

## NAYS—30.

Brandeege	Gooding	McKinley	Smoot
Bursum	Hale	McLean	Spencer
Capper	Harrell	Nelson	Sterling
Cummins	Jones, Wash.	Newberry	Sutherland
Curtis	Kellogg	Oddie	Wadsworth
Dillingham	Lodge	Poindexter	Warren
Elkins	McCormick	Rawson	
France	McCumber	Shortridge	

## NOT VOTING—46.

Ball	Fernald	Moses	Shields
Borah	Fletcher	Myers	Stanfield
Broussard	Frelinghuysen	New	Stanley
Calder	Glass	Norbeck	Swanson
Cameron	Hitchcock	Norris	Trammell
Caraway	Johnson	Owen	Walsh, Mass.
Colt	Keyes	Page	Watson, Ga.
Crow	King	Pepper	Watson, Ind.
Culberson	Ladd	Phipps	Weller
du Pont	Lenroot	Pomerene	Willis
Edge	McKellar	Reed	
Ernst	McNary	Robinson	

So the amendment of Mr. WALSH of Montana to the committee amendment as amended was rejected.

Mr. McCUMBER. Mr. President, the Senate now having voted affirmatively to fix the rate at 35 per cent ad valorem, and then having voted negatively that it would not change that 35 per cent rate, I desire to make a parliamentary inquiry. Is it in order for me now to move to make the rate 40 per cent?

The PRESIDENT pro tempore. The Chair is of the opinion that such a motion would not be in order. The question now is upon agreeing to the committee amendment as amended.

Mr. PITTMAN. Mr. President, I wish to offer an amendment and get the ruling of the Chair. I move to strike out "35 per cent ad valorem" and to insert in lieu thereof "1 cent per 10,000 pounds."

Mr. McCUMBER. Mr. President, I make the point of order that the Senate having voted upon the rate, it can not vote again upon it. I understand that this is the same amendment—

Mr. PITTMAN. I am not dealing at all with the ad valorem rate. I am dealing with an entirely different method, which I ask to have substituted for the House rate. If it were on a 35 per cent or a 15 per cent rate, it would be a different question. I am now asking that the Senate, instead of substituting 35 per cent for the House provision, substitute a specific duty for it. Is there any way by which I can obtain a vote on that proposal?

Mr. McCUMBER. I make the point of order that the Senate having voted that the rate should be 35 per cent ad valorem, and then again having voted that it would not change that rate, it is not now in order to make another kind of a motion to change it.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. PITTMAN. Mr. President, from that ruling I respectfully appeal.

Mr. McCUMBER. I move to lay the appeal on the table.

The PRESIDENT pro tempore. The Senator from Nevada appeals from the ruling of the Chair, and the Senator from North Dakota moves—

Mr. McCUMBER. If there is to be no argument, I will withdraw my motion to lay the appeal on the table, and we can vote directly on it.

The PRESIDENT pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. PITTMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Making the same announcement as before, I vote "yea."

Mr. HALE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. ERNST (when his name was called). Transferring my pair with the senior Senator from Kentucky [Mr. STANLEY] to the senior Senator from Pennsylvania [Mr. CROW], I vote "yea."

Mr. MCKINLEY (when his name was called). Transferring my pair with the junior Senator from Arkansas [Mr. CARAWAY] to the junior Senator from Pennsylvania [Mr. PEPPER], I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. WALSH of Montana (when his name was called). Transferring my pair as heretofore, I vote "nay."

Mr. WARREN (when his name was called). Transferring my pair with the junior Senator from North Carolina [Mr. OVERMAN] to the senior Senator from Colorado [Mr. PHIPPS], I vote "yea."

The roll call was concluded.

Mr. JONES of Washington. The senior Senator from Virginia [Mr. SWANSON] being absent, I withhold my vote. The roll call resulted—yeas 26, nays 17, as follows:

## YEAS—26.

Bursum	Gooding	McLean	Spencer
Capper	Hale	Newberry	Sterling
Curtis	Harrell	Nicholson	Sutherland
Dillingham	Kellogg	Oddie	Townsend
Elkins	McCormick	Poindexter	Warren
Ernst	McCumber	Rawson	
France	McKinley	Smoot	

## NAYS—17.

Ashurst	Harrison	Pittman	Wadsworth
Brandeege	Heffin	Ransdell	Walsh, Mont.
Dial	Jones, N. Mex.	Sheppard	
Gerry	La Follette	Simmons	
Harris	Lodge	Underwood	

## NOT VOTING—53.

Ball	Frelinghuysen	Nelson	Smith
Borah	Glass	New	Stanfield
Broussard	Hitchcock	Norbeck	Stanley
Calder	Johnson	Norris	Swanson
Cameron	Jones, Wash.	Overman	Trammell
Caraway	Kendrick	Owen	Walsh, Mass.
Colt	Keyes	Page	Watson, Ga.
Crow	King	Pepper	Watson, Ind.
Culberson	Ladd	Phipps	Weller
Cummins	Lenroot	Pomerene	Williams
du Pont	McKellar	Reed	Willis
Edge	McNary	Robinson	
Fernald	Moses	Shields	
Fletcher	Myers	Shortridge	

The PRESIDENT pro tempore. On this question the yeas are 26 and the nays are 17. Less than a quorum having voted, the Secretary will call the roll.

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

Ashurst	Gerry	McKinley	Shortridge
Borah	Hale	McLean	Simmons
Brandeege	Harrell	Newberry	Smith
Bursum	Harris	Nicholson	Smoot
Capper	Jones, N. Mex.	Oddie	Spencer
Cummins	Jones, Wash.	Phipps	Sterling
Curtis	Kellogg	Pittman	Sutherland
Dial	La Follette	Poindexter	Underwood
Dillingham	Lodge	Ransdell	Wadsworth
Ernst	McCormick	Rawson	Walsh, Mont.
France	McCumber	Sheppard	Warren

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators.

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. There is not a quorum present.

Mr. McCUMBER. I move that the Sergeant at Arms be directed to procure the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. WILLIAMS, Mr. ELKINS, Mr. NORBECK, Mr. HARRISON, and Mr. GOODING entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. There is a quorum present.

## RECESS.

Mr. McCUMBER. I move that the Senate take a recess in accordance with the unanimous-consent agreement previously entered into.

The motion was agreed to; and (at 6 o'clock and 12 minutes p. m.) the Senate, under the order previously entered, took a recess until Monday, May 29, 1922, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, May 27, 1922.

The House met at 12 o'clock noon.

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

Look down upon us our heavenly Father while we breathe the chant of immortal love, saying: Holy, holy, holy, Lord God Almighty. O inspire us by Thy nature that we may with confidence repose our trust in Thee. Help us to be constantly mindful that the basis of all worthy achievement is in unswerving fidelity to the accepted sanctities of public and private life. Remember the avenues of our country through which we are endeavoring to spread the knowledge of the truth and the spirit of good will. Bless our households and all their consecrated loves and hopes. Through Jesus Christ our Lord. Amen.

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

## MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate numbered 32, 60, and 61 to the bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes; that the Senate had disagreed to the amendment of the House of Representatives to the amendment of the Senate numbered 58 to said bill; that the Senate further insisted upon its amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 17 to said bill, had asked a further conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. TOWNSEND, Mr. STERLING, Mr. MOSES, Mr. WALSH of Massachusetts, and Mr. BROUSSARD as conferees on the part of the Senate.

## SPEAKER PRO TEMPORE FOR SUNDAY.

The SPEAKER. The Chair will designate the gentleman from Virginia [Mr. MONTAGUE] to act as Speaker pro tempore at the exercises to-morrow.

## DEDICATION OF LINCOLN MEMORIAL.

The SPEAKER. The Chair has been requested to state for the information of the House something in relation to the Lincoln memorial services on Tuesday. An invitation was sent to each Member. The Chair is informed that some Members have misunderstood the invitation. The tickets requested by Members have been sent to them. Only the Representatives themselves can use the tickets indorsed in red "For Representative," for the Members are expected to be seated in a body by themselves. A representative of the Sergeant at Arms' office will be there to identify Members. Each Member has two tickets for his family, and then he has four others for friends, which are also for exceedingly good seats. Members who have not already received tickets can now procure them by applying at the Sergeant at Arms' office. The Members are requested to meet at the circle at the foot of Twenty-third Street, near the monument, at 2.20 p. m. Parking space for automobiles is arranged there.

## EXTENSION OF REMARKS.

Mr. JOHNSON of South Dakota. Mr. Speaker, I make the point that no quorum is present.

Mr. VOLSTEAD. Will not the gentleman withhold that for a moment?

Mr. JOHNSON of South Dakota. I will.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to extend in the Record remarks I made on the bill H. R. 10159.

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

There was no objection.

## ALIEN PROPERTY CUSTODIAN.

Mr. WINSLOW. Mr. Speaker, on the 12th of May the President of the United States sent to the Congress a communication from the Alien Property Custodian, and it took the form of Senate Document 189, Sixty-seventh Congress. The Speaker pro tempore made reference of it to the Judiciary Committee of the House. It seems after consideration that perhaps it was not properly referred. It should have gone to the Committee on Interstate and Foreign Commerce, to which committee has been referred right along all matters bearing on the department of the Alien Property Custodian. As chairman of the Interstate and Foreign Commerce Committee I have consulted the gentleman from Minnesota [Mr. VOLSTEAD], chairman of the Judiciary Committee, in respect of the motion which I propose to make for the rereference, and he concurs and approves. I have also consulted the Speaker pro tempore, the gentleman from Massachusetts [Mr. WALSH], and he has authorized me to say, in his absence, that he also concurs and approves. So if no one desires to say anything on my proposed request, I will make that motion.

Mr. GARNER. The gentleman should ask unanimous consent.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent that it be rereferred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the matter be rereferred from the Committee on the Judiciary to the Committee on Interstate and Foreign Commerce. Is there objection?

There was no objection.

Mr. WINSLOW. Mr. Speaker, Members are persistently inquiring of our committee and also of the Alien Property Custodian in respect of the various features connected with the administration of the custodian's office. It is a matter requiring a great deal of labor for the Alien Property Custodian to

make answer and many times he fails to convey the desired information to inquiring Members of the House and the Senate. I have the manuscript of a speech made by the Hon. Thomas W. Miller, Alien Property Custodian, on January 14, 1922, which covers nearly all the queries which he reports are commonly made of him. In order to relieve the work of the department and the Committee on Interstate and Foreign Commerce and to facilitate the office work of Members of the House, I ask unanimous consent to have published in the Record the document I have referred to. There is no politics in it; it is a businesslike statement in respect of the various queries which have been made from time to time in relation to the work of the custodian's department.

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

Mr. MONTAGUE. Reserving the right to object, would the gentleman have it printed in small type?

Mr. WINSLOW. I think the usual term is 8-point type, and I include that in my request.

Mr. MONDELL. Will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. MONDELL. Has the gentleman thought of the propriety of printing it as a House document?

Mr. GARNER. It ought to be made a House document.

Mr. MONDELL. Has it occurred to the gentleman that it would be more convenient for Members for reference?

Mr. WINSLOW. Yes; it is my idea that it would be much more convenient. It would save the Members a lot of writing.

Mr. MONDELL. Then each Member could have a copy and refer to it.

Mr. WINSLOW. It would also be of service to the Alien Property Custodian's Department, and if there is no objection, I accept that suggestion and make my request that it be printed as a House document.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the document referred to be printed as a House document. Is there objection?

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Massachusetts a question. Has the gentleman or any other person from his committee in view any legislation for the winding up of the business of the Alien Property Custodian and the return of alien property to those who may be entitled to receive it? When is the Alien Property Custodian's office to be demobilized, so to speak, and when are the questions involved to be settled?

Mr. WINSLOW. Mr. Speaker, if the gentleman from Texas will permit me to reply as an individual, I would say that as to the matter of thought being given to the subject of legislation along that line, I can assure him that there is altogether too much thought for the happiness of the chairman of the committee, but it does not seem to get anywhere definitely. The matter is being brought up by a thousand and one different people, who approach the general subject from many angles. That is about all the answer that I can give to the gentleman; and as to when it is going to be wound up, I would have to refer to some one better informed than I. I really do not know. We are trying to work out some plan which will be reasonably comprehensive and be in the nature, if possible, of blanket legislation covering as many points as possible, which are being contested. There are innumerable points of view, and each one seems to stumble up against some sharp edge somewhere.

Mr. CONNALLY of Texas. Do any of the plans now before the gentleman's committee or in the minds of the committee contemplate the satisfaction of American claims out of any of this property, or do they contemplate simply a return of the property to the original owners?

Mr. WINSLOW. I would not feel justified in answering that, not because there is any particular secret involved, but the matter is too chaotic for me to separate out that particular feature, although I think it is a pertinent inquiry.

Mr. CONNALLY of Texas. I saw in the press sometime ago a statement that the State Department was carrying on informal parleys with Germany with reference to arriving at a treaty later on which would adjust this alien property matter and the American claims in connection with it. Does the gentleman know anything about that?

Mr. WINSLOW. I have no official knowledge and no personal knowledge other than what I have read in the newspaper.

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

Mr. WINSLOW. Yes.

