; and there were—ayes 169, noes 19.

So the motion was agreed to.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7882, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 7882, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7882) for the apportionment of Representatives in Congress amongst the several States under the Fourteenth Census.

Mr. RAKER. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. RAKER. I desire to be heard on the bill.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent—

Mr. BLANTON. Mr. Chairman, I make the point of order, if I may be permitted to state it, that under the rules of the House regulating general debate in the Committee of the Whole, where there has been debate upon the question by the chairman of the committee having in charge the bill, and there has been no agreement as to division of time, which there has not been in this case, and a gentleman arises and gets recognition of the Chair to ask unanimous consent to be recognized on the bill, the gentleman from California [Mr. RAKER] is entitled to recognition.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent that the time be equally divided as follows: To the gentleman from Indiana [Mr. FAIRFIELD] one hour, to the gentleman from Georgia [Mr. LARSEN] one hour, to the gentleman from Mississippi [Mr. RANKIN] one hour, and to myself one hour.

The CHAIRMAN. The gentleman from New York asks unanimous consent that general debate may be equally divided, one hour to be controlled by himself, one hour by the gentleman

from Georgia [Mr. LARSEN], one hour by the gentleman from Indiana [Mr. FAIRFIELD], and one hour by the gentleman from Mississippi [Mr. RANKIN]. Is there objection?

Mr. GARRETT of Tennessee. Mr. Chairman, I have no objection, but I would like to submit an inquiry. Is it in order to do that in the Committee of the Whole?

The CHAIRMAN. The Chair thinks where the time for general debate has been fixed at a certain limit the committee can then by unanimous consent arrange as to how that time may be distributed. Is there objection?

Mr. RAKER. Mr. Chairman, reserving the right to object, I wonder if there would be any chance to get 10 minutes on this bill?

Mr. SIEGEL. I think the gentleman can ask both gentlemen on the other side, who have two hours between them, or would have two hours under this unanimous-consent request, even though the—

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. If the time is not fixed by unanimous consent in the House, the Chair would recognize four men for an hour each and no one can occupy the floor for four hours, can he?

The CHAIRMAN. The Chair will state that the time fixed for general debate by the House is four hours, and if the gentlemen have no agreement in committee as to how that time shall be distributed, any gentleman recognized by the Chair will be entitled to consume an hour. If each gentleman recognized by the Chairman consumes an hour, the debate having been fixed at four hours, it would necessarily follow that four gentlemen would be recognized.

Mr. RAKER. Another parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. It would depend, then, of course, on whom the Chairman saw in asking recognition?

The CHAIRMAN. It all depends on the Chairman seeing a Member. [Laughter.]

Mr. BLANTON. Mr. Chairman, further reserving the right to object, it is understood, of course, that the time already consumed by the gentleman from New York [Mr. SIEGEL] is to be taken out of his hour? Otherwise there would be an overplus of time in the hands of the gentleman from New York. Unless that is understood, I shall object; otherwise I shall not.

Mr. SIEGEL. I will say to the gentleman that every effort is going to be made to close debate as quickly as possible.

Mr. BLANTON. The gentleman does not want any unfair division of the time?

Mr. SIEGEL. The gentleman knows I do not want that.

Mr. BLANTON. If the gentleman will agree that the time already consumed is to be taken out of his hour, I will not object; otherwise I will.

The CHAIRMAN. Is there objection?

Mr. BLANTON. I object.

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] objects. The gentleman from New York [Mr. SIEGEL] is recognized for one hour.

Mr. SIEGEL. Mr. Chairman, in view of the fact that the gentleman from Massachusetts [Mr. TINKHAM] has a subject which he desires to discuss but which is not related to this bill, I yield to him 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TINKHAM] is recognized for 10 minutes.

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Alabama for a parliamentary inquiry?

Mr. TINKHAM. I yield to a parliamentary inquiry.

Mr. HUDDLESTON. Mr. Chairman, is it understood that gentlemen to whom time is yielded by those in control of the time will be recognized by the Chair?

The CHAIRMAN. The Chair will state that the gentleman having an hour at his disposal can consume it or yield of it such time as he may desire under the rule.

Mr. SIEGEL. Mr. Chairman, I reserve the balance of my time.

Mr. TINKHAM. Mr. Chairman, I desire to repudiate and deny categorically the statement of the chairman of the committee, the honorable Representative from New York [Mr. SIEGEL], when he asserts that I desire to talk upon a subject not related nor germane to this bill.

I will read section 2, Article XIV, of the Constitution of the United States, which every Representative has sworn to obey and uphold. It reads as follows:

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

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

[Applause.]

This is the section of the Constitution which we are proceeding to execute. The language is explicit and provides for the apportionment of Representatives. It provides as part of the apportionment of Representatives that representation shall be reduced in accordance with disfranchisement and says this "shall" be done. The language concerning reductions of representation in accordance with disfranchisement relates neither to race nor color, but is general and national in its scope and should have national application. As part of the Constitution it must be applied as written and to modern conditions and circumstances—not nullified for any reason whatsoever. The section is mandatory both in language and character and directs Congress to reduce representation where disfranchisement exists in the manner prescribed. It directs and commands Congress to do this unconditionally.

There are only four mandatory sections of the Constitution in which the word "shall" is directly employed, and one mandatory section which by implication requires that apportionment shall be made every 10 years. The four mandatory sections direct and command Congress to count the electoral ballots, reconsider a veto of a President, have a census made once in 10 years, and reduce representation in accordance with disfranchisement.

These mandatory sections of the Constitution are of the very essence of our Government and of our national being. No greater violence can be done to our Constitution than refusal by Congress to obey these mandates. All other sections of the Constitution where the word "shall" is used either create a prohibition or limitation or devolve a power.

The eighteenth amendment to the Constitution merely forbids the manufacture of intoxicating liquors for beverage purposes, and then provides that "the Congress and the several States shall have concurrent power to enforce this article by appropriate legislation." This is not a mandate that Congress shall pass appropriate legislation.

If Congress refuses to reduce representation in proportion to disfranchisement, as it has under this general apportionment bill, it has profoundly and fatally nullified the Constitution in one of its great and vital parts.

The question of reduction of representation in the Federal Government in proportion to disfranchisement involves the most important fundamental issue which can be raised in this equal union of States and our so-called Republic or democracy. It involves equal political power and equal political rights among the several States, equal political power among the citizens of the several States, and the great question of constitutional enforcement.

Article IV, section 2, of the Constitution of the United States says, "The citizens of each State shall be entitled to all the privileges and immunities of the citizens in the several States," and the fourteenth amendment to the Constitution says, "No State shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States."

It is true, however, that the States may make what restrictive laws they wish respecting the franchise, subject only to the inhibitions of the fifteenth amendment and the nineteenth amendment, but always subject to the fourteenth amendment, which controls in this union of States the principle of equality among the several States and equality among the citizens of the United States.

Franchise equality is fundamental and profound.

A republic can not exist and a democracy does not exist unless there is franchise equality.

The enforcement of the fourteenth amendment, always of profound importance both because it is mandatory upon Congress and because it corrects the great scandal now existing of disproportionate political power among the enfranchising and the disfranchising States and the citizens thereof, is given additional importance because of the recent passage of the eighteenth and nineteenth amendments to the Constitution. The eighteenth amendment, which forbids the manufacture of intoxicating liquors and under which Congress has taken action, has made constitutional enforcement a great national issue. And the nineteenth amendment, which has enfranchised all women, has nearly doubled the disfranchisement in those States which disfranchise and has made the disproportion in political power between the disfranchising States and their citizens and the enfranchising States and their citizens nearly double.

Disfranchisement can be caused by laws which disfranchise, the administration of laws regulating elections, by fraud, violence, and intimidation. The laws in the several States which disfranchise—and those are what we must deal with here in our present situation without evidence concerning the administration of laws, concerning fraud, violence, and intimidation—are laws relating to the payment of poll taxes, the possession of property, and laws concerning certain literacy qualifications.

The poll-tax law exists only in a group of 11 States. Apart from this group of 11 States no other State requires property to be owned in order to vote at a Federal election, and there are not many States apart from this group of 11 States which require literacy qualifications.

I shall offer an amendment to the bill, carefully prepared by the Census Bureau, using as far as possible such evidence as it has, to reduce representation in accordance with disfranchisement. This I consider my sworn and bounden duty.

Without reduction of representation in accordance with disfranchisement this bill is unconstitutional, unlawful, and unjust. I have proceeded on the best evidence obtainable; that is all which the Constitution, in my opinion, requires.

The proper method of procedure to obtain full evidence of disfranchisement would be an investigation by a committee of this House. This has been denied by the leaders of the majority party, of which I am a member. Such an investigation has been pressed upon them both upon this floor and at other times and places. For this refusal by the leaders of the majority party I do not possess a command of language strong enough to use in denunciation and reprobation. By their action they have refused to enforce this mandatory section of the Constitution, violated their oaths in so doing, and committed the highest moral and constitutional offense.

The real anarchists in the United States, the real leaders of lawlessness, are the Members of this House of Representatives who refuse obedience to the Constitution which they have sworn to obey. Let them first purge themselves of their anarchy before they denounce anarchism. Let them purge themselves of their lawlessness before they attempt to pass laws to control lawlessness. If the Constitution is not obeyed by Members of the House of Representatives, there is the beginning of anarchy—and may not this example of repudiation and nullification seriously contribute to make the United States the most lawless of all civilized nations? If Congress shall violate the Constitution there is no moral sanction behind the acts of Congress and the people can not be called upon to obey its enactments.

National elections can no longer be half constitutional and half unconstitutional. There can be no double standard of constitutional enforcement. The Federal political morality of one State of the Union must be the Federal political morality of all States of the Union. The very essence of law and order is the enforcement of the fundamental law of the land, which in the United States is the Constitution. The Congress of the United States has no right to ask the citizens of the United States to obey laws which it itself passes when it has refused to obey the plain commands of the Constitution in relation to its own election and how it shall be constituted. For America to pose before the world as dictator of international morality and sponsor of international ethics, with her national Representatives elected in flagrant and defiant violation of her own Constitution, is the height of national hypocrisy.

Will you stand with the Constitution, or will you stand against it? Will you stand with a bill which is unconstitutional, defiantly so, or will you obey the injunctions which are plain, direct, mandatory, which you have sworn solemnly to obey?

Mr. Chairman, I yield back the remainder of my time, with the request that I may extend and revise my remarks.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. STEVENSON. I object.

The CHAIRMAN. The gentleman from South Carolina objects. The gentleman from Georgia [Mr. LARSEN] is recognized for one hour.

REAPPORTIONMENT POSITION OF COMMITTEE, GENERAL.

Mr. LARSEN of Georgia. Mr. Chairman, there are three views regarding the number of Representatives for membership of the House, as follows:

1. That the membership is too small and should be increased.
2. That the membership is sufficient and should be retained.
3. That the membership is too large and should be reduced.

The membership of the committee present and ordering the bill reported was a tie on the first and second propositions; that is, the number voting to increase the membership to 460 and the number voting to retain it at 435 were equal. Therefore, in order to get the bill before the House, so as to settle

the question of reapportionment and to apportion membership among the various States as is contemplated by the Constitution, two Members opposed to the suggested increase on the second call voted to report the bill.

The report contains two dissenting views, one being signed by six Members and the other by one Member. Both dissenting views oppose increased membership and favor a retention of the present number, 435.

The dissenting members of the committee take the same position to-day that was maintained in the last Congress, when it was proposed to increase the membership, and by a vote of 267 to 76 the House decided it should remain at 435.

An examination will disclose that with few exceptions those who favor increased membership come from States that will be directly affected by a loss or gain of representation. Apparently a dread of loss on the one hand and the hope of gain on the other materially affects the judgment of the individual and engenders a conflict of opinion regarding the question of membership which the House must settle.

As my own State will not lose if the present membership be retained, I may not be in position to fully appreciate the position of the Representative whose State will lose. Should the proposition of increase prevail, my State would gain a Member, and hence I know something of the unholy temptation which comes to those who are lured by the hope of gain.

That the present membership of the House is so large that it has impaired its deliberative capacity and at times makes it unwieldy and cumbersome no experienced and impartial mind will doubt, but as a practical legislative proposition it is thought by those who signed the minority report that, all things considered, it would be well to retain the present membership, and that it should be apportioned among the States in accordance with the last census. Hence we ask and shall expect the conservative judgment of the House to vindicate our position. There are those who say this will not be done because the membership of the House has changed. So it has, but there are still in the House 208 Members who as recently as January last voted that the membership of this House should remain at 435. Why should they change their votes at this time? Has the financial condition of the country so improved that a useless and unnecessary expense of this proposition would not be felt by the taxpaying public?

Does not the same pledge which bound them to rigid economy at that time bind them now? No man will change so radically for slight provocation. I assume no one will endanger the respect of the House or jeopardize his own good standing among constituents by changing his vote unless he be in a position to advance some legitimate reason for so doing. As for myself, I am unable to assign any reason why I should not cast the same vote upon the question to-day that I did in the last Congress.

Some one has suggested that he would go back home and tell his constituents that the last census showed that during the war the population had shifted from the agricultural States into the great industrial centers, and that in order to protect the agricultural interests of the country had voted for increased membership. Ah, gentlemen, you will have a hard proposition of convincing the people of any community that the great States of New York and Pennsylvania are not industrial centers. You may try it. Go back home and tell your constituents that you voted to increase the membership of the House. That you protected the agricultural interests by giving to New York and to Pennsylvania two additional Representatives each. You may convince them of your sincerity and satisfy them, but I fear you will not.

The report of the committee, page 5, contains an extract from the Statesman's Year Book, 1920, showing the size of the popular branches of the various legislative bodies of the world's chief countries and claims they are larger in proportion to population than that of the United States. It states that Great Britain has 707 members, that France has 626, Italy 508, and Germany 423, and says the population of each country is less than that of the United States.

Mr. SIEGEL. Will the gentleman yield?

Mr. LARSEN of Georgia. I yield to the gentleman from New York.

Mr. SIEGEL. There is no statement made that the populations of those countries are greater than those of the United States. The gentleman is mistaken about that. The gentleman means to say that the population is less than the United States.

Mr. LARSEN of Georgia. I accept the correction. Gentlemen should not be misled by the statement, as made, nevertheless. The inference is that the 707 representatives of Great Britain, which has a population, according to the statement, of 45,000,000 people, are only charged with the responsibility and representation of those people. The fact is quite the contrary.

Everyone knows that those members, in addition to legislating for Great Britain, legislate for all the possessions of the British Empire, including India, Australia, Canada, Ireland, the Sudan, Egypt, South Africa, and many insular possessions, with a total population of 435,000,000 instead of 45,000,000, as they would have you believe. I concede, of course, that the dominions have local legislation, but for all the people throughout the wide-flung British Empire the House of Commons speaks and exercises ministerial as well as legislative functions.

Belgium, including its Kongo possessions, has a population of 14,500,000 instead of 7,000,000, as the report would have you believe. France, including Indo-China, Asia Minor, and its African, American, and Oceanic possessions, has a population of not less than 66,650,000 instead of about 41,000,000, as the report shows.

Mr. REAVIS. Will the gentleman yield?

Mr. LARSEN of Georgia. Yes.

Mr. REAVIS. If the gentleman proceeds upon that theory ought there not to be added to the population of the United States that of the Philippine Islands?

Mr. LARSEN of Georgia. Yes.

Mr. REAVIS. And Hawaii.

Mr. LARSEN of Georgia. Yes.

Mr. REAVIS. Making how many?

Mr. LARSEN of Georgia. Not exceeding 120,000,000. The same I have stated as to Great Britain, France, and Belgium is true, in a somewhat less degree, of all other countries mentioned.

Mr. MONTAGUE. Will the gentleman yield?

Mr. LARSEN of Georgia. I really regret, Governor, that I have not the time.

Another difference must be noted. Not one of the countries mentioned, with the exception of Germany, has a state form of government like the United States.

The representatives of these Governments are intrusted with both local and national legislation. The Congress of the United States deals only with national questions, and each State of the Union looks after its individual affairs. If we consider the various State legislatures as a part of the Nation's Legislative Assembly, the people of the United States, so far as representation in matters of legislation is concerned, are already better provided for than any other country in the world. Take the case of Germany, to which attention is called, and you will see that she has 423 members and a population of 60,000,000. There is no material difference in actual ratio of members to population of the two countries. As before stated, Germany has a state form of government like the United States, and hence constitutes the only parallel for comparison.

Regardless of difference in form of government, I am no more prepared to accept the theory or to follow the example of either France, Italy, or Belgium in fixing number of representatives for legislative assemblies than I would be to adopt their ideas as to the size of an army or form of government. If we should follow them in one instance why not in both? If we do we will have an army of more than a million men. We recently fixed it at 150,000.

Another difference may be noted. In most of the European countries, especially the leading ones, government legislation is introduced and provided for by the ministry, the cabinet, as we call it. It has a special right of way over other legislation. Legislation not introduced by the ministry has little or no chance of passing, unless it receives the approval of the Government. Thus, you see most of the legislation not planned and promoted by the Government is of a local character. It is such as is dealt with here by the legislatures of the various States.

Gentlemen, the political life of a Member should be a matter of little concern as compared with the preservation of efficiency for the House. The people must look to the House for many reliefs from unjust burdens. If you destroy its efficiency you destroy the rights of the people.

You may depend upon the people, through the process of political elimination, to preserve the most useful Members for the good of the Nation, but if you destroy the efficiency of the House you not only endanger the rights of the people but you impose a useless burden upon them. Increased membership can not result in benefit to the House or to the public. As we increase membership we lessen responsibility, destroy efficiency, and render the House unwieldy and its membership abject tools in the hands of the chairmen of committees. [Applause.] The proponents of the proposition for increase attempt to justify it upon the theory that the demands of the public upon the individual Member are such that he can not properly discharge them. If such instances exist I am sure they are rare and would not be relieved by the proposed measure.

Within the past five years we have increased clerical force and assistants \$2,180 for each Member, a total of \$948,300 per annum, or more than 100 per cent. This sum is quite sufficient to take care of any increased work in this House. Now you want an increase of half a million dollars or more per year, for what? Oh, you talk about overworked Members. We have made ample provision for every Member in this House. Everyone is now prepared to do the work that is legitimately expected of him. I pause now in order that any overworked Member of the House who works two clerks regularly and can not finish his work without extra help may identify himself.

Mr. DALE. Will the gentleman yield?

Mr. LARSEN of Georgia. Yes.

Mr. DALE. Does the gentleman ask if any man in this House has paid for work from his private funds?

Mr. LARSEN of Georgia. I say, Has any Member used his two clerks regularly and in addition paid out of his own pocket money to support his office?

Mr. DALE. Let me get the gentleman's question. Does the gentleman ask if any Member of the House has paid out of his own pocket money for clerical help?

Mr. LARSEN of Georgia. If he has worked his two clerks all the time and worked himself and not been able to do the work that is legitimately a part of his duty, let him stand up.

Mr. DALE. The gentleman now is putting in several restrictions—

Mr. STRONG of Kansas. Here you are. [Laughter.]

Mr. LARSEN of Georgia. I knew the gentleman from Kansas would identify himself at a late hour, as usual.

Mr. STRONG of Kansas. I supposed the gentleman was asking his question in good faith.

Mr. LARSEN of Georgia. How much has the gentleman from Kansas paid out per month?

Mr. STRONG of Kansas. I do not know that I have got it by the month, but probably \$260.

Mr. LARSEN of Georgia. In all, \$260. Oh, well, the gentleman has not been burdened sufficiently so that the House should put upon the country an additional expense of half a million dollars per annum.

Mr. STRONG of Kansas. I am not crying about it; I was glad to do it. The gentleman asked a question and I simply answered it.

Mr. DALE. Will the gentleman yield?

Mr. LARSEN of Georgia. Not now. Heretofore increased membership may have been justified upon the theory of increased territory for representation, but territory has not increased since the last apportionment. Highway extensions, automobile development, and telegraph and telephone communications have more than compensated for any increase in population. The mimeograph, the multigraph, and other labor-saving devices have all very greatly multiplied our capacity for labor and communication. The tax burden upon the people of the United States to-day is more than four and one-half billion dollars per year. This is more than \$40 per capita, or \$200 per family; and yet, gentlemen, you are not satisfied with this enormous burden on the taxpayers of the country.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. LARSEN of Georgia. I am sorry that I have not the time. Have gentlemen favoring the increase counted the costs of the steps which they propose to take? Do they realize how much greater burden they propose to place upon the already overtaxed citizen? It amounts to at least \$500,000 per year.

Mr. ASWELL. How does the gentleman account for that?

Mr. LARSEN of Georgia. I shall account for it, if the gentleman will permit. On the 18th of January of this year the Washington Post said that if we increased the House by 48 Members we would increase the cost by more than one million and a half dollars per annum.

Mr. ASWELL. Does the gentleman accept that as an authority?

Mr. LARSEN of Georgia. We propose now to increase it by 25. According to the Post, this would be \$750,000 per year.

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

Mr. LARSEN of Georgia. If the gentleman will give me time, I will try to explain. Yes; I yield. What is it?

Mr. ASWELL. I wondered how the gentleman calculated \$500,000, when anyone who can multiply and add would make it \$300,000.

Mr. LARSEN of Georgia. Perhaps the gentleman can multiply and add. I do not know. We will give him an opportunity to do so. There is increased salary for Members amounting to \$187,500 a year; there is increased clerk hire for Members, amounting to \$92,000 a year; increased mileage for Members, \$15,000; increased stationery allowance, \$6,250; increased cost

of CONGRESSIONAL RECORD, \$12,500; increased cost of the telegraph franks, \$2,757; rent for Members' quarters, \$25,000 per year. In addition to this there would be much additional assistance in the House, in the departments, and elsewhere. We should also require erection of new building for office, equipment, and so forth.

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

Mr. LARSEN of Georgia. I can not yield.

There is no popular demand for increase, even among the States whose representation is to be reduced. During the present year 3 of the 8 Members from Mississippi voted to retain the membership at 435. One man of the Mississippi delegation signed the minority report. Gentlemen will say that he is not here. No; he was not a candidate for reelection, and he could vote, therefore, according to his convictions. Only as recently as January of this year the Legislature of the State of Indiana met, if I am correctly informed, and passed a resolution condemning the increase, and yet the great State of Indiana would lose under the apportionment of 435.

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

Mr. LARSEN of Georgia. Yes.

Mr. REAVIS. Does the gentleman think the personnel of the delegation inspired the legislature of that State to favor a decrease of 1?

Mr. LARSEN of Georgia. Oh, it is a very good delegation. This is an age of sacrifice. The man who is not willing to sacrifice is neither a good citizen nor worthy of representing the people. We have just reached the end of the greatest war in history, a war in which 4,500,000 men surrendered their opportunities, abandoned their ambitious dreams, and without a thought of selfish gain offered their lives in defense of the country. Six hundred thousand of those men to-day walk the streets without employment or the means of subsistence. They seek employment, but find none. They ask for a bonus, adjusted compensation, if you please, but the Republican Party pleads poverty and declines.

Yet you are willing to increase the burdens of taxation and thereby add further to industrial depression in this country. Oh, how consistent you are! You disregarded the army of the unemployed merely that you, or some friend, may retain a seat in the House of Representatives. God forbid that such selfish spirit should possess any American citizen.

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

Mr. LARSEN of Georgia. I have not the time. The platforms of both the Democratic and the Republican Parties last year pledged an economical administration of national affairs. The Republican Party was intrusted and will be held responsible for such an administration. This does not relieve the individual Member of either party from responsibility. [Applause.] We were all intrusted by the constituency of our districts, and not one of us would have been here if they had not been satisfied that we would impose no useless or unnecessary burdens upon the people.

Your vote to-day, brother Democrats, will show your respect for the pledge of your party and your sympathy for the tax-paying public which you represent. Your vote, Mr. Republican, will be considered as an index to your party loyalty, and will demonstrate whether you desire to nullify the solemn pledges of your party in its last campaign. It will determine whether you desire to serve the selfish interests of the few who fear they may lose their seats in this House, or whether you will serve the public interest. Your vote will be construed as your preference to saving a few Members and destroying the efficiency of the House. If you vote for this increase everyone must know your motive; there can be but one. Choose ye this day whom ye will serve. Shall it be the selfish interests or the public whom you were elected to represent? [Applause.]

Mr. Chairman, it would perhaps be easier for me to yield to the solicitations of my friends and support the measure; but I am here to represent the American people, and the American people need more sympathy in the lessening of taxes than any man in this country needs to retain a seat in Congress. [Applause.]

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

Mr. LARSEN of Georgia. Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The gentleman from Georgia reserves 32 minutes.

Mr. FAIRFIELD. Mr. Chairman—

The CHAIRMAN. The gentleman from Indiana is recognized for one hour.

Mr. FAIRFIELD. Mr. Chairman, will the Chair kindly notify me when I have used eight minutes? Mr. Chairman and members of the committee, there is no need for an increase in

the membership of this House. The Sixty-sixth Congress, by a vote of 267 to 76, repudiated any increase. No changed condition in the necessities of the country would justify a change. The same men who are now advocating an increase of 25 were just as earnest in their advocacy of an increase of 48. When the House by an overwhelming majority voted and determined that it was unwise, throughout the country there came back the word of approval. No man has undertaken to say that there is any real need of another Member of Congress. The present body can take care of every public duty efficiently. The House is large enough. What is the reason that men are urged and have been willing to block legislation for months? What is the reason that underlies this strenuous effort?

Mr. DALE. Will the gentleman yield?

Mr. FAIRFIELD. I can not yield.

Mr. DALE. I will tell the gentleman one reason.

Mr. FAIRFIELD. I have but a few minutes. Men have been blocking it at every step when the judgment of a majority of the House not only was with us but is with us in this contention if it were not for the considerations of State pride, of personal interest, or of political expediency. And, gentlemen, when we legislate upon a problem of constitutional mandates on the ground of political expediency and personal interest we are falling short of the character and dignity which should become Members of the House of Representatives. [Applause.] Another thing. While if it were needful, the amount of money involved is insignificant, but when unnecessary, when wasteful, when there is no need, to say for the country we make it possible to elect 25 more Members of Congress and carry with its personnel expenses of over \$11,000 each, making on the personnel expense side more than a quarter of a million dollars, and that in face of the fact—

Mr. ASWELL. Will the gentleman yield?

Mr. FAIRFIELD. I do not yield. And that in the face of the fact just the other day the Secretary of the Treasury informed us that we would have to increase the appropriations by \$360,000,000. But that is not all. That quarter of a million is expense for all time. The present office building will not house the membership. [Applause.] There will have to be quarters provided outside, and you know and I know that there will be pressure for a new building, so that a perfectly useless addition to the membership of the House will entail before we are through with it an additional half million dollars yearly at a time when we are pledging ourselves to economy. If it were necessary to make the House more efficient—

Mr. ASWELL. Now, will the gentleman yield?

Mr. FAIRFIELD. If it were necessary—I do not yield—because the quality of the membership is not high enough that we need to go outside and bring in some more in the hope that the dragnet will get men of greater ability; if that were true, I would not oppose the increase. But the men here are strong and virile. I respect the membership of this House. I have no word of reflection. This House expressed its deep conviction on that fact when it said by a majority of three and a half to one—

Mr. ASWELL. Now will the gentleman yield for one question?

Mr. FAIRFIELD. No; I will not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. ASWELL. Just one simple question.

Mr. FAIRFIELD. I do not yield—and the House having thus expressed itself I can not understand how men who not only voted to keep it down, but who talked, and talked wisely, are said to be changing; changing because it is said that another body will not be willing within the limited time to pass an apportionment bill. Gentlemen, I am unwilling to believe—

The CHAIRMAN. The gentleman has used eight minutes.

Mr. FAIRFIELD. That any other body will take the responsibility of saying to the House, "You can not fix the size of your own membership." Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The gentleman reserves 52 minutes.

Mr. RANKIN. Mr. Chairman—

The CHAIRMAN. The gentleman from Mississippi is recognized for one hour. [Applause.]

Mr. RANKIN. Mr. Chairman, I presume it is violating no rules of the Census Committee, of which I am a member, for me to tell you that I was opposed to reporting any bill at all providing for the reapportionment of the membership of this House under the census of 1920. I was opposed to it because of the fact that the census was taken at a time when we were just emerging from the World War and when so many thousands of people had left the farms and the small towns temporarily and gone to the large cities of the North and East, that

a reapportionment under that census would necessarily take from Mississippi and other agricultural States their just representation and place it to the credit of the congested centers.

If the census could be taken to-day, since our boys have returned from the service and those who were engaged in the various manufacturing industries and war activities have gone back to their homes, I dare say that an apportionment under such a census would justify little or no shifting of representation with the House remaining at its present membership.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. RANKIN. Not now; excuse me.

The CHAIRMAN. The gentleman declines to yield.

Mr. RANKIN. Mr. Chairman, there has been one other issue raised in the course of this debate by a Member from Massachusetts [Mr. TINKHAM] to which I trust the House will pardon me for referring briefly, and that is the race question. He wants this House to cut down the representation of the Southern States because the Negroes in those States as a rule do not vote, and bases his indictment of the South on the second section of the fourteenth amendment to the Federal Constitution. His iniquitous scheme, if carried out according to his tabulation, would reduce Mississippi's representation in this House from eight to four and would affect other Southern States accordingly. But, Mr. Chairman, I am glad to call the attention of the House to the fact that Congress has no more right to interfere with the representation of a southern State under the fourteenth and fifteenth amendments to the Constitution than it has to revise the school laws of Indiana or the tax laws of Pennsylvania or to regulate the internal affairs of any other State. The second section of the fourteenth amendment to the Constitution to which he [Mr. TINKHAM] referred provides that—

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

That clause of the Constitution was directed at the State, and not at the individual citizen, and contemplated that whenever a State passed a law depriving any people of the right to vote the representation of that State should be reduced accordingly. But the fifteenth amendment, which was soon after adopted, provides that—

the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Under the fifteenth amendment any law passed abridging the right of people to vote, as contemplated by the second section of the fourteenth amendment, would be null and void and therefore held for naught. In other words, the fifteenth amendment superseded and rendered nugatory, if not null and void, the second section of the fourteenth amendment, so far as regulating representation is concerned.

Mr. Bryant, of Wisconsin, in his treatise on the Constitution of the United States, at page 333, says:

The fourteenth amendment is prohibitory upon the States only, and the legislation authorized to be adopted by Congress is not direct legislation on the matters respecting which the States are prohibited from making or enforcing certain laws, or doing certain acts, but is corrective legislation, such as may be necessary or proper for counteracting or redressing such laws.

Also, a notation in the Eleventh Federal Statutes, annotated, page 1096, says that—

the prohibitions of the fourteenth amendment are directed to the State and they are to a degree restrictive of State power.

In other words, up until the passage of the fifteenth amendment, if a State had passed a law that deprived the Negroes of the right to vote, the representation of that State could have been reduced in proportion as the male population of the Negroes numbered to that of the male population of the entire State, but when the fifteenth amendment was adopted, providing that no such law should be passed, it by implication repealed that part of the fourteenth amendment or rendered it nugatory. The Supreme Court of the United States in the Civil Rights cases, in 1883, reported on page 3 (109 U. S.), uses this language:

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

Hon. James G. Blaine, the Republican leader for years, and who was Speaker of the House of Representatives at the time the fifteenth amendment was adopted, and was a leader in the House when the fourteenth amendment was passed, in his Twenty Years in Congress, volume 2, page 418, in speaking of this second section of the fourteenth amendment and the reduction of southern representation thereunder, said:

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

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

So it will be seen that the fifteenth amendment superseded the second section of the fourteenth amendment, which referred to action taken by the State and not by individual citizens.

Mr. Chairman, I make this statement, and cite these eminent authorities to counteract any argument in this Congress or elsewhere, to the effect that Congress has any right under the Constitution to interfere with the representation of the Southern States on account of their elections or their election laws. Every election clause in the constitutions of those States has been contested before the Supreme Court of the United States time and again and has been found to meet the rigid test of constitutionality.

No, Mr. Chairman, this Congress has no right to interfere with southern representation on account of our elections. That question has been settled, and I trust settled for all time to come. [Applause.]

While we are on that subject, permit me to say to you in all frankness and in all sincerity that the time has passed when a man or a party can successfully make political capital by holding out to the Negro the hope or promise of social or political equality. By a recent amendment of the Constitution the white women of this country were enfranchised; and mark my words, they are going to set the seal of eternal condemnation upon those individuals who attempt or propose to force upon them the curse of Negro equality. The white women of America have paid the awful penalty for the political mistakes of the carping demagogues who are continuously raising this question and abusing the South for pursuing the only possible course by which its white civilization could have been maintained. They have had to suffer, and are still suffering, as a result of this nefarious practice on the part of a few misguided or unscrupulous politicians. There has not been a week since I have been in this Congress, it seems to me, that the local papers have not carried the news of some white woman being outraged by some brutal Negro within a radius of a few hundred miles around Washington.

The time has come when the white women of America are going to protect themselves at the ballot box against those irresponsible individuals who are willing to sacrifice them and their children by pandering to the baser passions of an inferior race.

As an illustration, there was a movement said to be on foot some time ago to have a Negro appointed Register of the Treasury, over the signed protest of 837 white girls, who would have been compelled to work under him or else give up their positions. It looked as if this appointment would be made, in spite of all these poor girls could do, until the various women's organizations throughout the country began to bombard this Capitol with their protests, individually and collectively. Then the situation began to take on a different phase and the appointment was "indefinitely postponed."

One noble, intelligent, courageous woman from Indianapolis, Ind., wrote her protest to Senator New, of that State. A copy of her letter fell into my hands and I have secured her permission to insert it into the Record. It reads as follows:

INDIANAPOLIS, IND., April 5, 1921.

HON. HARRY S. NEW,

United States Senate, Washington, D. C.

HONORABLE SIR: A few days ago I noticed an article written by a Washington correspondent in regard to the appointment of a Negro to the position of Register of the Treasury and a petition signed by six Hoosier white girls against the appointment.

As a Republican, I wish to present the protest of myself and every white woman of Indianapolis against any further Negro appointments to public office or placing them in any position of authority over white people. You are a white man with a white father and mother. How

would you like to have a Negro boss over you. What effect does it have on every Negro in the United States for some of the misguided "Negro lovers" to place a Negro in an official position such as contemplated?

We are not against the Negro enjoying his freedom, so long as he does not disregard the rights of those who gave him his freedom.

Unfortunately, when you give some possibly deserving Negro certain privileges you let down the bars for the vast multitude of undesirable, untrustworthy, incompetent Negroes to overrun the earth and make life unbearable for the white people.

You know that it is not any love for the Negro that prompts the Republican Party to place him in an official position, but it is merely playing politics, pure and simple. You are playing it unwisely now, since the women have come into power, as we universally abhor the Negro, having had sad occasion to know him. We will not support any party who longer tolerates and affiliates with this irresponsible element.

The Negro occupies a well-defined place in our world; i. e., position of servitude. The Lord marked him thus, and there never was any intention of placing him in a position of authority. Merely dirty politics and dirty dollars have attempted to foist this benign evil on a thoughtless public.

However, for your information I would call your attention to the formation of civic associations in all the larger cities—there are a dozen such associations in this city. These associations are formed for the purpose of protecting the rights of our white citizens; necessary because the law, as interpreted by some misguided lawmaker, has seen fit to give the Negro equal State rights; and by the use of the word "equal" has given the Negro the impression of racial and social equality, perpetuated by the handclasp of the thoughtless white "Negro lover" possibly shaking his hand while covering the dollar bill given him for his vote.

We are not averse to the Negro acquiring an education and uplifting himself; in fact, we do much to aid him; but it is entirely unnecessary to bring him into your own home to do it. Let him develop himself to be "somebody" among his own race. We do not need the Negro in politics, and we do not intend to support any party who longer continues the nefarious practice of catering to him.

Do you know that our northern cities are overrun with Negroes from the South, and that they are moving into the white residential sections of our cities, greatly depreciating property values, making themselves obnoxious, and inviting race prejudice by such actions?

Look at the statistics, at the increase of the Negro population in our northern cities, and realize what this means. There has been approximately 60 per cent increase in the Negro population of Indianapolis during the past 10 years. What would it mean to you to have a Negro buy property adjoining yours on one of the most beautiful thoroughfares of your city? Just remember that it is the white man's dollars that enable the Negro to do this. You must realize that we are compelled to fight for our own protection.

We believe in segregation in our schools, and we believe in segregation in business and politics. Recently during our last State assembly State Senator English was approached in regard to the segregation problem, and was asked how he would like for his daughter to be compelled to associate with a Negro child in school, and to show you how narrow-minded he was, he answered, "Well, my daughter does not attend the public school"; in other words, "What do I care about the white children who are compelled to attend the public schools; my child's father is financially able to provide a private tutor, thereby eliminating the Negro contamination." Thus you may see that it depends upon whose toes are stepped on as to whether this merits attention.

Our chamber of commerce, manufacturers' association, and real estate board all urge a man to own his home and become a useful citizen, but I beg you, where is the incentive for a man to invest a lifetime savings in a home when a despicable Negro may be permitted to buy adjoining property, depreciating it to less than half its normal value, yet it is taxed full value the same as if it were not depreciated by this Negro contamination. What recourse have you?

Do you think that we are just going to grin and bear it and continue to uphold in power the politician who artificially gives the Negro the wrong conception of racial and social equality which causes him to invade the white residence sections where he is distinctly not wanted? No; a thousand times no! We have had enough. It is time for the degraded white man to wake up and protect his own.

In this respect we ask you to help us, and help yourself, by expending all your power to prevent the appointment or election of any Negro to any office or public trust that gives him authority over white people.

Now, my dear Senator, we ask you in the name of your mother, your wife, your daughter, in the name of everything that is holy to you, to help stop this Negro curse that is ruining our cities and destroying the sacredness of our homes.

May we beg of you, not your sympathy but your assistance?

Yours, sincerely,

MRS. O. J. DEEDS,

248 West Maple Road, Indianapolis, Ind.

That letter, Mr. Chairman, speaks the sentiments of practically the entire white womanhood of America, and it sounds a warning that no political party can afford to disregard.

So much for that phase of the case; let us now return to the question of reapportionment based upon the census of 1920.

I have heard men regale this House by declaring that those who favor this bill want to increase the size of this body. I do not want to increase it; I want to leave it just as it stands. But we brought this bill out of the committee as a compromise, in order that justice, as nearly as possible, might be done to every State in the Union.

This census was taken at a time, as I said, when America was just emerging from the World War, and when thousands, possibly millions, of people had been drawn from the agricultural sections of the country into the congested centers to engage in various manufacturing enterprises and other activities. If we depend upon that census, and reapportion on a basis of our present membership, the agricultural sections will, as a rule, lose their quota of representation, and it will be credited to those centers to which these people temporarily moved during or just after the war, even though they have now returned to

their homes, and those manufacturing centers have been reduced to their normal populations.

Rather than see the agricultural States of Mississippi, Louisiana, Kentucky, Missouri, Nebraska, Iowa, Kansas, and so on, lose their just proportion of representation on the floor of this House, the Census Committee arrived at this compromise in order that, as nearly as possible, exact justice might be done to all concerned. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. FAIRFIELD. Mr. Chairman, I yield four minutes to the gentleman from Iowa [Mr. COLE].

Mr. COLE of Iowa. Mr. Chairman and gentlemen, this is my first appearance as a speaker in this House. My election is so recent that I ask with some trepidation your indulgence for even the brief time that has been allotted me. I sit here as the successor of a man who was so potent in your debates and transactions that a year of silence on my part might not be unbecoming. But as I recall sacred history, after the burial of Moses, Joshua was constrained to cross the Jordan. And the question which we have under consideration to-day is one of such historic and vital importance to the State of which I represent one district here that in justice to her and to myself I can not do otherwise than speak.

The gentleman who has preceded me, Mr. RANKIN, of Mississippi, has expressed many of the things which are uppermost in my own mind in connection with this question. The States of Iowa and Mississippi were somewhat similarly situated during and after the Great War. Neither State was favored with war industries, except the somewhat unrecognized and yet essential industry of producing foods out of the soil. Young men, and older men also, left these States by the thousands, not only to serve under arms but to serve in the factories where the implements of war were made. Both classes were moved by the desire to help win the war.

It has been said that in 1920, when the last census was taken, the men who had been thus drawn away from the agricultural States into the industrial centers had returned to their homes. Gentlemen, that is not true. At that time we were still suffering from the industrial and financial debaucheries that followed the war. It was not until near the end of that year that the final and terrible disillusionment was under way. In January, 1920, when the census was taken, the State of Iowa was still largely depleted of its men. In the spring of that year old men and even women had to help put in the crops while the younger men still loitered in silk shirts in the cities on the proceeds of high wages. To take the census in midwinter under such conditions was one of the many grotesque blunders that accompanied and followed the war. Since that time, I am glad to say, the return tide has set in, and I believe that a census taken to-day would make an entirely different showing for Iowa and for other States similarly situated.

On behalf of my State I ask, gentlemen, that you shall not take away from us a due part of our representation in this historic House, and that on the basis of an enumeration manifestly unjust. It was patriotism at first and later the infatuation of extravagant wages that drew and lured away so much of our man power. Do not punish us for our patriotism and do not penalize us for even our folly.

I need not say to you that the representation of the so-called agricultural States is vital to this Nation. A home on the farm stands for something more than a tenement in a city. From the time when the poet's embattled farmers fired the shot heard around the world the toilers on the land have been a large part of the safety and security of American institutions.

To transfer more of the power in this House from the farms to the cities is so serious a thing, so fraught with meaning, if not mischief, that it should not be undertaken on the basis of a census taken under the conditions that existed in January, 1920. For one, I think it would be better if no reapportionment were made on that showing, but this bill, while it adds some Members to the cities, at least does not deprive the great agricultural States of any part of their representation.

In this we are asking no special favors for the agricultural States. We are only asking that you shall do us no injustice in the proposed reapportionment. We are here asking no favors, seeking no privileges for ourselves. For one, I am not even in favor of so-called "blocs," whether agricultural or not. Those who are inclined to think in "blocs" should study carefully the effect of such organizations in European assemblies before helping to crystallize them in American legislation. I do not believe that we who represent so-called agricultural States should band ourselves together to get special favors. I am in favor of legislation for and by and of the whole Nation, and upon appeals made to the whole Nation and not to any mere section or interest of it. [Applause.]

I am glad that the beneficial farm legislation which has been passed by this House has been passed not by "blocs," not by sections, and not by coteries, but by the whole membership of this House, representing the whole Nation. And on behalf of a State whose preeminence in agriculture is known by all, I want to thank you for that remedial legislation which ranges from enactments to regulate packing houses and grain exchanges to making \$2,000,000,000 available for loans to tide over the great basic industry which has been so severely stricken following the war.

The men on the farm have borne the first and, I believe, the greatest brunt of the demobilization of prices, and this burden is still being borne by them. The farmer's dollar is worth only 50 cents in the purchase of urban goods. I make this statement on the authority of so eminent a statistician as George E. Roberts, formerly director of the United States Mint. A bushel of corn or oats to-day is worth less than the charge for hauling it from the farm to the seaboard markets. I think the sufferings of my constituents have been aggravated by the fact that others have not been willing to accept their share of the total suffering which was bound to come upon the world following the madness and destruction of the World War.

But with it all the farmers have not been quitters, and they have gone on no strikes to restrict production. Last spring, with their bins and cribs filled to overflowing, they did not withhold their hands from the plow. They went forth in the glad sunshine like good husbandmen and faithful ones, like good patriots and true ones, and planted their accustomed acres. They planted in the hope and in the faith that the earth might continue to bring forth the sustenance for the world, even if they should themselves be poorly paid in money for their labors. I point to this fact with pride. May Heaven help all other men in America to do likewise, and to continue to do so.

The farmers have not yet lost the faith that is American. I think that most of them are accepting their present condition as something inevitable. They are paying for the folly and the crime of those who instigated the World War. They look to the Congress to do what it can to alleviate their distress, but they ask from the Congress nothing that is either unreasonable or impossible. They know that we can not re-create markets nor legislate moneys into the pockets of the people by mere enactments. They know that we are all engulfed in the trough of a troubled sea and that we must wait and work for the waters to regain their equilibrium. A man writing to me the other day out of the distress of the West said:

Things will come back in good time, and we will be patient. And when they do come back we are going to have the best times in the history of the world right here in these United States.

He underscored the words "we will be patient." I may call attention to the fact that the man who wrote in that sublime faith is not a member of my political party, but is a Democrat of the ancestry of the pioneering Hendersons of Kentucky and Tennessee. I am proud of him, and I am proud of the fine sentiment which he expressed. His is the faith that we need in America to-day. On the farms of the Nation I think we still have that faith left, and that somewhat abundantly.

But at this critical time I ask that you shall not disappoint nor discourage the men on the farms by taking away from States like Iowa any part of their representation in the Congress of the United States. And do not, I beg of you, deprive them of such power on the basis of a census whose defects I have tried to point out. The Nation needs these men on the farms and it needs their Representatives in the halls of legislation. [Applause.]

The CHAIRMAN. The gentleman from Georgia [Mr. LARSEN] is recognized.

Mr. LARSEN of Georgia. I would rather that some more debate should proceed on the other side.

The CHAIRMAN. The gentleman from Indiana [Mr. FAIRFIELD] is recognized.

Mr. BARBOUR. The gentleman from Indiana [Mr. FAIRFIELD] has stepped out. If gentlemen on the other side desire to use time, all right.

Mr. LARSEN of Georgia. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. SANDERS].

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

Mr. SANDERS of Texas. Mr. Chairman and gentlemen of the committee, we are now about to perform a service which presents itself every 10 years, and that is to pass a bill which will fix the number which shall constitute this House for the next 10 years. In seeking to discharge this duty, I take it that our one controlling purpose should be to enact such a law as will redound to the best interest of the people of the United States,

keeping in mind solely the public welfare. For that reason I shall vote against the bill which places the membership of the House at 460, thereby increasing the membership 25, and support an amendment placing the membership at 435 as now constituted. Coming here at this term of Congress, as I did, a new Member, my first impression of the House was that it is too large and unwieldy, and my service here during this short time has confirmed that first impression. I think the membership is already too large and would gladly vote to fix the membership at even a smaller number than as now constituted, but I realize that we will do well under the circumstances to even prevent an increase. While I realize that if the number is again placed at 435, as it is now, that some few States will lose a Congressman, yet I can not see wherein that is unfair, for the reason that the Constitution requires that the apportionment shall be made according to population, and each State will be represented according to its population, whether it gains or loses a Member. This is not a question as to which States will gain and which will lose. In the Senate the representation is by the States, while in the House it is according to population, and each State will therefore have representation in accordance with its population, which is all that can be fairly and legitimately demanded.

As one of the reasons for an increase in membership it may be suggested that the House of Commons has a membership of 707; that the French Chamber of Deputies consists of 626; and that perhaps the law-making bodies of some of the other countries are larger than ours; but I submit that that is no argument in favor of an increased membership here. Rather the argument for an increase of membership suffers by the comparison, for those Governments are less efficient than ours, and those who are familiar with their history know that they are dominated and controlled by a few, and that in them the prominence of the individual member is diminished. Moreover, they have a different system to what we have. In the House of Commons, for instance, 40 members constitute a quorum for the transaction of general business and 20 for the consideration of private bills. Here it takes a majority of our membership to constitute a quorum and 100 when in the Committee of the Whole. Everybody must know, it seems to me, that this House is too large and unwieldy. It is not a deliberative body as it is, and its efficiency will be impaired rather than strengthened by an increase. In considering this question it might be well to give heed to some of the suggestions of the early patriots whose wisdom assisted in the forming of this great Republic and who have contributed so much to our past glory and present greatness. In writing on this subject Mr. Madison said:

One observation, however, I must be permitted to make, as claiming in my judgment very serious attention. It is that in all legislative bodies, the greater the number comprising them may be, the fewer will be the men who in fact will direct their proceedings. In the first place the more numerous any assembly may be, of whatsoever character composed, the greater is known to be the ascendancy of passion over reason. The people can never err more than in supposing that by multiplying their representatives beyond a given point they strengthen the barriers against a government of a few. Experience will ever admonish them on the contrary that after securing a sufficient number for the purposes of safety, of local information and diffusive sympathy with the whole society, they contract their own views by every addition to their representatives. The countenance of the Government will become more democratic but the soul which animates it will become more oligarchic. The machine will be enlarged, but the fewer and often the more secret will be the springs by which its motions are directed.

These words, to my mind, almost bespeak political inspiration, and I offer no apology for quoting from Madison. Edmund Burke once said "that those who never look back to their ancestors will never look forward to posterity," and that is true. Show me a nation that is ready to go back on the faith of the forefathers, to forget or disregard the teachings of its early patriots, to abandon those fundamental and wholesome principles which were established at its beginning, and I will show you a nation on its way to decay. But the wisdom of the statement by Madison is confirmed by our own experience and observation. In the hearings in the subcommittee considering this bill at the present session of Congress the gentleman from Ohio [Mr. BURTON], who has served several terms in this House and also in the Senate, and who is so rich in legislative experience and observation, expressed the opinion that the House is now too large and unwieldy, and that to increase its membership is to further impair its efficiency and to diminish the opportunity and influence of the individual Member and put the House, even more than now, in the control of a few. I have said that this House is not a deliberative body now. To deliberate means to take counsel with one another. What counsel can be taken with one another with our present membership and under the rules and procedure of this House? Is not the legislation now done by committees, and have we not seen and heard the chairman of the most important com-

mittee of this House come in at this session of Congress and tell the House that a certain measure had to be passed without the dotting of an "i" or the crossing of a "t"? And did not the Republican membership pass it exactly as they were told? Did not the gentleman from New York [Mr. COCKRAN], in arguing against the passage of an arbitrary rule, forcibly and eloquently call attention to the fact that the reason Congress is losing its prestige and power is because there is not sufficient time afforded for discussion? Webster, Clay, Calhoun, and many others flamed like meteors across the intellectual sky and demonstrated their ability and statesmanship to the ages. Were they alive to-day and Members of this House, just beginning their careers, do you think they could set the world afire under the 5-minute rule? What chance would they have and what chance does anyone have with the membership as large as it is now, to say nothing about increasing it? We may not have any supermen in this body, but if, perchance, we have, how is it to become known?

No man is able to measure the power of his own strength or to test his own capabilities until given an opportunity to try them out upon the battle field of the world's endeavor. Not an argument put forth in the majority report on this bill will stand in the light of reason. This House can transact any business and as much business as a House of 460 Members can transact. This is not a party question, and both of the great political parties had pledged of economy in their last platforms. We can not economize if we go on creating more offices. We have too many offices already, and we already have too many Congressmen. The only way the expenses of this Government can be paid is out of the pockets of the people. The people are hard pressed financially and overburdened with taxation. Why provide more jobs and heap more taxes upon them? There is no public demand for an increase in the membership of the House, and if we are to register the public will by our votes, which is our duty to do, we will not vote to increase the membership. Say what you please, but there is no denying the fact that there is one thing the people of this Nation, regardless of politics, are agreed upon, and that is that they are sick and tired of paying taxes and want the tax burden reduced as much as it can possibly be done consistent with efficient administration. If the House membership is increased to 460, as provided in this bill, it means 25 more Congressmen, and that means that it will require about \$500,000 annually to pay their salaries and the salaries of the secretaries, mileage, and stationery. This will be disputed by some, as it is in the majority report, but it is a matter which each Member can satisfy himself about by making the calculations. But it means more than that. It means that another House Office Building would be erected at an enormous cost. This Congress has already appropriated too much money, and considering the enormous war debt of approximately \$24,000,000,000 hanging over us and the estimated cost of Government, amounting to five or six billion dollars annually, it is high time that we curtail expenditures as much as possible. Our taxes are so high now that it is estimated that it takes for the expenses of this Government one-third of all every man in the United States produces each year; that every family pays an average of \$550 per year in Federal, State, and local taxes; and that every billion dollars to be raised adds \$45 per family to this sum. We should not forget that every useless appropriation and every useless job, office, and position must be paid out of the pockets of an already overtax-burdened people. High cost of Government contributes to the high cost of living, and from every nook and corner of the United States comes the agonizing cries of a patient and long-suffering people. The war has been over since November 11, 1918; yet war taxes have not been reduced. The party in power seems impotent to function in the interest of the people, and to vote an increase of the membership of this House at this time will justly invoke the practically unanimous disapproval of the people. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from Indiana [Mr. FAIRFIELD] is recognized.

Mr. FAIRFIELD. Mr. Chairman, I yield eight minutes to the gentleman from California [Mr. BARBOUR].

The CHAIRMAN. The gentleman from California is recognized for eight minutes.

Mr. BARBOUR. Mr. Chairman and gentlemen of the committee, in opposing this bill, which provides for an increase of the House to 460 Members, I know that I am voicing the sentiment of the district which I have the honor to represent. I believe it is my duty to represent the sentiment of my district rather than to be bound by any conference of my party, particularly when it has been understood that the action of no conference held since I have been a Member of this House has in any way been binding upon the Members. In this case it

was distinctly understood before we went into conference that the action there had would not be binding. Had it not been so understood I would not have attended that conference.

When the Committee on the Census by a very narrow majority voted to report this bill increasing the membership of the House to 460, I awaited the report of the majority of the committee in order to see what reason they would give for increasing the membership of the House. I have read that report with care. I find that it states that in recent years additional duties have been imposed upon the House and that from now on it will have to meet and solve many important problems. I concede all that. Yet no argument is made and no reason is given why those duties can be better performed by 460 Members than by 435. There is no argument that will sustain such contention.

For that statement I have the highest authority, and for such authority I do not need to go back to the fathers of our country or to the men who laid the foundations of the Republic. I have only to refer to the speech delivered in this House on the 18th day of January of this year by the present majority leader [Mr. MONDELL]. It is well known that the gentleman from Wyoming [Mr. MONDELL] opposed an increase in the membership of this House on January 18, 1921, and is now in favor of increasing that membership from 435 to 460.

Mr. ASWELL. Will the gentleman yield?

Mr. BARBOUR. I am sorry I can not yield. If I can finish my remarks before the expiration of my time I will be glad to yield. In the speech delivered by the gentleman from Wyoming [Mr. MONDELL] on January 18 we find this statement:

As the debate has gone on I have been surprised at the lack of real argument in behalf of an increase in the size of the House. Of appeal that has aroused our sympathy without convincing our judgment there has been much, but of logical argument but little.

He also said:

It is our duty to continue the House of Representatives what it was intended to be, a body truly representative, a body small enough that each and every Member may hope and expect that on proper occasions he shall have full opportunity to present the views of his constituency. If we increase the size of the House we shall diminish the stature of the Representatives. If we increase the size of the House greatly beyond its present number, we shall reach a condition under which the individual will count for little, under which the committees will be all powerful and under which a small, compact organization can absolutely control the destinies of the House. We should do nothing calculated to bring about that condition.

And then I find the word "applause." In conclusion the gentleman from Wyoming spoke as follows:

We have already imperiled that ideal of the founders of the Republic; we can afford to imperil it no longer, much as we may desire to meet the wishes and serve the convenience of our colleagues. The interest of the Republic should be paramount, and that interest can be best served by retaining the House at its present membership. It would be well if the membership of the House could be somewhat decreased. As that is not practical, let us at least not increase it.

Gentlemen, the argument of the majority leader was good on January 18, 1921, and it is good to-day. I have referred to it so that some of the Members who were not here at that time, and some of those who were here but may have forgotten what the majority leader said at that time and who are now in doubt as to whether they should follow their leader, may have the opportunity of choosing whether they will follow him in the position that he occupied on January 18, 1921, or whether they will follow him in his present attitude toward this bill. You can not follow him both ways, because it is impossible for most people to travel in opposite directions at the same time.

Mr. ASWELL. Will the gentleman yield?

Mr. BARBOUR. No; I can not yield. I have only a few moments left. I propose to follow the majority leader in the position that he occupied on January 18, 1921. He was right then and he is wrong now; and I want to say that I can not understand why some of the leaders on our side of the House should have at that time made convincing arguments why the membership of the House should not be increased, and now come before this House and urge that the membership be increased by 25. There is only one way that I can account for it, and that is that my friend, the gentleman from Kansas [Mr. TINCER] has been talking to some of our leaders and has them bluffed. [Laughter.]

In passing, I want to say that there are only two reasons, and can be only two reasons, for increasing the membership of the House. One is for the sake of expediency and politics and the other is because more members are necessary. If we are going to increase the size of the House for the purpose of expediency or for political purposes, then why not go the limit and take care of the State of Maine?

If a large membership is necessary in order to have proper representation, then why stop at 460? Why not increase the membership to 500 or 1,000? If the membership is retained at

435, each Member will represent only 13,533 persons more than he would if it is increased to 460. It is ridiculous to contend that the small amount of additional work that will be entailed by representing these 13,533 persons justifies the added expense of 25 new Members of the House. The fact is that to-day there are Members representing districts the population of which far exceeds the present ratio. The district that I represent has a population 140,000 in excess of the ratio, and I know of another district that has population enough for two districts. In my opinion it would be inexcusable to incur the permanent additional expense of 25 new members, particularly at a time when the people are demanding economy in public expenditures. To incur this expense would be inconsistent with our pledges.

There is no public demand for an increased membership in the House of Representatives. The last Congress by a vote of 267 to 76 declared that the membership of this House should not be increased. That action received the approval of practically every newspaper and magazine in the country that discussed the question and met with the universal commendation of the people. Even in States that would have lost members the public and the press approved our action. Why then should we now take the back track?

This is not a matter of expediency. It is not a matter of politics. The last time this matter came before the House there was a principle involved. That principle is still involved. It has not changed. It is the same to-day. [Applause.]

The CHAIRMAN. The gentleman from California has used eight minutes.

Mr. RANKIN. Will the gentleman from New York use some of his time?

Mr. SIEGEL. I yield five minutes to the gentleman from California [Mr. LINEBERGER]. [Applause.]

Mr. LINEBERGER. Mr. Chairman and gentlemen of the committee, I did not anticipate that I was so soon to follow my distinguished colleague from California [Mr. BARBOUR] on the other side of this question; but inasmuch as it has fallen to me to do so I am very glad that I shall have the opportunity of answering at least some of his arguments.

The principal thing, as I see it, in this bill is whether or not the individual Member of Congress will or will not be able more efficiently to voice and give interpretation to the desires and feelings of his constituents back home. The very fact that with post-war problems we now have a multitude of unprecedented and all-important questions before us, the awakened conscience of the American people making them all the more interested in the vital affairs of this Nation and more desirous, therefore, of keeping in close personal contact with their Representatives, is of itself sufficient to prove to me the necessity of the increase carried in this bill. The further fact that each Representative in the House to-day has 10,000 veterans of the late war, whose welfare and interests in Washington are intrusted to his care and attention, has practically doubled the work that falls upon the individual Member. As every Member well knows, many phases of this work is of such a character that it can not and should not be delegated to clerks and assistants, as has been suggested by Members of the House, because it is preeminently deserving of the personal attention of the Representative himself. [Applause.]

Many new problems have arisen of great national and international import which have stirred the conscience of this Nation. The individual constituent at home to-day, and no doubt as many older Members of the House will tell you, is in more direct touch with and imposes greater demands on his Representative than ever before. This condition of affairs will not decrease but will increase as the years go by; nor do I desire that it should, for greater interest in national affairs is indicative of better citizenship. We are informed to-day that the increase in the number of war-risk cases has practically doubled within the last year. There is not a Member here who would for one instant desire to neglect or delegate the authority and power to deal with these cases, but he would very likely have to do so if the membership is not increased and 17,000 constituents are added, 2½ per cent of which would be ex-service men.

I have not been greatly interested in the political phase of this question, because I believe it is bigger than politics. However, the founders and builders of the Nation themselves down through the years have certainly seen fit from time to time to increase the membership of the House, and I for one do not now question their wisdom, patriotism, or motives.

It has been stated further that a Member loses prestige and is dwarfed in influence by the passage of this bill. Short though my experience has been on the floor of this House, I have been convinced that in this House, as in all other walks of life, every man rises or falls, as the case may be, in direct proportion to his own ability; true, not as he may appraise it himself but

as he is appraised by the House, his constituents, and the country. [Applause.]

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

Mr. RANKIN. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. Mr. Chairman and gentlemen of the committee, the fundamental question in this bill is one of representation and service to the people at home. A Member of this House has the largest constituency—two to five times larger than any other House of Representatives in all the world. The fundamental question is to reduce the number of people so that a Member may represent them efficiently. My earnest desire to see a 460 membership become a law is based upon the fact that the losses under 435 are entirely from the agricultural States. Gentlemen of the committee know why. The soldiers were away from home, had not come back to the farms, and every gentleman in the House knows now that if the census were taken to-day the relative distribution of Members in this House would be exactly what it is now. The men have come back to the farms. I am very earnest in my desire to see the agricultural sections of this country protected and not take away their Representatives in the Congress.

There has been a lot said this morning about economy. There have been enormous exaggerations. It has been said that the cost is a million dollars, when anyone who can multiply knows that it will be only \$300,000. And yet these gentlemen this morning shed crocodile tears on the floor in behalf of economy. The gentleman from Indiana, my good friend, Mr. FAIRFIELD, almost wept in his effort to save \$300,000 to the American people, and yet if you will turn to the RECORD of a few months ago you will find that he supported by his vote and earnestly worked for the appropriation of \$500,000,000 to the railroads of this country. Economy! What about this pitiable sum?

The gentleman from Georgia [Mr. LARSEN]—oh, he was so touched and moved that he wept almost on the subject of economy. How he raved over the people this morning, and yet he voted for the \$10,000,000 appropriation for Muscle Shoals. [Laughter.] If you are going to economize now on this proposition, it would be well for us to face the truth and be sincere in all matters.

The gentleman from Maine, my good friend Mr. HERSEY, believes that public opinion, as he told me, is opposed to increasing the membership of the House, and yet Brother HERSEY a little while ago, when the State of Maine was protected in its membership, worked and spoke for a membership of 483. What about public opinion then and now?

Mr. HERSEY. Will the gentleman yield?

Mr. ASWELL. In a minute. The gentleman from Maine, when the bill appropriating \$500,000,000 to the railroads was up, was paired in favor of that appropriation.

Mr. HERSEY. Will the gentleman yield?

Mr. ASWELL. I yield.

Mr. HERSEY. When I stood for a membership of 483 there had been no public opinion expressed upon it. Since that there has been expressed everywhere an opposition to increasing the membership of the House. [Applause.]

Mr. ASWELL. My reply, in all kindness, is that the gentleman from Maine represented his people when he voted for a membership of 483, and it is supposed that he knew about it then.

Mr. LANGLEY. Will the gentleman yield?

Mr. ASWELL. Yes.

Mr. LANGLEY. I desire to say in answer to the gentleman from Maine that the people in all sections of the country are not against the increase. I have just returned from Kentucky, and Kentucky is in favor of the increase.

Mr. HERSEY. Will the gentleman yield?

Mr. ASWELL. Yes.

Mr. HERSEY. I have just come from Maine, and I have been all over that State and I know how my people feel; and they are against the increase, and I am with them. [Applause.]

Mr. ASWELL. Unless the State of Maine gets its four Representatives. I can say that the public sentiment in my State is universal against not losing a Member from the agricultural sections of the country. That is the whole proposition. It is a question whether you take the Representatives away from the agricultural centers and put them in the factory centers. That is all that is involved. I think that is fair and just and economical. I think it is statesmanlike to follow the history of this Government from its foundation, that the Members of Congress shall respond to the increase of the population of the country. It is democratic, it is the only form of government for which we stand, and I believe in the principle that representa-

tion in the House shall respond to the increase in the population.

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

Mr. ASWELL. Yes.

Mr. RANKIN. Mr. Chairman, I yield five minutes more to the gentleman, if his time has expired.

The CHAIRMAN. The Chair will state that the time of the gentleman has not expired.

Mr. ASWELL. I yield.

Mr. DALE. I just wanted to say that a few days ago I came through Portland, Me. I dropped into the Portland National Bank and into several other banks while there, and into several law offices. I found the whole city of Portland, as far as I could learn from its business men, its lawyers, and bankers, very much agitated because this House was not going to increase its membership, so that my information from the city of Portland is quite at variance with what the gentleman from Maine [Mr. HERSEY] says.

Mr. ASWELL. That will be very valuable information for my friend Mr. HERSEY. I yield back the remainder of my time.

Mr. FAIRFIELD. Mr. Chairman, I yield five minutes to the gentleman from Maine [Mr. BEEDY].

Mr. SIEGEL. Mr. Chairman, I yield two minutes to the gentleman from Maine [Mr. BEEDY].

Mr. LARSEN. Mr. Chairman, I yield seven minutes to the gentleman from Maine [Mr. BEEDY].

The CHAIRMAN. The gentleman from Maine is recognized for 14 minutes.

Mr. BEEDY. Mr. Chairman, I am opposed to this bill. I submit that there are but two views which the committee and Congress could logically take with respect to reapportionment:

First. The House is not too large, indeed is not large enough, and an increase in its membership will operate to the well-being of the country.

Second. The House is large enough, is, indeed, too large, and in the interest of the American people should not be increased in size.

The committee in reporting this bill does not stand squarely on the one proposition or the other. If the committee believed there was no danger in increasing the size of the House, why did they not report a bill permitting a normal increase and give us a House of 483 Members? Clearly they saw the evil of such a course; saw danger in increasing the size of the House. Principle was therefore abandoned, and policy was the motive force. Moved solely by political expediency the committee at length reported this bill calling for a membership of 460.

In its report, which seeks to justify the bill, the committee states that the House in the near future must deal with large problems incident to the tariff, taxation laws, and the operation of our railroads. It calls attention to the multiplied complexity of, and our vital concern in, international problems. It finally declares that there is a growing demand that the people be brought closer to their Representatives in Congress.

With these statements of the committee I am in hearty accord, but why the need of the people to be brought in closer touch with their Representatives? Why, except that they may be able to secure through their Representatives the enactment of those laws and the adoption of those Federal policies which they deem essential to the general welfare.

It is my personal judgment that this pressing demand for closer contact of the people with Congress is the direct outcome of the inability of Congressmen to get results for their constituents under rules and procedure rendered necessary in a large representative body. But this great need is to be met not by making more Congressmen to whom constituents may appeal for Government positions and relief under pension laws. It is to be met rather by limiting the size of Congress, so that a Representative when approached for enactment of new laws or the modification of proposed laws may not find himself powerless, because the size of the House forbids deliberation. My position is that the House is already too large for the most effective representation of the body politic.

Long since the House should have taken a bold stand and limited its membership. But then as now there were those who declared that when the House attained a membership exceeding 300 the addition of 25 Members, more or less, made little difference. Consequently they allowed the matter to drift and to-day with 435 Members it is again said that the addition of 25 Members makes little difference.

It is a sad truth that this House has already lost the most essential characteristics of a deliberative body. Here upon this floor were once effectively debated those issues vital to the

future of this Republic. Here was the forum of the people where Federal policies were in truth susceptible of modification. Here Federal laws were once molded under the influence of thoughtful discussion and their enactment, in due course, bespoke the crystallized thought and conscience of a Nation.

To-day, let me ask, what is the effective avenue of approach for the average citizen who, when informed of a proposed bill, desires that it be modified in essential respects? You say the citizen has his day in court before the committee. Yes; but comparatively few can journey to the Capital and appear before legislative committees. The majority look solely to their Congressman, who is not informed of his constituent's desires until some bill is reported which, though inspired by a few, vitally affects the many. Then it is indeed that there is an essential need for the people to come close to Congress.

But what can the Congressman do for his constituents? The bill is reported by a committee. Amendment upon the floor of the House is well-nigh impossible. The average man has no opportunity to touch the pulse of Congress. This body, with a membership of 435, has now become a machine. Bills introduced by committees, unless glaringly defective, are practically insured a passage. Members all too often support the committee not, alas, because they understand the bill in its various ramifications, but because it is assumed that the committee, like the king, can do no wrong. There is but one answer for our constituents when appealing for relief from the provisions of reported bills, "We shall be glad to do everything in our power, but we must confess that amendment in the House under rules essential to expeditious business is well-nigh impossible."

All too frequently the law in its enactment does not bespeak the desires of the great majority. This, the popular body of the legislative branch, the bulwark of the people's rights, with no limitation imposed upon membership, has failed in large measure to fulfill the great mission of its conception.

The committee admits this need of a closer touch with Congress, but recommends an increase of 25 Members, a step which renders this House more incapable of bespeaking the public will. For the average citizen there can be no relief until larger possibilities for amendments on the floor of the House obtain. Sane adoption of amendments is impossible without proper opportunity for debate. Restraints and limitations now imposed by necessity—and doubtless properly so, considering the size of this body—prohibit thoughtful discussion. The very atmosphere of this Chamber discourages attempts to induce the Members of the House to action through debate.

The time has indeed arrived when for the good of the Nation we must take a firm stand upon this most important issue and put a stop to a further increase in the House membership. [Applause.] Gentlemen, there is only one way to solve a problem, and that is not to dodge the issue, but to meet it squarely, to solve it on principle.