Mr. MOORE of Virginia. I would like to call the gentleman's attention to an article which I read in this morning's New

York World, which discusses an important alien property transaction and apparently subjects it to pretty severe criticism. The correspondent finds occasion to refer to the ubiquitous Attorney General in that connection. I do not undertake to say what the merits of that particular transaction are, but there is certainly a prevalent opinion that Congress ought to legislate and not postpone the matter any longer.

Mr. WINSLOW. That seems to be a pretty general idea in respect to all legislation.

Mr. JOHNSON of South Dakota rose.

The SPEAKER. The gentleman from South Dakota.

Mr. JOHNSON of South Dakota. Reserving the right to object to the gentleman's request, does he not think there ought to be a rather real investigation made of the chemical foundation sale and the Bosch magneto matter, among other of these iniquitous transactions that occurred several years ago in the office of the Alien Property Custodian before the business of that office is wound up?

Mr. WINSLOW. Does the gentleman want me to answer the question or is he satisfied with having asked it? [Laughter.]

Mr. JOHNSON of South Dakota. I recognize the fact that the gentleman does not want to answer the question.

Mr. WINSLOW. The gentleman recognizes, as he does in many other respects, something that does not exist. I am very willing to answer if I am accorded the time and it is germane and the House desires me to do so, but if the House does not I do not propose to waste any time that might be properly given to something real.

Mr. JOHNSON of South Dakota. Then, Mr. Speaker, I ask unanimous consent that the gentleman be given 15 minutes in which to discuss the chemical foundation sale and the Bosch magneto sale.

Mr. CAMPBELL of Kansas. Mr. Speaker, I object.

Mr. MONDELL. Mr. Speaker, this is no time in which to discuss alleged frauds in a former administration.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts that the matter to which he refers be printed as a House document?

Mr. SABATH. Mr. Speaker, reserving the right to object, are there not some articles written or matters of opinion given out by the Attorney General in regard to the Alien Property Custodian, and would it not be wise also to embody them in this document?

Mr. WINSLOW. The gentleman is asking something I know nothing about. I would rather confine my request to the things of which I have some knowledge. This is merely a statement of conditions and facts which would help us in our correspondence. It is not an argument one way or the other, while the matter to which the gentleman referred, as he can see, might become a very long drawn-out matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts to print this document as a House document?

There was no objection.

#### EXTENSION OF REMARKS.

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

The SPEAKER. Is there objection?

Mr. MONDELL. Upon what subject?

Mr. HUDDLESTON. Touching the services of my colleague, Judge Tyson, in Congress.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. HUDDLESTON. Mr. Speaker, under leave given me to extend my remarks I desire to publish a statement showing something of the services in Congress of my friend and colleague, Hon. JOHN R. TYSON, of Alabama.

#### ANSWERING SENATOR PENROSE.

1. The first matter of great moment, especially to the people of the South, in which Judge Tyson took part was to write an article showing that the bill introduced in the Legislature of Pennsylvania, fathered by the late Senator Penrose, of that State, attempting to require that equal privileges in hotels, cafés, restaurants, educational institutions, and amusement places be accorded to the Negro on equal terms with the whites, was unconstitutional, resulting in the defeat of the bill in the senate of that State after being passed by the house.

#### WORK ON CENSUS COMMITTEE.

2. As a member of the Census Committee of the House, Representative Tyson was appointed on a subcommittee of three, the other two members being Republicans, to make a report defining the jurisdiction of the committee with respect to a reduc-

tion of representation of the Southern States in the House because of an alleged denial to the Negro of the right to vote. The subcommittee reported, in substance, that the basis of representation in the House under the Constitution is that of population, and that a denial to the Negro of a right to vote under the fourteenth and fifteenth amendments to the Constitution could only be considered by Congress upon the introduction of a bill or resolution for an investigation having reference to a particular election in a specified State. The report was adopted unanimously by the committee.

3. As a member of the Census Committee he led the fight to a successful conclusion not to report a bill apportioning the number of Representatives in the House under the census taken in 1920, thus preventing a loss in representation in the House to Mississippi and Louisiana and defeating an increase in the Republican membership.

#### PEACE RESOLUTION.

4. He voted for and advocated on the floor of the House the adoption of the peace resolution declaring that peace exists between Germany, Austria-Hungary, and the United States. As noted in the Literary Digest, July 16, 1921, he contended "that cotton sales would be improved." In other words, he contended that upon the adoption of the resolution the markets in Germany and Austria-Hungary for cotton would, in a large measure, be reestablished, and this has come to pass.

#### TARIFF BILL.

5. He opposed and spoke against the Fordney tariff bill. In his speech he asserted, among other things, that it taxed practically every necessity of life and carried a tax of \$50 per ton on potash, a necessary ingredient of fertilizers, used by the farmers of Alabama, enhancing the cost of fertilizers, where potash is a component part, of at least \$10 per ton.

#### REVENUE BILL.

6. He voted against this bill because he regarded it as the most vicious piece of legislation ever offered to be enacted by any legislative body. He asserted that its manifest purpose is to relieve the wealthy individual and corporations as far as possible from taxation and impose it upon the less fortunate. In other words, roughly estimating, 75 per cent of the corporations of this country will have to pay an increased tax, while the remainder of them are accorded a substantial reduction. Individuals who have an income of \$66,000 per year or more will pay proportionately less income tax than the individual who has a lesser income. He advocated the repeal of the so-called nuisance taxes.

#### RAILROAD FUNDING BILL.

7. He opposed the passage of this bill because he believed and stated that it involved simply a scheme to permit the railroads of the country to filch the Treasury of the United States under the guise of a loan which would never be repaid and because of his opposition to a donation of the people's money. He insisted that on an accounting, instead of the Government being indebted to the railroad companies, the railroad companies, as the result of United States administration of them, are indebted to the Government \$300,000,000. Notwithstanding it was vehemently urged that unless the bill was passed at once—August 22, 1921—many of the railroads of the country would go into the hands of a receiver, and although the bill has not yet been passed by the Senate no important line of railroad has yet gone into the hands of a receiver. Their earnings are greater than they have ever been in the history of the country, in face of a gradual reduction in freight rates.

#### REFUNDING FOREIGN DEBT.

8. He voted against this bill because he entertained the view that it is the initial step leading to the final forgiving of all foreign debts, in order that the national bankers may collect some five billions of dollars due them by the foreign debtor countries.

#### ANTI-LYNCHING BILL.

9. This bill is the product of the demand of the northern Negro and seeks to punish sheriffs and other executive officers who fail or neglect to protect the life of any person put to death by a mob composed of three or more persons, and to impose a penalty on the county in which the death occurs of \$10,000, recoverable for the use of the family of the deceased, and also punishes those who participate in the mob violence. He voted against this bill and made one of the ablest speeches that was made against it, demonstrating its unconstitutionality. As noted in the Washington Star of May 24, 1922, Senator BORAH, a Republican, chairman of the subcommittee of the Judiciary Committee of the Senate, has joined with Senators OVERMAN and SHIELDS, Democratic members of that committee, in agreeing with Representative TYSON that the bill is unconstitutional. These gentlemen compose a majority of the subcommittee.

## AUTHORIZING COOPERATIVE MARKETING OF FARM PRODUCTS.

10. He voted for this bill, which permits farmers of the country to organize cooperative associations and corporations, without paying in any capital, to market farm products, the purpose being to enable farmers to dispense with, if possible, the cost of their products being handled by the middleman and to facilitate their dealing directly with the consumer.

## IMMIGRATION.

11. He voted for the bill which restricts immigration into this country.

## SWEET BILL ESTABLISHING VETERANS' BUREAU.

12. He voted for this bill, which facilitates the adjusting of compensation and hospitalization of the disabled war veterans.

## BILL AMENDING FARM LOAN ACT.

13. He voted for the two bills which provide for additional credit to the owners of farm lands.

## GOOD ROADS BILL.

14. He voted for this bill, which provides aid for the States in the construction of rural post roads. It also contains a provision that any State desiring to avail itself of the benefits of the act may have three years after the adjournment of the first regular session of the State legislature from and after the approval of the act to provide State funds each year at least equal to the amount apportioned for such year by the Federal Government.

## AMENDING WAR FINANCE CORPORATION ACT.

15. He voted for the "bill to amend the War Finance Corporation act to provide relief for producers of and dealers in agricultural products." That act provides for loans and fixes the rate of interest to be charged for the money loaned. Loans may be made for agricultural purposes, including the breeding, raising, fattening, and marketing of live stock, as well as upon cotton, corn, oats, wheat, and like farm produce.

## APPROPRIATION FOR MILITARY AND NONMILITARY ACTIVITIES.

16. He voted for this bill, which increases the personnel and pay of the National Guard.

## TO AMEND FEDERAL RESERVE ACT.

17. This bill amended section 10 of the Federal reserve act by increasing the Federal Reserve Board to eight members and providing for a representative of agriculture on that board. He voted for this bill.

## MATERNITY BILL.

18. He voted for this bill, expressing the view that care of mothers and infants is more important to the Nation than that of animal life.

Men are what their mothers make them. (Emerson.)  
The future destiny of the child is always the work of the mother. (Napoleon.)

## ADJUSTED COMPENSATION FOR VETERANS OF WORLD WAR.

19. He voted for and was an advocate of the passage of this bill. Alabama furnished approximately 100,000 men in the military and naval forces in the World War. Under the bill the Alabama ex-service men will receive approximately \$20,000,000 which will be spent in that State, more than is contributed by the taxpayers of that State to the National Government. He abhors that the fate of the veterans of the World War should be as that expressed in the lines of Southern in "Loyal Brothers":

Dost thou not know the fate of soldiers?  
They're but ambition's tools, to cut a way  
To her unlawful ends; and when they're worn,  
Hack'd, hewn with constant service, thrown aside,  
To rust in peace and rot in hospitals.

## COMPENSATION, HOSPITALIZATION, AND VOCATIONAL TRAINING.

20. Representative Tyson has energetically and vigorously assisted several hundred disabled World War veterans in securing compensation, vocational training, and hospitalization.

## GOVERNMENT PUBLICATIONS.

21. He has mailed to his constituents many valuable Government publications.

## FORD'S OFFER FOR MUSCLE SHOALS.

22. Mr. Ford, on July 8, 1921, executed his proposal to the Government for the Muscle Shoals property, which was transmitted shortly thereafter to the Secretary of War. As soon as it was made public Representative Tyson became a strong advocate of its acceptance by Congress and has done as much as any Member of Congress to arouse public sentiment in favor of its acceptance. He says of the proposal:

An impetus and a quickening of interest in water-power development throughout the country is the result of the Ford offer for Muscle Shoals, which will be of incalculable value to the entire Nation. His offer has developed a realization of the enormous value of the Tennessee River for transportation and hydroelectric purposes. It has

pointed the way for cheaper fertilizer, cheaper transportation, and cheaper power for industrial enterprises. It has awakened in Congress an appreciation of the illimitable potentialities of the Tennessee River, of other undeveloped water powers, and of their inestimable value to the people of this country.

[From the Montgomery Advertiser, June 9, 1921.]

DEMOCRATS OF SOUTH WIN SIGNAL VICTORY—QUESTION OF REAPPORTIONMENT OF REPRESENTATIVES IN CONGRESS SETTLED FOR TIME BEING.

(Advertiser Bureau, Washington, D. C. By Jesse S. Cottrell.)

Southern Democrats on the Census Committee of the House have won a signal victory and settled during the life of this Congress the question of reapportionment of Representatives in Congress, which might have caused a reduction of the representation from the South. Led by Representative TINKHAM, of Massachusetts, and a small coterie of eastern Republicans, a movement has been gaining headway during the present Republican ascendancy to cut down the representation from the South in retaliation for the alleged denial of the votes of the negroes. Eastern negroes and their Republican advocates have insisted that all negroes in the South are not permitted to vote and that Congress should take cognizance of the fact. Various bills bearing on the question were invariably referred to the Committee on the Census. In this committee the question arose as to just how far the committee could go, which incidentally brought the activities of this committee into prominence in so far as it was handling these bills.

Led by Representative JOHN R. TYSON, of Alabama, a former chief justice of the supreme court of his State, and Representative J. E. RANKIN, of Mississippi, a movement was started in the committee for a decision to define the jurisdiction of the committee in handling reapportionment matters. Judge Tyson was the Democratic member of a subcommittee which has reported to the full committee. The entire committee has in turn gone on record adopting the subcommittee's report, to the effect that the clause of the fourteenth amendment to the Constitution providing for a reduction in representation on account of a denial of a right to vote at any election can only be brought before Congress by the introduction of a bill or resolution for an investigation with reference to a particular election in a specific State or States.

[From the Birmingham Age-Herald, Sunday, April 3, 1921.]

TYSON RAPS BOSS PENROSE, WHO, DIPPY TO HOLD VOTES, FIGURATIVELY KISSES NEGRO.

(By Washington bureau of the Age-Herald, 500 Davidson Building.)

WASHINGTON, April 2.—(Special).—At last there comes a man to Washington with sufficient temerity to beard the lion in his den.

As a result Senator Penrose, the Republican boss, whose procedure has been characterized by arrogance and contempt for conventional opinion, must reckon with Judge JOHN R. TYSON, of Montgomery, who, on April 11, will take the oath of office as a Representative from Alabama.