The Census Committee has had a wonderful opportunity for service to the country. How has it met the situation?

The former Census Committee of the Sixty-sixth Congress recommended a House of 483 Members. The present committee, consisting in part of Members of the former, perceives fallacy in the conclusions of the old committee. It reports this bill for 460 Members, which, if adopted, works an injury to the country and results in the grossest injustice. It can not be successfully contended that a House whose membership is arbitrarily fixed at 460, and such a House alone, will be most conducive to the country's well-being. Nor will it be contended that, disregarding the dignity and efficiency of the House, aye the well-being of the country itself, the bill aims only to save a few States a Congressman. This and this alone is, however, the real purpose of the bill.

Under the provisions of this bill one Congressman is saved to each of the States of Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Rhode Island, and Virginia. It would accomplish a saving of 10 Congressmen at the cost, however, of adding 25 new Members to the House and necessitating an annual expenditure of nearly three hundred to five hundred thousand dollars, or three to five million dollars in the next 10 years. The expenditure of this vast sum incident to the new program is declared by some to be a minor consideration. Personally, I feel that before this Congress arranges to add 25 to its membership the country should first find itself in a position to pay living salaries to the Congressmen already here. [Applause.]

As for Maine, she also loses a Congressman. But she was not considered by the committee, and perhaps we need not consider her at this point. Permit me to say, however, that if the good of the country demands that further increases in the member-

ship of this House cease, she does not ask this Congress to save her a Member. [Applause.]

I quote from an editorial in the Daily Herald, of Portland, Me.:

Decision to make another attempt to increase the membership of the National House of Representatives, this time to 460 Members instead of 435, the figure previously planned, the scheme to enact which was defeated, is based more largely on political than practical or economic lines. As a matter of fact, it is acknowledged in all but political circles that the membership of the House is too large for practical purposes at the present time, so any addition to the membership, no matter how small that addition may be, is to make harder of accomplishment the work of this branch of Congress.

Naturally, the people of Maine are anxious to have as large a representation in the National House of Representatives as possible and are not pleased with the prospect of losing one Representative, but we doubt if there are many in Maine who would prefer to see the business of the Nation retarded by a House of unwieldy membership simply for the purpose of retaining our present four Members—that is, except the politician, who measures all affairs, both national, State, and municipal, by the yardstick of political opportunity.

Maine is ready to pay the price. She trusts, however, that the hour has not yet come when this House, moved not by the welfare of the whole but actuated for the accommodation of a few, will support any bill which in essence commits foul murder upon Maine, while administering a sedative to Kansas, Iowa, Nebraska, Louisiana, Mississippi, and Texas. [Applause.]

By what process of ratiocination did the committee conclude to increase the membership of the House but to put on the brakes at 460? Why not stop at 450? Of course, it would have been suicidal to stop at 437. In that event Texas would only gain one new Congressman. The committee must pass to 438 and give Texas two new Congressmen. It would be equally poor policy to stop at 439. In that event Mississippi would lose a Congressman. Surely the committee must save Mississippi. Nor could a stop be made at 440. It must take two steps further. A House of 441 would never have satisfied the gentleman from Oklahoma. He wears his honors lightly and frequently enters the lists with the gentleman from Texas to the great edification of the House and added renown of both distinguished Members. Surely the committee must yield to Mr. Herrick, and with a House of 442 Members present Oklahoma with a new Congressman.

Nor will Kansas be ignored. The contention of Kansas is that with a House of 444 Members the fate of the Republican Party is doomed, but that her salvation lies in a House of 445 Members. Thus the committee heeds the voice of Kansas. This great State renders a lasting service to our great party, incidentally saving herself one Congressman. But having once embarked upon this perilous excursion for the saving of Congressmen, the end of the journey is indeed difficult of accomplishment. From the viewpoint of Nebraska the country is safe only with a House of 447 Members. But, again, why not stop at 450? Missouri insists upon saving one of her Congressmen, and else a membership of at least 451 be conceded she balks at the whole program.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. BEEDY. No; I can not. I have not the time. But how, after all, did the committee so easily accomplish this ascending grade from 435 to 452?

Mr. ASWELL. Will the gentleman yield?

Mr. BEEDY. I should like to do so, but I can not at this time. Time forbids it. Now the great discovery. It so happens that the urbane chairman of the Committee on Public Buildings and Grounds, the distinguished Member from Kentucky, is also a member of the Committee on the Census. Likewise the genial Member from Iowa, chairman of the Committee on Insular Affairs, is also a member of the Committee on the Census. The first long since discovered that a House of 450 would save Kentucky a Congressman. Likewise the other discovered that a House of 460 would save Iowa a Congressman. The problem is solved, hands are joined, the compact is sealed, and this bill, conceived in a spirit of petty politics and wrapped about with a cloak of party service, is dedicated to the proposition that else we save a Congressman for both Kentucky and Iowa our great party and the Nation itself is eternally damned. [Prolonged applause.]

Mr. LANGLEY. Will the gentleman yield?

Mr. BEEDY. I refuse to yield. [Applause.] But a chairman of yet another committee has, after the fashion of the angels in Dante's Divine Comedy, fallen from high to low estate. Ten years ago the now distinguished chairman of the Rules Committee [Mr. CAMPBELL of Kansas] arose in opposition to a bill then pending which provided for increasing the House to its present size. From his place in this Chamber he solemnly declared:

Mr. Chairman, at the proper time I shall offer an amendment in the nature of a substitute for the pending bill, with a view of retaining the membership of the House at 391. I should be glad, indeed, if it were possible to do so, to see that number very materially reduced.

He continues:

The House of Representatives has grown from 65 Members up to 391. That growth of the House has not been the result of argument in favor of a more representative body. It is safe to say that every increase made in the House of Representatives has been made to gratify the ambition of a State or of Members of the House rather than keeping in view the fundamental principle of a representative body in this body.

Surely the need seen by the gentleman from Kansas to have existed in February, 1911, still obtains in exaggerated measure. But of late a new star has arisen on the mental horizon of the gentleman from Kansas. Beneath its effulgent light he has discovered that a Congress of 460 which will save Kansas one Member will preserve the power of the Republican Party and save the Nation from destruction.

Even the mind and conscience of our beloved leader has succumbed to the soporific spell of the beaming conspirators from Kentucky and Iowa. [Applause.] In January of this very year our distinguished leader, standing upon this floor, spoke as follows:

When I came here there were 395 Members in the House. After I had served here a short time there was a proposal to increase the size of the House. The sentiment then, as now, was against the increase, but through political trading the best judgment of the House was not carried out and the House was increased in size. I believed that increase unwise. * * * We have already imperiled that ideal of the founders of the Republic; we can afford to imperil it no longer, much as we may desire to meet the wishes and serve the convenience of our colleagues. The interest of the Republic should be paramount, and that interest can be best served by retaining the House at its present membership.

The only sentiment we can allow to affect our action to-day is that of lively regard for the welfare of this House and of the Republic.

He meant what he said then. But he abandons the high ground which he then occupied and now advocates an increase in the membership of this House, thus lending his support to a bill steeped in that political trading which he formerly condemned. [Applause.]

And to think that any man, leader or plain Member, should fall so far short of his duty to this House as to reverse his position completely within a year and be heard even to intimate that an attempt by this House to pass a bill maintaining the present membership is well-nigh impossible, because the United States Senate would strangle it in committee. And so the day has come that the Senate would forbid this imbecile House to fix its own membership in its own way.

If, indeed, under the Constitution it be the duty of the party in power to apportion the country decennially, then I dare the United States Senate to throttle any bill in committee and assume responsibility before the American people for thwarting this Congress in the fulfillment of its constitutional obligations.

But do I hear it said that this bill should pass in order that the Republican Party may increase its membership on this floor? Such a suggestion is improper and iniquitous. The Democratic membership of this House know full well that the American people will never sanction such tactics. This legislation should in no way savor of party politics. If the leadership of this House wishes to place the Republican membership of this body in the position of making this a party matter, then be the price upon his own head. The day of petty politics is gone. The country backs the party as it does the man who is not moved by petty motives, but stands upon the solid rock of disinterested service.

I appeal to you men of the extreme and middle West; to you gentleman from the New England States and the whole Atlantic seaboard. Let us foil this insidious program. Let us throttle this bill, and true to our oaths of office, likewise may we be true to this motto, "Loyalty to our firesides; loyalty to our States; but, first and always first, loyalty to our country."

Maine carries on her coat of arms the Latin word "Dirigo." Her history is that of the best blood from the Irish, the Scotch, the Huguenot, and the English races. From her hills and lakes have gone the sturdy men and women who have helped to people the Middle West and develop the Pacific slope. In these very Halls her words of wisdom have fallen from the lips of a Dingley, a Hale, a Frye, the incomparable Reed, and the magnetic Blaine. Hers are a plain people. Hers is the simple, frugal life so essential to the present-day stability and prosperity of the Nation. Quadrennially hers has been to point the way to sound politics and a safe national régime. She has met the trust. Like Massachusetts, "there she stands and there she will stand," shear her of such Congressmen as you may. But shame be upon him who by his vote on this pending bill becomes accessory to that blow, whose consummation would leave the Pine Tree State a stunned and bleeding sacrifice upon the altar of petty partisan politics. [Applause.]

Mr. SIEGEL. Mr. Chairman, in view of the fact that Kentucky has been mentioned so much, I yield five minutes to the gentleman from Kentucky [Mr. LANGLEY]. [Applause.]

Mr. LANGLEY. Mr. Chairman, according to the distinguished gentleman from Maine [Mr. BEEDY] the committee had already taken a number of steps when it reached 460, and being a rather stout man, and having several colleagues on the committee in the same condition, we were naturally a bit tired when we reached 460, and it looked like it would require too many steps to reach the State of Maine, which had fallen so far in the rear in the march of progress and population that we just decided to stop at 460. [Laughter.]

Mr. ASWELL. Is it not a fact that the gentleman from Maine who just spoke voted for 483 in committee and tried to bring it to that point?

Mr. LANGLEY. The whole Maine delegation was for 483 in the last Congress, and the Member from Maine, who was on the committee then, strongly urged 483. I want to say that, in my judgment, if this bill carried 483, so as to save Maine from losing a Member, the gentleman from Maine [Mr. BEEDY] would join readily and gladly the compact to which he has just referred. [Applause.]

Mr. BEEDY. Will the gentleman yield?

Mr. LANGLEY. I can not. The gentleman from Maine declined to yield to me, and, quoting his own language, "I would like to talk to him, but I can not hear." [Laughter.] If you will approach those gentlemen who are wanting to reduce the size of the House and talk to them privately, you will find that whatever reduction they propose in the membership they always have a mental reservation that they are to be one of the reduced number, whatever that number may be. [Laughter.]

Mr. KENNEDY. Will the gentleman yield for a single question?

Mr. LANGLEY. Yes.

Mr. KENNEDY. Is it not true that in the last Congress every Member from the State of Maine voted for 483?

Mr. LANGLEY. That is my recollection; yes, I know they did.

Mr. KENNEDY. And one Member made an eloquent speech in favor of 483?

Mr. LANGLEY. Yes; but I do not blame them for that. We are all human beings, gentlemen, and we do not forget the interests of number one. [Laughter.]

As to this argument of the House being unwieldy, it is all a fake in my estimation. Even though everybody knew that the Member from Maine, who is an eloquent and interesting talker, was going to make a speech, the Hall of the House is not half full of Members now. Whenever we have a point of no quorum made there are 75 to 100 Members who come from their offices or committee rooms to answer the call, and they are usually asking between cuss words whether the distinguished gentleman from Texas [Mr. BLANTON] or some other pestiferous statesman has caused all the trouble and taken them away from their work.

As a matter of fact, gentlemen, there has been an enormous increase in our work since the adoption of woman suffrage. No one will contend that the work of the membership of this House is not very considerably increased as a result. I know mine has been and I know that the work of every other Member has. [Laughter.] Of course, that does not apply to the distinguished gentleman from Indiana [Mr. FAIRFIELD], who was already doing the best he could. [Laughter.] He says that we who favor an increase are actuated by one of three motives—either political advantage, State pride, or personal interest. I confess that I am influenced by political advantage to my own party. I am also willing to admit that I have some State pride, and that I do not want to see the great Commonwealth of Kentucky lose a Member of Congress. I am not actuated by personal interest, because there are only a few Democrats who live within the range of a Big Bertha of where I do, and if I should run again and have a contest I think I could get a part of them to vote for me.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIEGEL. I yield one more minute to the gentleman.

Mr. RANKIN. I yield four additional minutes to the gentleman.

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

Mr. LANGLEY. I thank the gentleman from Mississippi [Mr. RANKIN] for his courtesy, but I do not think I shall want that much time. The population of the congressional district which I represent in this body has increased over 100,000 in the last decade, so that my political fortunes are not at stake if Kentucky does lose a Member. Some of this increase came from the Democratic sections of the State. I do not mean to say to my Democratic friends from Kentucky that they come to the mountains to escape from the Democracy of the sections where they formerly lived. They came rather to take advan-

tage of the great natural resources that are now being developed in the mountains of eastern Kentucky. I want to say to you that I do not know whether I shall be a candidate for the next House or not—I rather think I shall. [Laughter and applause.] This is only an inferential and informal announcement; but if I am, I venture the prediction that I will be with 459 other Members of the Sixty-eighth Congress if we pass an apportionment bill.

As a parting admonition to my party friends I beg to suggest, as the distinguished gentleman from Indiana [Mr. BLAND] said in substance recently, we had better cut out some of this high-brow stuff and get a little closer to the people if we expect to retain their confidence and remain in power. This can be best accomplished, in my opinion, by increasing the number of Members, and thus accomplish more promptly and more effectively the things they want us to do. They do not care so much about the number of Representatives as they do about the expeditious transaction of the public business and prompt responses to their requests. [Applause.] I might add that our leaders would enjoy a greater degree of the real working, worthy Republicans of the country if they would stop so much of this civil-service business and fire more Democrats and put good Republicans in their places. [Applause on the Republican side.]

I believe in action rather than talk, and if I had had my way about it we would have had two hours of general debate on this proposition instead of four. I am ready to vote on this proposition right now, because everybody has his mind made up and debate is useless. So far as I personally am concerned, I feel that I have already inflicted myself upon the committee as far as I should. I thank you for your patience, and I yield back the balance of my time. [Applause.]

The CHAIRMAN. The gentleman yields back the balance of his time.

Mr. FAIRFIELD. Mr. Chairman, I yield eight minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Chairman and gentlemen of the committee, I have listened attentively to the arguments made upon this proposition, and up to this moment I have heard no argument produced in favor of a representation of 460 except that based solely upon expediency. There is no man within the sound of my voice or, I think, a Member of this House who at some time or other when a measure of this character was not up for consideration but has expressed his opinion that this House is too large and unwieldy. If it were expediency that actuated me upon this occasion, I would be in favor of 460 Members. If 435 Members should be the number fixed, the State of Indiana will lose one Member. I do not know who that would be. I would regret to see any Member of the present membership of Indiana fail to be returned if it is his desire to come back. But I care not even if it be myself that would be excluded; I would still vote in favor of not increasing this membership. [Applause.] Long before I became a Member of this body I was convinced that its membership is too large and there has scarcely been a day pass since I came here but what I have seen and heard convincing evidence to confirm that opinion.

I think the time will come—I am sure some time it will come—when this body will speak its mind and vote its conviction on this question and not continue to yield to expediency. It has been said during this debate that this body will never increase beyond a membership of 500. What assurance have we that that will be true? From the time when the increases first commenced men have been predicting the limit beyond which this membership would never go. From 1860 down to this good hour with each decennial apportionment some one has fixed the limit. At one time it was fixed at 300, beyond which they predicted it would not extend. Then it was made 375, which would be the largest possible number that would ever assemble here. Then it was made 400. Now it has reached the figure of 435, and it is proposed to extend it to 460.

Ten years from now there will be but few of us who are here to-day to participate in the reapportionment that will then be made, but with the same specious arguments, based upon the same character of expediency, Members will then be predicting the figure beyond which the future will not dare go in their endeavor to again increase this membership, each one of them, as each one of us now, knowing in his heart and in his own conscience that he is not doing that which is best for his country, but is serving solely the interests of expediency.

We had a beautiful example here this morning illustrating what will be the result in the march of time if this proposal obtains. At the very threshold of our proceedings to-day it was announced that we had no quorum. Half an hour was taken up for the purpose of getting a quorum here in order that

business might be transacted. With an increase in the membership of this body you will decrease the possibilities of a quorum, and you will make it that much harder to obtain a quorum. More time will be taken then than now in calling the roll in order that there may be a quorum.

It has been stated frequently, and it is apparent to every one who has observed the transaction of business in this House, that with each increase in number the influence of the House has been lessened. It is not the great mass of the people that constitute a representative form of government. It is those chosen for the purpose of representing the mass. If the logic of these gentlemen who are asking for this increase were carried to the ultimate extent, we would go back to the ancient system and have all the people serve as Members of Congress. It was the idea of the fathers of the Republic that this representative form of government should be truly representative, not only in character but in form, and it was never intended by them that this House should ever become the unwieldy body that it is at this time.

Now, argument has been urged here, coming from some of the Representatives of my own State, to the effect that it would necessitate extra sessions of some 30 State legislatures throughout the Union if the unit is not fixed at 460, entailing an extra expense upon those several States. That expense would not be a drop in the bucket if we were counting this thing in terms of money. It would require, if you please, for the additional salaries alone that would be paid here for one year the amount of more than \$280,000, and that expense would be fixed upon the people of this country each year and for all time. Yet we are preaching economy here, and still we are saying to the people who sent us here to retrench and reform the expenditures that we are now going to levy a burden upon them of more than \$280,000 yearly for additional salaries, and how much incidental expense will be entailed by this addition of 25 Members it is almost impossible to calculate. Some have estimated the entire additional expense as \$500,000.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WOOD of Indiana. Certainly.

Mr. GRAHAM of Illinois. It has been stated here on numerous occasions that the Constitution makes it mandatory upon us to pass an apportionment act. Does the gentleman believe that is true, or that there is any legal warrant for such a statement?

Mr. WOOD of Indiana. I think it was the intention under the Constitution with the taking of each census to make a reapportionment.

Mr. GRAHAM of Illinois. Well, is there any law of that kind, or any decision of any court to that effect?

Mr. WOOD of Indiana. I do not know of any, but it has been the practice since the beginning, and I dare say never has it even been prolonged beyond the earliest session convening after that census has been taken. It has become so fixed that it has become a law, if you please, or a custom or a practice, and we should not depart from it.

It has been suggested here that we should do nothing at this time. I would rather do something and make a mistake than to be cowardly and do nothing. I believe, gentlemen, that we should just take and arouse ourselves to do the duty that we owe our country. Every one of us in his heart knows that the size of this body should not be increased, and that if you increase this body now to 460 you will hear in the next 10 years every Member of this House from time to time proclaiming that it is too large, as every Member has proclaimed it to be in the past. Why not serve the best interests of the people now? In my opinion, I am free to say, the people of Indiana are overwhelmingly in favor of not increasing this body in the interest of better legislation and better government. [Applause.]

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

Mr. RANKIN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has consumed 39 minutes.

Mr. RANKIN. I yield 20 minutes to the gentleman from New York [Mr. COCKRAN].

The CHAIRMAN. The gentleman from New York is recognized for 20 minutes.

Mr. COCKRAN. Mr. Chairman, as usual, I have been highly edified by the ability and force displayed by Members of this House in the course of the debate. It leaves me more regretful than ever that talents so brilliant should be obscured and rendered practically valueless by ridiculous methods of procedure.

The gentleman who has just concluded [Mr. WOOD of Indiana], and I think all the gentlemen who have spoken on that

side of the question, claims to be peculiarly concerned about the efficiency of this House, and by some strange process of ratiocination they have convinced themselves that its efficiency will be promoted by keeping it as it is. It is impossible to keep this House as it is, and I think it would be about the worst thing that could happen if it were possible. Either the membership of the House must be increased or each constituency must be enlarged. And to enlarge each constituency is to change very materially the character of the House. I know of nothing more deplorable than the condition of this House to-day. It has virtually ceased to exist as a legislative body. It is allowed to do nothing but vote yes or no upon proposals formulated by the Committee on Rules under conditions which preclude the offering of an amendment by any Member, with the result that legislation of momentous importance is forced through this body by methods that savor more of comic opera than of serious governmental procedure. The natural, indeed the inevitable, consequence is that the entire business of legislation is carried on at the other side of this Capitol.

This House as at present constituted has abdicated as a legislative body, and gentlemen are now urging that it be preserved just as it is in the name of efficiency and patriotism.

I am in favor of this enlargement proposed by the committee. It is not so extensive as I should like to see it. I should like to meet the views of the gentlemen from Maine and enlarge the membership to 384, or even more, because I think anything that changes the condition of this House must be for the better. It can not possibly be worse. [Laughter.]

Mr. LANGLEY. Would it interrupt the gentleman if I asked him a question there?

Mr. COCKRAN. Not at all.

Mr. LANGLEY. The gentleman is recognized as one of the distinguished exponents of true American democracy. Does not the gentleman think that an enlargement of the representation in the House, especially in view of the tremendous increase in the electorate, would be in the direction of true democracy and popular representation?

Mr. COCKRAN. I think it is absolutely essential to preservation of anything like a representative character to this body.

Now, I wish gentlemen to remember that the alternative before them is not decreasing or increasing the present membership. Were it proposed to change the character of the House by a radical reduction of its present membership that would be matter deserving very serious consideration. But there is no such proposal. It is not proposed by anyone to reduce the membership. The alternative is increasing it or preserving this House as it is. That is impossible. There must be, as we have already seen, an enlargement either of the membership of the House or of each constituency. You can not escape one or the other. The question for the House to consider is whether its representative character will be better improved by enlarging the size of each constituency than by increasing the membership. I think gentlemen must realize that the constituencies are now too large. It is quite impossible, even before adoption of the last amendment to the Constitution, for any Member to be acquainted with his constituency or with any large proportion of them. Now, the choice of a Representative should involve two elements. He should be chosen by his constituents, first, on the ground of what is known about him personally—that is to say, by neighborly knowledge of him—and, secondly, by his public character. It must be obvious that a beginner instituting a campaign against an incumbent is at a tremendous disadvantage, so far as his public record is concerned. If he can not be in a position where he can make some proportion of his constituency familiar enough with his personal qualities to exercise a judgment on them and by that judgment decide between the two, then he can have no chance of success whatever. A Congress chosen under such conditions is not a representative body at all.

Now, it might be well for the House to recall that originally representative bodies were not chosen to represent men. They were chosen to represent property. Certain corporate bodies owning property which could not be reached by methods of taxation existing under the feudal system were invited and, indeed, required to send representatives to Parliament not to frame laws but to consent to taxation. And when, as I pointed out a few weeks ago, these representatives of guilds, corporations, or cities adopted the plan of imposing conditions upon grants of money, they established the legislative feature of the representative body. In the evolution of Democratic institutions the function of legislation became the decisively important feature of representative action, with the result that instead of property the representative body came to represent not property but men.

To-day we are the representative body, the successors of those original representatives of the taxpayers who voted the subsidies which they themselves should pay; and that character of our office is recognized and confirmed by the Constitution, which declares that we alone must initiate measures affecting revenue. That is to say we alone must make appropriations, prescribe the sources from which the means to furnish these appropriations are to be drawn, and to regulate distribution of them between the different departments of the Government. And yet here in this very extra session we have passed through this House two measures affecting vitally and in most momentous degree the whole revenues of the country, one revising the entire tariff system of the country—the system of imposing taxation at the customhouses—and the other changing completely the scope of internal taxes, and those bills were driven through here without allowing a single Member power to offer an amendment. Everything that we did or said with respect to this phase of the main purpose for which a representative body is organized, has been treated with absolute contempt, as if it were entirely negligible—and properly so—by the body at the other end of the Capitol, which to-day is in fact the sole legislative body. We are practically a single-chamber Government now, because the farcical performances we go through here with respect to the most important proposals can not be dignified with the name of legislative procedure.

Now, what is the remedy? I do not know whether there is any, Mr. Chairman. My study of history leads me to conclude that a political institution which is moribund can never be revived. It may be quickened into a semblance of activity for a while, but once the vigor of life is lost it never can be recalled.

And so I doubt very much whether any system of representation that we should establish here could arrest the process of decay which has already overtaken us.

There is but one way in which that could be done, and that is by an awakening on the part of Members to a knowledge and perception of their duty; I will not say to an assertion of power for the sake of regaining importance, because I utterly repudiate the idea that political power is conferred on any body or man to advance their own dignity. Wherever it is conferred under our system it involves the performance of a duty. And when we who are charged by the Constitution with the duty of initiating revenue legislation—that is, of deciding and prescribing the amount that shall be levied, the persons who shall pay it, and the method of its distribution—proceed to pass a bill levying enormous taxes through the House under rules that precludes anything like fair consideration or even understanding of its provisions, and that absolutely excludes Members from all power to offer an amendment, I say we are not merely derelict to our duty but we are forsworn, we are perjured, we violate the oath we have taken.

But even though the task may seem hopeless, we should not shrink from doing everything in our power that we think likely to restore the consequence of this body.

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

Mr. COCKRAN. I yield to the gentleman from California.

Mr. RAKER. Under this bill—

Mr. COCKRAN. I hope the gentleman will ask his question without making a speech. I have but little time.

Mr. RAKER. If the gentleman's position is correct, why is it that the House should now yield after having once passed an apportionment bill in the last session by a vote of 269 to 76, and why should we now raise the number of Representatives because word has been sent from the Senate that unless we do raise it they will not pass the bill?

Mr. COCKRAN. I have never heard any such word from the Senate or the faintest suggestion of it. As far as changing a former attitude of the House is concerned, I should not at all regret it. If it would only change its attitude in other respects, I would welcome that change as a most salutary symptom of a probable constitutional recovery of its powers.

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

Mr. COCKRAN. Yes.

Mr. COOPER of Wisconsin. The gentleman says he never heard that word from the Senate. A very distinguished former Member of the United States Senate told the Republican conference last night that a United States Senator of prominence had said to him that the Senate wanted the House increased in membership because it gave all the power to the Committee on Rules, and that is what the Senate wanted.

Mr. COCKRAN. That is a very interesting statement, but with all respect to my friend, the gentleman from Wisconsin,

it is of no import whatever. I do not care what any Senator said, no matter what his prominence; I do not care what that Senator thinks; and I do not care what all the Senators put together think or say. I am concerned solely with the action of this House. [Applause.]

Now, Mr. Chairman, the gentleman from Wisconsin has suggested a matter with which I was about to deal. He asked me how this particular increase of membership may affect the capacity of the House to recover its lost importance. I admit that it is in the nature of an experiment. I do not know what its results will be. But we do know how the present membership has resulted. We do know that it has resulted in absolute paralysis of the House in abdication of its power as a legislative body—abdication so complete and so generally acknowledged that the President of the United States, when he wants to discuss matters of legislation with the Congress, does not any longer invite the House to listen. That is the low estate to which the present organization of the House has brought its dignity and consequence. I say that no condition could be worse. It is therefore certain that any change must be for the better, because it could not be for the worse. [Laughter.]

Now, with reference to the argument that the House has been steadily increasing in size and that it must continue to increase unless the constituencies are enlarged, I admit that it presents some awkwardness, but it is an awkwardness inseparable from rapid and excessive growth. The growth of a child at the knee of its mother is a source of awkwardness. It is awkward as children grow in size that the mother must spend more money for clothing and to provide them with more sustenance. So it is conceivable that when the country grows to double or treble its present population it will become a very serious matter how we are to preserve the representative character of this House without causing it to be swamped by excessive numbers. But that condition is not now before us. When it actually arises there will be wisdom enough to deal with it. The question now confronting us is to enlarge the House by a very small number in order to avoid increasing the size of each constituency to a point where one man can not properly represent it. Since the last apportionment the voting population has been doubled through the suffrage amendment. It is absolutely ridiculous to assume that a constituency of eighty or ninety thousand can be represented effectively by a single Member in this House. The increase proposed by this measure is small. I would gladly see it much larger. I would not object to seeing the House composed of 500 or 600 Members. What difference would it make in the proceedings? It might lengthen the time required for a call of the roll. But the method of calling the roll might be improved so that this difference would be comparatively slight. An increase in the size of the membership of the House, as the gentleman from Wisconsin would probably realize, might afford opportunity for a revolt against the tyranny exercised by the steering committee and the Committee on Rules. The House with its present membership does not know how to revolt. The idea of "revolt" is not within the range of its concept. Through even this slightly increased membership we may hope that some independent Members will find their way into the body brave enough to rise and challenge the right of any committee to throttle the House by prescribing the matters with which they think we are competent to deal and in a manner which shows with cynically contemptuous candor how deeply they distrust our capacity to deal with anything.

Mr. Chairman, I confess that increase of membership does not insure recovery by the House of its powers. But, as it happens, there is no other way open to us. It does afford a chance of relief, and I am willing to take any chance that will afford the slightest prospect of this House becoming once more what it was when I knew it first—when I knew it during all the different periods of my service down to this last—the period of McKinley, of Reed, of the Breckinridges, of Randall, of Mills, and men who on both sides informed the public mind and directed the public conscience in this country.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. COCKRAN. I will.

Mr. FAIRCHILD. What was the size of the House when the gentleman first served as a Member?

Mr. COCKRAN. With a population of 70,000,000 I think the House had a membership of 360 or 370, as well as I can remember. But it is not the size of the House that determines its capacity for effective service. This House now has ability and size enough to establish its control over its own legislation, if it had the will to do it.

There is no one who will dispute that. The House is now by its own sufferance organized to suppress utterance of his

views by any Member, no matter what may be the importance of the subject under consideration or the value of the suggestion that he might have to offer. Every time it adopts a rule prohibiting amendments it writes down its own belief, its own confession, that it is incapable of dealing with the very questions it has been established to decide, yet you gentlemen here say that this is a condition which you want to preserve. God help us all if that be your conception of the duty imposed upon you by the American people.

I admit, Mr. Chairman, that some objections of considerable force have been advanced against the increase of membership. They are weighty, but not sufficient, in my judgment, to outweigh its advantages. It has been said that it will increase the difficulty of obtaining a quorum. I do not believe that presents a feature of awkwardness. But it was just as hard to find a quorum when the membership of the House was much less.

Mr. Chairman, the important, capital fact which should determine us in dealing with this proposal is the present condition of the House. We are the most highly paid legislative body in the world and the least efficient. In no other country is there a popular body that is not the dominant feature of its political system.

In England the House of Commons, which for a long time forbade amendment but allowed rejection of a revenue measure by the House of Lords, now does not even permit such a measure to be rejected by that body. In France the vote of the chamber determines the existence of a ministry. So it does in Italy. And in every country on the face of the earth except this country the representative body is the all-important legislative chamber. And this not by any specific grant of supreme power but by the force with which its control of the purse is exercised. But here, where the Constitution bestows upon us in specific terms the power through which other chambers have established their authority, we allow ourselves to be gagged, manacled, made contemptible by one of our own committees, and the authority with which we are clothed is by our own act literally thrown under the footsteps of the Senate to be trampled upon and disregarded. And while our consequence shrinks our compensation expands. We receive \$7,500 a year. The very highest-paid member of a foreign body gets \$2,000 a year. We have each two clerks paid from the Treasury. When I first came here Members had none. Then this was an all-competent body. Now it is a negligible gathering. Besides the clerk who is assumed to be close to us, we have another clerk to be close to the first. Then I suppose that as our real importance in the political system declines still further, approaches the vanishing point still more closely, we will have a third to look after those two. I have no objection to the size of our salaries or to the number of clerks provided for us if these exclusive provisions for our comfort were fruitful of better public service. But I can not help feeling that every addition to our comfort has resulted in decreased, not increased, efficiency. I would like to see the Office Building closed, locked up, when this House is in session.

While business is to be done Members should be here attending to it on this floor. If the Office Building is to be conserved at all, it should be conserved not as a temptation to forsake the legislative task but as a place to which Members may have recourse when the House is not in session to discharge those other functions of their office about which so much has been said in the course of this debate.

Mr. Chairman, we are here now face to face in a concrete form with the grave difficulty which affects the very life of this body. Gentlemen on the other side speak about efficiency. There is nothing else to consider. If the efficiency of this House is to remain as it is now, then it will remain a laughing stock; its operations suggesting, as I have said, *opéra bouffe* rather than serious legislative labor. Everyone concedes that a change is desirable. No one pretends to be satisfied with the present condition. There is but one way in which we can change it, and that is to expand it. There is no possibility of reducing it. If not increased, it must remain as it is, and that would be condemning it to hopeless decay. I would rather see 500, yes, 600, Members here, with the chance under that increased membership of bringing to it independents enough to restore the House to what it should be and what it has been, than to see it condemned to permanent uselessness by preserving its present membership. There is no fetish about this membership. Everyone admits it has not produced results of which anyone of us is proud. Weighed in the balance, it has been found wanting. Why, then, should we hesitate to take the only step open to us which affords even a possible chance of improvement—that of increasing the membership? [Applause.]

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

Mr. BARBOUR. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. BURTON].

Mr. BURTON. Mr. Chairman, friends, and colleagues, I sincerely hope that the Members of this House will vote on this measure according to their convictions and not according to considerations of personal or local interest. This is the fourth time that I have taken part in the consideration of an apportionment act, and I make the statement without any fear of contradiction that if at any time the question of the enlargement of the House had been left to the real judgment of Members, every proposition to that effect would have been defeated by an overwhelming majority. [Applause.] But the appeal of friends, the statement, "Shall you allow the State of Maine or Virginia, or other Commonwealths that have played so important a part in the building up of this great Republic, to be deprived of their Members?" These are the influences which have prevailed. Another point I wish to make here is this: We are in danger in this Government of minority rule. An assertive body of men, compact, sure of what they desire, when confronted with the inertia of the far larger number which looks to the interest of the whole Nation, can often succeed. What are the reasons why this House should not increase its size? The argument of expenditure is something, but to me that is a bagatelle. Of course, it would mean added expense, some \$300,000 in salaries, an enlargement of the House Office Building, an increase in the facilities, danger that this audience room is not large enough. The mere physical fact that some find it hard to be heard should be emphasized. Increased expense is the first reason, and that at a time when the people are demanding of us the utmost economy. The next reason is that the larger this body is the more clumsy it becomes, the more it becomes an inefficient agent for the transaction of business, and the more unwieldy it becomes.

I listened with great respect to the argument of my friend from New York [Mr. COCKRAN], but I think his argument is the very strongest one that could possibly be made against the increase. He says that we have abdicated to the Senate. No; we have not. This House is still powerful, but what has diminished the relative power of the House as compared to the Senate? It is the enlarged membership of this House, which many now are asking to increase. [Applause.] When you compare two Houses, in one of which an individual Member can move an amendment to a tariff or revenue bill or any other measure, with one where, as in this House, he can only vote on certain specific amendments selected by the Committee on Rules, then of course there is a certain shifting of power to the other body.

What is the necessity for the rules that we have here, against which the gentleman from New York [Mr. COCKRAN] declaims? Either we must have a confused mass of Members here who do no business or we must have strict rules so as to know how to proceed, so as to limit debate, limiting debate of Members oftentimes to five minutes, when they could speak with the earnest attention of the House for a much longer time. What is the reason for that? It is because of the increase in the membership of this House. Why is it that 30 years ago the newspaper correspondents and visitors who came to Washington said that the House was of equal interest with the Senate? It was because of the smaller number of Members. I can remember when there were 325 Members here, and when an important question arose for discussion the interest was so intense that both sides were crowded; it was like a football rush; the Members were present, eager, waiting, and listening to the arguments presented. To-day the ability is not one tithe less, and I would say that the average standing of the Member is higher, especially in readiness of speech and in touch with affairs, but there is the diminished opportunity; there is the diminished prestige of the individual Member.

There is a diminishing of the standing of the House itself because the individual Member does not stand out so prominently but is more nearly lost in the mass. I beg of you, my colleagues, do not add to these features which, as the gentleman from New York says, have tended toward decay, that it can not be worse than it is, that bills are driven through. Stay this increase. In every one of the three bills passed in 1890, 1900, and 1910 the statement was made by advocates of the increase that it was the last. They admitted their cowardice, but passed it on to the later Congress, which was to fix the next apportionment. Now is the time—in 1921—for us to show courage to do what our predecessors, who increased the size of the House, said should be done by a later Congress. In the bill of 1910-11, passed by this House but lost in the Senate, there was a definite provision that the size of the House should be permanently fixed at 435, and that future adjustments should be made by the Secretary of Commerce and Labor. In effect they said, We will increase the size of the House to 435, but as

far as we can we will bind any future House from enlarging the size of this body.

Then, another thing I wish to say, but I can not say all I would say in the time that I have, the argument is made that a larger House will be more democratic. I want to read from language partly quoted by the gentleman from Texas [Mr. SANDERS] from the words of a statesman for whom I give unstinted reverence, James Madison. Here is what he says in regard to the size of a legislative body:

In the ancient republics, where the whole body of the people assembled in person, a single orator or an artful statesman was generally seen to rule with as complete a sway as if a scepter had been placed in his single hand. On the same principle, the more multitudinous a representative assembly may be rendered, the more it will partake of the infirmities incident to collective meetings of the people. Ignorance will be the dupe of the cunning and passion the slave of sophistry and declamation. The people can never err more than in supposing that by multiplying their representatives beyond a certain limit they strengthen the barrier against the government of a few. Experience will forever admonish them that, on the contrary, after securing a sufficient number for the purposes of safety, of local information, and a diffusive sympathy with the whole society they will counteract their own views by every addition to their representatives. The countenance of the government may become more democratic, but the soul that animates it will be more oligarchic. The machine will be enlarged, but the fewer, and often the more secret, will be the springs by which its motions are directed.

In the discussion of this subject in 1842 in the Senate, Mr. James Buchanan, then at the zenith of his mental powers, said of the size of the House:

The Senators from Kentucky and Missouri [Messrs. Crittenden and Benton] have both urged strongly that a House of 400 Members would be more free from Executive influence than a House of 200, because, say they, it would be more difficult to influence or corrupt a large body than a small one. * * * Whenever the body shall become so numerous that it will be impossible for all the Members individually to represent their own constituents, then the power of the House will necessarily devolve upon those who conduct the business, and the remainder must become comparatively ciphers. * * * Although the House may be numerous, the influence will then be confined to a few Members, and the very number will shield these few from a just responsibility. It is therefore my opinion that a House composed of 200 Members, in which each will feel his individual responsibility and each be able to represent his own constituents independently, without being compelled to follow in the wake of some party leader, will present a more powerful barrier against Executive influence than would be presented by a House of 400 Members.

These opinions are applicable to-day. There is one thing upon which I would like to lay emphasis. If there is any question which has been before this body and upon which the people of the United States have expressed themselves it is against the enlargement of the size of this House. [Applause.] From every part of the country, from the very States where there is a decrease their voice is well-nigh unanimous. I think the gentleman from Vermont in his visit to Portland and in his association with a few bankers and a few lawyers probably did not reach the real thought and the real heart of the people, for from all sections of the country, by press, by public utterances, by the opinion of the more judicious everywhere there is a demand that this House shall not be enlarged but shall remain at the figures now prevailing, 435. [Applause.]

I wish to review briefly some of the arguments which have been made in favor of increased membership:

Reference has been made to the size of the House of Commons, consisting of 707 members, and of other legislative bodies in Europe. It may be remarked in passing that the room for the House of Commons at Westminster affords space for not more than two-thirds of the members. The vital difference from this House is that there is a responsible ministry in the House of Commons and similar bodies, members of which sit with these legislators. Opposite them are found the leaders of the opposition; these control their respective sides except in cases of party revulsion. An examination of the index of the debates will show that very few comparatively of the large number of members in the House of Commons take part in the debates—they are mere voting members.

As regards touch with their constituents, which has been so much emphasized to-day, it is stated by an English publicist that the history of the past 200 years shows that those who have exerted the greatest influence in the House of Commons have been elected from localities outside of those they represent. In our own country the selection of candidates from the locality is firmly fixed; in fact, by constitutional provision the Member must come from the State in which he is elected. The argument has been made here that this bill will not pass the Senate unless the number is fixed at 460. Can those who have said so much about the predominating power of the other Chamber conceive of a more potent method to increase that power than to interject here an argument of this kind? The determining of the size of the House is of especial interest to us. Shall we be controlled or even influenced in our vote by the threat—for it is nothing less—that if the measure be passed

it will not be enacted into law unless a certain number is chosen? If it be the case that we must shape our action according to probable conclusions in the Senate, why not abdicate all our workings as a legislative body, abandon independence, and determine the vote by the probable result in the Senate?

In this connection I must say that so far as I have interviewed Members of the Senate a decided majority has been found in favor of retaining the present number, and I do not believe there is any such threatened action there. If there is it is from a minority.

Another argument was made that there are some 11,000 ex-soldiers on the average in each congressional district, and that the size of the House should be enlarged so that the Members can more readily respond to the requests of those who have rendered service in the war. That there should be the most earnest attention to the demands of those who fought for their country will be the undivided opinion of everyone here. We owe to them undying gratitude, but will the difference between 11,000 and 10,300 in each district materially increase the efforts of Congressmen in aiding this class of their constituents? What is needed more than this personal touch is the passage of helpful legislation for their good, which shall be general in its nature, which will provide proper organization of the activities for the ex-soldier. This, more than anything else, will aid the soldiers of the late war, and that can best be accomplished in a smaller House rather than in a larger one. One point which should not be overlooked is that the larger the House the more a Member becomes a mere agent of a locality; his vision is not so broad; his spirit of loyalty to the whole country is diminished; his efforts for a pork barrel are materially increased rather than his interest in legislation which would be of general benefit.

It has been said that the agricultural communities will lose if the smaller number is accepted. This is a fallacious argument. The proportion will continue the same between country and city, whatever the apportionment, and in the larger number of Members the cities will be more likely to gain than the rural districts with 460 than under the smaller number of 435.

It is said that the census was taken at a time when many of the soldiers and young men from the country were still in the cities. Just what is meant by this statement? It would seem to signify that no apportionment should be made on the census of 1920. The census as taken must be effective whatever the number chosen. I am inclined to think the importance of this alleged absence from the country has been much exaggerated because in the taking of the census the enumerators would assign inhabitants to their permanent localities rather than to temporary domiciles when the census was taken.

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

Mr. LINEBERGER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

Mr. RANKIN. Mr. Chairman, I make the same request.

Mr. SANDERS of Texas. I make the same request.

Mr. BARBOUR. I make the same request.

Mr. COLE of Iowa. I make the same request.

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

Mr. TOWNER. Mr. Chairman, by direction of the chairman, I yield four minutes to the gentleman from Illinois [Mr. WILLIAMS]. [Applause.]

Mr. WILLIAMS. Mr. Chairman, when this proposition was before the last Congress I voted against the increase proposed at that time. I expect to vote to-day for the bill as reported at 460. I have been led to take this position in the first place because of the manifest injustice to the great agricultural sections of this country which an apportionment of 435 would now bring to those States. We all know the conditions under which the last census was taken. After the close of the Great War throughout the farming sections of the country not only young men who were taken away from home into the Army but almost every able-bodied man who could leave their homes had gone to the cities and industrial centers and found employment in war work, munition factories, automobile factories. When the census was taken every State that is largely agricultural showed a large decline in population. That was true of the agricultural sections of Illinois. They are now drifting back to the country and more of them will drift back as the months go by, and if a census were taken to-day you would find conditions very much changed from what they were when the census of 1920 was taken.

If it were possible not to have an apportionment and to allow this matter to go over until the next census, I think I would favor that, but manifestly it will not be possible for that to be

done. I do not agree to the proposition that has been asserted here that this great legislative body has ceased to function or that it has forfeited the confidence and respect of the American people. My observation has been throughout that the people are not complaining about the work or the actions of this body, but whatever there may be of delay, which is a disappointment to the country, the criticism is directed at another body, and not at the House of Representatives. [Applause.] One of the greatest legislative bodies in the world is the British House of Commons. Perhaps no legislative body is as responsive to the public sentiment and the public pulse in any country as is the House of Commons to the British public sentiment in a country with a population of 50,000,000, where they have more than 700 members. Gentlemen complain about the large size of the House at 460. Why, gentlemen, this is becoming a very large country. More than 100,000,000 people are represented here, and during the eight years I have served here, and I take it it is the experience of every Member, the work that has come to be has more than doubled.

I think it is just as essential that we preserve the proper size of our constituencies in this country, in order that they may be properly represented, as that we conserve the size of this body. And the time will come—I may not see it; you may not—when this body will number more than 500 men and women, and when it will be necessary, for a proper performance of the duties that come to a representative of the people, that the size of the House be increased to that number. [Applause.]

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

Mr. TOWNER. Mr. Chairman, the chairman of the committee yields four minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Chairman, I do not like to hear the House of Representatives condemned. I believe, as I once heard the Hon. Champ Clark say, that the House of Representatives is the greatest legislative body on earth. [Applause.] I believe, as the distinguished majority leader of the House said at the last session, that the House of Representatives is the hope of the Republic. I am proud to be a Member of the House. During all the time that I have been a Member the House has proved itself efficient and has functioned in an efficient manner. I believe that the Members of this House in intelligence, in efficiency, and in ability fully sustain the splendid traditions of the House of Representatives. [Applause.] If I felt otherwise I would resign and go home. That is the way I feel about the House.

So far as this pending bill is concerned, it is a compromise between 483 and 435 Members. We passed a bill during the last Congress for 435. It failed in the Senate. I do not know that there is any reason to believe that if we should pass a bill now for 435 it would not fail in the Senate. We are assured, I think, that if we pass this bill it probably will be promptly passed by the Senate. I think it is generally conceded that we must have an apportionment bill. I have been against an increase in membership of the House, but I attended the Republican conference and voted there. I feel bound by the determination of that conference. I think that my people expect me to be a good sport, to act like a man when licked, and to be regular. That is my idea about it. [Applause.]

We have a representative Government, the best form of government in the world, but one of the fundamental principles of a representative government is the rule of the majority. We can not all have our way. We have to pay the price of representative government, and a part of that price is compromise. I do not think that any man is greater than his party. I am willing to bow to my colleagues when they outvote me, and to do it graciously. Under existing circumstances I feel that it is my duty to support this bill. [Applause.]

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

Mr. FAIRFIELD. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. J. M. NELSON].

Mr. RANKIN. And I yield to the gentleman one minute.

Mr. LARSEN of Georgia. And I yield three additional minutes to the gentleman.

The CHAIRMAN. The gentleman from Wisconsin is recognized for nine minutes.

Mr. J. M. NELSON. Mr. Chairman, the gentleman from New York [Mr. MAGEE], who has just spoken, presents a splendid illustration of the misuse and evil effect of party action on questions which are not party measures in any sense whatever. The gentleman from New York, who is as able and eloquent as he is active, says, "I have been against an increase of the membership of the House." So he has. At my request he sounded out the New York delegation on this question. At

a meeting of his delegation about a month ago he moved it to be the sense of the delegation that the House be not increased. It was adopted, so he reported to me, by a vote of 21 to 2. Only a few days ago he again consented to check up his delegation and to do what he could to prevent an increase.

I can certify to the fact that he "has been against the increase," as he has stated. But says he, "I attended the Republican conference." "I feel bound by the determination." "My people expect me to be a good sport" and "to be regular." So he now thinks that it is his "duty to support this bill." Here we have a specific illustration of the evil effect of the conference. Before the conference, to my certain knowledge, the House would have voted overwhelmingly against the increase, but after the conference men who deem it the thing "to be regular" and "go with the organization" now intend to support the bill by their votes against their better judgment.

Let us see how the conference came to decide by a small majority in favor of the increase; and I speak here from personal experience and accurate knowledge. My keen interest in this measure is due to the fact that 10 years ago when this subject of reapportionment was before Congress I had been a Member of this House several terms. I then spoke against the increase. I offered the motion to refer the bill, but a combination of Members actuated by self-interest and appealing to party expediency had so effectually organized their forces that no set of Members appealing to the common good could possibly prevent the sacrifice of the best interests of the House. I therefore then resolved that if I was again a Member of this body when another apportionment bill should come up I would do my utmost to head off this selfish propaganda if such a thing was possible.

Now, it so happens that after a vacation of one term I find myself a Member of this body when another apportionment bill is up for consideration. At once upon my return to the House I went to the majority and minority leaders and asked them, "How do you stand on the increase of the membership of the House?" Without exception they answered, "We are against an increase." I particularly had an understanding with the majority leader [Mr. MONDELL]. At the previous session he had spoken strongly against an increase. I told him of my interest and of my resolution. He expressed a hearty approval of my suggestion that everything be done to head off a movement of self-interested Members at the earliest possible moment. I secured one Member, sometimes two, to canvass each Republican delegation. Reports were made to me, and as a result I found the House on the Republican side about 2 to 1 against an increase. Months ago I so reported to Mr. MONDELL.

About 10 days ago, after it was announced that the apportionment bill would come up, some of us again checked over the membership. This time we included the Democrats. We found that the House was still strongly opposed to an increase, but we discovered, too, that the combination of personally interested Members had been formed and was exceedingly active.

While making the first canvass of Members I conferred with Mr. MONDELL frequently. Judge, then, of my surprise when, after receiving the call of a party conference, I went to him for an explanation, only to find out that he had gone over to the other side. In the Republican conference Mr. MONDELL led the fight for an increase of the House, assigning as his sole reason political expediency; and, as more than a hundred Members were absent, the combination of personally interested Members from 12 States approved of the proposed increase by a vote of 94 to 76. In securing this small majority Mr. MONDELL was the decisive factor. It was due to his leadership, his astute and persuasive play upon the motive of political expediency that did the trick. In short, Mr. MONDELL, the majority leader, had changed his mind and thereupon changed the minds of enough other Members to make this legislative proposition a party measure. Members who desire "to be regular," "to go with the organization," like my friend Mr. MAGEE, must vote contrary to their real convictions.

But does this change of mind by Mr. MONDELL make an increase of the House right? Does his switching against principle for political expediency suddenly make right wrong? Mr. MONDELL, after all, is only one Member. It does not follow that because he changes his mind suddenly the rest of us are all suddenly in the wrong. The conference decided nothing. It only afforded self-interest the opportunity to ally itself with political expediency so as to magnify its harmful power, and that was the object of the party conference.

Having replied to the conference argument presented by the gentleman from New York [Mr. MAGEE], I now wish to address the House on principle. I wish to address myself to the conscience of Members. I take it this is not Mexico. This is the

House of Representatives of the people of America. What has made this Nation great? Is it not loyalty to the great principles which are embodied in the Constitution?

I shall prove by logical argument and by appeal to self-evident facts that this apportionment bill is an unjustifiable evasion of the Constitution. If it is an evasion, it is an abuse of legislative power; and if an abuse of legislative power, it is violative of the solemn obligation we assumed before the Speaker, before the country, and in the name of God.

My first proposition is that to evade the Constitution is the chief purpose of this apportionment bill. Article I, section 2, provides for an "apportionment according to number" and a "census every 10 years." It is to evade this section that the House membership is increased. The mischief behind this evasion consists first of self-interest. This self-interest arises because of the change of population. Thus at the present time the States of Indiana, Iowa, Kansas, Kentucky, Maine, Mississippi, Missouri, Nebraska, Rhode Island, and Vermont, having failed to keep pace in population, will each lose one Member—Missouri two—to other States that have moved ahead in population. The Members from these States are keenly affected by anticipated loss of their seats. No one knows beforehand who will be the victim. These generally group themselves together, therefore, to evade the Constitution by increasing the membership. Self-interest appeals to fellow Members for sympathy and aid. Usually this sympathy is successfully worked, and always self-interest seeks the aid of political expediency. The claim is put forward that by the increase of membership party success in various forms will be promoted; so that a most powerful group is thus organized with self-interest at the center, supported by the evils of partiality and of political expediency. It is thus that section 2, Article I, providing for apportionment according to number, is nullified by an increase of the membership of the House.

My next proposition is that this increase is unjustifiable. Obviously, it is not justifiable to evade a provision of the Constitution for the sake of self-interest, favoritism, or political expediency. These are vices—dangerous and destructive vices. All authorities on the principles of morality as well as on the history of constitutional government, recognize that these are three forms of destructive motives that bring ruin to representative government as their ripe fruitage. On this point I quote Mr. James Madison, afterwards President, who in one of his letters published in the *Federalist*—see page 54—discusses in much detail the harmful effects of such groups, which he terms "factions":

United and actuated by some common interest or passion or of an interest adverse to the rights of other citizens as to the permanent and aggregate interests of the community.

Likewise Judge Story, who was afterwards Chief Justice of the Supreme Court, discusses in detail these dangerous evils in a free government. He quotes approvingly these words of John Adams:

Of all possible forms of government a sovereignty in one assembly, successfully chosen by the people, is perhaps the best calculated to facilitate the gratification of self-love and the pursuit of the private interests of a few individuals.

He then discusses the remedy—the necessity of two legislative bodies, the one to act as a check on the other. It operates indirectly, he says—

as a preventive to attempt to carry private, personal, and party objects, not connected with the common good. (Story on Constitution. The Legislature, Chap. VIII.)

Yet at the conference these passions of self-love were boldly appealed to, and successfully, to make a party matter of a bill to increase the membership of this House. In plain terms, an appeal was made to the evil motives, specifically pointed out by our ablest writers as the most dangerous because the most destructive of the House of Representatives, the main ground and support of our republican form of government.

There is one way to justify an increase of the House—only one—in accordance with the letter and spirit of the Constitution, and that is to bring the proposition to increase the membership into harmony with the specific objects stated in the preamble of the Constitution itself—the general welfare, justice, and the common defense. Manifestly and self-evidently, it can be shown—it was shown over and over again in debate—indeed, it is admitted privately and frequently publicly by Members who, notwithstanding this admission, permit themselves to be actuated by self-interest, partiality, or political considerations, that the proposed increase would involve a great expense to the taxpayers, would be harmful to the House, and still further greatly decrease the opportunities of individual Members for service in this body.

The matter of expense to the people should be considered, but is not the most serious feature of this bill. The resulting

tax burden should, however, in itself have due weight with Members. It is estimated by the minority report that this expense will equal \$500,000 a year. I have checked up this estimate; it is my belief that, considering the difficulty of furnishing office rooms to these 25 extra members, the expense will more than equal a half million dollars. Consider what that means in a period of 10 years alone. It will amount to \$5,000,000. Dividing that sum by the number of States we get an average tax upon each State for the next decade of not less than \$100,000. It would be far cheaper to the taxpayers if we would vote pensions to these 12 Members of their salaries for life. We would save to the taxpayers at least \$250,000 annually, and the expense would end with their death. But the successors of these beneficiaries of abused legislative power will make the expense perpetual. The evil of this bill from the point of view of taxation may be thus stated: To show partiality to 12 Members, whose names are unknown to us, we are to force by taxation and annual contribution from our constituents of over \$5,000,000 in 10 years. Clearly this is not in any material sense in harmony with the general welfare.

But a far worse feature of this matter is the harm to the House of Representatives itself. As the House functions for all the people, the evil is an assault upon the general welfare. Old Members know that every increase of the membership of this body tends directly and proportionately to magnify and intensify every evil by which this legislative body has been long afflicted. Not one good thing, within my observation and experience, has come to the House by reason of its enlargement 10 years ago. It is self-evident that increasing the membership increases the evil of the filibuster. Every Member added makes it more difficult in the committee or in the House to keep a quorum, or to make a quorum. Increase of membership tends directly to increase the legislative power in the hands of a few Members—chairmen of committees, members of the Committee on Rules, members of the steering committee, and the so-called majority leader. Increase of membership makes it an easy matter for a steering committee and the party leader to manage a party conference at will. Increase of membership of the House, as has been demonstrated time and again, tends to transfer debate and proper consideration of legislation from the House to the Senate. Of this there is abundance of proof at the present moment. The Senate has become the forum of real debate, the place where legislation is observed with the keenest interest by the American people. Increased membership, centralizing power in the hands of the chairman of a committee, party leader, party conference, and in a steering committee, made it possible to rush a tariff bill and a tax bill through the House this session without permitting the right of amendment to the membership generally.

I will not discuss the less important evils greatly aggravated, such as the loss of time, more noise, more crowding, and more waste. I will but point to the principal evil, as I see it, that results to the House of Representatives as the paladium of the rights and liberties of a free people, and that is the decreased interest and increased loss to the individual Member—about 6 per cent of his representative capacity.

Axiomatically, as the House increases the individual Member decreases. He decreases in dignity and worth. He loses a part of his legislative power. He loses a part of his legislative opportunities. He loses a part of his privileges, and especially does he lose respect—that of others and that of himself. He comes to feel that he is only one of a mob, that he has little power in actual legislation; and he, therefore, loses interest in a detailed study of the principles and facts concerned in the mass of legislation before Congress. In brief, he finds himself reduced in the main to three functions: To vote with his party—that is, the party leader; to draw his salary fixed by the Constitution; and, finally, by the courtesy of unanimous consent, to extend his remarks in the *RECORD* for circulation among his constituents. The exact loss to each Member by reason of this proposed increase, figured on the basis of percentage of Members, is very nearly 6 per cent of his representative standing, power, and opportunity of service.

That these evil effects upon the House as a whole or the membership individually can not be consistent with the general-welfare clause of the preamble of the Constitution is perfectly clear. No less are they inconsistent with the ideas of justice and of the common defense. My time will not permit me to demonstrate this in detail, but obviously justice can not be harmonized with injustice to the individual membership of this body, nor can the destruction of the House be compatible with the preservation of it as the head that formulates both the ways and the means of providing for the common defense.

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

Mr. J. M. NELSON. Mr. Chairman, may I have a minute more?

Mr. FAIRFIELD. Mr. Chairman, I yield one minute more to the gentleman.

The CHAIRMAN. The gentleman is recognized for one minute more.

Mr. J. M. NELSON. In the minute remaining let me sum up. I have shown that self-interest allied with political expediency seeks to evade section 2 of Article I of the Constitution. I have shown that this evasion is not justifiable, certainly not negatively, by an appeal to vices that disintegrate free governments, nor is there any serious attempt to justify this evasion or nullification of both the letter and the spirit of the Constitution by an appeal to the general welfare, to justice, or to the safety of the House as the center and bulwark of our common defense of the rights and liberties of the American people.

If, therefore, this is an unjustifiable evasion of this provision of the Constitution, as I have shown, it follows inevitably that it is a gross abuse of legislative power, and being an abuse of legislative power support of this measure is a violation of the spirit generally and the specific language of our oath of office. Did we not solemnly swear with hand uplifted before the Speaker, before the country, and in the name of God that we would "support and defend the Constitution," "faithfully discharge the duties of our office," "without mental reservation" or "purpose of evasion"? I unhesitatingly affirm that any Member who votes on this matter, which touches the Constitution directly—for the House of Representatives is the backbone of our form of government—every Member who considers self-interest, partially to fellow Members or party success, and, therefore, who disregards the general welfare, the demands of justice, or the sanctity of this House as the forum of the people of this country, when he votes on this question makes of the Constitution on this subject a thing without purpose, meaning, or restraining power and of our solemn oath of office a mockery and a sham. Mr. Speaker, a vote against this increase is a vote to save the House of Representatives from suicide. [Applause.]

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

Mr. J. M. NELSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the *RECORD*.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RANKIN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Mississippi has 18 minutes remaining. The gentleman from Indiana [Mr. FAIRFIELD] has 15 minutes. The gentleman from Georgia [Mr. LARSEN] has 14 minutes, and the gentleman from New York [Mr. SIEGEL] has 24 minutes.

Mr. RANKIN. Mr. Chairman, I desire to yield over to the gentleman from New York [Mr. SIEGEL] four minutes of my time, and I desire now to yield to the gentleman from Kansas [Mr. WHITE] four minutes.

The CHAIRMAN. The gentleman from Mississippi yields four minutes to the gentleman from New York and four minutes to the gentleman from Kansas [Mr. WHITE]. The gentleman from Kansas is recognized for four minutes.

Mr. LARSEN. Mr. Chairman, will the gentleman yield for a moment while I make a correction?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Georgia?

Mr. LARSEN. I do not want the gentleman to yield to me.

Mr. SIEGEL. I yield to the gentleman from Kansas one minute.

The CHAIRMAN. The gentleman from New York yields one minute to the gentleman from Kansas. The gentleman from Kansas is recognized for five minutes.

Mr. WHITE of Kansas. Mr. Chairman, Thomas Gray, in his beautiful elegy, said:

For who, to dumb forgetfulness a prey,
This pleasing anxious being e'er resigned,
Left the warm precincts of the cheerful day,
Nor cast one longing, lingering look behind? *

The opponents of this bill have insisted persistently that it was founded upon considerations of expediency, but they must concede that the gentlemen from States whose representation will be increased as the result of the provisions of this bill must at least be consistent. I think there is a striking analogy between physical life and political life, and I have wondered, while freely according sincerity of motive to gentlemen in opposition who are so persistent in charging the supporters of this bill with acting from considerations of expediency, if in case they were

not sitting tight through geographical situations or safe conditions in their States, and whether, if they were in danger of losing a place in this legislative body, would they be more generous than ourselves, they, too, might "cast one longing, lingering look behind."

Mr. Chairman and gentlemen, I might say consistently that I am not actuated by any considerations of expediency. So far as the legislature of my State is concerned, I believe that my position is absolutely secure. But, Mr. Chairman and gentlemen of this House, when did it become a fundamental proposition that gentlemen should stand and proclaim that this House is unwieldy; that the representation of the people of this great Republic for the first time but one in our experience under the Constitution should be restricted? With one exception the precedent has been followed for 137 years which we are asked to follow in this bill. Where is the leadership in this great legislative body recruited from? Are Congressmen of influence and leadership developed in a single day? Certainly not. The leaders of to-day were the modest beginners of a few sessions back in our history.

Whether—

There shall come a mightier blast,
There shall be a darker day,
When the stars from heaven down cast
Like leaves shall be swept away—

I do not know. That is somewhat problematical, but here in the forum of time the leaves are falling, solemnly and slow. Within a few months the great Champ Clark, that mighty leader on the minority side, and our beloved Mason, from the ranks of our own side, have gone. And their places must be recruited from the ranks of the men of shorter service.

I say this House functions and has always functioned. If I may make a comparison without offense, it functions with more promptness and at least with as much efficiency and wisdom as does the other legislative body of the American Congress, composed of less than one-fourth the number of Members contained in the House.

The position of gentlemen opposing this bill appears to me inconsistent with the spirit of progress and perverts the original and fundamental conception of representative government. I said their position is inconsistent with the spirit of progress, and is not this apparent when we reflect that population is rapidly increasing and will continue to do so? We are now 105,000,000 souls; before the end of this decade we shall doubtless be 125,000,000.

Our wealth is increasing at a rate of billions each year. Our world influence is paramount; and yet gentlemen say that all this increase in population, in national wealth, in world influence shall have no additional representation. These stupendous facts carry no weight with gentlemen who, being patriotic Americans, must perforce contemplate this advancement with pride and satisfaction, and yet evidently they hold the view that however great our progress in all other lines we should remain stationary in our legislative facilities.

In our first experience under the Constitution it was not thought one Representative for each 30,000 of population was too large a number, nor did experience so prove. I said, and I repeat, that restriction of representation is perverse of the very fundamental idea of representative government.

The proposition to restrict representation is a dangerous step and if carried too far may lead to fatal results for the security of our civil liberties.

History abounds in examples of the abuse of power when reposed in the hands of relatively small numbers of individuals.

There is little of the atmosphere of suppression in this Chamber. I came here with a large number of new Members. I have heard no complaint from any one of them that they have not found full opportunity for expression of their respective views.

I have observed and experienced a splendid spirit of magnanimity and helpfulness toward new Members on the part of the older Members of the House. In this, the greatest legislative forum in the world, I care not what may have been a Member's previous training or opportunities—it is here alone by most diligent and unremitting application to his work and examination of the questions of public interest and policy constantly being presented for action that a Member acquires efficiency in legislative work. It shall be wiser legislation, safer for the Republic, if we increase the number of Representatives proposed in this bill rather than to reduce that number even by a single Member. [Applause on both sides.]

Mr. LARSEN of Georgia. I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I am against this bill, and favor reducing the membership to 304. The gentleman from

Illinois [Mr. WILLIAMS] remarked that he was led to change his former position, when he voted against the other Siegel bill, because the agricultural districts need more Representatives. The agricultural districts do not get them under this bill. Boston gets its extra Representative, New York City gets its two, Pittsburgh and Philadelphia get their two, Cincinnati and Cleveland get their three, Detroit gets its three, Chicago gets its one, San Francisco gets its four, and yet gentlemen talk about agricultural districts. The big cities gobble up the new Members, and it will be the big cities in Texas that will gobble up all new Members.

Mr. LINEBERGER. Will the gentleman yield?

Mr. BLANTON. No; I am sorry I can not, as I have only three minutes.

We each of us can not escape individual responsibility in our vote on this bill, and you Republicans can not escape party responsibility. On the 19th day of January last this House turned down a proposed increase in membership by a vote of 267 to 76, an overwhelming majority of 191. Yet you say you are going to change enough votes to pass this bill. You have got to change 191 men. Will the Republican steam roller do it? Yesterday's press stated that you Republicans night before last, in a Republican caucus, as a party measure, by a vote of 94 to 76, which makes just 170 Republicans attending that caucus, approved this bill increasing membership as a party measure. If you pass it, the country will hold you Republicans responsible, as you have a majority of 170 Members in this House. Are you going to do this awful thing? This morning's Post says, on the front page, that Secretary Mellon is calling on Chairman Madden to raise for him immediately \$370,000,000 to cover an existing deficit, and there is no revenue for it, not even provided in the new revenue bill that went to the Senate. What are you Republicans going to do about it? You can not escape your party responsibility on this measure. Are you Republicans who do not want to do this thing going to be whipped into line? Are you going to be "led" to change your vote and former position?

But you say, "We can not perform the work for our present districts." In the Sixty-fifth Congress I represented the old Jumbo district of Texas that extended 556 miles east and west from Mineral Wells to El Paso and had 59 counties in it.

There are 3 of those 59 counties now in the district of my colleague [Mr. HUDSPETH] that are a hundred miles across, each one of them—Brewster, Presidio, and El Paso Counties. It contained 360,000 people. I went into every county. I spoke to the people of every county. I attended to every call made on me. In the last two Congresses—the Sixty-sixth and Sixty-seventh—I represented 315,000 people in my present district. I have answered every letter and call made on me. No Member here has attended to more cases for disabled soldiers than I have. I am as close to my people as any man in this House, if I do say it. I can attend to the work of my district. This bill should not pass.

Mr. LARSEN of Georgia. I yield to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, at the last session of Congress I introduced a bill providing that the membership of the House under the new apportionment should be 437. That would have been an increase of two over the present membership. I did not introduce the bill in that form, however, because I favored increasing the size of the House, but because I used the even figures of 240,000 population for each Member as the basis for computation, and the result was 437 Members.

So when the Siegel bill proposing a membership of 483 came up for consideration in the House at the last session and the Barbour amendment was proposed, fixing the membership at 435, I gladly supported it and will do so this time when a similar amendment is proposed.

HOUSE CAN NOT GO ON INCREASING ITS MEMBERSHIP INDEFINITELY.

I believe it is quite generally agreed that the House can not afford to continue increasing its membership every 10 years, as has been the case for the last 40 or 50 years, merely to save some State from a slight reduction in the number of its Representatives. Now, at a time when the country is very properly demanding economy in Government expenditures, when there is a general and widespread sentiment against the creation of more new offices, and when Congress itself has a committee at work on the reorganization of Government departments, with one of the principal ends in view of reducing the number of employees, it would be a mighty good time to start the precedent of refusing to increase the House membership.

Of course, there is no Member who votes to retain the membership at 435 but will regret that States like Mississippi and Missouri, Louisiana and Kansas and Iowa and others, will lose in membership; but that is unavoidable, unless we are to

continue the practice indefinitely of increasing the membership of the House. And it is no new thing for a State to have the unpleasant experience of seeing the number of its Representatives cut down under a new apportionment. It may be surprising to some to know that at one time the State of Virginia had 23 Representatives in the House, whereas it now has only 10. Suppose in the earlier days of apportionment the size of the membership had been fixed with a view of preventing Virginia from losing a Representative? Where would the size of the membership of the House now be?

So, after all, in voting upon this question, we should not be influenced by our regret that any particular State will lose or gain. But the real question should be, Is there a necessity for an increase in the membership of the House? If a Member really believes there is such necessity, then, of course, his vote for a membership of 460 is perfectly proper and consistent. But if he does not believe there is any such necessity then the mere fact that he regrets to see any particular State lose one or more Representatives will not be sufficient to justify his vote for the larger membership.

ARGUMENT THAT AGRICULTURAL STATES WILL LOSE UNLESS 460 MEMBERS ARE PROVIDED IS NOT SOUND.