In a statement issued to-day Judge TYSON not only proves fallacious the legal argument of Senator Penrose that the Negro is entitled to public entertainment and education on a basis of equality with the white man but denounces as an absurdity the afterthought of the Senator that, despite his views, he does not believe in social equality.

## PENROSE EFFUSIVE.

Some days ago Senator Penrose, in most fulsome language, welcomed pompous Negro celebrities on the occasion of their visit to Washington. In the course of his speech he declared that the Negro must be accorded equal privileges in hotels, cafés, restaurants, educational institutions, and places of amusement, and that such rights must be sustained by legislation providing heavy penalties for their denial.

Judge TYSON points out that the Constitution does not require a proprietor to entertain anyone who would be offensive to his other guests, and adds that the Supreme Court of Pennsylvania has held on two grounds the justice of a company in providing separate street car compartments for the races, the two grounds being the right that the company had in its property and the public interests.

## TYSON TO G. O. P. BOSS.

Says Judge TYSON to Senator Penrose:

"To permit negroes to be educated at white schools would necessarily bring about social intermixture, resulting in amalgamation, which is contrary to the law of races. Social equality can not be established, enforced, or maintained by legislation.

"The statement that Senator Penrose does not stand for social equality in face of the fact that he advocates establishing conditions by penal statutes which would enforce the intermingling of races, bringing about a contact necessarily promotive of social associations, and, therefore, equality, is an absurdity."

Judge TYSON is a former chief justice of the Supreme Court of Alabama.

LETTER OF HON. JOSEPH W. BYRNS, OF TENNESSEE, RANKING DEMOCRAT ON HOUSE COMMITTEE ON APPROPRIATIONS.

WASHINGTON, D. C., January 18, 1922.

HON. JOHN R. TYSON, M. C.,

Washington, D. C.

MY DEAR JUDGE: I wish to express my appreciation of your great speech in opposition to the so-called Dyer antilynching bill which appears in to-day's CONGRESSIONAL RECORD. It is a magnificent constitutional argument—one of the very ablest of the many good speeches which were made in the course of the debate. In my judgment, you have clearly demonstrated the unconstitutionality of the measure, and for this lasting public service you are entitled to the thanks of your constituents and the entire country. There is no question but that if this unwise and improper measure should pass the Senate and become a law your speech will serve a great purpose in demonstrating its unconstitutionality in the courts of the country. May I say that, coming from the same section that you do, I have been highly gratified to hear similar comments from Members on both sides of the Chamber? You have more than justified your reputation as one of the great lawyers of this Congress.

With high personal regards, I am,  
Sincerely yours,

JOSEPH W. BYRNS.

LETTER OF HON. J. B. ASWELL, OF LOUISIANA, OF THE COMMITTEE ON AGRICULTURE.

WASHINGTON, D. C., March 25, 1922.

Hon. JOHN R. TYSON, M. C.,  
House of Representatives, Washington, D. C.

MY DEAR JUDGE: I am writing to express to you my very great appreciation of your work as a member of the Census Committee of the House of Representatives.

Having been for several years a member of that committee, I am personally familiar with the details of its work and with your forceful part in it.

At the beginning of this Congress I retired from that committee to become a member of the Committee on Agriculture, when you became a member of the Census Committee.

When the Republican leaders proposed a reapportionment bill, reducing representation in Congress from several of the Southern States, including Louisiana and Mississippi, you will recall that I appealed to you to oppose the measure. You promptly took the lead in the fight and became recognized as one of the real leaders of the committee in opposition to the proposed Republican measure. With your masterful skill, judgment, and courage, the fight was successful and the measure defeated.

You deserve very great credit for holding southern representation in the Congress as it now exists and in preventing the Republicans from increasing their membership in the House.

With very cordial good wishes, I am,

Sincerely yours,

J. B. ASWELL, M. C.

LETTER OF HON. CLAUDE KITCHIN, OF NORTH CAROLINA, DEMOCRATIC LEADER IN THE HOUSE OF REPRESENTATIVES.

SCOTLAND NECK, N. C., August 11, 1921.

Judge JOHN R. TYSON,  
House of Representatives, Washington, D. C.

MY DEAR JUDGE: I have just read your speech on the tariff and hasten to write you to congratulate you on its excellence. It is one of the best speeches I have read on the tariff and it does you great credit. I took much pleasure in reading it.

With assurances of my high regards and best wishes, I am,

Your friend sincerely,

CLAUDE KITCHIN.

Your thrust at MURPHY, of Ohio, was especially happy.

Mr. DENISON. Mr. Speaker, Mrs. Gen. John A. Logan has written a short story of the history and origin of Memorial Day. It is very interesting and full of information. There is no one living who can speak on this subject with more intimate and reliable knowledge of the facts than can Mrs. Logan. I think all of the Members of the House, as well as the rest of the country, ought to read it, and I ask unanimous consent for permission to extend my remarks in the RECORD by incorporating that article. Mrs. Logan is one of our country's greatest women and, aside from our interest in Memorial Day, I am sure we are all interested in anything she might wish to say.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing an address by Mrs. Logan in respect to the origin of Memorial Day. Is there objection?

There was no objection.

The matter referred to is as follows:

HOW MEMORIAL DAY CAME TO BE—THIS STORY OF THE AMERICAN DECORATION DAY IS TOLD BY THE WIDOW OF THE MAN WHO ORIGINATED THE HOLIDAY.

(By Mrs. John A. Logan.)

To properly appreciate the establishment of Memorial Day readers should know about the organization of the Grand Army of the Republic. The comradeship and patriotic principles which prompted the organization of this, the greatest organization the world has ever known, inspired General Logan in writing the immortal order No. 11, when commander in chief of the Grand Army of the Republic. Without the Grand Army of the Republic there never would have been a Memorial Day or a medium through which it could have been established.

It gives me great pleasure to tell you the true story. These are the facts:

The late Col. Charles L. Wilson, editor of the Chicago Journal of that day, invited a party consisting of his niece, Miss Anna Wilson (later Mrs. Horatia May), Miss Farrar, his fiancé (all now dead), General Logan, and myself to visit the battle fields around Richmond in March, 1868. The importance of some measures then pending in Congress prevented General Logan, at the last moment, from going, but he insisted upon my going with these friends. We made a tour of every battle field, fortification, temporary barricade, and cemetery around the erstwhile Confederate capital, driving about in old tumble-down vehicles drawn by lean, jaded horses, driven by thinly clad, poorly fed men, who had survived the long siege of Richmond. We saw the colored men, women, and children digging out the lead and iron which had been shot into the fortifications, almost the only support of these wretched people. Visiting cemeteries and churchyards, we were deeply touched by the withered wreaths and tiny flags that marked the graves of the Confederate dead. In the bleak March wind and light-falling snow the desolation seemed most oppressive.

GENERAL LOGAN HEARS STORY.

Returning together to the old Willard Hotel, where we then lived, sitting in our parlor after dinner, we recounted to General Logan the incidents of the trip and how deeply touched we were by the devastation and ravages of war. In the churchyard around an old historic church at Petersburg every foot of the ground seemed occupied by the graves of the Confederate dead. Upon them lay wreaths once beautiful flowers now crumbling, which had been placed there by loving hands. Little faded Confederate flags marked each grave, mute evidence of the devotion of the Southern people to their loved and lost. General Logan was much impressed by our description, saying, "The Greeks and Romans in the day of their glory were wont to honor their hero dead by chaplets of laurel and flowers, as well as in bronze and stone," and that as commander in chief of the Grand Army of the Republic and

Member of Congress from Illinois, which he then was, he would issue an order establishing Memorial Day, then called Decoration Day. He declared at the same time that he believed that he could secure the adoption of a joint resolution making it a national holiday and a national ceremony. He then took up a pencil and piece of paper and wrote the matchless order No. 11, and remarked he would submit it to his staff of the Grand Army of the Republic, then composed of Dr. W. T. Collins, assistant adjutant general; Bvt. Brig. Gen. N. P. Chipman, adjutant general; Capt. T. C. Campbell, quartermaster general; and Capt. Edward Jardine, inspector general. He read what he had written to Colonel Wilson, who expressed his appreciation of the order and predicted it would be received with great enthusiasm all over the country.

LOGAN'S STAFF AGREES.

The following evening, upon his invitation, his staff assembled in our rooms and he submitted the order to them. Without a dissenting voice they thought it would receive a ready response from all loyal hearts in the Union. He handed the order No. 11, Grand Army of the Republic, to Adjutant General Chipman to be issued at once from the headquarters of the Grand Army of the Republic. If Colonel Wilson made any notes or subsequently advocated the movement, they were all lost a few years later in the great conflagration which visited Chicago and reduced to ashes newspaper files, homes, and business establishments.

As far as I know, Bvt. Brig. Gen. N. P. Chipman and myself are the only living persons of all of those who had any knowledge of General Logan's authorship and conception of this immortal order, which, like an electric shock, awakened the latent gratitude in all loyal hearts toward the men who had laid down their lives that the Union might live.

I claim without fear of contradiction that I know the facts and that my memory is as dependable as that of any one else in all the world who had not the same interest which I had then and shall have as long as I live.

George Francis Dawson, now deceased, wrote the life of Maj. Gen. John A. Logan from all the records, notes, and memoranda of General Logan which were placed in his hands. The following is from Dawson's "Life of Logan":

"MEMORIAL OR DECORATION DAY.

"In January, 1868, General Logan's comrades of the Grand Army of the Republic elected him commander in chief of that order, and afterward honored him and themselves by twice reelecting him to that distinguished position. It was during his first incumbency that General Logan, as commander in chief of this military society issued the order—which he often afterwards, alluded to as 'the proudest act of my life'—setting apart the 30th of May as a day in memory of the dead soldiers who lost their lives to perpetuate this Union—a day on which to decorate their sacred graves and keep in mind their glorious deeds. This memorable order—which was issued to all the comrades of the 'Grand Army of the Republic' throughout the land—was in these inspiring words:

"HEADQUARTERS GRAND ARMY OF THE REPUBLIC,

"ADJUTANT GENERAL'S OFFICE,

"446 FOURTEENTH STREET, WASHINGTON, D. C., May 5, 1868.

"General Orders, No. 11.

"I. The 30th day of May, 1868, is designated for the purpose of strewing with flowers, or otherwise decorating, the graves of comrades who died in defense of their country during the late rebellion, and whose bodies now lie in almost every city, village, hamlet, and churchyard in the land. In this observance, no form of ceremony is prescribed, but posts and comrades will, in their own way, arrange such fitting services and testimonials of respect, as circumstances may permit.

"We are organized, comrades, as our regulations tell us, for the purpose among other things, 'of preserving and strengthening those kind and fraternal feelings which have bound together the soldiers, sailors, and marines, who united together to suppress the late rebellion.' What can aid more to assure this result than by cherishing tenderly the memory of our heroic dead, who made their breasts a barricade between our country and its foes. Their soldier lives were the revivification of freedom to a race in chains, and their deaths the tattoo of rebellious tyranny in arms. We should guard their graves with sacred vigilance. All that the consecrated wealth and taste of the Nation can add to their adornment and security, is but a fitting tribute to the memory of her slain defenders. Let no wanton foot tread rudely on such hallowed grounds. Let pleasant paths invite the coming and going of reverent visitors and fond mourners. Let no vandalism of avarice or neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten, as a people, the cost of a free and undivided Republic.

"If other eyes grow dull and other hands slack and other hearts grow cold in the solemn trust, ours shall keep it well as long as the light and warmth of life remain to us.

"Let us, then, at the time appointed gather around their sacred remains and garland the passionless mounds above them with the choicest flowers of springtime; let us raise above them the dear Old Flag they saved from dishonor; let us, in this solemn presence, renew our pledges to aid and assist those whom they have left among us a sacred charge upon a nation's gratitude—the soldier's widow and orphan.

"II. It is the purpose of the commander in chief to inaugurate this observance, with the hope that it will be kept up from year to year, while a survivor of the war remains to honor the memory of his departed comrades. He earnestly desires the public press to call attention to this order, and lend its friendly aid in bringing it to the notice of comrades in all parts of the country in time for simultaneous compliance therewith.

"III. Department commanders will use every effort to make this order effective.

"By order of—

"JOHN A. LOGAN,

"Commander in Chief.

"Official:

"N. P. CHIPMAN,

"Adjutant General.

"RESOLUTION IN THE HOUSE.

"This order having been generally complied with throughout the country with beautiful and touching ceremonies at the graves of the dead, Mr. Logan, on June 22, 1868, introduced a resolution in the House of Representatives, which was unanimously adopted, in these words:

"Resolved, That the proceedings of the different cities, towns, etc., recently held in commemoration of the gallant heroes who have sacrificed their lives in defense of the Republic, and the record of the ceremonial of the decoration of the honored tombs of the departed shall be collected and bound, under the direction of such person as the Speaker

shall designate, for the use of Congress.' (Congressional Globe, 40th Cong., 2d sess., June 22, 1868, p. 3364.)

"Since then, as is well known, Decoration Day has been observed as a national holiday nearly everywhere in the United States."

(The above is from Dawson, G. F., *Life and Services of Gen. John A. Logan*, pp. 123-125.)