Another argument upon which considerable stress is made is that if the present membership of 435 is retained the agricultural States will be the principal losers in membership, and therefore to the detriment of agriculture. In the first place, it is hardly proper to refer to any of our States as agricultural States or manufacturing States, as the case may be. Most of our States have varied industries. For example, there is the State of New York, in which is located the largest center of population in the United States.

It contains more manufacturing establishments than any other State—49,374 of them, with an invested capital in the enterprises of more than \$6,000,000,000. And yet this State of New York, with its great center of population and numerous manufacturing plants, stands fifth in the value of agricultural crops produced in 1920. Only four States are ahead of her—Texas, Iowa, Illinois, and California. And there is Illinois, with the second largest center of population in the country, which has 18,595 manufacturing establishments, with three and one-half billions of dollars invested in them, and ranks third as a manufacturing State, being outranked in that respect only by Pennsylvania and New York. And yet it also stands third in agricultural production in 1920, and was only outranked in value of production by Texas and Iowa. So it is rather misleading to refer to any State as a manufacturing State or an agricultural State; and I may say here, in passing, that not all men who represent city constituencies are unmindful of the welfare of agriculture. For example, there is the gentleman from Illinois [Mr. MANN]. He represents a district situated, I think, almost wholly in the city of Chicago, and yet I believe it will be freely admitted by both sides of the House that he has been a staunch friend to agriculture and has rendered valuable service in connection with numerous matters of legislation which have passed the House since he has been a Member having for their object the improvement and advancement of the welfare of agriculture. There are other Members of the House on both sides of the aisle about whom I could say the same thing.

WE DO NOT NEED ANY AGRICULTURAL BLOCS OR LABOR BLOCS OR MANUFACTURING BLOCS IN CONGRESS.

As a matter of fact, we are hearing a good deal these days about the so-called agricultural blocs and the labor blocs and the manufacturers' blocs. These things do not appeal to me. I am only interested in the people's bloc—all of the people, and not any one particular class or group of them. I have never had any admiration for the special pleader in politics, for the candidate for public office who appeals for his support to particular classes or groups. I would hate to think, for example, that in order to convince the business men of my district that I was fair and just to the rights of business and invested capital I would have to get an indorsement from some such organization of business men as the United States Chamber of Commerce or the American Bankers' Association.

I would hate to think that in order to convince the laboring men of my district that I was fair and just to the rights of labor that I would have to submit my record in Congress for review and rating by the so-called nonpartisan committee of the American Federation of Labor. I would regret to believe that in order to convince the farmers of my district that I was fair and just to the rights of agriculture that I would have to get the approval of such organizations as the National Grange or the Farmers' Union or the American Farm Bureau Federation or any other similar organization. These various organizations are all right in their proper sphere, and I have no fight to

make upon them; but I have always told their representatives that I will only support legislation which they favor when I believe such legislation is for the public good and not merely for one class or group. I have no ambition to be termed a member of the agricultural bloc or the labor bloc or the manufacturers' bloc or any other sort of bloc. I will be quite well satisfied if I am able to make a record which will justify its being said of me "that he is fair enough and just enough and courageous enough to be the public servant of all."

So the argument that to leave the membership at the present figure would cause a loss in membership to certain of the agricultural States does not appeal to me as being a sound argument. But even if one believes in the soundness of the argument, just a little inspection will show that increasing the membership to 460 would not change the relative proportion in the least. The Constitution says:

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

We are, of course, following that rule in the bill which we are about to enact, and we will follow it whether the membership is left at 435 or whether it is fixed at 460, as proposed in the committee bill, or whether we make it 483, as was proposed in the Siegel bill of the last session. True, if we leave the membership at 435 some States, like Mississippi, Louisiana, Iowa, Indiana, and others, will lose one Member each, but States like Pennsylvania and New York and Massachusetts will not make any increase.

On the other hand, if we increase the membership to 460 in order to save Louisiana and Mississippi and Indiana and Iowa from losing a Member each, we will increase Pennsylvania 2, New York 2, Massachusetts 1, New Jersey 1, which have been referred to as manufacturing States. So, after all, what is the difference? The whole proposition when boiled down is reduced simply to this: If there is an increase in representation from the urban centers in larger proportion than the increase from the rural communities, it is because the drift of population is that way, and it can not be corrected by a mere change in the size of the membership of the House. Such fault, if there is one, would have to be corrected by a constitutional amendment, giving the agrarian sections a larger proportional representation than the urban centers. I hardly think anyone would go so far as to advocate a plan of that sort in this country, for a while at least.

So, in making the new apportionment, we simply have to follow the rule laid down in the Constitution of apportioning the number of Representatives according to the whole number of people in each State, and when that rule is followed I fail to see where any State has any just cause to complain.

TOO LARGE A MEMBERSHIP HAS A TENDENCY TO RETARD RATHER THAN TO HELP THE HOUSE IN DISCHARGING ITS FUNCTIONS AS A REPRESENTATIVE LEGISLATIVE BODY.

There is one more argument which advocates of the plan for 460 membership have used in support of their proposition which I want to notice briefly and then I am through, and it is this: These proponents of the 460 membership say that the House of Representatives in a peculiar sense is the legislative voice of the people, is closest to them, and that in order to preserve this close and intimate relation it is necessary to further increase the size of the House membership. I agree that the House of Representatives is in a peculiar sense the legislative voice of the people and that it is closer to them than any other branch of the Government, and I am just as anxious to keep it that way as any man in the House, but I believe that it can best be done by keeping the size of the House at such a figure as will enable it to function as a deliberative and representative body, without arbitrary and irritating restrictions.

We know very well that by reason of the size of the present membership of the House it has been found necessary to adopt rules that more or less interfere with and circumscribe the freedom of debate. I am not contending for rules which permit such reckless abandon to talk and speech making as prevail at the other end of the Capitol, but I would like at times to see more time given to the discussion of important amendments than we frequently have in the House. Too restrictive rules have a tendency to concentrate all of the legislative power in the hands of committees rather than on the floor of the House itself. There is already too great a tendency among Members to say, "Oh, well, this proposition has received the approval of the committee, and while the proposed amendment reads all right and sounds all right I will just follow the committee."

Committees are important, and I would not seek to minimize the value of their work, but committees should not become the legislative voice of Congress. If we operated under a system of government like the British Parliament operates, or as the

French Deputies operate, where they have a responsible ministry and the majority have only to ratify the bills which are presented by the responsible ministry, then I will agree that my objection would not be so important. But here in our country we have a very different system, and our theory of the Government is that committees do not legislate, but that Congress itself exercises that important function. Therefore, the more restricted the rules and the more we hedge about the freedom of the individual Member in debate and in the power of voicing his convictions on the floor of the House the more we interfere with a truly representative Government.

So if we want to maintain the power and prestige of the House in public esteem, if we want to prevent its becoming so large and unwieldy as to make it difficult for it to function as a deliberative body; if we want to have legislation by Congress, rather than legislation by committees, we will put our foot down irrevocably on any further increase in membership and see to it that the present number of 435 is maintained.

Mr. LARSEN of Georgia. How much time does that leave our side?

The CHAIRMAN. The gentleman has 12 minutes remaining. Mr. LARSEN of Georgia. I yield to the gentleman from Ohio [Mr. CABLE] two minutes.

Mr. CABLE. Mr. Chairman, the issue before this House to-day is national, not State. The question to decide is whether or not 25 additional Members to the lower House of Congress is absolutely necessary for the more efficient transaction of public business. Before the increase is granted there must exist a justifiable cause.

To-day at roll call one-third of the members failed to answer when their names were called. The records show that on an average one of three Members fail to attend sessions of Congress. The absence, especially during the consideration of this reapportionment bill, is significant. It indicates to me that the larger this House grows, the more unwieldy it becomes and the less opportunity do the Members have for participating in debates and to permit their colleagues and country to obtain their views on proposed legislation.

The framers of our Constitution deemed the attendance of all Members important for the transaction of official business, because a provision was made in the Constitution that they may be compelled to attend "under such penalties as each House may provide"; and again this attendance was so imperative that Members, during their attendance at sessions and in going to and returning from the same, are under the Constitution privileged from arrest, except in case of treason, felony, and breach of the peace. How can these provisions be given full force and effect if the membership is increased to so large a number that all Members, if present, can not participate or aid in the consideration of legislation?

Before an increase from 435 to 460 membership in this House should be granted we should first show that each Member is attending to his respective duties and that the present membership is unable to carry on all its official work.

This administration was elected on a platform of economy. The economy program has worked hardship in all departments. Work has been stopped. There has been a reduction of thousands from the Government pay roll. Economy has been preached by many of the Members seeking the increase of 25. They have spoken for a reduction in the expense of our Government. Economy should begin at home. This Congress should, by its example, act as well as urge economy. Unless we cut down expenses in that which is near to us, we can not conscientiously and efficiently ask others to reduce their expenses. Twenty-five new Members in the lower House of Congress means additional expenditure of money collected from the taxpayer of \$296,385.64 annually for a period of 10 years for the salary and expenses of these proposed Members. In addition there must be built either a new House office building or another story on the present one, in order to provide offices for these Members. An increase in the population of the United States from 91,972,266 in 1910 to 105,710,620 in 1920 imposes a duty upon Congress—that of passing a new apportionment bill. The United States Constitution provides for the taking of a Federal census every 10 years. As soon as the population is determined by this census it is made mandatory by the Constitution for Congress to make a new apportionment of Members among the several States. The number of Representatives to be apportioned among the several States according to the population rests in the sound discretion of Congress. The present apportionment was fixed in August, 1911, when the number of Representatives was increased 57 under the 1910 census. The present basis of apportionment is one Representative to each 211,877. With an increase of 25 it would be 228,882, and without an

increase, under the 1920 census, the apportionment would be 242,415 persons for each Representative in Congress.

The duty of Congress is primarily to legislate, and the number of Representatives apportioned to the several States should be sufficient to carefully consider pending legislation and pass needed laws. The present membership of 435 is sufficient. It is so large and cumbersome at the present time that special rules are required to expedite business and pass laws.

An important part of the legislative work of a Member is done in the committee room in the consideration of bills referred to that committee. Membership is so large now in the House that some minor, unimportant committees exist to-day in order that all Members may be elected to committees. The average number of Members to a committee is 21. If 25 new Members were added to the House, so large a number of committees now exist that it would not mean one new Member to even half of the existing committees. Can those advocating the increase in membership conscientiously say that one additional Member is necessary or needed in any committee for the proper consideration of bills referred to such committee?

A gentleman who has preceded me this afternoon has asked that we be consistent. I will ask him if it is consistent for this House to vote itself an increase of 25 new Members and during the same session of Congress by refusing appropriations cause to be stricken from the rolls of the executive Civil Service Commission in the District of Columbia over 8,000 employees and from this same roll for the balance of the United States over 35,000 employees? Is it consistent to cut down appropriations of the Navy and cause a reduction in the enlisted men of more than 26,000 and by that same method cause a reduction of almost 100,000 of enlisted men in the Army, many of whom may now be numbered among those 5,000,000 of unemployed throughout the United States?

Who can rise here on the floor of this House to-day and declare that any State will be less well represented by continuing the present membership? Who will contend that the present membership is unable to properly consider all bills introduced? The records show that an average of at least 20,000 bills have been introduced into the House each year for the last 14 sessions; that an average of almost 2,000 have been reported out, with many more bills considered and killed in the committees; that an average of more than 700 of these bills introduced have become laws. It certainly can not be contended that it is imperative that more laws be enacted by this Congress. The country is suffering to-day by too much legislation.

We should first be consistent with ourselves and by our example of conserving the Public Treasury refrain from enacting any unnecessary law that will be an added expense to the already overburdened taxpayers of this country. Let us be consistent with ourselves and each continue to do our share of the duties imposed upon the office and not seek to add heavier duties to others of the United States Government and at the same time lighten our own burden. Let us by our own example rather than by our power seek to advance the cause of the American people.

When will this decennial increase in the number of Representatives cease? No more auspicious time exists than the present.

For the sake of economy and efficient transaction of public business let us vote against an increase.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent that all Members who have spoken on the bill or who may speak may extend their remarks in the Record.

Mr. RAKER. Reserving the right to object, Mr. Chairman, will not the gentleman make it all Members, and give them five legislative days in which to extend their remarks? There are a number of us who have been trying to get time.

Mr. SIEGEL. We can not do that in committee.

Mr. WINGO. What is the gentleman's request?

The CHAIRMAN. The gentleman from New York asks unanimous consent that all gentlemen who have spoken on the bill and those who may speak on the bill may have leave to extend their remarks in the Record. Is there objection?

Mr. WINGO. I object.

Mr. SIEGEL. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. Mr. Chairman and gentlemen of the committee, there have been so many arguments made on either side of the proposition before the committee that it is somewhat difficult at this late hour to advance any new argument. If I may, I would like to call the attention of the committee to the question that is really presented. The question is whether or not this bill, which provides that the population to be represented by each Member of Congress shall be changed

from 211,000 to 228,000, is a wise measure, or whether the representation of the constituency should be increased to a greater degree. If this measure is passed every Member of this House will represent a constituency increased 17,000 from that fixed when the last bill was passed.

It is said that the body which is smaller in number is greater in wisdom. It is contended that this House 50 or 60 years ago was a House of great wisdom. If that is true, let us see. When the House was composed of 234 Members, if that House was judicious and wise, then it must be remembered that that House increased the membership to 243. That House composed of 243 increased the membership at the end of that decade to a House of 293. That must have been a wise body, because it is smaller than the House now. That body increased it then to 325. The House composed of 325 increased it in the next decade to 356, and that body increased it in the next decade to 386, and the next to 435. Now, this committee has in its wisdom proposed an increase in number of 25, which is not a great increase compared with the increases made before. Those of us who propose to support the measure are charged with selfishness and being governed by expediency or being guided by the interest of our particular States. It is said that if 435 Members are to be in the Congress the next decade 10 States will lose some membership, and therefore we are selfish in looking out for that interest.

Gentlemen, I confess that I think we ought to look to the fact that to leave this membership at 435, changing it as it would be changed, would deprive State delegations to the number of 10 of one Member each in this House, which would be lost to this House. I do not know what Member will be lost from Indiana, I do not know what Member will be lost from Kentucky and Iowa and a number of other States, but I know if you take 10 States and rob each one of a Member, you are going to lose some valuable Members of this House. Why, gentlemen, this body represents people and not territory. The minority report says "there has been no increase in territory since the last apportionment." This House does not represent territory; the Senate represents the States, the territory, but this House represents the people. [Applause.]

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

Mr. FAIRFIELD. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, I represent in part one of the States which would be a beneficiary under this bill in increasing the membership. At the same time I feel confident that I am voicing the views of the people of Massachusetts when I say that we prefer not to have an additional Member. [Applause.] If there is some other State that wants a contribution of one Member which is assigned to Massachusetts it is welcome to it, because we do not believe in increasing the membership of the House nor the State delegation.

There has been a good deal said in reference to the additional people we are representing through woman suffrage. I realize that the gentleman from Kentucky undoubtedly has additional duties to perform to those which he performed before we had woman suffrage, but let me ask him if the apportionment has not always been made on the basis of population and not on the basis of how many voters there may or may not be in a State at a particular time.

Mr. LANGLEY. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. LANGLEY. I want to say that I hope the gentleman from Massachusetts will perform his duties as faithfully as I do mine. [Laughter.]

Mr. TREADWAY. Well, we might get into a little discussion if we continued in that line, and I think we had better stick to the text. [Laughter.] The gentleman from Ohio [Mr. BURTON] made a very eloquent plea for the continuation of the present membership of the House. There was one argument he made which he said was not of great importance, namely, the additional expense the new membership would add. I think myself that that is a very serious question, even if the sum does not exceed \$300,000 or \$500,000 for the 25 new Members. Every little item counts in the great budget that we must raise from the taxpayers of the country for the support of the Government. If \$300,000 can be saved by keeping the membership of the House at the present number, I am for the saving of that sum and every other saving of a like character. [Applause.]

Mr. TINCER. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. TINCER. Massachusetts does not lose any Member if the membership is kept at 435.

Mr. TREADWAY. That is true; but it is immaterial whether we win or lose. It is the principle involved; and if we stood to lose one I would be as strongly for the retention of the present membership of the House as I am at this time.

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

Mr. TREADWAY. Yes.

Mr. PADGETT. The statement has been made that it would involve \$500,000 additional expense on account of the increased membership. That does not nearly tell the tale. We have not room in the Office Building to accommodate the additional Members, and it will force the building of a new office building.

Mr. TREADWAY. I realize that the point is very well taken by my friend; but, as I understand it, there would be one large expenditure at the original increase and then the yearly additional expenditure would be about \$300,000.

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

Mr. TREADWAY. Yes.

Mr. LANGLEY. Does not the gentleman think we ought to have another office building so that each Member could have two rooms?

Mr. TREADWAY. No. I answer that most emphatically. I think that we have excellent quarters as it is for the transaction of our business and that we ought to be satisfied with them.

The gentleman from New York [Mr. COCKRAN] said that we had stopped functioning as a legislative body. I do not agree with him. Has Congress ever put greater items on the statute books than this House has assisted in doing during the Sixty-seventh Congress? We have cut millions of dollars off the expenditures of the country. We have passed the Sweet bill, one of the best pieces of legislation ever placed on the statute books. We have adopted the budget system. Those bills originated in this body, and I think this House ought to take to itself great credit for the class of legislation that has originated in it and that is now on the statute books. [Applause.]

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

Mr. FAIRFIELD. Mr. Chairman, I yield the gentleman two minutes more.

Mr. TREADWAY. Mr. Chairman, we have not abdicated our functions, and simply because a rule is occasionally required to make legislation effective is no argument against the manner in which we legislate. We are functioning and functioning well and as fast as we can consistent with good legislation.

The matter of the number of people whom we represent has been touched upon. It does not seem to me to make a great deal of difference whether we have one or two or five or ten thousand people more or less added. It is the character and quality of the men who come to this body which count. Whether or not 10 good men would be lost out of this body is a very weak line of argument according to my idea. Congress will continue to function after you and I and all of the rest of us have gone. Ten men out of this body are not going to stop Congress from performing its proper work. Twenty or 30 years ago, before any of us were here, Congress got along all right. This is not an individual body; it is a collective body, representing the people, and certainly with 435 Members, whether they come from one State or from another State, one here or one there more or less will make practically no difference either in the character of men or in the class of legislation. We have not abdicated our powers, and the work of the House during this Congress is ample proof. I think we should continue to save the taxpayer's money. Here is a chance to save not less than \$300,000 per annum. I am for a continuation of the present membership. [Applause.]

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

Mr. SIEGEL. Mr. Chairman, I yield four minutes to the gentleman from Nebraska [Mr. JEFFERIS].

Mr. JEFFERIS of Nebraska. Mr. Chairman and gentlemen of the House, I think we are losing sight of the important principle upon which this Government is founded. This Government was founded as a representative government. I believe in a representative government. At the time that this Nation started on its course, then composed of 13 contiguous States along the Atlantic coast, 30,000 people, by our forefathers, were deemed as sufficient in number to have a voice in the Halls of the House of Representatives. If 30,000 people were entitled to a spokesman here, it would seem to me now with 105,000,000 people that 228,000 people should be entitled to a voice in this House. Gentlemen say that the efficiency of the House will be destroyed if we increase the membership. Just the converse is

true. If we had 600 Members in this House and we should pass a measure by a vote of 400 to 200, and that measure should go to the other end of the Capitol, gentlemen there would look at that vote and say, "There are 400 Representatives from the people, closer to the people than we are, who have spoken for that measure, and we can not hope to override the voice of the people as expressed by their Representatives." It seems to me that when we undertake to think of representative government we should realize that if these institutions are to continue, all classes of people, whether from the city or the farm, whatever may be their ideals and theories of government, shall have a voice in the Halls of Congress. When they have had their voice here and have met in debate and discussion, when they have perhaps suffered defeat, they will be satisfied because they have had a voice, but if we curtail the number of Representatives of the people, then there is bound to exist in the country and in the cities great numbers of people who perhaps have little acquaintance with their Representative and who may feel that they have no voice in the House of Representatives; and what would follow? They would then want legislation by direct vote of the people, the worst form of legislation that has ever been submitted to a free and enlightened people. Therefore I appeal to you to-day, if you believe in representative government, to vote for one Representative for every 228,000 people; to vote and enact this measure establishing 460 as the number of the next House. [Applause.]

Mr. RANKIN. Mr. Chairman, I yield seven minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY of Texas. Mr. Chairman, there is a principle involved in this measure in addition to the question of expediency, and I ask Members to consider that question of principle. When I listened to the gentleman from Maine [Mr. BEEDY] and also later to the gentleman from New York [Mr. COCKRAN], I felt that perhaps it might be said of them that much learning had made them mad. The real fact of the business is that this is a simple proposition, and the last gentleman who spoke on this floor has sounded the keynote of the principle upon which my conclusion has been reached. This is a representative Government, and the fathers when they founded it thought that 30,000 people were enough to entitle them to a Member of Congress. The census of 1800 showed that we had something over 5,000,000 population, and the Congress raised its Representatives to 105, making one Member to about every 37,000 of population. To-day we have a Member to every 211,000 or thereabout; that is, a Member of Congress now represents between five and six times as many people as in 1801.

In addition to that, it may be egotism, but I believe our people to-day are as virile and intelligent as were our fathers, and they demand or need as much service and representation as did the people of 1801. Not only that, but, gentlemen, there is another suggestion. There is not a State in this Union that does not have a legislative body to take care of the people's business in their State—that is, to legislate in matters over which the States still retain jurisdiction—and every State has in its State legislature a far greater proportional representation than we have here, and State representatives no more look after the interests of their people than to-day Members of Congress are doing. The Federal Government has gone down into intimate relation with the citizens, and the Member of Congress here deals as directly with his people in his State and district and their interests as does a representative in the State legislature. But what State is there that would think of having only one representative to even 100,000 of its population in its house of representatives? That is not all, gentlemen.

One great principle that has been seeking to find its way in the democracies of the world has been minority representation. Do you know if you get an aggregation of people of 230,000 with only one Representative in Congress, that if the race is close in the election of that Member of Congress a large minority of his district is unrepresented here, and the larger you have your congressional aggregation the larger the minorities that will have no voice in the legislation of your country? I say that it is ridiculous to talk about this body being too large, and under the change proposed by this bill there will still be 228,000 people to every Member of Congress here. Even if he were their unanimous choice, that number of people is all that he can represent and do justice to. Gentlemen, suppose you have a condition under which an election to membership in this House in some States is thrown into the State at large and you have 2,000,000 people to be represented by the Members chosen by the aggregate vote, and 900,000 of them vote one way and 1,100,000 vote another, then you have a minority of 900,000 in that State unrepresented here in the Halls of the Congress. When districts are smaller there is more chance for every

shade of political opinion to have a voice and hearing here, and to present its theories and philosophies of government. The gentleman from New York laments the decay of the power of the House. The gentleman from Maine laments the decay intellectually of the individual membership. Do you know a long time ago Prof. Blair, of Edinburgh University, author of one of the most remarkable books on rhetoric in the English language, in that book lamented at that moment the decay in eloquence and oratory in the Parliament of Great Britain, and while he was lamenting Burke and Chatham were thundering in the House of Commons? It is a common thing for us to look back on the days gone by and call them the golden days. In my humble judgment we have to-day as much integrity, virility, manhood, and intellect in this country as in the days that are past. [Applause.] But I know we do things we ought not to do. I know there are wrongs we ought to right, but as American citizens let us right them, and as American Members of Congress let us stand here for a full representation of our constituencies. I know there is not a man in this House who ought to represent more than 228,000 inhabitants. Oh, it is not a question of woman suffrage giving more votes and not more people to represent. But it may be that since the women vote they give you more interests and issues to investigate and look after, and you have got more work to do for the women and men seeking by every means to uplift and upbuild this good country of ours. I know that since those golden days of yore Congress sits twice as long and its work is never ended. You get letters; how many of you do not read if not answer an average of 50 letters and documents a day from your people? Then think of this representation or lack of representation of the minority. As you increase the aggregate size of the population represented by a Member here you increase the number of the minority that must be unrepresented here. If I come from a district wherein I get a slight majority, all the people who vote against me are unrepresented.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RANKIN. I yield the gentleman the remainder of my time.

The CHAIRMAN. The gentleman is recognized for three additional minutes.

Mr. HARDY of Texas. I thank the gentleman. Gentlemen, that is the question. I am frank to say I would vote for 483 Members if I could get a chance, not specially for Maine's benefit, and yet I would hate to see Maine lose the flower and brilliancy of the gentleman who addressed us to-day [Mr. BEEDY]. I would vote for it because I believe that every one of 483 Members would have as many people in his district as one Member should represent, and even then there would be enough minorities unrepresented whose voice was not heard in our legislation. You take a State that is part of it Republican and part Democratic and suppose you have in one vast congressional district 500,000 votes and you elect a Republican by a majority of 5,000 votes, or a Democrat. Who represents those others? When if we could divide it into two districts and give one a Democrat and one a Republican here both sides would be represented, the voice would be here, and democracy says that we should have representation in this House really representing our people.

Oh, you can say what you please, the real bug under the chip—the real thing that is influencing our position on this question, consciously or unconsciously—is that too many of us are going to be afraid that our people will tax us with being extravagant. They say this increase will cost \$500,000. What is \$500,000 to this Government of ours if that much is added to the budget for the very just representation needed? It is nothing. Five hundred thousand dollars will go into our annual budget of \$5,000,000,000 ten thousand times. We save at the spigot and lose at the bung-hole. We are petty savers to go before our people and tell them we save this little amount. Shut off the big things. Shut one battleship off and we save a lump sum of \$40,000,000, and it will pay this \$500,000 for 80 years. The original cost of one battleship will pay the cost of these added Members for 80 years, even if you do not have to pay anything to keep up the battleship; but it will cost \$2,000,000 a year to maintain one of these ships, which is four times the cost of these added Members. Save something big. Save something that ought to be saved. Do not be parsimoniously economical where there ought to be statesmanship and wisdom and preservation. Let us preserve the principles upon which our fathers founded this Government, the principle of adequate representation here. Every man, woman, and child in it ought to have some representation upon the floor of this House. This House need not be afraid of losing its standing, because we have men here of ability, both among the Democrats and Republicans.

Mr. PADGETT. Does the gentleman think that he represents every man, woman, and child in his district?

Mr. HARDY of Texas. I might not represent some of them as they would have me represent them. I can not represent their views on great political issues if they voted against me on account of those views, and I certainly do not give voice to those views here on this floor.

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

Mr. FAIRFIELD. Mr. Chairman, I yield four minutes to the gentleman from Ohio [Mr. COLE].

Mr. COLE of Ohio. Mr. Chairman, the only considerations that would induce me to vote for this bill are the pressure that is brought to bear by the Members from States that will lose a Member if the present membership be retained and that of political expediency. As to the first proposition I feel that my duty is to serve as best I can the entire country rather than an individual Member or State.

The Members that will be lost to Congress if this bill be defeated are, indeed, honest, capable men, who are representing their several constituencies in an able and worthy manner; but why will some States lose while some will gain in representation in this body? It must be because the population during the last decade has decreased in some States and increased in others. In other words, people have seen fit to move out of some States into others. Why should they not take their Congressman with them? If they have decided that they prefer the effulgent sunshine and balmy breezes of the Pacific coast to the torrid rays and hot winds of the Great Plains it occurs to me that the Congressman that represents them here should be from their new home. Why should a Member from Kansas or Indiana or Iowa or any of the States continue to represent citizens who have moved to other States? Of course, this is all based on the proposition that the membership of the House of Representatives ought not to be increased.

It has been argued here, and ably, that the House of Representatives has lost a good deal of the power and prestige it formerly enjoyed. There is no doubt but that the average mentality and ability of the present personnel is as strong as it ever has been, but the membership has grown to such proportions as to lessen the opportunities for individual effort that obtained in a smaller House. In former years the House was considered the stronger body of the two legislative branches, but now the Senate seems to hold that distinction. I am persuaded that it is due to the fact that the Senate is the smaller body. The Members of this House, coming direct from the people and therefore in closer touch with their needs and desires, should exercise a greater influence than any other branch of the Government, and I am constrained to think they would assume that position were it not for the unwieldiness occasioned by excessive membership.

One other consideration is the item of expense. Everybody knows and feels the great burden of taxation that is now being borne by our people on account of the tremendous cost of the Great War. They are crying for the burden to be lessened. The administration and the membership of both branches of Congress, bound by duty and pledge, have been strenuously making every effort to secure economy in governmental expenditures. Now, in the face of all this, are we going to add to that burden and disregard our promises to that people by increasing the membership of this House, thus entailing the additional expenditure of hundreds of thousands of dollars. The benefits to be derived through such an increase, if any, will not justify, in my opinion, any such action. The people are satisfied with the size of this House. What they are criticizing is the size of its accomplishments. If the Members now here will continue their activity, the exercise of their own judgments and consciences in matters of legislation, there never need be any fear about what is likely to happen in another branch of Congress, and the lost prestige would soon be regained and this House take its place, where it ought to be, the greatest legislative body in the world. Political expediency at a time like this ought not to enter into our considerations.

The whole world, and especially our own country, is in the greatest turmoil in all history. Every faculty, every power, every agency of everybody should now be brought into full requisition, not for petty political prestige but that all the people, without regard to political affiliations, might be lifted out of the "slough of despond" into the clear atmosphere of renewed prosperity.

The passage of this bill would increase the membership of the House by 25. Will anyone here say, except for political expediency, that such an increase is necessary? I have the honor to represent a district the main industry of which is agriculture, and I certainly would neither say nor do ought that would in any way have a tendency to interfere with that greatest

of all industries; attempts have been made here to persuade us that if the membership be not increased the agriculture districts will not be properly represented. It is a well-known, though regrettable, fact that for a number of years the population in our farming sections has been decreasing, while the population of the cities has been rapidly increasing, so if the membership here were to be made larger the rural communities would gain nothing thereby, and the more thickly populated communities would have all the advantages that might accrue.

Finally, Mr. Chairman, considerations of efficiency, considerations of opportunity, considerations of economy all lead to the inevitable conclusion that the membership of this House, if anything, is too large now, and in justice to the will of the people and the mandates of reason it ought not, at least, to be increased.

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

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

Mr. FAIRFIELD. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. FAIRCHILD].

Mr. FAIRCHILD. Mr. Chairman, I realize that on a question as important as this there is no opportunity for debate when the time is necessarily limited, with many desiring to speak, and when therefore only three minutes, or four minutes, or five or ten minutes can be allowed to each speaker. In a House of smaller membership there would be a fewer number requesting time, and therefore more opportunity for real debate by those who do speak.

I would not take any of the time of the committee except for my desire to state why, as briefly as possible, I feel compelled to vote against the increase of membership of the House, in a large degree against my personal feelings when listening to the persuasive talk of my friends who say they are going to lose representation.

I realize how persuasive those appeals are. I should like very much to respond favorably to the appeal from my genial friend from Kentucky [Mr. LANGLEY], and I should like very much to be able in my vote to follow the leadership of my colleague from New York [Mr. SIEGEL], the chairman of the committee. To do so, however, would do violence to very deep, long-standing convictions.

I was a Member of the Fifty-fourth Congress when the membership of this House was 357. I was not a Member as long ago as my colleague from New York [Mr. COCKRAN], when the membership was 325, less than the number he gave in his answer to my question.

But I recall that in the Fifty-fourth Congress, when the membership of the House was 357, it was even then apparent that the membership of the House was too large. It was even then realized that there would be greater efficiency if the membership of the House were smaller, and it was then stated that we would never increase again. The very arguments that were used here to-day by those who favor the present proposed increase were used then. The House has been increased to its present membership of 435, and now a further increase is proposed to 460.

I agree with the argument of my colleague from Ohio [Mr. BURTON] in opposition to a further increase in the membership of the House. [Applause.]

[At this point the gavel fell.]

Mr. FAIRCHILD. Mr. Chairman, my time is up. I have been granted leave to print, but I shall allow my fragmentary remarks to remain at the point where the gavel fell, with the exception of this brief statement calling attention to the real condition of debate in the House caused principally by much too large a membership. Other undelivered speeches will be printed in full in the RECORD, presenting the appearance of a full debate that has never in fact occurred. I am not criticizing the custom of printing undelivered or unfinished speeches occasioned by the very large membership of the House. I am merely calling attention to the fact in a protest against another large increase, another step in the wrong direction, away from a deliberative body where opportunity is offered for real debate. Anyone who has witnessed the one, two, three, four, and five minute allowances of time upon every important measure coming before the House of Representatives in recent times will understand.

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

Mr. FAIRCHILD. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Georgia [Mr. LARSEN] is recognized.

Mr. LARSEN of Georgia. There is only one more speech on this side.

Mr. BEEDY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HARDY of Texas. Mr. Chairman, I make the same request.

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

There was no objection.

Mr. HUDSPETH. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LANGLEY. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Kentucky makes the same request. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, I make the same request.

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

There was no objection.

Mr. SIEGEL. Mr. Chairman, how does the time stand for each of the three parties?

The CHAIRMAN. The gentleman from New York has 13 minutes, the gentleman from Indiana [Mr. FAIRFIELD] has 4 minutes, and the gentleman from Georgia [Mr. LARSEN] has 10 minutes.

Mr. SIEGEL. Mr. Chairman, I yield half a minute to the gentleman from California [Mr. OSBORNE].

The CHAIRMAN. The gentleman from California is recognized for half a minute.

Mr. OSBORNE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

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

Mr. TINKHAM. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend and revise his remarks. Is there objection?

Mr. STEVENSON. I object.

The CHAIRMAN. The gentleman from South Carolina objects.

Mr. SIEGEL. Mr. Chairman, will the gentleman from Georgia use some of his time? There is only one speech at this end; that is all.

Mr. LARSEN of Georgia. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. BRINSON].

The CHAIRMAN. The gentleman from North Carolina is recognized for 10 minutes.

Mr. BRINSON. Mr. Chairman, the debate has been truly interesting, instructive, and entertaining. In company with all present, I am sure I enjoyed the eloquence as it flowed from the lips of the distinguished gentleman from New York [Mr. COCKRAN], who is always eloquent. But I think if you will analyze the remarks of the gentleman you will find that that speech affords as much ground for amusement, when we consider the logic of it, as it does of entertainment and inspiration when we consider it as an eloquent production. The gentleman on this occasion as well as in the past discussed the growing weakness of the House, its lack of power and dignity compared with the other branch of the legislative body. He has told us on former occasions, as he told us to-day, how the House had become unwieldy, how initiative had been lost, how committees were taking all power into their hands, and as a remedy for this he proposed a further increase of the membership.