In Gen. Robert B. Beath's History of the Grand Army of the Republic, on page 92, Gen. N. P. Chipman, adjutant general, G. A. R., General Logan's staff, refers to Memorial Day:

"Probably no one act in your administration has done more to cement the brotherhood of our order and to remove any prejudice that might remain in the minds of the public against it than the inauguration of the practice of an annual commemoration to the memory of our departed comrades. The day set apart last year was observed in all departments and by almost all the posts, and with the most gratifying results. If this feature alone was the result of the organization, I think the establishment of a national Memorial Day a sufficient reward to our comrades for all they have done, and this alone would be motive sufficient to perpetuate our order. No other society was in a position to originate the observance, and probably no other would have done so."

#### THE FIRST OBSERVANCE.

The first observance of this order took place May 30, 1868. The whole country was still in mourning over the sacrifices of the bravest and the best "that government of the people, by the people, and for the people should not perish from the earth." The gaping wounds of the bloody carnage in the mighty conflict were still unhealed. Widows and orphans made up the larger part of the multitudes who came with floral tributes for their loved and lost, while the ex-Union soldiers, to the music of solemn dirges, marched up and down the streets of the silent cities, stopping ever and anon to mark the grave of a fallen comrade with a duplicate of the starry emblem of liberty.

The exercises of the day were replete with addresses, poems, and stories of the patriotism and heroism of the Nation's living and dead defenders. Men who had led the sturdy columns against a dauntless foe told of the superhuman courage of those who fell fighting for the preservation of the Union, painting such vivid pictures of scenes in which they had participated as to bring tears to eyes unused to weeping.

Alas, the majority of those who inaugurated the beautiful ceremonies of the national Memorial Day have passed away. Their brave spirits have joined the hosts who are tenting on "fame's eternal camping ground."

The fact that all over this continent loyal people are still repeating their annual commemoration of the gallant deeds of the heroic dead who have died during and since the Civil War proves that "other eyes have not grown dull," "other hands slack," or "other hearts cold in the solemn trust." Nor will the "ravages of time testify to the present or to the coming generations that we have forgotten as a people the cost of a free and undivided Republic."

#### NOBLER NATION BORN.

Out of the great conflicts and agony of war, with all its horrors, a nobler Nation has been born, consecrated to universal Christian freedom. Right valiantly have they pressed forward and upward, bearing bravely the burdens of the peoples of many races and conditions. There have been no deviations from the pathway to glory and prowess for this Republic.

Time, however, has smothered the furrowed plain and bridged the gulf that once divided the sections of our country. War for the oppressed of other peoples has joined in inseparable bonds the North and the South, the East and the West, for freedom, progress, and humanity.

The survivors of the lamentable conflict, under the providence of God, can on this hallowed day assemble around the graves of their sacred dead and cover them with nature's loveliest canopy.

Peace, white-winged peace, hovers above us, and we believe that "The Star-Spangled Banner in triumph shall forever wave o'er the land of the free and the home of the brave."

The beacon light of liberty, brighter from the burnishing by the clash of arms, still attracts the oppressed and downtrodden of the whole world. This generation and the generations that are to follow are and will be beyond question committed to the perpetuation of constitutional freedom, and liberty regulated by law, and to the work of securing for all men equality before the law, the right to pursuit of happiness, and the worship of God according to the dictates of their own conscience.

Founded upon these principles, our Government has won its prowess among all the peoples of the earth. Momentary outbreaks of the lawless may for a time disturb the harmony and brotherhood of citizens of certain localities, but the supremacy of the law established in every part of the United States by the armies and navies of the Union will stand forever. Obedience to the lawfully expressed will of the majority, as declared in the Pilgrims' covenant of 1620, is a principle so fixed in our political system that it can never be otherwise; against it the weight of the rebellion of '61-'65 was not able to succeed. The liberty, justice, and humanity of the American Government stands immovably, as has been demonstrated by the recent conference which will enable the United States to win and hold the confidence of the peoples of the earth until all have been enrolled under the banner of the Cross and white-winged peace.

#### THE AMERICAN LEGION.

The American Legion, if wisely organized, since the close of the World War is in a position to do immeasurable service for our country, destined as it probably is to bear so conspicuous a part in the world's work. I can not resist the temptation to urge the American Legion to harken to an appeal made by General Logan to ex-Union soldiers, sailors, and marines in an address made at the close of his second term as commander in chief of the G. A. R. He said:

"It should be the aim of the Grand Army to bring within its fold every honorably discharged soldier and sailor, and by the constant exercise of the virtues we profess exert an influence second only to the church of Christ. Exalting the hopes and aspirations of our own members, we thereby help to give a proper tone to public sentiment and crush out all opposition to civilization, loyalty, and Christianity, as well as hold our organization above the criticism of the most fastidious, who, beholding our 'good works,' will rise up and call us blessed. We shall need no appeal to call forth the support of all good citizens, who will gladly sustain our lectures and other means of support to our family of sufferers, in whose interest we have solicited public patronage, with liberal responses already.

"The tree of liberty, watered and trained by the influences of the Grand Army, will send forth no disloyal shoots to dishonor our flag, but every branch as it takes up its burden of life will have that vital principle of loyalty so engrained that treason can never destroy it. And

when the encampments that know us now 'shall know us no more forever' the feeling of fraternal regard we have nourished will shed its silent tear over our graves; the charity we have promoted will throw its mantle over our shortcomings, and the spirit of loyalty we have cultivated will still rally round the flag we loved, to perpetuate our memories."

#### LAYING ON THE TABLE CERTAIN BILLS AFFECTING THE NAVY.

Mr. HICKS. Mr. Speaker, there are certain bills reported by the Committee on Naval Affairs which have been disposed of and which are still upon the calendar. I ask unanimous consent to lay on the table the bill (H. R. 10909) to authorize the President to cancel or modify certain contracts for battle-ships and battle cruisers, and for other purposes; the bill (H. R. 5219) to create a bureau of aeronautics in the Department of the Navy, and the bill (H. R. 6297) authorizing the construction of an airplane carrier for the Navy of the United States.

The SPEAKER. The gentleman from New York asks unanimous consent to lay upon the table the bills to which he has just referred. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear that there is no quorum present.

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

A call of the House was ordered.

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

Anderson	Echols	Kinkaid	Reber
Andrew, Mass.	Edmonds	Kirkpatrick	Reed, N. Y.
Ansorge	Evans	Kitchin	Riddick
Anthony	Fairchild	Knight	Riordan
Arentz	Fess	Knutson	Roach
Atkeson	Fields	Kreider	Rodenberg
Bacharach	Fish	Kunz	Rogers
Bankhead	Fitzgerald	Langley	Rosenbloom
Barkley	Focht	Larson, Minn.	Rossdale
Beck	Fordney	Layton	Rouse
Benham	Foster	Lee, Ga.	Ryan
Blakeney	Frear	Lee, N. Y.	Sanders, Ind.
Bland, Ind.	Free	Lehibach	Sanders, N. Y.
Bland, Va.	Freeman	Linthicum	Schall
Boies	French	Longworth	Scott, Mich.
Bond	Frothingham	McArthur	Scott, Tenn.
Bowers	Fuller	McFadden	Sears
Brand	Gallivan	McLaughlin, Pa.	Siegel
Britten	Garrett, Tenn.	McPherson	Slemm
Brooks, Ill.	Garrett, Tex.	MacGregor	Smith, Mich.
Brooks, Pa.	Gensman	Maloney	Smithwick
Browne, Wis.	Glynn	Mann	Snyder
Burke	Goldsbrough	Martin	Speaks
Burroughs	Goodykoontz	Merritt	Stafford
Burness	Gould	Michaelson	Stiness
Butler	Graham, Ill.	Mills	Stoll
Chandler, Okla.	Graham, Pa.	Moore, Ill.	Strong, Pa.
Clague	Griest	Moore, Ohio	Sullivan
Clark, Fla.	Griffin	Morin	Sweet
Clarke, N. Y.	Haugen	Mudd	Tague
Claason	Hawes	Murphy	Taylor, Ark.
Cockran	Hays	Nelson, A. P.	Taylor, Colo.
Codd	Henry	Nelson, J. M.	Taylor, Tenn.
Cole, Iowa	Hill	Nelson, Me.	Ten Eyck
Cole, Ohio	Himes	Newton, Minn.	Tilson
Collins	Hogan	Newton, Mo.	Tinkham
Cornell	Hudspeth	O'Brien	Trheadway
Cornolly, Pa.	Humphreys	Olpp	Vare
Cooper, Wis.	Husted	Paige	Voigt
Copley	Hutchinson	Parker, N. J.	Volk
Coughlin	Ireland	Parker, N. Y.	Walsh
Crago	Jefferis, Nebr.	Parks, Ark.	Walters
Cranston	Johnson, Wash.	Patterson, N. J.	Ward, N. Y.
Curry	Jones, Pa.	Perkins	Wason
Darrow	Jones, Tex.	Perlman	Watson
Davis, Minn.	Kahn	Petersen	Williams, Ill.
Dempsey	Kelley, Mich.	Porter	Wood, Ind.
Dickinson	Kennedy	Rainey, Ala.	Wyant
Drane	Kiess	Rainey, Ill.	Zihlman
Driver	Kincheloe	Ransley	
Dunbar	Kindred	Reavis	

The SPEAKER. Two hundred and twenty-nine Members have answered to their names; a quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

#### READJUSTMENT OF PAY OF DIFFERENT SERVICES.

Mr. MCKENZIE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 10972, to disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the bill H. R. 10972, to disagree to all the Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 10972) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service.

The SPEAKER. Is there objection?

Mr. KRAUS. Mr. Speaker, reserving the right to object, when this matter was called up in a similar way a few days ago I called the attention of the gentleman from Illinois to the fact that the main difference between the House and Senate was in the amendment relating to retired pay. Quite a number of gentlemen of the House are strongly opposed to the Senate provision, and we must admit that there is a possibility and a probability that the House members of the conference committee might recede in whole or in part so far as the House is concerned, and gentlemen in favor of the House provision would like to have an opportunity, when this provision of the bill comes from the conference committee, in case there is a total or partial recession, to express their views to the House and attempt to get an expression from the House on that particular question. That is the only purpose.

Mr. OLIVER. Mr. Speaker, I agree with the gentleman from Indiana that the real difference between the House and the Senate on the pending bill relates to retired pay of officers. The other differences will be readily adjusted on a basis entirely satisfactory to both the House and the Senate. Now, in view of the fact the gentleman from Illinois [Mr. McKENZIE] was opposed to the action of the House relative to the matter now in dispute, I hope that before the gentleman agrees to recede from the position taken by the House that he will give the House an opportunity to declare its present attitude on the question involved, but I have no desire to impose that as a condition to the bill going to conference. I would like, however, to have the assurance of the gentleman from Illinois that if any recession is made from the position of the House as to retired pay, he will either give the House an opportunity to vote on it or give Members an opportunity to present their views to the House before any vote is asked on the conference report.

Mr. McKENZIE. Mr. Speaker, in reply to my two colleagues on the committee, I wish to say, as I understand the rules of the House, when the conference report is called up I will have one hour's time at my disposal, and I want to say to my two colleagues I certainly would have no objection and would be glad to yield them a liberal part of that hour, or to anyone else whom they may designate and who desires to express an opinion on the conference report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. McKENZIE, Mr. KRAUS, and Mr. BYRNES of South Carolina.

Mr. LUCE. Mr. Speaker—

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from South Dakota will state it.

Mr. JOHNSON of South Dakota. Mr. Speaker, on page 7741 of the RECORD of May 26, I brought before the House a question of privilege in reference to House Resolution 323, the Woodruff resolution, suggesting at that time that the Rules Committee order the chairman of the Committee on Rules to report that resolution, and that he had refused to do so and still refuses to do so. I think the quorum call disclosed the gentleman is not here, which is evidence he does not intend to report it to-day. I believe that the expiration of 24 hours since the ruling of the Speaker yesterday has brought me within the construction of the word "reasonable" that was laid down by the Speaker on yesterday.

I believe the Speaker of the House, like a court, must not close his eyes or shut his ears to absolute facts. The fact that the chairman of the Committee on Rules on yesterday remained silent when I asked the definite question if he ever intended to report this resolution, brings this case within the rule of law that a contract, although a "reasonable" time may be given to have it executed, may be called for execution at once if the party who agrees to perform a certain act says definitely he will not keep the contract. I think a "reasonable" time has expired and that the chairman of the Committee on Rules, in accordance with the ruling of former Speaker Reed, ought to be compelled to present this resolution to the House itself, and I move that he be compelled to do so.

The SPEAKER. The Chair is ready to rule. Regardless of the question of whether a reasonable time has transpired since yesterday, the gentleman from Massachusetts [Mr. LUCE] is now claiming recognition for the purpose of presenting a contested-election case.

According to endless precedents a contested-election case is the highest privilege of the House. Granting for the sake of argument that the contention of the gentleman from South Dakota is correct, it would certainly not give him the right to bring it up now in opposition to a contested-election case.

Therefore, and on that account, the Chair declines to recognize the question of privilege.

Mr. JOHNSON of South Dakota. Mr. Speaker, a parliamentary inquiry. If it should be brought to the attention of the Chair that between now and next Thursday, when I understand there is to be a meeting of the Rules Committee, at which time certain gentlemen who voted for the reporting of this Woodruff resolution are going to move to reconsider and kill it—if it should be brought to the Chair's attention that that is the case, and the leadership of the House should determine on Wednesday next, the only other day that we meet, to bring up another contested-election case, would the Chair then feel he could recognize me on the question of privilege?

The SPEAKER. The Chair will cross that bridge when he reaches it.

The gentleman from Massachusetts [Mr. LUCE] is recognized.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10925. An act to authorize the Secretary of War to sell real property, known as the Pittsburgh Storage Supply Depot, at Pittsburgh, Pa.; and

H. R. 241. An act to authorize the Secretary of War to grant a perpetual easement for railroad right of way and a right of way for a public highway over and upon a portion of the military reservation of Fort Sheridan in the State of Illinois.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10972) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. NEWBERRY, and Mr. FLETCHER as the conferees on the part of the Senate.

#### CONTESTED-ELECTION CASE OF CAMPBELL V. DOUGHTON.

Mr. LUCE. Mr. Speaker, in behalf of Committee on Elections No. 2, I call up the report of the committee in the election case of Campbell against Doughton, Report No. 882, House Calendar No. 159.

The SPEAKER. The gentleman from Massachusetts calls up a resolution, which the Clerk will report.

The Clerk read as follows:

*Resolved*, That James I. Campbell was not elected a Representative from the eighth congressional district of the State of North Carolina and is not entitled to a seat herein.

*Resolved*, That Robert L. Doughton was duly elected a Representative in this Congress from the eighth congressional district of the State of North Carolina and is entitled to retain a seat herein.

Mr. LUCE. Pending the consideration of the report, I ask unanimous consent that debate thereon be limited to 2 hours and 40 minutes; that 80 minutes of this time be in the control of the gentleman from Ohio [Mr. CABLE], and that he be allowed to grant 20 minutes of the 80 minutes to the contestant, Mr. Campbell; that the other 80 minutes be divided as follows: In my own charge, 30 minutes; in charge of the gentleman from Louisiana [Mr. WILSON], 50 minutes, of which time he will yield 20 minutes to the contestee, Mr. Doughton.

The SPEAKER. The gentleman from Massachusetts presents a unanimous-consent request, which the Clerk will report.

The Clerk read as follows:

Mr. LUCE asks unanimous consent to limit general debate to 2 hours and 40 minutes—30 minutes to be controlled by Mr. LUCE; 80 minutes to be controlled by Mr. CABLE, of which 20 minutes is to be given to Mr. Campbell; 50 minutes to be controlled by Mr. WILSON, of which 20 minutes is to be given to Mr. Doughton.

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

The Chair assumes that in that time consent was given that the contestant should address the House for 20 minutes.

Mr. LUCE. In the last election in the eighth congressional district of the State of North Carolina the returns, with conceded corrections, showed a vote of 32,944 for Robert L. Doughton and 31,856 for James I. Campbell, making Doughton's apparent majority 1,088.

The seat is contested on various grounds. There were irregularities to an important degree in numerous particulars. If I may judge from the report of the minority member of the committee, the gentleman from Ohio [Mr. CABLE], the committee has been unanimous in its conclusion that in all but two particulars, namely, the matter of absentee voting and that of the votes cast in two precincts, the contestant has not made out his case. If that should not be wholly accurate, it is certain that eight of the nine members of the committee agreed to such

effect, reaching their conclusion after a perusal of the evidence and having no hesitation in the formation of their judgment.

In view of the fact that the report of the minority member dwells only upon the two matters to which I have referred, there is little occasion to review the other allegations of the contestant. But for the sake of the record at least a few minutes should be taken in setting them forth. They involve some interesting questions, but directly the opposite of those that usually arise in an election case, for the evidence does not indicate that in these irregularities there was enough fraud, enough wrongful intent, enough of criminal practice to call for action. It is the unusual condition of wrongful practices indulged in by common consent, with the consent of the electorate itself with the consent of the leaders of both parties in the district, and to some degree with the consent of the candidates, or, at any rate, without their protest. And this raises the very interesting question of whether the Congress may connive at, may condone the violation not alone of the statutes but of fundamental law by a whole electorate. This was the feature of the case that gave me the most anxiety, for there has never been a time in our day when it was of more importance that obedience to law should be thoroughly observed, emphatically enforced.

These violations of law were chiefly of two classes, violations of two provisions of the constitution of North Carolina as it then stood. This constitution required, in the first place, save for a few exceptions that I need not mention, the payment of poll taxes as a prerequisite for voting. The requirement was in disfavor. At this very election it was taken out of the constitution by the vote of the people of the State. In this district it seems to have been particularly unpopular, and by general agreement, in some cases by formal agreement, it was not enforced. There seems to have been uncertainty in the matter, for after a time, in the course of the campaign, some men changed their minds as to the desirability of enforcing it; but there was nowhere any thorough or adequate enforcement of that provision. This had an incidental feature of consequence, by reason of the fact that a large number of voters were in the Army, either abroad or but recently returned, and the attorney general of the State went so far as to construe the word "infirmary" so as to permit the acceptance of votes from many soldiers who it was agreed had not paid their taxes. This forced construction, of course, is open to serious question. But in view of the spirit of patriotism inspiring the construction and the general desire of the people that such a construction should prevail, I am not disposed here to do more than to call it to your attention.

Another class of irregularities concerned a provision of the constitution requiring that every voter, with some exceptions, should be able to read and write. Here, too, there was, in some sections of the district at any rate, general agreement that the question should not be raised. If you peruse the huge volume of testimony, you may find delightful sidelights thrown on human nature and may discover plenty of proof of the prevalence in our country still of the doctrine embodied in the query, "What's the Constitution between friends?"

Also stress was laid upon the charge of intimidation by reason of the circulating of a gross libel upon the Republican candidate for President—a libel for which there can be no word of defense, outrageous in the extreme. But surely it can not be contended that because one candidate on a ticket is grossly libeled the votes cast for other candidates on that ticket should be brought into question.

Also there was much testimony in the matter of the conduct of the registrars, who by the law of North Carolina are allowed on all save the four Saturdays prior to the election to travel about the district and register as they see fit. This was wholly permissive, and if these men—as undoubtedly they did in many cases—remembered that they were partisans, there can be found no warrant in law for criticism.

Coming to the irregularities presenting the two issues raised by our friend from Ohio [Mr. CABLE], let me dispose first of the conditions in the precincts of Big Lick and Furr. An hour or two after the polls opened in the morning it began to rain. In one of these precincts it had been planned to hold the voting out of doors. Particularly for the comfort of women desiring to vote the election officials went indoors, using a room not at all adapted to the conduct of the election. Likewise, in the other precinct the room was not adapted to such a use, especially on a cloudy day. Each of these rooms was very dark. At best it would have been difficult to find the names on the poll book, for they had not been properly arranged, and the voting was frequently delayed in trying to find names where large groups began with the same letter.

That was notably the case with the letter "H." Also women were voting for the first time, and we have not yet systematized

our records of the names of women, so that much confusion is everywhere caused by lack of insistence upon the use of the given name rather than that of the husband or his initials. These conditions of themselves would have somewhat delayed the voting.

In each case, however, there was further delay by the course of conduct of the crowd outside trying to get in. The testimony has introduced me to a new word—"scrouging." [Laughter.]

A MEMBER. Spell it.

Mr. LUCE. S-c-r-o-u-g-i-n-g.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield right there?

Mr. LUCE. Yes.

Mr. HARDY of Texas. That is a word that I learned in my boyhood; also in my babyhood. [Laughter.]

Mr. ROSE. I want to make the same statement as the gentleman from Texas.

Mr. LONGWORTH. I understand that was used in Plymouth Colony. [Laughter.]

Mr. LUCE. Well, "scrouging" is unfamiliar in these days in my part of the country. I find that it describes the action of a confused mass of men in physical contact with each other, engaged in swaying back and forth, with some scrapping, if I may use the word here—

Mr. TEMPLE. That word is familiar, too—

Mr. LUCE. Constituting, if such a thing may be conceived, a peaceful riot.

Now let me give you the language, if I can, of one man who participated in this joyous merriment.

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

Mr. LUCE. Yes.

Mr. CHINDBLOM. Is it a game? Is it planned or does it happen by accident?

Mr. LUCE. In this particular case it is alleged by the contestant that it resulted from conditions which were planned. As a game I should not see attractions in it myself, but they seem to have reveled in this thing all day long. Here is the way one man describes it in replying to the question, Tell how they were crowded:

Answer. They were packed in; locked arms on one another's shoulders, and locked arms one around the other. Once in awhile the crowd would break and turn wrong outside out. I thought I might get in, but some got to the door facing and turned back on the crowd.

[Laughter.]

These precincts were overwhelmingly Republican, and the crowd was overwhelmingly Republican. A witness, on being asked to explain about it, replied:

I reckon 50 or 75 crowded all the time. The Republicans would go in and vote and come out and say, "Let's crowd out the damned Democrats."

[Laughter.]

The contention in regard to these precincts is being raised by the Republican contestant, I have no doubt—I am sure—in perfect good faith; but, unfortunately, no small part of the trouble in these precincts was caused by his own friends. There was no testimony to which weight could be given to the effect that once inside the building there was any discrimination, and the testimony does not indicate that outside the building there was such discrimination on the part of the crowd itself as to warrant the conclusion that a purely partisan end was in view. The good nature of the whole proceeding is further shown by the fact that in the forenoon it was agreed to admit all the women, so that they might not have to stand out in the rain, and all the men more than 60 years old; and it is not denied that the women and the men more than 60 years old, regardless of party, had the opportunity to vote. The young men, those under 60—and I put it that way with personal considerations in mind—

Mr. TEMPLE. Gratification—

Mr. LUCE. Yes, gratification, as is suggested—the young men stood out there and enjoyed themselves all day.

Seriously, this was a reprehensible procedure, not to be excused, and most unfortunate. I am quite certain that all the skill was not displayed by the election officers there in handling the crowd or receiving the ballots that should have been displayed; but of the total vote cast in those two precincts about three-fourths was cast, and the vote was cast at the rate of more than one a minute throughout the day. Under those conditions it did not seem to eight of the nine members of your committee that we would be justified in throwing out the whole vote of those two precincts, a vote cast at the rate of more than one a minute, with three-quarters of the registered vote cast.

Furthermore, of the voters excluded there was a percentage composed of Democrats; and it seems almost incredible that

partisans should conspire to attempt to gain advantage by shutting out their own adherents because in their expectation the percentage of their opponents shut out at the same time might be larger than that of their adherents excluded.

Coming next to the question of absentee voting, the testimony shows that a very large number of the absentee votes were cast for the Democratic candidate and but a small proportion for the Republican candidate.

Mr. ROBSION. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. ROBSION. On the point in which the two precincts were involved, did the contestant request that those votes be thrown out in those two precincts?

Mr. LUCE. I understood that the contestant requested that the whole vote of the two precincts be thrown out.

Mr. ROBSION. If they were thrown out, what bearing would it have on the result?

Mr. LUCE. It would not change the result unless in connection with other features of the election.

Mr. CABLE. Will the gentleman yield?

Mr. LUCE. Yes.

Mr. CABLE. Is it not a fact that instead of requesting that the vote of these two Republican precincts be thrown out, the contestant requested that the Republicans and Democrats deprived of voting be counted?

Mr. LUCE. My understanding was that the whole precinct was to be thrown out.

Mr. CABLE. Are not both those precincts overwhelmingly Republican?

Mr. LUCE. They are overwhelmingly Republican.

Mr. CABLE. And the question came up as to whether the contestant would not have the right to count the Republican voters who were standing outside, and who did not get the opportunity to vote.

Mr. LUCE. The question was raised, but I understood that in the minority report the contention was made that the whole precinct should be excluded. However, if I am in error, and it is desired only to give credit for the votes of the men who did not get the chance to vote, that would not change the result unless in connection with gains for the contestant in the more important particular to which I must devote the rest of my time.

The minority report alleges that by reason of the apparent discrepancy in the volume of Republican and Democratic absentee voting fraud must have been perpetrated. On examination of the record it will appear that these absentee votes were chiefly contested on the ground of nonpayment of poll tax or other disqualification, notably that of nonresidence.

This brings up the question of domicile, one of the most difficult subjects in the range of the law. It is a matter of intent, and if you will study the record you will find that in almost no instance was there presented any proof whatever bearing upon the intent of the voter. The allegations of the witnesses were largely opinion or hearsay, mostly unsupported by other witnesses, allegations that would not stand for a moment in any court of justice.

Mr. CABLE. Will the gentleman yield?

Mr. CLOUSE. Will the gentleman yield?

Mr. LUCE. There will be opportunity later. I desire here to close this part of my remarks in order that others may dwell upon these questions in detail. With this review of the general outline of the case, I will reserve the remainder of my time and yield the floor to the gentleman from Ohio [Mr. CABLE].

The SPEAKER pro tempore. The gentleman reserves seven minutes of the time allotted to him. The Chair recognizes the gentleman from Ohio [Mr. CABLE] for one hour.

Mr. CABLE. I yield myself 30 minutes at this time.

The SPEAKER pro tempore. The gentleman is recognized for 30 minutes.

Mr. CABLE. Mr. Speaker and gentlemen of the House, the gentleman who just preceded me has referred to the scrouging in the precincts of Big Lick and Fur. At the outset I want to call the attention of this House to the so-called scrouging in the absentee ballots. The record discloses that of those who voted in person a majority of the votes went to the Republican contestant, but by reason of the overwhelming number of absentee ballots the contestee was seated.