Now, my friends, the distinguished gentleman offered one sole argument in support of that proposition, and that was the fact that you could not make matters worse, and therefore he insisted that we should increase the membership. Naturally, the same argument could be used 10 years from now, and upon the same ground and on the same argument we should then increase the membership.

My genial friend from Louisiana [Mr. ASWELL] favored the increase because he said that by holding to the present membership the agricultural portions would lose in the apportionment, and his zeal for the agricultural portions of the country inspired him to make this vigorous protest against holding to the old membership. A study of the tables furnished to the Census Committee, printed here and lying upon your tables, shows that while certain agricultural States lose in the new apportionment, that loss accrues to other agricultural States, and the agricultural sections of our country do not lose in the apportionment as proposed by the minority of this Committee on the Census.

Now, my friends, this decennial discussion of the census, it seems to me, has proven to be about the most vexatious problem that Congress has to deal with. I have been looking over the discussions of the last 40 or 50 years that have been had in the House over this matter of reapportionment. I studied with particular care the speeches made 10 years ago, and I find, Mr. Chairman, that practically all the proponents of an increase of membership during these discussions have declared against further increases beyond the increase proposed in the bill then pending, and on one occasion, as referred to this morning by the distinguished gentleman from Ohio [Mr. BURTON], they accompanied the bill by a provision which provided that the number fixed then, 433, as I recall, 10 years ago, should be the permanent number at which the membership of the House should be held. Let me say that was a vain effort; that it would amount to nothing and could not bind succeeding Congresses. That is true, except for its moral effect. That measure passed the House, showing, my friends, that the House itself feared that the danger line had been reached—the danger line that meant inefficiency if the House should be increased—and therefore they proposed to fix in that statute law that there should be no further increase. Judge Crumpacker, the ranking minority member of the committee 10 years ago, while he advocated an increase at that time to 433, stated that he favored some permanent statute of that sort for its moral effect, that the House was then too unwieldy, and he disliked to see it increased, but that there was a majority in the House in favor of an increase, and he yielded to that majority.

My friends, one of the most distinguished men in this Nation, a gentleman whom we are all glad to have with us on this floor, ex-Speaker CANNON, used this language in that debate:

Now, I believe that 433 is as large as this House ought ever to be.

We have had no wiser statesmen than the distinguished ex-Speaker, and I quote his exact language on that occasion.

We are all sorry, Mr. Chairman, to lose any of our friends from the floor. Naturally we deplore the loss of any of our colleagues and associates. But, Mr. Chairman and gentlemen, this ought not to be considered from a personal aspect at all. It is a broad national question, and we ought to deal with it from a national standpoint and not as a personal matter.

Again, it has been urged before in the debates and urged here to-day that other great legislative bodies of the world are much larger than the House of Representatives and that therefore we should increase our membership. The membership of the British Parliament is 670, according to the figures which I have here. But, my friends, the British Parliament legislates for a constituency of something like 300,000,000 people, and also legislates in local matters as well as in national matters. The British Parliament answers in a measure to our State legislatures, and therefore it is wise—and they are a wise people—that over there they should have general representation coming from the various communities of that great nation. And yet, as has been suggested, they have a small quorum of 40, and they tell me that it is frequent to find very few more than that quorum present transacting the business of the great British Empire. France has a Chamber of Deputies of 584, with a similar situation. Spain has 406.

Then, too, Mr. Chairman, they have in many of these countries what they call the bloc system, one man controlling a bloc of votes. They practically delegate to that man the voting power, and it is not necessary that they should be there, because they know that somebody holds a proxy to vote for them.

My friends, reference has been made to the expense. I can not understand how gentlemen favoring this increase of membership can justify their attitude here upon this question when we consider how clamorous they are to reduce the expenses of this Government. We have all sorts of measures instituted to cut down expenses. We have a Budget Commission to pare expenses where we can.

And yet, my friends, while we are making much ado about this matter of cutting down expenses, we Congressmen here, in a matter that concerns ourselves personally, increase our num-

her and increase the expense approximately \$500,000 a year. How can we justify that inconsistency?

Mr. Chairman, there are many other reasons I urge why we should make no further increase. But to me the most serious objection lies in the fact that we are continuing a policy which in the end will be disastrous to our country. The membership is now unwieldy. We know that. It has been repeated, and repetition gives emphasis, that we are unwieldy. The distinguished gentleman from New York [Mr. COCKRAN] did not over-emphasize that matter. Everybody here knows we are now too large for efficient work. A new Member has to wait here for years before he has advantageous committee assignments, and until he can get those assignments his influence is practically nil in the great legislative body of this country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. SIEGEL. I yield to the gentleman from Wyoming [Mr. MONDELL] the balance of my time.

The CHAIRMAN. The gentleman from Wyoming is recognized for 12½ minutes. [Applause.]

Mr. MONDELL. Mr. Chairman, may I ask the gentleman from New York [Mr. SIEGEL] if it is his purpose to continue the sitting until this bill is disposed of?

Mr. SIEGEL. It is my purpose to do so.

Mr. MONDELL. Mr. Chairman, the final decision on all legislative questions, the final decision on all great questions in this world of ours, is almost invariably a matter of compromise. Very few men are fortunate enough to be able to have their view and opinion without change or alteration written into statute law. There are wide differences of opinion on the question of the proper size of this, the greatest legislative body in the world. Some gentlemen would have the number 300, or even less, if they had their way, and as the matter is now presented to us, differences of opinion range all the way from a House of 435 to a House of 483. In the course of the debate some gentlemen have complimented me by referring to the opinions that I have expressed on the floor of the House in former times relative to the size of this body. I think I can properly say this in regard to my attitude on the question. I am not sure that some of the gentlemen who have referred to my former utterances could honestly say that whatever shall occur, whether the House shall be 435, 460, or 483, it will in no wise affect the interests of my State, and could not in any way affect my personal or political fortune. If any man stands free from all local, political, or personal pressure in this matter, I am the man. I am quite certain that the gentlemen who have criticized my position can hardly say as much.

I have changed my opinion as to the practical thing to do on this subject, and while some may criticize me for so doing, I have the consolation of knowing that the old saying, crystallizing the philosophy of the ages, prefers those who sometimes change their minds above those who do not. I am delighted that Maine has finally reached the pedestal of high, exalted, and wholly disinterested opinion in this matter, for I well recollect the time in the early days of my service here when Maine and her great influence forced an increase of over 30 Members in the House. I remember that when later the House was increased, as I recollect it, by over 40 Members, it was very largely the influence of the Pine Tree State that brought that increase. I did not criticize Maine then and I do not criticize Maine for that action now. But Maine's representatives only reached the acme of virtue after they voted for 483 in the committee and in the House. It becoming certain that the House would not stand for 483, and Maine not being able to hold her full membership, does not want any other State situated as she is to do so. [Applause.] It may be an entirely proper attitude to take, but from certain viewpoints it may be held to be a subject of some criticism.

There is no question of principle involved here. It is a question of opinion, and while it was my opinion in former times, and I am still somewhat inclined to the opinion, that a comparatively small House is preferable to a large one, it is merely a matter of opinion, and I have no rule by which I can determine whether that opinion is sound or no. This I do know, and I say it without fear of successful contradiction, that this House, larger to-day by 70 Members than when I first came here, is a more powerful influence in legislation and the affairs of the Government than it has been at any time in the last 25 years. [Applause.] That may not be due to the increase. Gentlemen may believe that it is in spite of the increase, but this Congress, this session of Congress, has and will impress its view, will, and opinion on the legislation of this Congress more than any House has in many years. [Applause.]

They say there were giants in other days, and giants there were; and yet this House, man for man, never was finer or

stronger than it is to-day. Statesmen are men who have departed this life. I expect that in the days when the gentlemen now here have passed to the great beyond men will point to many of them as we point now to the men of the past as master minds and men who were statesmen in the truest sense.

Gentlemen, whatever your opinion may be as to the size which this body ought ultimately to have, from the foundation of the Government at each decennial period save one, this House has been increased, and after having given much study to the subject in the last few months I have arrived at the conclusion that the House will continue to increase as the population grows until and unless there shall be a constitutional prohibition against such increase.

And there are many arguments for it. Some gentlemen say there is not enough time as it is for oratory, and if the number is increased gentlemen will not have as considerable an opportunity to speak as they now have. I do not think the country will necessarily suffer from that. Gentlemen all know that in every legislative body in the world legislation is largely framed in committee, that the changes on the floor are few and generally not important. We all of us know that with the increase of the number and importance of questions which Congress may be called upon to consider, we are brought face to face more and more with the necessity of having a wide geographical distribution of the representation on the committees of the House.

That is one of the problems we have constantly to meet. It can not be met if you reduce the House or hold it at its present number. There is much in the argument that increased population brings increased business, sufficient to warrant increased membership, and this is certain, that if the committees of this House dealing with the great problems that come before them are to fairly represent the various sections and interests of the country, there must be large enough representation upon the committees to give every variety of opinion an opportunity to be heard in committee. That can not be done with a small House. That can best be done by a House even of larger size than we have now. Who is he that shall say to the Representatives of 12 States of the Union, threatened here by what I hope is a minority with a reduction of their representation, that the number 435 is sacred and shall stand always as the size of this House? [Applause.]

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

The Clerk will read the bill for amendment under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That after the 3d day of March, 1923, the House of Representatives shall be composed of 460 Members, to be apportioned among the several States as follows:

Alabama	10	Nebraska	6
Arizona	1	Nevada	1
Arkansas	8	New Hampshire	2
California	15	New Jersey	14
Colorado	4	New Mexico	2
Connecticut	6	New York	45
Delaware	1	North Carolina	11
Florida	4	North Dakota	3
Georgia	13	Ohio	25
Idaho	2	Oklahoma	9
Illinois	28	Oregon	3
Indiana	13	Pennsylvania	38
Iowa	11	Rhode Island	3
Kansas	8	South Carolina	7
Kentucky	11	South Dakota	3
Louisiana	8	Tennessee	10
Maine	3	Texas	20
Maryland	6	Utah	2
Massachusetts	17	Vermont	2
Michigan	16	Virginia	10
Minnesota	10	Washington	6
Mississippi	8	West Virginia	6
Missouri	15	Wisconsin	11
Montana	2	Wyoming	1

Mr. BARBOUR. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. BARBOUR: Strike out from and including line 3, on page 1, to and including line 18, on page 3, and insert in lieu thereof the following:

"That after the 3d day of March, 1923, the House of Representatives shall be composed of 435 Members, to be apportioned among the several States as follows:

Alabama	10	Illinois	27
Arizona	1	Indiana	12
Arkansas	7	Iowa	10
California	14	Kansas	7
Colorado	4	Kentucky	10
Connecticut	6	Louisiana	7
Delaware	1	Maine	3
Florida	4	Maryland	6
Georgia	12	Massachusetts	16
Idaho	2	Michigan	15

Minnesota	10	Oregon	3
Mississippi	7	Pennsylvania	36
Missouri	14	Rhode Island	2
Montana	2	South Carolina	7
Nebraska	5	South Dakota	3
Nevada	1	Tennessee	10
New Hampshire	2	Texas	19
New Jersey	13	Utah	2
New Mexico	1	Vermont	1
New York	43	Virginia	10
North Carolina	11	Washington	6
North Dakota	3	West Virginia	6
Ohio	24	Wisconsin	11
Oklahoma	8	Wyoming	1

Mr. BARBOUR. Mr. Chairman, I merely wish to state that if this amendment is adopted it maintains the membership of the House at its present number. It is the one question that has been discussed during the general debate, and I do not think it is necessary to take any further time. [Cries of "Vote!"]

Mr. COOPER of Wisconsin. Mr. Chairman and gentlemen of the House, I was very much interested—I may say entertained and amused and also surprised—by the speech of the gentleman from Wyoming, the distinguished Republican floor leader. I do not know that I ever heard statements here that more astonished me than did some of those in his speech. The speech was an impassioned plea for a larger House. He insisted upon the great necessity of having an increased membership. He even asserted that there are important things which ought to be done and which could be better done by a House with more Members than by one with the present number. He also, with great vehemence, demanded to know who had the right to say to certain States that they shall have fewer Members on this floor than they now have. Throughout all this speech the gentleman was very much in earnest.

Now, I was entertained and astonished because he absolutely, flatly, completely, from beginning to end, contradicted sentiments he uttered in a speech upon the reapportionment bill on January 18, 1921, on this floor. I desire gentlemen to listen to what he then said:

As the debate has gone on I have been surprised at the lack of real argument on behalf of the increase in the size of the House. Of appeal that has aroused our sympathy without convincing our judgment there has been much, but of logical argument but little.

And yet no different arguments have been advanced by any gentleman to-day, nor has the gentleman from Wyoming himself advanced a single argument that can not be found in the RECORD I hold in my hand of the debate last January. Mr. Chairman, the famous conversion of Saul was nothing compared to the amazing conversion of the gentleman from Wyoming.

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

Mr. COOPER of Wisconsin. I yield to the gentleman from Oklahoma.

Mr. HERRICK. Did the gentleman who is now occupying the floor ever hear of that old adage, which I believe is very apt and very true, that wise men frequently change their minds, but fools never? [Laughter.]

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

Mr. COOPER of Wisconsin. Yes.

Mr. HUSTED. In that connection, Mr. Chairman, I would call the gentleman's attention to the fact that the distinguished gentleman from Wyoming [Mr. MONDELL] in the course of his remarks this afternoon said that he changed his opinion, but was still of opinion that the smaller House was the better.

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

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent for an additional five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

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

Mr. COOPER of Wisconsin. I must decline to yield at this time. I was amused by the joke of the gentleman from Oklahoma [Mr. HERRICK]. It is an ancient thing which we all have heard many times since last April on this floor.

The gentleman from Wyoming said in debate last January:

At the request of gentlemen who desire to increase the size of the House, gentlemen who are supporting the bill as reported, the Republican conference did not take up the question of the size of the House.

It seems that the gentlemen who last January wanted to increase the membership of the House were opposed to having a conference called to consider the bill. And now, in view of what is happening here to-day, I ask attention to what the gentleman said last January:

I then stated to gentlemen, as I have at various times, that personally I should feel that I could not support any bill proposing to increase the size of the House.

When I came here there were 365 Members in the House. After I had served here a short time there was a proposal to increase the size

of the House. The sentiment then, as now, was against the increase; but, through political trading, the best judgment of the House was not carried out, and the House was increased in size.

It is our duty to continue the House of Representatives what it was intended to be, a body truly representative, a body small enough that each and every Member may hope and expect that on proper occasions he shall have full opportunity to present the views of his constituency. If we increase the size of the House, we shall diminish the stature of the Representatives. If we increase the size of the House greatly beyond its number, we shall reach a condition in which the individual will count for little, under which the committees will be all powerful, and under which a small, compact organization can absolutely control the destinies of the House. We should do nothing calculated to bring about that condition. [Applause.]

And yet to-day the gentleman seeks to do what he then condemned.

Much has been said during this debate about legislative bodies in England, France, and Italy. But listen to what the gentleman from Wyoming said last January about these foreign legislatures.

As distinguished from these foreign legislative bodies, the House of Representatives was, as I have said, intended to be a deliberative assembly, in which each Member should have important duties and important responsibilities in representing the views and wishes of his constituency.

And yet here to-day the gentleman is supporting a bill which vitally concerns the work of one of the Houses of the legislative department and he voted to give 435 Members only four hours in which to discuss it, or in other words, only a little more than half a minute to each Member to express the views of his constituents.

Then the gentleman continued:

We have already imperiled that ideal of the founders of the Republic; we can afford to imperil it no longer, much as we may desire to meet the wishes and serve the convenience of our colleagues. The interest of the Republic should be paramount, and that interest can be best served by retaining the House at its present membership. It would be well if the membership of the House could be somewhat decreased. As that is not practical, let us, at least, not increase it.

Remember those words of last January, and remember also that a few minutes ago the gentleman said that this bill presents no question of principle. Is there no question of principle presented by a bill which proposes to increase the membership of the House, and thus, as the gentleman declared last January, injuriously to affect the best interests of the Republic and further to imperil the ideals of its founders?

Earlier in the January speech the gentleman said:

We are not moved by appeals on behalf of States, for their relative strength in the House remains the same whatever the size of the House. The appeal on the ground of political expediency is not convincing.

And yet an appeal on the ground of political expediency was the only appeal in the speech he has just made.

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

Mr. COOPER of Wisconsin. I ask leave, Mr. Chairman, to insert in the record as a part of my remarks all of the speech of the distinguished gentleman from Wyoming, made on January 18, last.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the record in the manner indicated. Is there objection?

Mr. LANGLEY. Reserving the right to object, that is already in the RECORD, and what is the use of putting it in again?

Mr. ARENTZ. Mr. Chairman, I object.

Mr. LANGLEY. I object, too.

Mr. COOPER of Wisconsin. I did not have time to read all of it.

Mr. LANGLEY. That is already in the RECORD.

Mr. BLACK rose.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLACK. Mr. Chairman, I think we all agree that the principal argument that has been made for the increased membership of the House from 435 to 460 is to save certain States from a loss in membership, and at this point it is well that we remember that it would not be the first time in the history of apportionment legislation that States have lost in membership. In 1810 the State of Virginia had 23 Members of the House of Representatives. It now has only 10. Suppose that Congress in the early years of apportionment legislation had adopted the policy of increasing the membership of the House every 10 years in order to save the State of Virginia from losing membership. If that had been the policy, the membership of the House would to-day be more than 1,000 Members.

Why, in 1841, when the membership of the House, after taking the decennial census in 1840, was again apportioned, the State of New York lost six Members and the State of Virginia lost six Members. I might enumerate some other States that lost a smaller number. So it is nothing new in apportionment legislation for some State to lose one or more Members.

Now, what other argument is made? Principally that which was just made by the gentleman from Iowa [Mr. TOWNER] and by the gentleman from Louisiana [Mr. ASWELL] and some others—that the loss will fall upon certain agricultural States. Well, I do not think it is exactly correct to refer to any of our States as agricultural States, because most of the States have diversified interests. But suppose we do. The State of Louisiana will lose one Member, Mississippi will lose one, Iowa will lose another, Kansas another, and Nebraska another. But in order to save those States from a loss in membership we increase the membership from the State of New York by two, and increase it from the State of Pennsylvania by two, and increase the membership from the State of Massachusetts by one, and the membership from the State of New Jersey by two. If we are to designate States by groups, these States which I have last named might well be designated as manufacturing States. And so, after all, it does not make any difference whether the membership is fixed at 435, as provided in the Barbour amendment, or 460, as provided in the committee bill, or even 483, as was provided in the Siegel bill at the last session.

The proportion, of course, still remains the same. We are following the constitutional mandate to fix the membership in accordance with the whole number of people in the several States, excluding Indians not taxed. And so I do not think there is any virtue in that argument, even if you do designate some States as agricultural States and others as manufacturing States.

But I say it is not exact to call a State a "manufacturing State" or "an agricultural State." The State of New York it is true leads in manufactures, with something like 39,000 or 40,000 establishments. But on the other hand it stands fifth in the value of its agricultural productions, being outranked only by Texas and Iowa and Illinois and California. Then there is the great State of Illinois, which contains the next largest center of population in the country. It is the third in manufacturing, being outranked only by Pennsylvania and New York; and yet in agricultural productions it also ranks third, being outranked only by Texas and the State of Iowa. So after all it is not a question whether agriculture predominates in a certain State or whether manufacturing predominates. These things have nothing to do with it at all. The whole question of the size of representation depends upon the relative size in population, and to change that rule we would have to change the Federal Constitution.

So I submit that the arguments made by gentlemen along that line is without merit and should influence no one to vote for an increase in membership. [Applause.]

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

Mr. VAILE rose.

The CHAIRMAN. The gentleman from Colorado is recognized.

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

The CHAIRMAN. Does the gentleman from Colorado yield to the gentleman from New York?

Mr. VAILE. Yes.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the debate on this section and all amendments thereto be closed in five minutes. Is there objection?

Mr. TINKHAM. I object.

Mr. SIEGEL. Mr. Chairman, will the gentleman again yield?

The CHAIRMAN. Does the gentleman from Colorado yield?

Mr. VAILE. I will yield to the gentleman from New York to make a motion.

Mr. SIEGEL. Mr. Chairman, I move that the debate on this section and all amendments thereto close in five minutes.

Mr. TINKHAM. I object.

The CHAIRMAN. The gentleman from New York moves that the debate on this section and all amendments thereto close in five minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. VAILE. Mr. Chairman and gentlemen, I would not take even these few minutes of your time at this late hour if I did not think that I could refer to one point which alone should defeat this amendment, which would amply justify the passage of this bill, and which has not been developed in all the debate to-day, though the material for it is provided in the report. That point is that the proportions are not the same at all, but are in fact entirely different, with a membership of 435 in the next Congress, from what they are in the present Congress because of the increased proportion of the total representation

which would be given in such next Congress to districts of largely foreign make-up and the decreased proportion which will accrue to districts of more distinctly American population.

Our fathers provided in the original Constitution, and also in the fourteenth amendment, for representation on the basis of population and not on the basis of citizenship. Doubtless they thought it was fair and liberal—certainly it was the latter—to give to all the people who might live in a State, whether they had the right to vote or not, some sort of representation in Congress, Representatives to whom, though aliens, they might present their petitions and grievances, Representatives who would listen to their voice, not because they were voters but because they were neighbors.

But at the time of the making of our original Constitution and at the time of the framing of the fourteenth amendment the concentration of great numbers of unnaturalized aliens in particular localities had not become sufficiently noticeable to be recognized as a danger or an evil. If the framers of our Constitution could have foreseen that many States would have a materially larger representation in Congress because that representation was based on many hundreds of thousands of people who had not acquired the right to vote; if they could have anticipated that some congressional districts would be overwhelmingly alien in thought and habits, it is probable that they would have based representation on number of citizens instead of number of people, or that they would at least have placed important limitations on the right of aliens to be represented in the Congress of the United States.

You will find in the report of the committee which is in charge of this bill a lot of material for thought on this subject, and the conclusion will be unavoidable that those of you who vote for a membership of 435 in the next House, by voting for the pending amendment, will be voting for an increase in the proportional weight of these alien elements.

There are 8 States which will lose Representatives if the next House consists of 435 Members, but which will not lose if the next House consists of 460 Members. These States are Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, and Rhode Island. There are 38 States which will lose no representation in a House of 435 Members. The advantages of a smaller House appear so much more clearly to the Representatives of the 38 States than they do to the Representatives of the 8 States that I know it will be a hard task, indeed, to convince them. If I am to undertake that task it must be by an appeal not to cut down the proportionate representation of communities which are almost entirely American.

Those 8 States have a population of 15,010,194, of which 893,781 are foreign born. Those 38 States have a population of 86,088,941, of which 12,781,658 are foreign born. In other words, the 8 States named which would lose representation by a membership of 435 in the next House have a foreign-born population of 5.9 per cent, while the 38 States which would lose no seats on this basis have a foreign-born population of 14.8 per cent, or about two and a half times as many foreign born in proportion to their total population.

I do not wish to be understood as making or implying the slightest criticism of the Americanism of the great majority of our foreign-born citizens, and I see gentlemen rising to their feet to suggest that many of these foreign born have become good citizens of the United States. Granted most cheerfully, but the proportion of those who have become citizens is no greater in those States which have the larger total number of foreign born than in those States which have the smaller number.

In fact, I believe the statistics, when they are all available with the completion of the current census, will show that the proportion is less, because, in the first place, these eight States have attracted a larger percentage of agricultural immigrants, who have anchored themselves to the soil, reared their families, and become identified with the communities in which they live, while in the large cities of the East the immigrants have been largely laborers, without the same personal interest in the country and in the soil of the country which would make them desire naturalization. In the second place, the very presence of larger numbers of their own kind tends to separate the immigrant to a greater degree from the people who are already here, to make him less dependent upon them, and to increase his association with and dependence upon the people of his own foreign speech and habit.

However, it is needless to speculate upon the subject now, because we have a guide in the report in its tables of citizenship of aliens in different States. The tables do not perhaps furnish a perfect comparison, because the total number of unnaturalized aliens is not given, but only the number of unnaturalized male white aliens over the age of 21 years. This number will, how-

ever, be a reasonably accurate, even if not a perfect, basis of comparison.

These tables divide the country into divisions or groups of States. The group which gains most proportionately in a House of 435 members is the Pacific Division, comprising the States of Washington, Oregon, and California. It gains four seats in the next House of the same membership as the present. Next comes the East North Central Division, comprising the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, which gains three seats. The group which loses most is West North Central, comprising the States of Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas, which loses a total of five seats; and the East South Central Division, which comprises Kentucky, Tennessee, Alabama, and Mississippi, and loses two.

Please note the following interesting deductions based upon the figures of citizenship given in these tables. The Pacific division, which will gain the most seats in the new House, has, in proportion to its population, four times as many unnaturalized white aliens over the age of 21 as has the west north central division, which loses the most seats. It has thirty times as many such inhabitants, in proportion to its population, as the east south central division. The east north central division has more than one and a half times as many as the west north central and more than ten times as many as the east south central.

The State of New York, with its teeming urban millions, loses no seats in the next House under this proposition to leave the total number unchanged. New York City's foreign-born population exceeds its population born here of native parents by two to one. Kansas, with a deep-rooted American population, loses one seat.

What is the reason for the enormous difference in the votes of congressional districts in Kansas and some of those in New York City? The total vote in the last congressional campaign in the district of Hon. DANIEL J. RIORAN (eleventh New York) was 37,690, in the district of Hon. MEYER LONDON (twelfth New York) was 18,866, and in the district of Hon. C. D. SULLIVAN (thirteenth New York) was only 13,904. These are, I believe, among the most populous, as they are the most compact, districts in the country. The highest vote in any of them is only about half the total vote in any Kansas district. The total vote of the district which furnishes us with our only Socialist Member was 4,000 short of the majority of Mr. TINCER, of Kansas, and 8,000 short of the vote of his nearest opponent. As against Mr. SULLIVAN's district of less than 14,000 votes, Mr. LITTLE, of Kansas, polled a majority of nearly twice that many in a total vote which was only 2 less than 82,000.

The difference is not in the population of these districts. They are of approximately equal population. The difference is in the number of Americans there. Mr. RIORAN, Mr. LONDON, and Mr. SULLIVAN are good men and good Americans, but it is merely our good fortune that they are. They represent districts in which a majority—in two cases a very great majority—of the people are unnaturalized aliens.

By voting against this bill or for this amendment you vote to increase the representation from that kind of districts.

And remember, please, that these alien elements will control the election of their Congressmen even if they do not vote. They will control it through the corner grocer, the tradesman, the members of their families who are voters, through the entire sentiment of the community.

Of course, the remedy is to amend the Constitution, but our inability to do that at this time is no reason for increasing the disadvantage which we must ultimately cure by such an amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. BARBOUR].

The question being taken, on a division (demanded by Mr. STAFFORD and Mr. BLANTON) there were—ayes 126, noes 126.

Mr. BLANTON and Mr. BARBOUR demanded tellers.

Tellers were ordered, and the Chairman appointed Mr. BARBOUR and Mr. SIEGEL.

The committee again divided; and the tellers reported—ayes 123, noes 140.

Accordingly the amendment was rejected.

Mr. TINKHAM. Mr. Chairman, I desire to offer an amendment without debate.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment without debate. The Clerk will report the amendment.

The Clerk read as follows:

Mr. TINKHAM offers the following amendment: Strike out section 1 and insert in lieu thereof the following:

"That after the 3d day of March the House of Representatives shall be composed of 425 Members, to be apportioned among the several States as follows:

Alabama	6	Nebraska	6
Arizona	1	Nevada	1
Arkansas	6	New Hampshire	2
California	14	New Jersey	14
Colorado	4	New Mexico	2
Connecticut	6	New York	45
Delaware	1	North Carolina	8
Florida	3	North Dakota	3
Georgia	8	Ohio	25
Idaho	2	Oklahoma	9
Illinois	28	Oregon	3
Indiana	13	Pennsylvania	38
Iowa	11	Rhode Island	3
Kansas	8	South Carolina	4
Kentucky	11	South Dakota	3
Louisiana	5	Tennessee	8
Maine	3	Texas	17
Maryland	6	Utah	2
Massachusetts	16	Vermont	2
Michigan	16	Virginia	7
Minnesota	10	Washington	6
Mississippi	4	West Virginia	6
Missouri	15	Wisconsin	11
Montana	2	Wyoming	1

The CHAIRMAN. The question is upon the amendment of the gentleman from Massachusetts.

Mr. TINKHAM. With unanimous consent, I desire to address the House for five minutes.

Mr. STEVENSON. I object.

Mr. HERRICK. The gentleman submitted his amendment without debate, therefore I object.

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

Mr. SIEGEL. I object, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. TINKHAM].

The question being taken, the amendment was rejected.

The Clerk read as follows:

SEC. 3. That in case of an increase in the number of Representatives in any State under this apportionment such additional Representative or Representatives shall be elected by the State at large and the other Representatives by the district now prescribed by law until such State shall be redistricted in the manner prescribed by the law thereof and in accordance with the rules enumerated in section 2 of this act; and if there be no change in the number of Representatives from a State, the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted as herein prescribed; and if there be a decrease in the number of Representatives from a State and the legislature thereof in session after the passage of this act and before the ensuing election at which Members of Congress are elected fails to redistrict such State, or if the legislature of such State be not in session before the next biennial election, then and in either event the governor, secretary of state, and attorney general of such State are hereby empowered to redistrict such State according to the terms and provisions of section 2 herein.

Mr. COCKRAN. Mr. Chairman, I voted on the last amendment, quite forgetting that I am paired with the gentleman from Ohio [Mr. LONGWORTH]. I ask leave to withdraw that vote.

The CHAIRMAN. The Chair thinks not on a teller vote.

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

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amendment offered by Mr. FIELDS: Page 4, line 19, after the word "the," strike out the remainder of the section and insert in lieu thereof the following: "Representatives from such State shall be elected by the State at large."

Mr. FIELDS. Mr. Chairman, the first part of the section provides that where there is an increase in the membership of any State and the legislature does not provide for the election of such Members before the next congressional election, the increased number shall be elected by the State at large. My amendment proposes to strike out the language which vests in the governor, the secretary of state, and the attorney general the authority to redistrict and provides for the election of the Members by the State at large where there is an increase in the membership. The provision that undertakes to confer on the governor, the secretary of state, and attorney general of a State power to redistrict their State is in my opinion unconstitutional in that it undertakes to confer upon them powers not conferred upon them by the constitution of their respective States. Second, there is no reason why the membership of this House should desire to delegate to the governors of the several States, the attorneys general, and the secretaries of state the right to lay out congressional districts in the absence of legislative enactment.

Mr. SIEGEL. That only applies when there is an increase, and under the action of the House will only apply to two States.

Mr. FIELDS. Why not provide for the election of the Members in States that lose membership in the same way that you provide here for States that gain membership?

Mr. SIEGEL. We give the power to the State legislature to determine the question first.

Mr. FIELDS. I say it is too much power to place in the hands of the governor.

Mr. SIEGEL. It is not in the governor alone.

Mr. FIELDS. It may fairly be assumed that the governor and the secretary of state and the attorney general will act in harmony, and the governor will be the chairman, so to speak. As I said, it is too much power to place in the hands of the governor of any State. If the legislature shall not meet before another congressional election, let the people of the State, the electorate of the State, elect their Representatives at large so that the people may vote for them without having to go to the governor, a one-man power, and have him determine the district lines within the State. I can see grave possibilities of fraud and danger in this provision. I am not charging that I know a single governor in any State that will play politics, but suppose there should be, what powers are you giving to him? Why, if he desires to put through a bill in accordance with his own special liking, a bill that might not pass on its merits, he could select a number of State senators and representatives and say to them, "Support this measure and I will make it possible for you to be a Member of the United States Congress by making a district in which you can be elected."

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

Mr. NEWTON of Missouri. Mr. Chairman, the gentleman from Kentucky [Mr. FIELDS] has attacked that provision of this bill which provides that in case any State shall lose representation the governor, secretary of state, and attorney general shall have power to lay off such State into congressional districts in the event the legislature of such State fails so to do. It is provided in this bill (sec. 3) that in case of an increase in the number of Representatives from any State under this apportionment, such additional Representative or Representatives shall be elected by the State at large and the other Representatives from the districts now prescribed by law until such State shall be redistricted in the manner described by the laws thereof and in accordance with the rules enumerated in section 2 of this act; and if there be no change in the number of Representatives from a State the Representatives thereof shall be elected from the districts now prescribed by law until such State shall be redistricted according to law.

The provision which the gentleman from Kentucky moves to strike out reads as follows:

And if there be a decrease in the number of Representatives from a State, and the legislature thereof in session after the passage of this act and before the ensuing election at which Members of Congress are elected fails to redistrict such State, or if the legislature of such State be not in session before the next biennial election, then and in either event the governor, secretary of state, and attorney general of such State are hereby empowered to redistrict such State according to the provisions of section 2 herein.

The gentleman from Kentucky purposes to strike out the foregoing language providing for the redistricting of a State whose representation is reduced and its legislature fails to act, and to insert in lieu thereof the following:

Representatives from such State shall be elected by the State at large.

The gentleman from Kentucky insists that Congress has no authority to authorize the governor, the secretary of State, and the attorney general of a State to redistrict such State even if the legislature thereof shall fail or refuse to perform that function. He asserts that if Congress should undertake to do so it would violate the provisions of the Federal Constitution. But let us see whether or not his position is tenable. Article I, section 4, of the Constitution of the United States is the only provision of that document which deals with this subject, and constitutes the authority from which the legislatures of the various States are empowered to act. That section of the Constitution reads as follows:

The times, places, and manner of holding election for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations.

Can there be any question from the foregoing language but what the framers of the Constitution intended to vest in Congress not only the power to alter any regulation which the legislature of any State might make pertaining to the time, the place, or the manner of electing Members of Congress, but that they intended to empower Congress with full authority to make its own regulations governing this subject?

If you will paraphrase the foregoing language of Article I, section 4, of the Constitution, in order to ascertain the power which Congress actually possesses in dealing with this subject, you will find that it will read as follows:

The Congress may at any time by law make or alter any regulation which the legislature of any State may prescribe pertaining to the time, the place, or manner of holding elections for Representatives in Congress.

Can it be contended that the election of Congressmen from a State at large is the same manner of election as electing them from congressional districts? Certainly such a contention would not stand, and if not, then clearly Congress has full power to deal with this subject. It has the power not only to designate officials of a State government to perform this function but it has the power to select its own instrumentality, or to select a committee of its own Members to perform this duty. Furthermore, it is a principle long recognized in law that in construing the meaning of a provision contained in an instrument it should be construed in the light of the instrument as a whole. Section 5, Article I, of the Federal Constitution provides:

Each House shall be the judge of the elections, returns, and qualifications of its own Members.