The number of Democratic absentee ballots is 1,596. The contestee obtained the benefit of these, and only by reason of this large number of ballots was he given a majority of the votes cast. On the other hand, contrasting the 1,596 absentee Democrats, I call the attention of the House to the fact that there were only 201 Republican absentee ballots cast for the contestant.

Mr. CLOUSE. Will the gentleman yield right there for a question?

Mr. CABLE. I yield to the gentleman from Tennessee.

Mr. CLOUSE. What per cent of the absentee vote had paid their poll tax, which was a condition precedent to the right to vote?

Mr. CABLE. I do not raise that question at all in this case. There were several issues raised. One was the poll tax.

Mr. CLOUSE. There was one other question I wanted to ask the gentleman in order to get it clearly in my mind. Did the majority report of this committee recognize the validity of an agreement between individual leaders of the parties or factions to eliminate the condition of the law that a voter must have paid his poll tax? And by voting for the majority report would this House approve that action of waiving a specific statute in order to give women and children or individuals not qualified under the law the right to vote?

Mr. CABLE. I do not think any children voted, but there were dead people and insane people who voted.

Mr. CLOUSE. I understood the chairman of the committee to say that a large number voted without having paid their poll tax.

Mr. CABLE. They did; and that question was raised and it was thrashed out, and I think it was proved that there were 200 or 300 who voted without payment of their poll tax. But the soldiers—

Mr. CLOUSE. What effect would that have had on the final result of the election if they had been eliminated?

Mr. CABLE. There is only one thing that could have an effect on the final result of this election, and that is the absentee vote. I am here, and have filed a minority report asking that all absentee votes be thrown out and the Republican contestant seated. The question of the poll tax, while it might gain a few, if they proved every one of them it would not seat the contestant; but if we have shown that the absentee ballots were corrupt and illegal, as I hope to show to you, then the Republican would be seated by 300 or 400.

Mr. CLOUSE. Go ahead.

Mr. CABLE. The State of North Carolina is famous for a great many things. It is famous because it produces all the varieties of agricultural products produced in any State of the Union, yielding the agricultural products of both North and South. It is the only State that fills every blank of the census of agricultural products. It is famous because in that State was established the second State university in this country. It is famous because Uncle JOE CANNON was born in that State. [Applause.] It is famous because at least one President was born there. It is more famous and always will be, unless they change the practice, for its election machinery. The senior Senator from North Carolina is reported to have said that by means of their election machinery in North Carolina they gain at least 40,000 votes, and I do not doubt it a bit. In the eighth congressional district alone they gain the difference between 1,596 and 201 on the absentee ballot.

North Carolina is famous for another thing. It is the only State in the Union that does not have the Australian ballot system in voting, except one county, and that county is called Buncombe. I do not know why they have the Australian ballot system in Buncombe County, but they do, and that is the only one in which they do.

The votes of those who voted in person for the contestee, Doughton, numbered 31,338, while the votes cast in person for Campbell, the contestant, numbered 31,655. That gives Campbell a majority of 317, if you throw out the absentee ballots.

Then, in addition, there are two precincts, Fur and Big Lake, where the Republicans and Democrats entered into a conspiracy to deprive the Republicans of their opportunity to vote. In some precincts 1,500 or 1,600 Democrats voted, but in these two precincts, where the Republican vote was heavy, they deprived 254 Republicans of their vote and only 24 Democrats. In other words, they crowded around there; the election officials took so long to find the names that when the polls closed there were standing outside ready to vote, according to the record, 254 Republicans and 24 Democrats. The election machinery down there is not excelled by any other in the United States, so far as keeping Democrats in power. They have a State election committee and the majority is Democratic; they have a county committee and the majority is Democratic; they have a local committee, one Republican and one Democrat. But in every voting precinct they have what they call a registrar, and in every precinct except one he is a Democrat. In one a Republican.

Mr. CHINDBLOM. What does the gentleman mean by a committee?

Mr. CABLE. The board of election, State and county. The election officials.

Mr. LONDON. Has the gentleman exhausted the subject of the absentee vote?

Mr. CABLE. Oh, no; I have not started on that yet. This third man, who is a Democrat except in one county, has complete charge of the election machinery. They do not register down there except once, and when your name gets on the registration book it is on there sometimes, as in this case, after you are dead. Once registered always registered. They bring the registration forward every two years, and the Democratic registrar brings up the old list, and if he knows anyone who has moved out of it, or is dead, he is supposed to strike the name off the list, but sometimes he does not carry that out.

In this election district the Democratic registrar prior to an election stays at the voting place four Saturdays. The rest of the time he can go over the precinct registering voters. The Republicans under the law can not make a copy of the registration after it is in the hands of the registrar. Here is the way the Democrats feel about it. In the letter on page 265 of the record, entitled "Exhibit B," you will find that it says:

EXHIBIT B.

ASHE COUNTY DEMOCRATIC EXECUTIVE COMMITTEE.  
Jefferson, N. C., October 26, 1920.

DEAR SIR: We lost the last election by not getting our voters out. Get them out this time and win. You should make a list of every voter in your township who is unable to get to the election and see that they vote by mail. I would also suggest that you make a list from the register books of every Democratic voter in the township and have some one at the polls to check each one's name as they vote. In this way you can tell at any time who has not voted, and no one should be overlooked.

In case the Republicans attempt to copy the register books this next Saturday, you should object. The registrars are honest men and the register books speak for themselves. The Republicans have a right to inspect but not to copy.

All the tickets to be voted are now ready for distribution, and you should send some one for them at once, as they can not be mailed.

Let every Democrat work this next week and victory is ours.

Yours truly,

W. B. AUSTIN.

Now, they have an absentee election law down there, and it is in line with the balance of the election machinery. If I want to go out of town or out of the voting precinct the day of election, I apply to the chairman of the county board, who is a Democrat. No record is kept of my application. He gives me one or two forms of ballot or a certificate. Right here I want to explain that they do not have the Australian ballot system there. To vote in person you go to the voting place—they have two tables outside—and if I am a Republican I walk up to the Republican table and take up the ballot and put it in the box; if I am a Democrat, I go to the Democratic table and get a Democratic ballot. If I am going to be absent, I get one of two forms of ballots or a certificate. Here is a blue certificate to be signed by the absentee voter:

CERTIFICATE TO BE SIGNED BY ABSENT VOTER.

STATE OF NORTH CAROLINA,  
Post office, Mount Pleasant; date, October 23, 1920.

To the registrar and judges of election, Bradshaw precinct:

I, G. F. Cline, do hereby certify that I am a duly qualified elector in Bradshaw precinct, Rowan County, N. C., and I inclose herewith ballot or ballots which I wish to vote in the election to be held November 2, 1920.

(Signed) G. F. CLINE.

Witness:

GEO. F. McALLISTER.

Now, the ballots which the Democratic chairman has had handed me, or the certificate calling for a straight vote, I mail to the Democratic registrar, who keeps them until election day—3 o'clock on election day. The Republicans do not know who have voted absentee up to that time, as no public record is kept. At 3 o'clock he reaches into his pocket, pulls out the ballots, and they are counted. That is the first time the Republicans know who has voted absentee.

Now, there is another form of ballot down there, a certificate to be signed by the absent elector. Here is one:

CERTIFICATE TO BE SIGNED BY ABSENT ELECTORS.

SCOTTS, N. C. (State),  
October 29, 1920 (Date).

To the registrar and judges of election, Gold Hill precinct:

I hereby cast my vote for each nominee of the Republican Party to be voted for at the election to be held on November 2, 1920.

If the absentee voter is Republican and the certificate calls for a Republican ticket, the registrar goes to the Republican table, takes up the ballots for the man, and puts them in the boxes. There is no way of identifying them; they are destroyed after the vote is counted. This was the law which was passed in 1917. It was passed for a good reason, and that was to permit the soldiers to vote by absentee; but in 1919 it was amended, and

the amendment specifically provides that these certificates shall be retained. The law in part says:

Absent voter may sign name on ballot; ballots and certificates to be kept. In voting by the method prescribed in this article the voter may, at his election, sign, or cause to be signed, his name upon the margin or back of his ballot or ballots, for the purpose of identification. The ballot or ballots so voted, together with the accompanying certificates, shall be returned in a sealed envelope by the registrar and poll holders, with their certificates of the results of the election, and kept for six months, or, in the case of contest in the courts, until the results are finally determined.

Now, the law was recodified and in the recodification they omitted a part of it. The act specifically stated that they had no right to change any part of it, and only the part of the law was repealed that was in conflict with the consolidated statute. Whether they had the right under the law or not to destroy the evidence of this, they did do it.

A commission was appointed to consolidate the North Carolina laws, but the commission was specifically denied the authority to change any of the existing laws. Section 4a, above quoted, requiring that all certificates of absentees should be preserved for six months, because a law on March 11 and on the day previous the legislature specifically provided in part that the commissioners should complete and perfect the consolidated statutes and "they are hereby authorized to change the number of sections, transfer sections, chapters, and subdivisions of chapters, and make such other corrections which do not change the law as may be deemed expedient."

Section 5966 of the Consolidated Statutes was written to carry into effect section 4a of the act of 1919, and to properly construe the meaning of the Consolidated Statute it is necessary to carry into it the intent of the legislature when it passed section 4a. Section 5966 of the Consolidated Statutes is as follows:

Absent voter may sign name on ballot; ballots and certificates to be kept. In voting by the method prescribed in this article the voter may, at his election, sign, or cause to be signed, his name upon the margin or back of his ballot or ballots, for the purpose of identification. The ballot or ballots so voted, together with the accompanying certificates, shall be returned in a sealed envelope by the registrar and poll holders, with their certificates of the results of the election, and kept for six months, or, in the case of contest in the courts, until the results are finally determined.

The Consolidated Statutes went into full force and effect from and after August 1, 1920. The election in question occurred that fall. The law concerning the Consolidated Statutes appears in chapter 135, section 8100 and following. Section 8101 deals with "Effect as to repealing other statutes," and is as follows:

All public and general statistics not contained in the Consolidated Statutes are hereby repealed, with the exceptions and limitations hereinafter mentioned. No statute or law which has been heretofore repealed shall be revived by the repeal contained in any of the sections of the Consolidated Statutes. All public and general statutes passed at the present session of the general assembly shall be deemed to repeal any conflicting provisions contained in the Consolidated Statutes.

It should be noted that public and general statutes are repealed only when they conflict with the provisions of the Consolidated Statutes. There is no conflict between paragraph 4a, requiring the preservation of the certificates and identified ballots for six months, and section 5966 herein cited, formerly section 4a.

The courts have never passed upon the question as to whether or not it is legal to destroy the absentee certificates prior to the six months' period of time. There is no law authorizing the destruction of the general election ballots. No matter how a court should construe this provision, the record clearly shows that the destruction of the certificates was a part of the conspiracy whereby many illegal votes were cast.

Now, here is what was accomplished by destroying the certificates that should have shown the residence or temporary address of the voter. In Iredell County the vote was 523 to 47. In Rowan County, Democratic absentee 518, Republican 48. In the next county, Stanly, the vote was 94 to 23. In Ashe County the vote was 186 to 30, and in Caldwell County the vote was 275 to 61. That makes a total of 1,596 Democratic absentee votes to 201 Republican. The only way that they could prove the number was by asking the Republican or the Democratic officials what the absentee vote was in that particular precinct.

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

Mr. CABLE. Yes.

Mr. KEARNS. Is there any record of the number of ballots that are printed for election? Are they numbered, say, as from one to a thousand?

Mr. CABLE. No. They evidently print them by the bale, because they have no record at all. For example, if you are a candidate for Congress, it simply says, "For Representative in Congress," then gives the name, either Mr. Doughton or Mr. Campbell, and that is all there is on the slip.

Mr. KEARNS. The voter who makes application for an absent voter's ballot makes no record of his application?

Mr. CABLE. That is one of the troubles with the election law down there. The Democrats are in power, and they keep no record of who is going to vote and the Republicans do not know about it until 3 o'clock.

Mr. KEARNS. Then this election official puts his hand in his pocket and pulls out a bunch of tickets?

Mr. CABLE. The absentee ballots are sent to the registrars of the various precincts in an envelope like this.

Mr. KEARNS. And there is nothing in the law to prevent a dishonest member of an election board from putting fraudulent votes in his pocket and at 3 o'clock pulling them out and giving them to the election officials?

Mr. CABLE. They have registration; but if a man moved, say five or six years before, nobody can prove that he has gone, and they count the ballots just the same.

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

Mr. CABLE. Yes.

Mr. LUCE. I think the gentleman from Ohio [Mr. KEARNS] does not understand that these ballots and certificates are in envelopes which are opened at the time the ballots are deposited.

Mr. KEARNS. But an election official could take that ballot and put it in an envelope and seal it.

Mr. LUCE. Of course he can; but there is an official of the other party at hand.

Mr. KEARNS. I understood the gentleman from Ohio [Mr. CABLE] to make the statement that no Republican could know until 3 o'clock of that day who had made application.

Mr. LUCE. When the envelopes are opened there are two Democrats and one Republican opening them.