Hence the framers of the Constitution conferred upon Congress the power to be the sole and exclusive judges of the election and qualifications of its Members. It has the power to seat or unseat any person claiming to be entitled to a seat in this body, and from the decision of this House there is no appeal. This shows conclusively, aside from the language set forth in section 4, Article I, of the Constitution, that the framers of that document intended to give Congress the full power to safeguard the integrity and representative character of the membership of this body.

When the two sections above referred to by the Federal Constitution are construed together, can there be any question but what the framers of the Constitution intended to vest in Congress full power to safeguard the election of its Members and to enact any law which, in their judgment, may become necessary to insure a popular government, fairly representative in form?

I think I may be pardoned in saying that I submitted this amendment to the splendid Senator who passed away on yesterday and called his attention to Article I, section 4, of our Constitution, which I have quoted. He read and reread that section, and then examined carefully the proposed amendment, and after thoughtful consideration he declared that there could be no doubt about the right of Congress to enact such a provision into law, and that Congress had the power not only to alter any regulation made by a State pertaining to the election of Members of Congress but that it was clothed with full power to make its own regulations dealing with that subject.

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

Mr. NEWTON of Missouri. Yes.

Mr. LANGLEY. I simply desire to say that I was present at that conference and that, furthermore, the distinguished gentleman from Ohio, the former Senator [Mr. BURTON], appeared before our committee and stated that he had no doubt as to the constitutionality of this provision. His statement may be found in the committee hearings.

Mr. NEWTON of Missouri. Under the provisions of this bill in its present form, fixing the membership of this House at 460, no State will lose in representation except Missouri and Maine, each of which will lose one Member. Suppose, however, that the Senate during its consideration of the bill should see fit to reduce the membership of this House to 435. In that event Kentucky, which now has 11 Members in this House, would have but 10. Kentucky has normally been a Democratic State. President Harding lost that State at the last election by approximately 5,000 votes, and yet Kentucky has three Republican Members of this House representing districts strongly Republican in their faith.

The Legislature of Kentucky is now made up of a Republican house and a Democratic senate. I am advised that a conference has been held among the Democratic senators of Kentucky and that it has been decided that if Kentucky should lose one Member in this House and a provision authorizing the governor, secretary of state, and attorney general to redistrict that State is not included in this bill, then they will prevent any reapportionment bill being enacted. This would insure to the Democrats a solid delegation from Kentucky and would make it impossible for the three strongly Republican districts of that State to have a Representative of their own faith in this House. I suspect that it was a situation such as this which the framers of the Constitution intended to make impossible when they inserted in the fundamental law of the land a provision that Congress should at all times be the exclusive judges of the election of its own Members, and that it could at any time alter any regulation which the legislature of any State might make pertaining to the election of Members of Congress, or that, in the event it deemed it necessary, it could make its own regulations in order to guarantee to the people of any State fair and impartial representation in this House. In view of the situation which I have just described as existing in Kentucky, it seems a

remarkable coincident that it should so happen that it should be the gentlemen from Kentucky who should offer this amendment.

It has been contended that to authorize the governor, secretary of state, and attorney general to lay out congressional districts is to interfere with the right of the States. Who is there more representative of the people of the State than the governor, secretary of state, and attorney general, each of whom are nominated and elected, separately, by the same people who elect the legislatures of the various States? The fundamental principle which underlies this bill is the election of Members of Congress from congressional districts, and is it not a far greater Federal interference for this Congress to say that in the event a legislature should fail to act the Representatives of a State must be elected at large than it is to merely authorize three dependable State officials, who are instruments, purely and solely, of the State, to lay off congressional districts for such State?

Furthermore, is there any reason to assume that the governor, secretary of state, and attorney general, with a responsibility fixed upon them would be more tempted by any personal interest in the performance of this work than the Senators and Representatives of such State. There are gerrymanders in this country which legislatures with responsibility divided among a great number of men have perpetrated which I do not believe that any governor, secretary of state, or attorney general, with the responsibility fixed solely upon them—a responsibility which they could not escape—would ever have been undertaken.

This provision ought to remain in the bill, because it will insure fair districts and will guarantee representation to the interests of the various sections of the State instead of permitting the strongest and best organized interests of the State to monopolize the entire representation of that State. Furthermore, it will cause no surprise and create no thrill among the people of Missouri who are mostly affected by this provision. This provision is modeled after a provision of the Missouri constitution, which reads as follows:

Senators shall be chosen according to the rule of apportionment established in this constitution until the next decennial census by the United States shall have been taken and the result thereof as to this State ascertained, when the apportionment shall be revised and adjusted on the basis of that census, and every 10 years thereafter upon the basis of the United States census; * * * such apportionment to be made at the first session of the general assembly after each such census: *Provided*, That if at any time, or from any cause, the general assembly shall fail or refuse to district the State for senators as required in this section, it shall be the duty of the governor, secretary of state, and attorney general, within 30 days after the adjournment of the general assembly on which such duty devolved, to perform said duty and to file in the office of the secretary of state a full statement of the districts formed by them, including the names of the counties embraced in each district and the numbers thereof, said statement to be signed by them and attested by the great seal of the State, and upon the proclamation of the governor the same shall be as binding and effectual as if done by the general assembly. (Art. 4, sec. 7, constitution of Missouri.)

The Missouri Legislature at its last session, it being the first session after the census of last year, imposing implicit faith in the high character and impartiality of the governor, secretary of state, and attorney general of our State, refused to redistrict that State for State senators, whereupon the governor, secretary of state, and attorney general, under the provision of our constitution which I have just quoted, laid out our State into senatorial districts. Their work was so impartial and the districts so fair that no criticism has been heard from even the most partisan press of that State. All that we are asking of you is that you empower our State officials, in the event that the legislature should fail to meet, or meeting, should fail to act, to do for our congressional districts what they have done for our senatorial districts.

It has been contended that this provision would give too much power to the governor and the other State officials designated. What advantage could this provision enable them to appropriate to themselves? They have each been recently elected for a term of four years. They are not candidates for Congress. They have no interest except to be fair, and with the responsibility definitely fixed upon them, and with no opportunity to shift such responsibility, they could not afford to do otherwise than to lay out districts that are fair and just in accordance with the terms and provisions of this bill. In every reapportionment bill which Congress has enacted in the last 80 years congressional districts have been provided for, and this bill provides for congressional districts for all States whose representation will be increased and the legislatures of such States fail to act. It likewise provides districts for all States whose representation shall remain the same. Then, why should less fortunate States like Missouri and Maine be penalized? If the representation of Missouri is to be reduced, then surely the right of each community in that State to have its interests protected by a Representative of its choice will not be disregarded.

Mr. GARRETT of Tennessee. Mr. Chairman, I shall certainly not vote for any bill, no matter what number it may carry, which carries the language that is in section 3 of this bill now under consideration. In the last Congress when this question was up the gentleman from California offered an amendment providing for a redistricting according to the plan contained in this bill. It was challenged. After discussion here, participated in by the gentleman from Wyoming [Mr. MONDELL], among others, the Committee of the Whole by a vote of two to one defeated this monstrous, unreasonable, centralizing proposition. I hesitate to put my opinion against the distinguished authority which the gentleman from Missouri [Mr. NEWTON] has quoted, but in my opinion that provision in this bill is not worth the paper it is written on. If it is, it is a power that ought not to be exercised by this body. Never before, so far as I am aware, in the history of this country, even during the most trying days of the war of secession, when States were arrayed against States and brothers against brothers, was there ever a proposition to undertake to take from the States the right that this undertakes to take from them. With three-fourths of the governors of the States of this country belonging to a single political party, with three-fourths of the legislatures, if I am correctly informed, belonging to a single party, it is now proposed to make this great change, for the accommodation of certain politicians of Missouri, according to the statement made by the gentleman, to make this encroachment upon the rights which the States have always enjoyed under the Constitution of this country and in accordance with it.

You gentlemen in the madness of your power surely do not propose to go beyond anything that was ever done in the days of fratricidal passion. Surely we may appeal that this great centralizing step shall not be taken. Why, the gentleman from Missouri quotes a provision of law of his State which authorizes the governor and others to do redistricting. Quite satisfactory, but that is the law of his State. The law of my State is different. It would not suffer under this bill at this time; but what does the future hold for all the States of this Union? The constitution of my State provides how the congressional districts of my State shall be established. That is the law of my State. My State has the right under the Federal Constitution—and it is its duty under its own constitution to fix these districts—to determine if they shall be elected by districts or over the State at large. The proposition contained in this bill is an encroachment for which surely even that side of the House will not stand. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, as a member of the Committee on the Census I filed a minority opinion, signed by myself alone, that you will observe printed with this report, in which I have attacked that very question that is raised by the amendment proposed by the gentleman from Kentucky. Gentlemen, in the first place the Constitution does not contemplate conferring on Congress the power to subdivide the States at all. That clause of the Constitution that is invoked here merely provides this: That the State shall prescribe the times, places, and manner of holding election for Senators and Members of the House of Representatives, but that Congress may by law make or alter such regulations.

Now, "the times, places, and manner of holding elections" has nothing to do with the subdivision of the States into districts that are to be represented at the election. In the next place, to say that the governor and the secretary of state and the attorney general shall have the power to subdivide a State is to confer upon certain individuals a power that is legislative in its nature, because the Constitution says that if the State fails to act in effect that the Congress may act by law. Now, is there any lawyer living or dead who says you can confer upon a commission the power to enact a law? The Congress may by law prescribe the times, places, and manner of holding elections, and to say a man, two men, or three men may prescribe the times, places, and manner of holding elections is not enacting law.

In the next place, and third place, I appeal to every man who recognizes the binding force of those constitutional principles laid down by John Marshall in the case of McCulloch against Maryland, when it was clearly acknowledged and defined forever that the functions of the Federal Government are separate and distinct from the functions of the State governments, and this Congress can not say to the governor of a State, "You shall do this." It can not put one bit of power upon him or lay upon his conscience one bit of obligation. If so, he would cease to be the governor of the State.

Mr. STEVENSON. Will the gentleman yield?

Mr. McSWAIN. I will.

Mr. STEVENSON. Could this Congress redistrict a State?

Mr. McSWAIN. I do not think so.

Mr. STEVENSON. Then, could it confer it upon any other agency?

Mr. McSWAIN. Of course not. But even if it has the power—concede it for the sake of argument—if it has the power to do so by law but not by the appointment of a committee to do it, because the fundamental proposition of constitutional law is that legislative power can not be delegated, you can not confer this power upon one man, whether he be governor or not. If you say the governor could do it, then you could say any citizen could do it. You could say in this bill that John Brown could do it. You can not do it, gentlemen. We stood up here and took an oath to obey and defend the Constitution. A man can not pass that obligation on to somebody else. He must pass upon such questions on his own conscience here. If he says it is unconstitutional, he must knock this provision out. It seems to me as clear as that two and two make four.

Mr. BURTON. Mr. Chairman, I am unalterably opposed to the increase in the size of the House from 435 to 460, but I favor this proposition. I am unable to become so excited about it as several speakers have become.

The provision of the Constitution is a clear one. It says:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof.

Bear in mind that the only right that the State has to district, the only right the State has to make regulations, is derived from that section. Except for this section, the right does not exist in a State.

Then it goes on and in perfectly plain language—

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BURTON. Let me complete my argument first.

It says:

But the Congress may at any time by law make—

That is, frame the law originally—

or alter such regulations, except as to the places of choosing Senators.

I repeat—and you can not repeat it too often—the right is conferred in this article alike on the States and on the Congress.

Some years ago I framed a bill providing for an entirely different method of dividing States into districts. Under that bill the division was not to be made by the legislature but by a nonpartisan board of four members, two from each of the leading parties, to be chosen by the governor. If those boards did not agree, there was to be an appeal to a national board of five members. That bill was subjected to scrutiny and examination by some of the ablest lawyers in the country and it was pronounced entirely valid. It will be noted that that proposed statute went much further than this.

Now, let us notice some things that Congress has done. Until the year 1842 there was no provision for dividing the States into districts, although some of the States did make the division.

It might have been argued at that time that Congress had no right to say that the States shall be divided into districts and the Members elected from separate constituencies, but Congress did pass a law to that effect. It has passed laws to the effect that the districts shall be composed of territory contiguous, also that the population shall be approximately equal, as I recall. This provision here goes no further than those which I have mentioned. Since the year 1842 every presumption has been against the election of Members at large from any State. The question of hardship is a very serious one if the legislature should fail to elect. I understand that if the Legislature of Missouri should meet, it is probable the members would become involved in a wrangle and reach no action. It would be in contravention of the whole spirit of our legislation by the Congress and by the States to compel the election of 15 Members at large. I suggest that the policy of the Congress and the policy of the States has been altogether against that.

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

Mr. BURTON. Certainly.

Mr. RUCKER. From what source has the gentleman derived the information that the harmonious gentlemen of Missouri would be unable to agree?

Mr. BURTON. That is my information.

Mr. RUCKER. The legislature is largely of one political party in both branches.

Mr. BURTON. Is not one branch under one political party and the other branch under another?

Mr. RUCKER. Oh, no. It is all largely of one. I am glad to give the gentleman that information.

Mr. BURTON. I should be in favor of the convening of the legislature. But this statute is distinct on that. "If the legis-

lature is not in session," as I recall, "or, being in session, fails to act." That is the provision, is it not?

Mr. RUCKER. No. This bill says if it does not meet before that time.

Mr. BURTON. In some of the States it may be difficult to call the legislature in special session after this bill passes. There would be no legislation in that case.

• The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SIEGEL. Mr. Chairman, I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes more.

Mr. BURTON. I shall hardly need that much, Mr. Chairman. I do not want to detain the House unduly. This is the provision:

If there be a decrease in the number of Representatives from a State and the legislature thereof in session after the passage of this act and before the ensuing election at which Members of Congress are elected fails to redistrict such State, or if the legislature of such State be not in session before the next biennial election, then and in either event the governor, the secretary of state, and attorney general of such State are hereby empowered to redistrict such State according to the terms and provisions of section 2 herein.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield there?

Mr. BURTON. Yes.

Mr. BARKLEY. What is the gentleman's view as to whether that language would preclude the governor of the State from calling the legislature together?

Mr. BURTON. It would not by any means preclude him. My conjecture is that in some States a special session would not be called if the legislature of such State be not in session. And I recall that in several States there is barely a constitutional right to call a session of the legislature except biennially. Most of them met last winter, and the reluctance of governors and executive officers to call extra sessions of the legislature is very well known to the gentleman.

Mr. BARKLEY. That language apparently means, or might be construed to mean, that the session of the legislature referred to must be the regular session of the legislature which ensues before the next election.

Mr. BURTON. I think it would leave it discretionary with the governor whether he would call a session of the legislature or not.

Mr. RUCKER. Mr. Chairman, will the gentleman yield again?

Mr. BURTON. Yes.

Mr. RUCKER. The Legislature of the State of Missouri last winter, or a year ago, submitted a constitutional amendment providing for selling bonds to pay bonus to the soldiers of the World War, which carried largely, and I understand the governor has announced his purpose to convene the Legislature of Missouri in the near future for the purpose of enacting a law for the distribution of those collections.

Mr. BURTON. I do not know what the provisions in the constitution are in going outside of the subjects enumerated by the governor in calling the special session, but he would naturally include in his call the redistricting of the State.

Mr. RUCKER. I think he would mention it in his call.

Mr. BURTON. This provision means that if they meet and do not act or if they do not meet.

Mr. RUCKER. That is what I understood.

Mr. BURTON. There is some misunderstanding on the part of some of the Members, I notice, to the effect that this includes a considerable number of the States. It would increase the number of such States to keep the representation at 435. On the number for which the House has just voted, namely, 460—which I sincerely hope they will yet reverse, and make the number 435—under 460 there would be but two States, namely, Missouri and Maine.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. GARRETT of Tennessee. Does not the gentleman feel that this language under certain circumstances must be quite an incentive to a governor to veto a State reapportionment bill?

Mr. BURTON. I think it is going a little too far to question the motives of a governor of a sovereign State. I take it that this provision would, however, leave it optional with the governor whether he would call a special session or not. I do not think it affords anything in the nature of an intimation or a hint to him as to what he should do, however. It is a question whether the clause would apply in case the governor should veto a bill.

Mr. GARRETT of Tennessee. Will the gentleman yield for one other question?

Mr. BURTON. Certainly.

Mr. GARRETT of Tennessee. The gentleman said in the beginning of his remarks, as I understood him, that it was only from the provisions contained in the Constitution that the States themselves derived the authority to fix the times, places, and manner of holding elections.

Mr. BURTON. I so understand it.

Mr. GARRETT of Tennessee. It has been my impression always heretofore that the Constitution was derived from the States and not the State powers from the Constitution.

Mr. BURTON. But this is a provision for the election of Members of Congress; not of a State legislature, but of the National Legislature.

Mr. KELLEY of Michigan. Which had no prior existence.

Mr. BURTON. There was no National Legislature. There was the Confederation before that time, but the Congress is the creature of these provisions of the Constitution. Congress does not exist and can not exist without them.

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

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I have a great deal of respect for the opinion of the gentleman from Ohio [Mr. BURTON], but I was somewhat surprised to hear his declaration that the only power that the States had to control the question of even the times, places, and manner of holding the elections of Senators and Representatives was that power given them by section 4 of Article I of the Constitution covering this question. As a matter of fact, those of you who are familiar with the discussions at the time of the framing of the Constitution know that this question arose then, and especially during discussions by gentlemen in some of the States who opposed the adoption of the Constitution. It was contended then by some gentlemen—especially was that position urged by a certain Virginian—that the contention might be raised that membership in this National Legislature was something that was created by the Constitution, and therefore the States would not have any control over it. And in order to meet that very contention that is made here to-day by the gentleman from Ohio [Mr. BURTON] and expressed in the fears of that Virginian, and for other reasons, the tenth amendment to the Constitution was adopted to cover the principle that is involved in that very contention and other contentions that arose upon it. Why, section 4 does not give power to a State. Section 4 was a grant of power to Congress upon this question, and the Constitution was careful to limit it by declaring the recognized right of the States to fix manner, time, and place of holding elections, but providing that the Congress might alter such regulations. So instead of the States having only a certain power covered by section 4, Congress by special limitation in the Constitution has power only to alter the regulations as to times, places, and manner of holding the elections. Why, the States or the people thereof created the Federal Constitution. Congress gets nothing except by the enumeration of powers in the Constitution or by necessary implication, and Article X specifically provides, as gentlemen will recollect, that the powers not delegated to the United States by the Constitution or prohibited to the States are reserved to the States respectively and to the people. Where in the Constitution is Congress given authority on the question of redistricting, or where does it prohibit the States from controlling such matter? Is there anything that takes away from them the inherent right to control this matter or to restrict them in any way other than the provision that we might alter the regulations that are made by State legislatures with reference to the times, places, and manner of holding elections?

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

Mr. WINGO. With pleasure.

Mr. BURTON. I do not wish to go into any extended discussion as to the boundaries between the powers of the States and the Federal Government; but what right has any State to elect a Member of the House of Representatives except as given by the Constitution?

Mr. WINGO. The gentleman presupposes that the States are dependent upon the Federal Government for powers when, as a matter of fact, the Federal Government and the Federal Constitution were created for the benefit of the States and the people for specific purposes enumerated under a restricted delegation of powers.

Mr. BURTON. They use the term "the people." "The people of the United States." That does not really answer my question, because this Congress was created by the Federal Constitution. Now, is there anything pertaining to the method, time, place, and manner of holding election except by section 4 of Article I?

Mr. WINGO. That is all I recall; does the gentleman recall any other?

Mr. BURTON. I called attention to the fact that this section does not merely say that Congress may at any time alter such regulations; it says that Congress may at any time make or alter such regulations.

Mr. WINGO. If the gentleman is familiar with the contentions that were made at the time—

Mr. BURTON. I do not think the discussions in the convention should prevail over the plain language of the document or the Constitution itself, upon which Congress has acted for more than a hundred years.

Mr. WINGO. The plain language of the Constitution sought to safeguard what I believe, according to my contention, was the rights not yielded by the States; they specifically provided that the times, manner, and places of holding elections should be prescribed by the legislatures of the States subject to the right of Congress by law to alter the regulations. The gentleman from Ohio proceeds upon one theory, and I upon the other. I proceed on the theory that the people of the United States wished to frame a government for certain specific purposes, delegating to that central government certain powers, and no other, reserving to the people and the States all powers not delegated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in six minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate close in six minutes on the section and all amendments thereto. Is there objection?

There was no objection.

Mr. WHITE of Maine. Mr. Chairman, as I understand this section of the bill and the particular provision to which the gentleman from Tennessee raises objection, it applies to only two States as the bill now stands—Maine and Missouri. I have no desire to discuss the constitutional phases of the matter, but, speaking as a Representative of one of the States involved, I want to express my individual opinion that it is unwise legislation. [Applause.] This power ought not to be delegated to any three officers in any State. In my opinion it is a proper function of the legislative body of the State.

[Mr. WHITE of Maine was granted leave to extend his remarks in the RECORD.]

Mr. McPHERSON. Mr. Chairman and gentlemen of the committee, the pending amendment by the gentleman from Kentucky proposes to strike out of the bill the provision that makes it the duty of the governor, secretary of state, and attorney general to mark out the congressional districts in those States whose representation will be reduced in the House by the pending bill, and compels the election of Members of the House from such States at large.

The States whose representation is reduced are Missouri and Maine. The provision therefore applies to those States alone.

It is my desire to call attention to what appears to me to be very cogent reasons why the amendment should be rejected and the provision in question retained.

The American system of government has no counterpart anywhere. By our scheme the American people are represented here equally. In the other body there is no pretense of equality of citizenship. There the equality in representation is equality of the States. New York and Rhode Island are equals in the Senate as citizens of New York and Rhode Island are equals in this body.

The principle underlying the reasons for equality of American citizenship in this body is that the laws to be made here create burdens that must be equally borne by American citizens everywhere, and it was not thought just that American citizens should be bound by obligations equally with other citizens unless they had an equal voice in determining what those burdens and obligations should be.

So by the Constitution it was provided that Representatives in Congress should be based upon population, and in this bill that idea is sought to be carried out by the provision that each 228,000 American citizens should have a Representative in this House.

For more than 50 years all the Members of this House were elected from the States at large and there was no such thing as congressional districts.

What was the reason for the change from electing Members of this House from the States at large to the present plan of selecting them from congressional districts?

Everyone who has taken the trouble to examine the debates has learned that the change was resorted to on account of the immense growth of great cities.

It was seen that if the Members were to be elected at large the entire delegation from States where there were great cities would come from the cities, and that portion of the people living

outside the great centers of population would have no representation here, and the fundamental idea upon which the Republic was founded would be destroyed.

It was then necessary, as it is now, to the stability of our institutions that every citizen of the Republic should have an equal voice in the making of laws by which each was equally bound. A Member of this House could vote a declaration of war, under which every man can be taken from his home to the battle line and every dollar of the wealth of the country can be pledged to pay the expenses of that war.

A Member of this House belongs to a body that must initiate revenue laws under which billions of the people's savings may be taken in the form of taxes to pay for wars past and present.

It is just as necessary now as it ever was that every great resolve for war or peace arrived at here shall have back of it the whole people.

In my opinion the American citizen will always support our United States in either peace or war if he has the right to a voice in determining the policy to be followed by the Government. I believe if he is denied an equal power in the decision of the Government's policies it is doubtful whether he will be willing to sacrifice either life or fortune in its behalf.

The provision of the bill it is proposed to strike out and the amendment it is proposed to substitute apply to Missouri and Maine alone. What reason in justice can be urged why the Representatives in this House from Missouri and Maine shall be chosen at large while the delegations from all the other States are to be elected from congressional districts?

What is the situation of Missouri? Missouri has two great cities—St. Louis, situated on the extreme eastern border, and Kansas City, on the extreme western border—and lying between those great cities, with over a million and a quarter of inhabitants, is the rich and populous country districts of Missouri.

If the amendment offered by the gentleman from Kentucky is adopted nothing is more certain than that the entire delegation from Missouri in the next Congress will be elected from the great cities, and the great interior of Missouri, with its rich agricultural and mining interest, will be without representation in this body. If that amendment is agreed to the very principle upon which our Government is founded will be undermined and destroyed so far as Missouri is concerned.

The provisions of the bill under consideration do not take from the States of Missouri and Maine any power or right. The bill provides that if the legislature of such States for any reason fails to lay out the number of congressional districts to which it is entitled then the governor, secretary of state, and attorney general of such State may mark out the districts as provided in the bill.

It is not a delegation of legislative power to those officers. The marking out of the boundaries of congressional districts is not legislative action.

It is not a delegation of legislative power for us to command some ministerial act to be done by some man or board or body. We do that every day. If we command the legislature of a State to lay that State out into a certain number of congressional districts, we are calling on them to perform a mere ministerial act. If, therefore, as here, we call on the Missouri Legislature to lay that State off into 15 congressional districts, to be composed of contiguous and compact territory each with 225,000 inhabitants, we require of that body no legislative action.

Congress has recognized that marking off congressional districts is not legislation. In one of the apportionment bills Congress required all the districts in all the States to be laid out by persons named by it, and they were so laid out in all the States.

Missouri does not recognize the marking off of legislative districts as legislative action.

The constitution of our State has been read here by my colleague [Mr. NEWTON] providing for the marking out of senatorial districts. The provision of the Missouri constitution is the exact language of the pending bill. It requires the same officers we name for laying out the new congressional districts that are named in our fundamental law for laying out districts for State Senators.

Under the provisions of the constitution of Missouri the legislature of that State has not laid out senatorial districts in more than 50 years. For all that time our senatorial districts have been made by the same officers that are required by this bill to lay the State out into congressional districts.

I sincerely hope the amendment of the gentleman from Kentucky to compel the election of the entire delegation from Missouri to the next House at large will be defeated and that Missouri will be allowed the same privilege accorded the other States of electing its Representatives to this body from such

congressional districts as its legislature shall lay off, and if the legislature fails to act, that then we may have districts laid out in the manner with which the people of Missouri are familiar, by its governor, secretary of state, and attorney general.

If this bill becomes a law, let us provide that the people of the great farming communities and country districts of Missouri, who, with the people of the great cities of that State, send their sons together to the trenches and contribute their taxes to support the Government, shall have an equal voice in the making of our laws. That will be good for Missouri and for the other States as well.

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

Mr. FIELDS. Mr. Chairman, in order to avoid any misunderstanding, I ask unanimous consent to withdraw my amendment and to substitute therefor another one which I send to the desk.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to withdraw his amendment and to offer a substitute. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kentucky.

The Clerk read as follows:

Amendment offered by Mr. FIELDS: Page 4, line 13, after the word "prescribed" strike out the remainder of the section.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and on a division, demanded by Mr. FIELDS, there were—ayes 75, noes 160.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. That candidates for Representative or Representatives to be elected at large in any State shall be nominated in the same manner as candidates for governor, unless otherwise provided by the laws of such State.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the section. I suppose, in view of the decision of the Supreme Court of the United States in the Newberry case, that the Congress has no authority whatever over the nominations, the gentleman from New York will accept the amendment which I have offered. If not, I shall submit it to the House without argument.

Mr. SIEGEL. Mr. Chairman, section 4 simply provides that candidates for Representative or Representatives to be elected at large shall be nominated in the same manner as candidates for governor unless the law of the State provides otherwise. The decision of the Supreme Court in the Newberry case did not determine the question, but held that there was no power to determine the question as to the amount to be expended in primaries.

Mr. GARRETT of Tennessee. Mr. Chairman, I say that I shall submit it without argument. If gentlemen wish to put an unconstitutional provision in the bill, very well.

Mr. BURTON. Mr. Chairman, I trust that that motion will not prevail. I think there is grave doubt as to its validity. I know the history of that clause. It was put in as an amendment to the apportionment act under the census of 1910, as I recall it, in the Senate.

I think I had some part in drawing it myself, because in certain States there was no provision for the nomination or election of candidates for Congressmen at large. Now, it can do no harm, and I think it better remain. It may have some vitality. There was a discussion at that time about the question of the right of Congress to legislate in regard to nominations and those who framed the amendment took the ground that they were so intimately associated with elections that Congress could provide for them. [Cries of "Vote!"]

The CHAIRMAN. The question is upon the motion of the gentleman from Tennessee to strike out section 4.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 81, noes 157.

So the amendment was rejected.

Mr. SIEGEL. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 7882,

had directed him to report the same back with the recommendation that the same do pass.

Mr. SIEGEL. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time.

Mr. BLANTON. Mr. Speaker, I demand a reading of the engrossed copy of the bill.

The SPEAKER. The gentleman from Texas demands a reading of the engrossed copy.

Mr. MONDELL. Mr. Speaker—

The SPEAKER. The engrossed copy is not here, but it will be here within an hour undoubtedly. Does the gentleman insist on his point?

Mr. BLANTON. I do so; I do not think the bill ought to pass to-night.

BURIAL OF AN UNKNOWN AMERICAN SOLDIER AT ARLINGTON, VA.

Mr. STAFFORD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate joint resolution 123.

Mr. BLANTON. Mr. Speaker, I make the point of order—

Mr. STAFFORD. Mr. Speaker, for the information of the House, this is a resolution that was reported by the Committee on Appropriations day before yesterday to provide an appropriation for defraying the expenses—

Mr. BLANTON. A point of order, Mr. Speaker.

Mr. STAFFORD. For burying an unknown American soldier.

Mr. BLANTON. Mr. Speaker, I make the point of order this motion is not in order at this time. It is not a privileged motion or a privileged resolution, and it has no place on the calendar at this time.

Mr. STAFFORD. I would like to be heard on the point of order.

Mr. BLANTON. I make the point of order it is not privileged and it is out of order at this time, except by unanimous consent.

The SPEAKER. The Chair will consult the Senate joint resolution.

Mr. STAFFORD. Mr. Speaker, as this matter is presented suddenly to the attention of the House so as to inform the membership of the House in full of the purport and also as to whether it is privileged under the rules to be brought up at the present time—

Mr. BLANTON. I make the point of order that this discussion is out of order.

The SPEAKER. The gentleman has the right to discuss the point of order. The gentleman from Texas has already discussed it.

Mr. BLANTON. But the gentleman was addressing his remarks to his colleagues and not to the Speaker.

Mr. STAFFORD. I beg the gentleman's pardon; the gentleman was not listening, but the other Members of the House were. As I started to say when I was interrupted by the remarks of the gentleman from Texas, I wish to acquaint the House of the purport of the bill and answer more generally the query propounded to me by the gentleman from Tennessee, and also to inform the Chair as to whether this bill is a privileged bill.

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

Mr. STAFFORD. Not at the present time. I wish to make a connected argument, Mr. Speaker, so that the Chair will be fully advised and the Members of the House. I wish to direct the attention of the Speaker and Members of the House further as to what this bill is.

The title of this joint resolution is as follows:

Authorizing the Secretary of War to expend from the appropriation "Disposition of remains of officers, soldiers, and civilian employees, 1922" (act of Mar. 4, 1921, Public No. 389, 66th Cong.), such sum as may be necessary to carry out the provisions of public resolution No. 67, Sixty-sixth Congress.

Now, Mr. Speaker, that is not very informing, and it will be necessary for me, so as to acquaint the Speaker and the rest of the Members of this House as to the real purport of this resolution, to read it. If the Chair will indulge me I will read the bill, so that there will be no question that the Speaker will have full knowledge, in ruling on this important question, of whether it is in order or not.

Mr. MONDELL. Will the gentleman yield?

Mr. STAFFORD. I always yield to the leader of the House.

Mr. MONDELL. This may or may not be privileged, but is there anyone in the Congress of the United States that does not

want the Congress to make provision for the burial of the unknown soldier who is to be brought here as the representative of the unknown heroes of this country? [Loud and long-continued applause.]

Mr. BLANTON. Will the gentleman yield. [Applause.] I know my rights. I make the point of order, Mr. Speaker, that the gentleman is merely killing time, and the Chair knows it, and that the resolution is not in order on its face. And I ask for the regular order, Mr. Speaker.

Mr. STAFFORD. That is not a point of order, Mr. Speaker. I have the right to inform the Speaker by directing attention to the provisions of the bill.

The SPEAKER. The Chair has already read the bill.

Mr. BLANTON. The Chair knows what is in the bill as well as you do.

The SPEAKER. The Chair thinks the bill is not privileged.

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

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

Mr. BLANTON. Division, Mr. Speaker.

The House divided; and there were—yeas 14, yeas 180.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The question was taken; and there were—yeas 9, nays 276, answered "present" 3, not voting 143, as follows:

YEAS—9.

Blanton	O'Connor	Steagall	Upshaw
Clark, Fla.	Sisson	Stevenson	Weaver
London			

NAYS—276.

Almon	Doughton	Kraus	Roach
Andrew, Mass.	Dowell	Lampert	Robertson
Andrews, Nebr.	Drane	Langley	Robison
Appleby	Dunbar	Lanham	Rodenberg
Arentz	Dupré	Lankford	Rose
Aswell	Dyer	Larsen, Ga.	Rossdale
Atkeson	Echols	Lawrence	Rouse
Bacharach	Edmonds	Layton	Sanders, Ind.
Bankhead	Elliott	Lazaro	Sanders, N. Y.
Barbour	Ellis	Leatherwood	Sanders, Tex.
Barkley	Evans	Lee, Ga.	Sandlin
Beck	Fairchild	Leibach	Scott, Tenn.
Beedy	Fairfield	Lineberger	Shelton
Bell	Faust	Linthicum	Shreve
Benham	Favrot	Lowrey	Siegel
Bird	Fenn	Luce	Sinnott
Black	Fields	Lyon	Smith, Idaho
Bland, Ind.	Fisher	McCormick	Smithwick
Bland, Va.	Fitzgerald	McLaughlin, Mich.	Snell
Boies	Flood	McLaughlin, Nebr.	Snyder
Bowling	Focht	McLaughlin, Pa.	Speaks
Box	Foster	McPherson	Sproul
Brennan	Frear	McSwain	Stafford
Briggs	Free	MacGregor	Stedman
Brinson	Frthingham	Magee	Stephens
Brooks, Ill.	Funk	Maloney	Strong, Kans.
Brown, Tenn.	Garrett, Tenn.	Mapes	Strong, Pa.
Browne, Wis.	Garrett, Tex.	Martin	Summers, Wash.
Buchanan	Gensman	Michener	Swank
Bulwinkle	Gerner	Miller	Sweet
Burdick	Gilbert	Millsbaugh	Swing
Burroughs	Glynn	Mondell	Tague
Burtess	Graham, Ill.	Montoya	Taylor, N. J.
Burton	Green, Iowa	Moore, Ill.	Temple
Butler	Greene, Mass.	Moore, Ohio	Thompson
Byrnes, S. C.	Greene, Va.	Moore, Va.	Tillman
Byrnes, Tenn.	Hammer	Moore, Ind.	Tilson
Cable	Hardy, Colo.	Nelson, A. P.	Timberlake
Campbell, Kans.	Harrison	Nelson, J. M.	Tincher
Campbell, Pa.	Haugen	Newton, Minn.	Tinkham
Cannon	Hawley	Newton, Mo.	Towner
Carew	Herrick	Norton	Treadway
Chalmers	Hersey	Ogden	Tyson
Chandler, N. Y.	Hickey	Oliver	Valle
Chandler, Okla.	Himes	Osborne	Vare
Chindblom	Hoch	Overstreet	Vestal
Christopherson	Hogan	Padgett	Voigt
Clague	Huddleston	Paige	Volk
Clarke, N. Y.	Hudspeth	Parker, N. Y.	Volstead
Codd	Hukriede	Parks, Ark.	Walsh
Cole, Iowa	Hull	Parrish	Walters
Cole, Ohio	Hutchinson	Patterson, Mo.	Watson
Collier	Ireland	Peterson	Webster
Collins	Jacoway	Peters	Wheeler
Colton	James	Pou	White, Kans.
Connally, Tex.	Jefferis, Nebr.	Pringey	White, Me.
Connell	Jeffers, Ala.	Purnell	Williams
Connolly, Pa.	Johnson, Wash.	Quin	Williamson
Cooper, Wis.	Keller	Radcliffe	Wilson
Coughlin	Kelley, Mich.	Rainey, Ill.	Wingo
Crowther	Kelly, Pa.	Raker	Winslow
Curry	Kennedy	Ramseyer	Wood, Ind.
Dale	Ketcham	Rankin	Woodruff
Darrow	Kincheloe	Reavis	Woods, Va.
Davis, Tenn.	Kinkaid	Reber	Woodyard
Deal	Kirkpatrick	Reece	Wurzback
Denison	Kissel	Reed, W. Va.	Wyant
Dickinson	Kline, Pa.	Ricketts	Yates
Dominick	Kopp	Riddick	Young

ANSWERED "PRESENT"—3.

Hardy, Tex.	McClintic	Vinson
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NOT VOTING—143.

Ackerman	Fuller	Knutson	Porter
Anderson	Fulmer	Kreider	Rainey, Ala.
Ansorge	Gahn	Kunz	Ransley
Anthony	Gallivan	Larson, Minn.	Rayburn
Begg	Garner	Lea, Calif.	Reed, N. Y.
Bixler	Goldsborough	Lee, N. Y.	Rhodes
Blakeney	Goodykoontz	Little	Riordan
Bond	Gorman	Logan	Rogers
Bowers	Gould	Longworth	Rosenbloom
Brand	Graham, Pa.	Luhning	Rucker
Britten	Griest	McArthur	Ryan
Brooks, Pa.	Griffin	McDuffie	Sabath
Burke	Hadley	McFadden	Schall
Cantrill	Hawes	McKenzie	Scott, Mich.
Carter	Hayden	Madden	Sears
Classon	Hays	Mann	Shaw
Clouse	Hicks	Mansfield	Sinclair
Cockran	Hill	Mead	Slemp
Cooper, Ohio	Houghton	Merritt	Smith, Mich.
Copley	Humphreys	Michaelson	Steenerson
Crago	Husted	Mills	Stiness
Cramton	Johnson, Ky.	Montague	Stoll
Crisp	Johnson, Miss.	Morgan	Sullivan
Cullen	Johnson, S. Dak.	Morin	Summers, Tex.
Dallinger	Jones, Pa.	Mott	Taylor, Colo.
Davis, Minn.	Jones, Tex.	Mudd	Taylor, Tenn.
Dempsey	Kahn	Murphy	Ten Eyck
Drewry	Kearns	Nolan	Thomas
Driver	Kendall	O'Brien	Underhill
Dunn	Kiess	Oldfield	Ward, N. Y.
Elston	Kindred	Olpp	Ward, N. C.
Fess	King	Park, Ga.	Wason
Fish	Kitchin	Parker, N. J.	Wise
Fordney	Klecza	Patterson, N. J.	Wright
Freeman	Kline, N. Y.	Perlman	Zihlman
French	Knight	Petersen	

So the motion was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FORDNEY with Mr. CRISP.

Mr. RYAN with Mr. OLDFIELD.

Mr. MADDEN with Mr. HAYDEN.

Mr. ANTHONY with Mr. CULLEN.

Mr. BEGG with Mr. RUCKER.

Mr. BLAKENEY with Mr. DREWRY.

Mr. DAVIS of Minnesota with Mr. TEN EYCK.

Mr. KENDALL with Mr. WRIGHT.

Mr. JOHNSON of South Dakota with Mr. MCCLINTIC.

Mr. OLPP with Mr. FULMER.

Mr. PATTERSON of New Jersey with Mr. MONTAGUE.

Mr. ROSENBLUM with Mr. LOGAN.

Mr. SCOTT of Michigan with Mr. RAYBURN.

Mr. STEENERSON with Mr. MANSFIELD.

Mr. BIXLER with Mr. JONES of Texas.

Mr. REED of New York with Mr. THOMAS.

Mr. MERRITT with Mr. GOLDSBOROUGH.

Mr. MCCLINTIC. Mr. Speaker, I wish to withdraw my vote of "no" and vote "present." I am paired with the gentleman from South Dakota [Mr. JOHNSON].

The result of the vote was announced as above recorded.

MEMORIAL OF JOHN P. BRACKEN.

Mr. LUCE. Mr. Speaker, I call up a privileged report from the Committee on Elections No. 2, being the matter of the memorial of John P. Bracken, No. 55 on the House Calendar.

The SPEAKER. The gentleman from Massachusetts calls up an election case, which the Clerk will report.

The Clerk read as follows:

Report of the Committee on Elections No. 2, to which was referred the memorial of John P. Bracken, a citizen of Pennsylvania, claiming to have been elected to the House of Representatives of the Sixty-seventh Congress.

Mr. BLANTON. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from Texas raises the question of consideration. The question is, Will the House consider the report?

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

Mr. MONDELL. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. On that question the gentleman from Wyoming demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. If the House votes on the roll call to consider this measure, can it then be withdrawn before final action is taken?

The SPEAKER. Not except by a vote of the House. It could not be withdrawn by the gentleman from Massachusetts if the House had once expressed its desire to consider it.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. WALSH. Yes.

Mr. SANDERS of Indiana. Then unless we desire to consider this report to-night, the vote would be nay.

Mr. BLANTON. That would be a question of expediency for the Republican Party to decide.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. As many as are in favor of the consideration of this report will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken, and there were—yeas 8, nays 262, answered "present" 4, not voting 157, as follows:

YEAS—8.

Blanton	Fields	Ramseyer	Stevenson
Campbell, Pa.	Jones, Tex.	Robison	Walters

NAYS—276.

Almon	Dyer	Lankford	Rossdale
Andrew, Mass.	Echols	Larsen, Ga.	Rouse
Andrews, Nebr.	Edmonds	Lawrence	Rucker
Appleby	Elliott	Layton	Sanders, Tex.
Arentz	Ellis	Lazaro	Sandlin
Aswell	Evans	Leatherwood	Scott, Tenn.
Atkeson	Fairchild	Lee, Ga.	Shelton
Bacharach	Fairfield	Lehbach	Shreve
Bankhead	Faust	Lineberger	Siegel
Barbour	Favrot	Linthicum	Sinnott
Barkley	Fenn	London	Sisson
Beedy	Fish	Lowrey	Smith, Idaho
Bell	Fisher	Lyon	Smithwick
Benham	Fitzgerald	McCormick	Snell
Bird	Focht	McLaughlin, Mich.	Snyder
Black	Foster	McLaughlin, Nebr.	Speaks
Bland, Ind.	Frear	McLaughlin, Pa.	Sproul
Boles	Free	McSwain	Stafford
Bowling	Frothingham	MacGregor	Steagall
Box	Garrett, Tenn.	Magee	Stedman
Brennan	Garrett, Tex.	Maloney	Stephens
Briggs	Gensman	Mapes	Strong, Kans.
Brinson	Gerner	Martin	Strong, Pa.
Brooks, Ill.	Gilbert	Michener	Summers, Wash.
Browne, Wis.	Glynn	Miller	Swank
Buchanan	Goodykoontz	Millsbaugh	Sweet
Buiwinkle	Graham, Ill.	Mondell	Swing
Burdick	Green, Iowa	Montoya	Tague
Burtness	Greene, Mass.	Moore, Ohio	Taylor, N. J.
Burton	Greene, Vt.	Moore, Va.	Temple
Butler	Hammer	Moores, Ind.	Tillman
Byrnes, S. C.	Hardy, Colo.	Morgan	Tilson
Byrns, Tenn.	Hawley	Nelson, A. P.	Timberlake
Cable	Hayden	Nelson, J. M.	Tincher
Carew	Heirick	Newton, Minn.	Tinkham
Chalmers	Hersey	Norton	Treadway
Chandler, N. Y.	Hickey	O'Connor	Tyson
Chandler, Okla.	Himes	Ogden	Vaile
Chindblom	Hoch	Oliver	Vare
Christopherson	Hogan	Osborne	Vestal
Clague	Huddleston	Overstreet	Vinson
Clarke, N. Y.	Hudspeth	Padgett	Voigt
Classon	Hukriede	Paige	Volk
Codd	Hull	Parker, N. J.	Volstead
Cole, Iowa	Husted	Parker, N. Y.	Walsh
Cole, Ohio	Hutchinson	Parks, Ark.	Watson
Collier	Ireland	Parrish	Weaver
Collins	Jacoway	Patterson, Mo.	Webster
Colton	James	Perkins	Wheeler
Connally, Tex.	Jeffers, Nebr.	Peters	White, Kans.
Connell	Jeffers, Ala.	Pou	White, Me.
Connolly, Pa.	Keller	Pringey	Williamson
Cooper, Wis.	Kelley, Mich.	Purnell	Wilson
Coughlin	Kelly, Pa.	Quin	Wingo
Crowther	Kennedy	Radcliffe	Wise
Curry	Ketcham	Rainey, Ill.	Wood, Ind.
Dale	Kincheloe	Raker	Woodruff
Darrow	Kinkaid	Rankin	Woods, Va.
Davis, Tenn.	Kirkpatrick	Reber	Woodyard
Dickinson	Kissel	Reed, W. Va.	Wright
Dominick	Klecza	Ricketts	Wurzbach
Doughton	Kline, Pa.	Riddick	Wyant
Dowell	Kopp	Robertson	Yates
Drane	Lampert	Rodenberg	Young
Dunbar	Langley	Rose	
Dupré	Lanham		

ANSWERED "PRESENT"—4.

Beck	Crisp	Hardy, Tex.	McClintic
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NOT VOTING—157.

Ackerman	Campbell, Kans.	Denison	Goldsborough
Anderson	Cannon	Drewry	Gorman
Ansorge	Cantrill	Driver	Gould
Anthony	Carter	Dunn	Graham, Pa.
Begg	Clark, Fla.	Elston	Griest
Bixler	Clouse	Fess	Griffin
Blakeney	Cockran	Flood	Hadley
Bland, Va.	Cooper, Ohio	Fordney	Harrison
Bond	Copley	Freeman	Haugen
Bowers	Crago	French	Hawes
Brand	Cramton	Fuller	Hays
Britten	Cullen	Fulmer	Hicks
Brooks, Pa.	Dallinger	Funk	Hill
Brown, Tenn.	Davis, Minn.	Gahn	Houghton
Burke	Deal	Gallivan	Humphreys
Burroughs	Dempsey	Garner	Johnson, Ky.

Johnson, Miss.	Luhrling	Park, Ga.	Slemp
Johnson, S. Dak.	McArthur	Patterson, N. J.	Smith, Mich.
Johnson, Wash.	McDuffie	Perlman	Steenerson
Jones, Pa.	McFadden	Petersen	Stiness
Kahn	McKenzie	Porter	Stoll
Kearns	McPherson	Rainey, Ala.	Sullivan
Kendall	Madden	Ransley	Summers, Tex.
Kiess	Mann	Rayburn	Taylor, Colo.
Kindred	Mansfield	Reavis	Taylor, Tenn.
King	Mead	Reed, N. Y.	Ten Eyck
Kitchin	Merritt	Rhodes	Thomas
Kline, N. Y.	Michaelson	Riordan	Thompson
Knight	Mills	Roach	Towner
Knutson	Montague	Rogers	Underhill
Kraus	Moore, Ill.	Rosenbloom	Upshaw
Kreider	Morin	Ryan	Ward, N. Y.
Kunz	Mott	Sabath	Ward, N. C.
Larson, Minn.	Mudd	Sanders, Ind.	Wason
Lea, Calif.	Murphy	Sanders, N. Y.	Williams
Lee, N. Y.	Newton, Mo.	Schall	Winslow
Little	Nolan	Scott, Mich.	Zihlman
Logan	O'Brien	Sears	
Longworth	Oldfield	Shaw	
Luce	Olpp	Sinclair	

So the House refused to consider the memorial.

The Clerk announced the following additional pairs:

Until further notice:

Mr. FORDNEY with Mr. CRISP.

Mr. CANNON with Mr. FLOOD.

Mr. JOHNSON of Washington with Mr. HARRISON.

Mr. MOORE of Illinois with Mr. DEAL.

Mr. NEWTON of Missouri with Mr. UPSHAW.

Mr. ROACH with Mr. CLARK of Florida.

Mr. JOHNSON of South Dakota with Mr. MCCLINTIC.

Mr. REAVIS with Mr. BLAND of Virginia.

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

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

Mr. LITTLE. No; I was not, when I come to think about it.

The SPEAKER. The gentleman does not qualify.

Mr. THOMPSON. Mr. Speaker, I desire to be recorded.

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

Mr. THOMPSON. No; I was not in the room at that time.

The SPEAKER. The gentleman does not qualify under the rule.

The result of the vote was announced as above recorded.

APPORTIONMENT OF REPRESENTATIVES.

The SPEAKER. The engrossment and third reading of the apportionment bill has been ordered. The Clerk will read the engrossed bill.

The bill was read a third time.

The SPEAKER. The question is on the passage.

Mr. FAIRFIELD. Mr. Speaker, I move to recommit the bill to the Committee on the Census, and on that motion I move the previous question.

The SPEAKER. The gentleman from Indiana moves to recommit the bill to the Committee on the Census, and on that motion he moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit the bill to the Committee on the Census.

Mr. FAIRFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 146, nays 142, answered "present" 3, not voting 140, as follows:

YEAS—146.

Andrew, Mass.	Classon	Hersey	McLaughlin, Mich.
Appleby	Cole, Ohio	Himes	McSwain
Arentz	Connally, Tex.	Hoch	MacGregor
Bankhead	Cooper, Wis.	Huddleston	Mapes
Barbour	Coughlin	Hudspeth	Michener
Beck	Davis, Tenn.	Husted	Moore, Ohio
Beedy	Deal	Hutchinson	Moore, Va.
Bell	Dominick	Jacoway	Nelson, A. P.
Black	Drane	James	Nelson, J. M.
Bland, Va.	Echols	Jeffers, Ala.	Newton, Minn.
Blanton	Fairchild	Jones, Tex.	Oliver
Bowling	Fairfield	Keller	Overstreet
Box	Fenn	Kelly, Pa.	Padgett
Brennan	Fish	Ketcham	Paige
Briggs	Fisher	Kirkpatrick	Parker, N. J.
Brinson	Fitzgerald	Kissel	Parks, Ark.
Browne, Wis.	Flood	Klecza	Parrish
Buchanan	Foster	Lampert	Perkins
Bulwinkle	Frear	Lanham	Peters
Burtess	Frothingham	Lankford	Pou
Burton	Garrett, Tenn.	Larsen, Ga.	Radeliffe
Byrnes, S. C.	Garrett, Tex.	Layton	Raker
Byrns, Tenn.	Gerner	Lee, Ga.	Rayburn
Cable	Goodykoontz	Lehlbach	Ricketts
Chalmers	Hammer	Linthicum	Rouse
Chindblom	Hardy, Colo.	London	Rucker
Christopherson	Hardy, Tex.	Luce	Sanders, Tex.
Clague	Hawley	Lyon	Sinnott
Clarke, N. Y.	Hayden	McCormick	Sisson

Smithwick	Swing	Voigt	Wood, Ind.
Speaks	Taylor, N. J.	Walsh	Woodruff
Sproul	Tillman	Weaver	Woods, Va.
Stafford	Tilson	Webster	Woodward
Steagall	Tinkham	White, Me.	Wright
Stedman	Treadway	Williamson	Young
Summers, Wash.	Tyson	Winslow	
Swank	Vinson		

NAYS—142.

Almon	Edmonds	Leatherwood	Rose
Andrews, Nebr.	Elliott	Lineberger	Rossdale
Aswell	Ellis	Little	Sanders, Ind.
Atkeson	Evans	Lowrey	Sardlin
Barkley	Faust	McLaughlin, Nebr.	Scott, Tenn.
Benham	Favrot	McLaughlin, Pa.	Shelton
Bird	Fields	McPherson	Shreve
Bland, Ind.	Focht	Magee	Siegel
Boles	Free	Maloney	Smith, Idaho
Brooks, Ill.	Funk	Martin	Snell
Burdick	Gensman	Miller	Snyder
Burroughs	Gilbert	Millsbaugh	Stephens
Butler	Glynn	Mondell	Strong, Kans.
Campbell, Kans.	Graham, Ill.	Montoya	Strong, Pa.
Campbell, Pa.	Green, Iowa	Moore, Ind.	Sweet
Carew	Greene, Mass.	Morgan	Tague
Chandler, N. Y.	Greene, Vt.	Newton, Mo.	Temple
Codd	Harrison	Norton	Thompson
Cole, Iowa	Haugen	O'Connor	Timberlake
Collier	Herrick	Ogden	Tincher
Collins	Hickey	Osborne	Towner
Colton	Hogan	Parker, N. Y.	Vaile
Connell	Hukriede	Patterson, Mo.	Vare
Connolly, Pa.	Hull	Pringle	Vestal
Crowther	Ireland	Purnell	Volk
Curry	Jeffers, Nebr.	Quin	Walters
Dale	Kelley, Mich.	Rainey, Ill.	Watson
Darrow	Kennedy	Ramseyer	Wheeler
Denison	Kincheloe	Rankin	White, Kans.
Dickinson	Kinkaid	Reber	Williams
Doughton	Kline, Pa.	Reece	Wilson
Dowell	Kopp	Riddick	Wurzbach
Dunbar	Kraus	Roach	Wyant
Dupré	Langley	Robertson	Yates
Dyer	Lawrence	Robsion	
	Lazaro	Rodenberg	

ANSWERED "PRESENT"—3.

Bacharach	Crisp	McClintic
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NOT VOTING—140.

Ackerman	French	Kunz	Reavis
Anderson	Fuller	Larson, Minn.	Reed, N. Y.
Ansorge	Fulmer	Lea, Calif.	Reed, W. Va.
Anthony	Gahn	Lee, N. Y.	Rhodes
Begg	Gallivan	Logan	Riordan
Bixler	Garner	Longworth	Rogers
Blakeney	Goldsborough	Luhrling	Rosenbloom
Bond	Gorman	McArthur	Ryan
Bowers	Gould	McDuffie	Sabath
Brand	Graham, Pa.	McFadden	Sanders, N. Y.
Britten	Griest	McKenzie	Schall
Brooks, Pa.	Griffin	Madden	Scott, Mich.
Brown, Tenn.	Hadley	Mann	Sears
Burke	Hawes	Mansfield	Shaw
Cannon	Hays	Mead	Sinclair
Cantrill	Hicks	Merritt	Slemp
Carter	Hill	Michaelson	Smith, Mich.
Clark, Fla.	Houghton	Mills	Steenerson
Clouse	Humphreys	Montague	Stevenson
Cockran	Johnson, Ky.	Moore, Ill.	Stiness
Cooper, Ohio	Johnson, Miss.	Morin	Stoll
Copley	Johnson, S. Dak.	Mott	Sullivan
Crago	Johnson, Wash.	Mudd	Summers, Tex.
Cramton	Jones, Pa.	Murphy	Taylor, Colo.
Cullen	Kahn	Nolan	Taylor, Tenn.
Dallinger	Kearns	O'Brien	Ten Eyck
Davis, Minn.	Kendall	Oldfield	Thomas
Dempsey	Kiess	Olpp	Underhill
Dewry	Kindred	Park, Ga.	Upshaw
Driver	King	Patterson, N. J.	Volstead
Dunn	Kitchin	Perlman	Ward, N. Y.
Elston	Kline, N. Y.	Petersen	Ward, N. C.
Fess	Knight	Porter	Wason
Fordney	Knutson	Rainey, Ala.	Wise
Freeman	Kreider	Ransley	Zihlman

So the motion to recommit was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. CRISP (for) with Mr. FORDNEY (against).

Mr. SCOTT of Michigan (for) with Mr. MOORE of Illinois (against).

Mr. MCARTHUR (for) with Mr. GALLIVAN (against).

Mr. FRENCH (for) with Mr. CRAGO (against).

Mr. ROGERS (for) with Mr. PARK of Georgia (against).

Mr. ANTHONY (for) with Mr. MEAD (against).

Mr. DALLINGER (for) with Mr. THOMAS (against).

Mr. MCCLINTIC (for) with Mr. JOHNSON of South Dakota (against).

Mr. MURPHY (for) with Mr. STINESS (against).

Mr. HILL (for) with Mr. KINDRED (against).

Mr. PATTERSON of New Jersey (for) with Mr. RIORDAN (against).

Mr. DREWBY (for) with Mr. RHODES (against).

Mr. GRIFFIN (for) with Mr. BLAKENEY (against).

Mr. CARTER (for) with Mr. ANSORGE (against).

Mr. MONTAGUE (for) with Mr. CULLEN (against).
 Mr. McDUFFIE (for) with Mr. PERLMAN (against).
 Mr. WISE (for) with Mr. SULLIVAN (against).
 Mr. OLDFIELD (for) with Mr. RYAN (against).
 Mr. STEVENSON (for) with Mr. REED of West Virginia (against).

Mr. DAVIS of Minnesota (for) with Mr. LUHRING (against).
 Mr. JOHNSON of Washington (for) with Mr. REAVIS (against).
 Mr. CLARK of Florida (for) with Mr. BACHARACH (against).
 Mr. CRAMTON (for) with Mr. STEENERSON (against).
 Mr. BEGG (for) with Mr. CANNON (against).
 Mr. WARD of North Carolina (for) with Mr. TEN EYCK (against).

Mr. LOGAN (for) with Mr. COCKRAN (against).

Until further notice:

Mr. GRAHAM of Pennsylvania with Mr. KITCHIN.

Mr. DUNN with Mr. STOLL.

Mr. OLPP with Mr. TAYLOR of Colorado.

Mr. LONGWORTH with Mr. UPSHAW.

Mr. SINCLAIR with Mr. GARNER.

Mr. KREIDER with Mr. BRAND.

Mr. KNUTSON with Mr. DRIVER.

Mr. HAYS with Mr. HAWES.

Mr. NOLAN with Mr. JOHNSON of Kentucky.

Mr. MADDEN with Mr. LEA of California.

Mr. VOLSTEAD with Mr. SUMNERS of Texas.

Mr. MORIN with Mr. O'BRIEN.

Mr. GRIEST with Mr. CANTRILL.

Mr. MUDD with Mr. FULLMER.

Mr. REED of New York with Mr. JOHNSON of Mississippi.

Mr. ROSENBLOOM with Mr. MANSFIELD.

Mr. KENDALL with Mr. SEARS.

Mr. KAHN with Mr. HUMPHREYS.

Mr. GORMAN with Mr. SABATH.

Mr. ACKERMAN with Mr. GOLDSBOROUGH.

Mr. FULLER with Mr. KUNZ.

Mr. KISS with Mr. RAINEY of Alabama.

Mr. MCPHERSON. Mr. Speaker, I am authorized to say that my colleague, Mr. RHODES, who is absent on a mining committee, if present would have voted no.

The SPEAKER. On this vote the yeas are 146, and the nays 142.

Mr. MONDELL. Mr. Speaker, I ask for a recapitulation.

Mr. COOPER of Wisconsin. Mr. Speaker, before that is done, I want to say that I inadvertently, when the name of Mr. BROWNE of Wisconsin was called, answered. I heard the word "Wisconsin" and thought it was my name.

Mr. MONDELL. That can be corrected during the recapitulation.

Mr. STAFFORD. Mr. BROWNE of Wisconsin is here and voted.

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

The question was taken, and the motion was rejected.

The SPEAKER. The gentleman from Wyoming asks for a recapitulation. The Chair thinks this is a proper vote to be recapitulated.

The Clerk recapitulated the vote.

Mr. STEAGALL. Mr. Speaker, I observe that the Clerk failed to call my name. I was present and answered "yea."

The SPEAKER. The gentleman from Alabama states that he voted and that it was not recorded. The Clerk will make the correction.

On motion of Mr. FAIRFIELD, a motion to reconsider the vote whereby the motion to recommit was agreed to was laid on the table.

By unanimous consent Mr. LARSEN of Georgia and Mr. GOODY-KOONTZ were given leave to extend their remarks in the Record.

ENROLLED BILL SIGNED.

Mr. RICKETTS, 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. 8297. An act authorizing the Secretary of the Treasury to convey certain lands to the State of Missouri for enlargement of the State capitol grounds of that State.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 9 o'clock p. m.) the House adjourned until to-morrow, Saturday, October 15, 1921, at 12 o'clock noon.

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. CURRY, from the Committee on the Territories, to which was referred the bill (H. R. 8442) to amend an act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914, as amended, reported the same with an amendment, accompanied by a report (No. 405), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Iowa, from the Committee on Ways and Means, to which was referred the bill (H. R. 8643) to extend the tariff act approved May 27, 1921, reported the same without amendment, accompanied by a report (No. 406), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS, from the Committee on Naval Affairs, to which was referred the bill (S. 2504) providing for the readmission of certain deficient midshipmen to the United States Naval Academy, reported the same without amendment, accompanied by a report (No. 407), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8542) for the relief of Herman C. Davis; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8493) granting a pension to Perry Talbott; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. COLLIER: A bill (H. R. 8687) providing for a "Visit Vicksburg's National Military Park" cancellation stamp to be used by the Vicksburg post office; to the Committee on the Post Office and Post Roads.

By Mr. OVERSTREET: A bill (H. R. 8688) authorizing the counties of Allendale, S. C., and Screven, Ga., to construct a bridge across the Savannah River between said counties at or near Burtons Ferry; to the Committee on Interstate and Foreign Commerce.

By Mr. JEFFERIS of Nebraska: A bill (H. R. 8689) to amend paragraph 3 of section 6 of an act entitled "Interstate commerce act," being the act to regulate commerce, approved February 4, 1887, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: A bill (H. R. 8690) to add a certain tract of land on the island of Hawaii to the Hawaii National Park; to the Committee on the Territories.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 205) authorizing and directing the Secretary of the Navy to enter into an agreement with the Secretary of War respecting the occupation and use of the Camp Lewis Military Reservation, in the State of Washington; to the Committee on Naval Affairs.

By Mr. YOUNG: Joint resolution (H. J. Res. 206) to authorize the adjustment, settlement, and winding up of all matters connected with the loaning of money by the Government for seed purposes; to the Committee on Appropriations.

By Mr. COCKRAN: Resolution (H. Res. 200) respecting the right of the President to address either House of Congress in the absence of the other on a matter affecting legislation; to the Committee on Rules.

By Mr. GRAHAM of Illinois: Resolution (H. Res. 201) for the immediate consideration of House bill 8298; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BIRD: A bill (H. R. 8691) granting a pension to Anna R. Ballard; to the Committee on Pensions.

By Mr. BLAND of Virginia: A bill (H. R. 8692) to provide for an examination and survey of Onancock River, Accomac County, Va., and of the channel connecting said river with Chesapeake Bay, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8693) for the examination and survey of Mulberry Creek, Lancaster County, Va.; to the Committee on Rivers and Harbors.

By Mr. BROOKS of Illinois: A bill (H. R. 8694) granting a pension to William E. Kerbaugh; to the Committee on Invalid Pensions.

By Mr. CLARKE of New York: A bill (H. R. 8695) authorizing the Secretary of War to donate to the city of Oxford, State of New York, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. DAVIS of Tennessee: A bill (H. R. 8696) granting a pension to Hig Melton; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 8697) granting a pension to Cynthia C. Jones; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 8698) authorizing the Secretary of War to donate to the American Legion Post of Xenia, State of Ohio, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. FUNK: A bill (H. R. 8699) granting a pension to Charles C. Sterling; to the Committee on Pensions.

By Mr. GALLIVAN: A bill (H. R. 8700) granting an increase of pension to Patrick J. O'Brien; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 8701) granting a pension to Sarah R. McGrew; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 8702) granting an increase of pension to Catherine Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8703) granting an increase of pension to Willard M. Girton; to the Committee on Pensions.

Also, a bill (H. R. 8704) granting a pension to Nicholas P. Zopolos; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 8705) granting an increase of pension to Hannah Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8706) granting an increase of pension to Benjamin C. Maham; to the Committee on Pensions.

By Mr. LAMPERT: A bill (H. R. 8707) granting a pension to Lena E. Deming; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 8708) for the relief of Mary C. Blandin; to the Committee on Claims.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 8709) granting a pension to Mary J. Johnson; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 8710) granting an increase of pension to Stephen T. Barnes; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 8711) granting a pension to Anna Coleman; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 8712) granting a pension to John F. Norton; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 8713) granting a pension to Mary Barnwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8714) granting a pension to Lucinda E. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8715) granting an increase of pension to Emma Koontz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8716) granting a pension to Dean Lewis; to the Committee on Invalid Pensions.

By Mr. WOODWARD: A bill (H. R. 8717) granting a pension to Drusilla Bush; to the Committee on Invalid Pensions.

By Mr. GILLET: Resolution (H. Res. 199) for the relief of the widow of Henry Neal, late an employee of the House of Representatives; to the Committee on Accounts.

PETITIONS, ETC.

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

2729. By Mr. CRAMTON: Petition of George S. Whidden and other citizens of Vassar, Mich., protesting against the passage of the compulsory Sunday observance bill (H. R. 4388); to the Committee on the District of Columbia.

2730. By Mr. CULLEN: Resolution adopted at a meeting of the Greeters, of New York City, charter No. 2, protesting against the proposed tax of 10 per cent on all hotel rooms where the charge per day is above \$5; to the Committee on Ways and Means.

2731. Also, resolutions adopted by the members of Branch No. 2, United National Association of Post Office Clerks, relative to the nonobservance of Lincoln's Birthday by postal employees; to the Committee on the Post Office and Post Roads.

2732. By Mr. FULLER: Petition of G. D. Bennett and sundry other citizens of Rockford, Ill., opposing the Sunday observance bill (H. R. 4388); to the Committee on the District of Columbia.

2733. By Mr. GALLIVAN: Resolutions from W. A. McDonald, president, and M. F. Erickson, secretary, of Charlestown Metal Trades Council, Boston Navy Yard, regarding the present and future building program of naval ships; to the Committee on Naval Affairs.

2734. Also, copy of resolutions adopted by the American Legion, Department of Massachusetts, urging the passage of the adjusted compensation and other bills for soldier relief; to the Committee on Ways and Means.

2735. By Mr. KETCHAM: Petition of residents of Niles, Mich., protesting against House bill 3716; to the Committee on the Merchant Marine and Fisheries.

2736. Also, petition of residents of Michigan, protesting against the Sunday observance bill (H. R. 4388); to the Committee on the District of Columbia.

2737. Also, petition of residents of Bangor, Mich., protesting against the Sunday observance bill (H. R. 4388); to the Committee on the District of Columbia.

2738. By Mr. KIESS: Evidence in support of House bill 8653, granting a pension to Mary T. Schmidt; to the Committee on Pensions.

2739. By Mr. KISSEL: Petition of Janet and Mary Clements, E. P. Doyle, M. Lyons, P. H. McCarthy, W. Redmond, W. Rogan, and W. Slavin, all of Brooklyn, N. Y.; to the Committee on Ways and Means.

2740. Also, petition of Herman Grossman, of Chicago, Ill.; to the Committee on Ways and Means.

2741. By Mr. LINTHICUM: Petition of Michael Fitzgerald Council, of Baltimore, Md., urging enactment of Senate bills 665 and 2099; to the Committee on Interstate and Foreign Commerce.

2742. By Mr. PATTERSON of New Jersey: Petition of Taylor Memorial Baptist Church, of Paulsboro, N. J., indorsing House joint resolution 159, prohibiting sectarian appropriations; to the Committee on the Judiciary.

2743. By Mr. SNYDER: Resolution of Utica, N. Y., lodge, No. 33, Benevolent and Protective Order of Elks, favoring the sale of light wines and beer under suitable restrictions; to the Committee on the Judiciary.

2744. By Mr. TAYLOR of New Jersey: Petition of sundry citizens of Newark, N. J., and vicinity, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

2745. Also, petition of sundry citizens of Newark, N. J., and vicinity, protesting against House bill 4388; to the Committee on the District of Columbia.

2746. By Mr. WOODYARD: Petition of the Rotary Club of Parkersburg, Parkersburg, W. Va., relative to Government aid in road building; to the Committee on Roads.

HOUSE OF REPRESENTATIVES.

SATURDAY, October 15, 1921.

The House met at 12 o'clock noon.

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

O Thou blessed Heavenly Father, we are ever in Thy arms of care; draw us more closely to Thy heart and hear the unuttered voices of our breasts and bless us with the peace that follows divine forgiveness. Bear with our infirmities and fortify us against error. Grant us strength to dismiss the anxiety of to-morrow and make us strong, urgent men of today. Give us the life that conquers over bitter cups, sore loneliness, and disappointment, and prosper the good everywhere. In the name of Jesus. Amen.

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

CORRECTION.

Mr. SPEAKS. Mr. Speaker, with the enthusiasm of a new Member I have taken a great deal of pride in the fact that I have never missed a session or a roll call. In checking the matter up this morning I find that on the sixth roll call this session, the House being in Committee of the Whole, I am recorded as not present on a call of the committee. I was present, and I ask unanimous consent that the Record be corrected.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I suppose the permanent Record containing roll call No. 6 of this session has already been printed. Would not