Mr. KEARNS. But prior to that a dishonest Democratic official could put as many as he wanted in the envelope.

Mr. LUCE. If he was willing to commit a forgery; yes.

Mr. KEARNS. I assume from what the gentleman from Ohio said that one could find somebody down there who would commit the forgery.

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

Mr. CABLE. Yes.

Mr. GAHN. Will the gentleman explain how, if all these absentee votes are thrown out, it would change the result of the election?

Mr. CABLE. Yes. The people who went to the polls and voted in person cast more votes for Mr. Campbell, the contestant, than for Mr. Doughton, the contestee. There is a difference of 317. In other words, Mr. Campbell received 31,655, and Mr. Doughton 31,338, or a majority of 317 for Mr. Campbell, if the absentee votes are thrown out.

Mr. KEARNS. Mr. Speaker, will the gentleman yield again?

Mr. CABLE. Yes.

Mr. KEARNS. The gentleman from Pennsylvania [Mr. TEMPLE] has just suggested something to me, and I want to ask a question of the gentleman from Ohio. Take the election officer who has in his possession all of the absentee votes. He can suspect those who have voted Republican and those who have voted the Democratic ticket. Could he withhold some of those ballots, destroy them, not hand them over to the election officials, and if he did that, would there be any way of keeping tab on him at all?

Mr. CABLE. The gentleman is correct. When I apply for my absentee ballot, I go to the Democratic chairman. There is no record of my application. There is no record of sending out the certificate and the ballots. There is no record kept by the Democratic registrar of the ballots he receives in the envelopes similar to this, and there is no record at all until he comes in on election day at 3 o'clock and pulls them out of his pocket and they open the envelopes and proceed to count them.

Mr. KEARNS. Are all of these registrars of election in that State Democrats?

Mr. CABLE. I do not know about the State, but in this district all of them but one are.

Mr. LUCE. Mr. Speaker, the gentleman does not mean all election officials, all judges of election are Democrats.

Mr. CABLE. I did not say that. I said all registrars.

Mr. LUCE. While I am on my feet, may I ask the gentleman how the testimony shows the absentee votes to be divided between the two candidates, and how he knows how the absentee voters voted?

Mr. CABLE. Because in every particular case the witness testified to that effect. The record shows in each particular precinct whether he was a Democrat or a Republican, and in a good many cases they had to go to a hostile Democratic official to get the vote and the number of it.

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

Mr. CABLE. Yes.

Mr. RAKER. On the matter of the absentee vote, at 3 o'clock the election officer takes from his pocket in sealed envelopes the number of absentee votes that have come to him as such officer. Is that correct?

Mr. CABLE. Correct.

Mr. RAKER. Both Democratic and Republican votes?

Mr. CABLE. Yes, sir; those all go to the registrar.

Mr. RAKER. The same man?

Mr. CABLE. Yes, sir.

Mr. RAKER. Is there any contention that these envelopes with ballots and certificates in them are fraudulently sent to the registrar or that the registrar fraudulently secured them?

Mr. CABLE. Yes, sir. I contend the record shows that absentee ballots were cast on behalf of contestee Doughton, in part, as follows: In the name of the dead; the insane; without the knowledge or consent of those who did not vote; a second absentee ballot without knowledge or consent of those who had already voted; for and by many nonresidents of the State; for and by many who had not paid their poll tax, as required by law; on forged certificates.

By destroying or secreting the absentee certificates and marked ballots it was impossible for contestant Campbell to obtain or to trace and discover the identity and eligibility of the absentee voter in every case; that is, from the certificate itself. Contestant, however, by means of witnesses, introduced evidence showing that votes were cast as above outlined.

To be a qualified elector in North Carolina section 5937, in part, provides:

The residence of a married man shall be where his family resides, and that of a single man where he sleeps.

Notwithstanding this provision of the law, evidence was introduced by contestant showing that many absentee ballots were cast in the name of actual nonresidents of the voting precincts and even the State; such absentees were living in Ohio, Illinois, Kentucky, Georgia, California, and many other States of the Union, sometimes for 10 or 12 years.

Mr. CROWTHER. Mr. Speaker, this is a very important question, and I think we ought to have an audience, and I make the point of order that there is no quorum present.

The SPEAKER. There is no quorum present.

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

A call of the House was ordered.

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

Andrew, Mass.	Fairchild	Kincheloe	Parker, N. Y.
Asorge	Fairfield	Kindred	Patterson, N. J.
Arenz	Favrot	Kinkaid	Perkins
Atkeson	Fenn	Kirkpatrick	Perliman
Bacharach	Fess	Kitchin	Petersen
Bankhead	Fields	Kleczka	Porter
Barkley	Fish	Knight	Quin
Beck	Fitzgerald	Knutson	Radcliffe
Bell	Focht	Kreider	Rainey, Ala.
Blakeney	Fordney	Kunz	Rainey, Ill.
Bland, Ind.	Foster	Lampert	Ransley
Bland, Va.	Frear	Langley	Reavis
Boies	Free	Larson, Minn.	Reber
Bond	French	Layton	Reed, N. Y.
Bowers	Frothingham	Lee, N. Y.	Riddick
Brand	Fuller	Lehbach	Riordan
Britten	Gallivan	Linthicum	Rodenberg
Brooks, Pa.	Garrett, Tenn.	Little	Rogers
Burke	Garrett, Tex.	Longworth	Rosenbloom
Burroughs	Gensman	Luhning	Rossdale
Burtness	Goldsborough	McArthur	Rouse
Butler	Goodykoontz	McChintie	Ryan
Cantrill	Gould	McFadden	Sanders, Ind.
Chandler, Okla.	Graham, Ill.	McLaughlin, Pa.	Sanders, N. Y.
Clark, Fla.	Graham, Pa.	McPherson	Schall
Clarke, N. Y.	Griest	MacGregor	Scott, Mich.
Classon	Griffin	Maloney	Sears
Cockran	Haugen	Mann	Siegel
Codd	Hawes	Mansfield	Slomp
Cole, Iowa	Hawley	Martin	Smith, Mich.
Cole, Ohio	Hays	Merritt	Smithwick
Collins	Henry	Michaelson	Snyder
Connell	Hill	Mills	Speaks
Connolly, Pa.	Himes	Montoya	Stafford
Cooper, Ohio	Hogan	Moore, Ill.	Stegall
Cooper, Wis.	Hudspeth	Moore, Ohio	Stiness
Copley	Husted	Morin	Stoll
Coughlin	Hutchinson	Mott	Strong, Pa.
Crago	Ireland	Mudd	Sullivan
Craighton	James	Murphy	Sweet
Darrow	Jefferis, Nebr.	Nelson, Me.	Tague
Davis, Minn.	Johnson, Wash.	Nelson, A. P.	Taylor, Ark.
Deal	Jones, Pa.	Nelson, J. M.	Taylor, Colo.
Dempsey	Jones, Tex.	Newton, Mo.	Taylor, Tenn.
Drane	Kahn	Nolan	Ten Eyck
Driver	Kelley, Mich.	O'Brien	Tilson
Dunbar	Kelly, Pa.	Opp	Tinkham
Dyer	Kennedy	Paige	Treadway
Edmonds	Ketcham	Park, Ga.	Tyson
Evans	Kless	Parker, N. J.	Vare

Vestal	Walters	Williams, Ill.	Wyant
Voigt	Ward, N. Y.	Wingo	Yates
Volk	Wason	Wise	Zihlman
Walsh	Watson	Wood, Ind.	

The SPEAKER. Two hundred and seventeen Members have answered to their names; a quorum is present.

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

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

The question was taken, and the Speaker announced the yeas appeared to have it.

On a division (demanded by Mr. CROWTHER) there were—aye 30, noes 79.

So the House refused to adjourn.

Mr. LUCE. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. CROWTHER. Mr. Speaker, I am not satisfied with the vote. It does not show a quorum, and I make the point of order that there is no quorum present.

The SPEAKER. It does not take a quorum to adjourn. The gentleman from Ohio had the floor.

Mr. CABLE. Mr. Speaker and gentlemen, with reference to 1,596 votes absentee Democratic and 201 Republicans, I would like to call the attention of the House to the fact that this number was obtained by putting the officials of the various precincts on the witness stand. In 27 precincts those figures were obtained from Democratic hostile witnesses. In 20 cases the figures were obtained from Republicans and in 5 precincts the figures were obtained from both. In a great many precincts the absentees were put at the end of the list on the ballot in alphabetical order, and in that way the number could be ascertained. I first want to call the attention of the House to the case of a man named Charles T. Bostian. A vote was cast for Charles D. Bostian. The post office given on the envelope and inclosing the certificate and ballot was Morganton, N. C.; the postmark where it was mailed was Winston-Salem railway post office, which does not reach or touch Morganton, N. C., where Charles was confined in an insane asylum.

Mr. H. S. Bostian testified, on page 466, as follows:

Q. What man voted there that day, absentee voter, that was in the insane asylum at Morganton?—A. Mr. Charles D. Bostian.

Q. How did he vote?—A. Democratic ticket.

Q. Was that vote mailed in?—A. Yes, sir; I suppose so. The registrar had it.

Q. Have you got the envelope that the vote came in?—A. Yes, sir.

Q. Will you please exhibit it?—A. [Witness produces envelope.]

Q. Where is Morganton?—A. In western North Carolina; on the main line to Asheville.

Q. From Salisbury?—A. To Asheville; yes, sir.

Q. Does the Winston-Salem Railroad go toward Morganton?—A. I guess not. I think the terminus of that division is Pittsboro.

Q. From where?—A. Greensboro; by Winston-Salem and Wilkesboro.

Q. Is that the envelope that his vote came in?—A. Yes, sir. [Contestant introduces envelope, which is marked "Contestant's Exhibit 22."]

Q. Read what the postmark is on that.—A. "Winston-Salem railway post office."

This shows that a vote was cast for a man who under the testimony had no right to vote. In my opinion the envelope contained a forged Democratic certificate and Democratic votes were cast pursuant thereto. To conceal the identity of the forger the envelope was mailed in another part of the State. Later I expect to show numerous similar transactions.

Mr. GAHN. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER pro tempore (Mr. Hicks). The Chair will count. [After counting.] It is evident there is no quorum present.

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

The question was taken, and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. GAHN. Mr. Speaker, I demand a division.

The House divided, and there were—aye 35, noes 69.

So the House refused to adjourn.

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

The SPEAKER pro tempore. The gentleman from Massachusetts moves a call of the House.

Mr. LUCE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LUCE. I understood before the motion to adjourn had been made that the Chair had decided that there was no quorum present.

The SPEAKER pro tempore. The Chair does not hear the gentleman.

Mr. LUCE. The Chair announced that no quorum was present, and in view of the fact that no quorum is present I move

that the Sergeant at Arms be instructed to secure a quorum, and I move a call of the House.

The question was taken, and the Speaker pro tempore announced the yeas seemed to have it.

On a division (demanded by Mr. BEGG and Mr. LINEBERGER) there were—aye 87, noes 18.

So the call of the House was ordered.

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

Mr. RAMSEYER. Mr. Speaker, I make the point of order that that is dilatory.

The SPEAKER pro tempore. The Chair sustains the point of order. The Clerk will call the roll.

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

Anderson	Edmonds	Kinkaid	Ransley
Andrew, Mass.	Evans	Kirkpatrick	Reavis
Ansorge	Fairchild	Kitchin	Reber
Anthony	Fairfield	Kline, N. Y.	Reed, N. Y.
Arentz	Favrot	Knight	Riddick
Atkeson	Fess	Knutson	Riordan
Bacharach	Fields	Kraus	Rodenberg
Bankhead	Fish	Kreider	Rogers
Barkley	Fitzgerald	Kunz	Rosenbloom
Beck	Focht	Langley	Rossdale
Bell	Fordney	Larson, Minn.	House
Blakeney	Foster	Layton	Ryan
Bland, Ind.	Frear	Lee, Ga.	Sanders, Ind.
Bland, Va.	Free	Lee, N. Y.	Sanders, N. Y.
Boies	French	Lehbach	Scott, Mich.
Bond	Frothingham	Linthicum	Scars
Bowers	Fuller	McArthur	Siegel
Brand	Gallivan	McFadden	Smith, Mich.
Britten	Garrett, Tenn.	McKenzie	Smithwick
Brooks, Pa.	Garrett, Tex.	McLaughlin, Pa.	Snyder
Brown, Tenn.	Gensman	McPherson	Speaks
Burke	Goldsborough	MacGregor	Stafford
Burroughs	Goodykoontz	Maloney	Stegall
Burtness	Gould	Mann	Stiness
Butler	Graham, Ill.	Mansfield	Stoll
Byrnes, S. C.	Graham, Pa.	Merritt	Strong, Pa.
Cantrill	Green, Iowa	Michaelson	Sullivan
Chandler, Okla.	Griest	Mills	Sweet
Clark, Fla.	Griffin	Montoya	Tagge
Clarke, N. Y.	Haugen	Moore, Ill.	Taylor, Ark.
Classon	Hawes	Moore, Ohio	Taylor, Colo.
Cockran	Hays	Morin	Taylor, Tenn.
Codd	Henry	Mudd	Ten Eyck
Cole, Iowa	Hill	Murphy	Tilson
Cole, Ohio	Himes	Nelson, Me.	Tinkham
Collins	Hogan	Nelson, A. P.	Treadway
Connell	Hudspeth	Nelson, J. M.	Vare
Connolly, Pa.	Husted	Newton, Mo.	Voigt
Cooper, Ohio	Hutchinson	O'Brien	Volk
Cooper, Wis.	Ireland	O'Connor	Walsh
Copley	James	Olpp	Walters
Coughlin	Jefferis, Nebr.	Paige	Ward, N. Y.
Crago	Johnson, S. Dak.	Park, Ga.	Wason
Cramton	Johnson, Wash.	Parker, N. J.	Watson
Darrow	Jones, Pa.	Parker, N. Y.	Webster
Davis, Minn.	Jones, Tex.	Patterson, N. J.	White, Me.
Deal	Kahn	Perkins	Williams, Ill.
Dempsey	Kelley, Mich.	Perlman	Woodruff
Dickinson	Kelly, Pa.	Petersen	Yates
Drane	Kennedy	Porter	Zihlman
Driver	Kiess	Radcliffe	
Dunbar	Kincheloe	Rainey, Ala.	
Dyer	Kindred	Rainey, Ill.	

Mr. KEARNS. Mr. Speaker—

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. KEARNS. To move that we adjourn.

The SPEAKER pro tempore. The Chair feels that that motion is not in order until an announcement has been made in regard to the roll call, which has not yet been completed.

Mr. KEARNS. Mr. Speaker, I understand the roll call has been completed.

The SPEAKER pro tempore. No; the roll call has not yet been completed.

Mr. BEGG. A point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Ohio will state it.

Mr. BEGG. Is it not entirely possible to interrupt a roll call with a motion to adjourn?

The SPEAKER pro tempore. The Chair would think that until the roll call is completed and announcement made it would not be proper. The Chair will refer the gentleman to volume 5 of Hinds' Precedents, paragraph 6053, where it was so held.

Mr. KEARNS. Mr. Speaker—

The SPEAKER pro tempore. Two hundred and five Members are present; not a quorum.

Mr. LUCE rose.

Mr. KEARNS. Mr. Speaker—

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. LUCE] is recognized.

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

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

Mr. MONDELL. Division, Mr. Speaker.

The House divided; and there were—ayes 39, noes 107.

So the motion was rejected.

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

Mr. BEGG. Mr. Speaker, I make the point of order there is no quorum present. I object to the vote.

The SPEAKER pro tempore. The Chair will state to the gentleman from Ohio that it does not require a quorum on a motion for the adjournment of the House.

Mr. BLANTON. When the House decides not to adjourn a quorum call is in order.

The SPEAKER pro tempore. The gentleman made the point that there was no quorum present.

Mr. BEGG. I object to the vote on that account.

Mr. BLACK. Mr. Speaker, the gentleman has the right to ask for the yeas and nays on the motion to adjourn.

The SPEAKER pro tempore. Undoubtedly, and the Chair recognizes that right. The gentleman from Kansas asks for the yeas and nays. Those who favor taking the vote by yeas and nays will rise. [After counting.] Not a sufficient number, and the yeas-and-nays vote is refused.

Mr. BLANTON. Mr. Speaker, I make the point of order that the House having on a vote decided not to adjourn, the point of order raised by the gentleman from Ohio [Mr. BEGG] is in order; that there was no quorum on that vote, and he is entitled to a roll call after this no-quorum point.

The SPEAKER pro tempore. The Chair will state his views: On the motion to adjourn, the vote disclosed the absence of a quorum and the gentleman from Ohio [Mr. BEGG] made the point of order that there was no quorum present and objected to the vote on that ground. Under ordinary circumstances such a situation would have produced an automatic roll call, but the Chair is of the opinion that the automatic roll call was introduced into our legislative procedure for the purpose of expediting, not hindering, public business. As the roll has just been called a repetition of it would delay procedure. The Chair is also of the opinion that in order to put the automatic roll call into operation, some legislative proposition—not merely an adjournment—should be under consideration. The Chair overrules the point of order.

Does the gentleman from Massachusetts [Mr. LUCE] make a motion?

Mr. LUCE. Mr. Speaker, I move to dispense with further business under the call.

Mr. BEGG. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER resumed the chair.

Mr. MONDELL. Mr. Speaker, I move that the roll of absentees be called for excuses for absence.

The SPEAKER. The Clerk will call the list of the absentees.

The Clerk called the list of absentees.

The SPEAKER. Two hundred and twenty-three Members are present.

Mr. MOORE of Virginia. Mr. Speaker, my colleague, Mr. BLAND of Virginia, is unable to be present on account of sickness.

Mr. CRISP. Mr. Speaker, I ask leave of absence for my colleague, Judge BRAND, who is sick.

Mr. OLDFIELD. Mr. Speaker, I desire to announce the illness of my colleagues, Judge DRIVER and Mr. TAYLOR of Arkansas.

Mr. VAILE. Mr. Speaker, if leave of absence has not already been granted to my colleague, Mr. TAYLOR of Colorado, I ask leave of absence for him.

The SPEAKER. Without objection, the request of the gentleman from Colorado will be granted.

There was no objection.

Mr. OLIVER. Mr. Speaker, I think my colleague, Mr. BANKHEAD, has asked for leave of absence. He has had to leave for home this morning.

Mr. POU. Mr. Speaker, I would like to announce the illness of my colleague, Mr. CLAUDE KITCHIN, who can not be here.

The SPEAKER. Two hundred and twenty-three Members have answered to their names. A quorum is present.

Mr. GERNERD. Mr. Speaker, I ask for leave of absence until next Friday, on account of important business.

The SPEAKER. The gentleman from Pennsylvania asks for leave of absence until next Friday, on account of important business. Is there objection?

There was no objection.

Mr. MONDELL. I move that further proceedings under the call be suspended.

The SPEAKER. The gentleman from Wyoming moves that further proceedings under the call be suspended. The question is on agreeing to that motion.

The motion was agreed to.

Mr. CABLE. Mr. Speaker, I reserve the balance of my time, and I yield one minute to the gentleman from Ohio [Mr. MORGAN].

The SPEAKER. The gentleman from Ohio is recognized for one minute.

Mr. MORGAN. Mr. Speaker, the people of the country are very greatly interested in the protection of the health and educational development of children employed in industry. The press of the country is reflecting the sentiment of the people in this regard. A number of prominent organizations are going on record in favor of the pending Fitzgerald constitutional amendment, and I hold in my hand a resolution that was adopted by Columbia Typographical Union, No. 101, of Washington, D. C., which I desire unanimous consent to print in the RECORD.

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

There was no objection.

Following are the resolutions referred to:

Resolutions adopted by Columbia Typographical Union, No. 101, at its regular monthly meeting held May 21, 1922.

Whereas Congress has on several occasions passed laws the intent of which were to prohibit the employment of young children in the cotton mills, mines, manufacturing establishments, and sweatshops of the country; and

Whereas such employment endangers their health, lives, and morals, is a disgrace to our Christian civilization, a flagrant injustice to the children, and an infamous crime against humanity and the welfare of the Nation; and

Whereas the Supreme Court has declared these several laws unconstitutional as an infringement of the rights of the States; and

Whereas Senator JOHNSON, of California, and Representative FITZGERALD, of Ohio, have introduced joint resolutions (S. J. Res. 200 and H. J. Res. 327) proposing an amendment to the Constitution of the United States to give Congress the power to regulate or prohibit throughout the United States the employment of children under 18 years of age; Therefore be it

Resolved, That it is the sense of Columbia Typographical Union, No. 101, that Congress should pass one of the proposed amendments during the present session, that the States should promptly ratify it, and thereby remove this horrible exploitation of innocent and helpless children.

That this resolution expresses the predominant sentiment of the country it seems to me there is no question. From the recent Supreme Court decision declaring the child-labor law unconstitutional, nothing remains but a constitutional amendment which will empower Congress to pass a child-labor law.

Hardly could there be found a subject closer to the hearts of the people and particularly to the mothers of this country than the enactment of a child-labor law which will regulate working hours and conditions in a manner that will protect the health and permit the educational development of children employed in industry.

I believe that legislators who preach American standards and ideals and who have promoted legislation for the regulation of interstate commerce in the interest of industrial welfare, can not fail, in the interest of humanitarianism and the future welfare of our country, to give such benefits to children as will protect our country against the destructive forces which are, through social, industrial, and governmental disturbances, tearing Russia and certain European countries asunder. Such conditions always follow undeveloped, unsound bodies and dwarfed intellects.

Labor to excess produces fatigue. By fatigue the physical powers of children are so weakened as to increase susceptibility to disease, immorality, and crime. Excessive work of children of tender years in many cases results in unsound bodies and undeveloped intellects.

If our system of Government is ever destroyed it will be from causes within and not from forces without. Oppression and greed must not be tolerated at the expense of the health and educational opportunities of future generations. This country must be maintained the land of equal opportunity.

Statistics reveal that in 1910 there were 1,900,225 children between the ages of 10 and 15 years employed in the United States on full time. They also reveal that there were 5,515,163 illiterates, of whom 1,650,361 were of foreign-born parentage. These statistics evidence the necessity of legislation which will overcome this condition. We have immigration laws requiring certain tests as to qualifications for entry in order that we may protect, as far as possible, our country against illiterate immigrants, and at the same time many States have failed to provide laws which would develop the standards required of

immigrants and against the destructive forces that naturally follow illiteracy and a weakened population.

We can not longer tolerate robbing children of their vitality, coining it into money and putting it into the pockets of those who are exploiting and devaluing them in sweatshops, mills, and factories, where duties are imposed beyond their physical endurance. What argument can these men advance? There is but one—that it means money to them.

It is exceedingly fortunate that there is a growing sentiment in the States that have adopted child labor laws in favor of strengthening such laws in a manner consistent with the welfare of the children employed and the perpetuity of the principles upon which our Government was formed.

A large manufacturer in Ohio, who has made a careful study of the operation and benefits derived from child labor laws, solicited me to cooperate in the promotion of a Federal law similar to the Ohio law. The Ohio law provides that no boy under 15 years and no girl under 16 years can be continuously employed, and a school certificate for all boys under 16 and girls under 18 is required. They can not be employed for more than 8 hours in 1 day or 48 hours in 1 week, nor before 7 a. m. nor after 6 p. m.

The American Bar Association some years ago recommended the adoption of a uniform child labor law by the various States. The Fitzgerald proposed constitutional amendment is in accordance with this suggestion and I believe it will be adopted and meet with universal approval.

Mr. MORGAN. I also ask that I be further allowed to extend my remarks in the Record on the subject.

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

There was no objection.

Mr. CABLE. Mr. Speaker, I have reserved the balance of my time.

The SPEAKER. The gentleman from Ohio reserves the balance of his time.

Mr. LUCE. Mr. Speaker, will the gentleman from Louisiana [Mr. WILSON] please use his time?

Mr. WILSON. Mr. Speaker and gentlemen of the House, in my judgment there is not in many respects any more important business that comes before the House than the consideration and decision of an election contest. The law makes the House of Representatives the judge of the election and qualification of its Members; and, while this is a legislative operation, it is really a judicial proceeding, and a very serious obligation rests upon a Committee on Elections in presenting one of these cases to the House, because in most instances, just as it has happened in this case, there is a vast volume of testimony. In this record there are more than 1,600 pages that the Members of the House have not an opportunity to read, and they must take the record and the findings thereon as presented to them by the Committee on Elections.

I believe, if I may have the attention of the House for a few moments, I can convince you that the chairman of this committee [Mr. LUCE] has presented to this House a proper decision of this election contest. As was stated to you, when this case came before this committee a great many questions were involved, all of which have been abandoned except two. On the question of poll tax a vast volume of testimony was taken, and the committee was convinced that it made no difference in the result of the election, and so was the contestant convinced, and that was abandoned. The feature of registration was also abandoned, and the intimidation of voters was abandoned, and, as my good friend from Ohio [Mr. CABLE] told you a few moments ago, the whole thing depends upon the proper consideration and disposition of the absentee vote.

Now, the gentleman from Ohio [Mr. CABLE] would lead you to believe that the election laws of the State of North Carolina are unfair. I think it is quite impossible to find any State which has a fairer election law—one that would lead to more equitable results in an election where the people are divided into opposite parties—than that which exists in the State of North Carolina. Of course, we all know that the dominant party in any State is going to keep control of the election machinery when it is in power.

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

Mr. WILSON. I can not yield now.

The election law of the State of North Carolina is simply this: The Governor of the State appoints a State board of election officers of five members. Of this board three are of the majority party and two of the minority. If North Carolina should have a Republican governor, three of the board would be Republicans and two would be Democrats. As she has a Democratic governor, of course, three of the board are Democrats and two are Republicans.

Then that State board appoints county boards of election, each consisting of two members of the dominant party and one of the minority party. That would be true, no matter which party is in power. This county board selects officers in the various precincts throughout the State. One of those is the registrar of voters, naturally of the dominant party. One other is of the dominant party and one of the minority party. This Republican judge of elections is not selected by a Democratic majority of the board. The law makes it obligatory to select him on the recommendation of the chairman of the Republican committee of that county. So that in every phase of the election, from the beginning with the State board down to the place where the votes are polled and finally counted, each party has representation.

Now, when the registration is completed in that State, two opportunities are offered for challenge. The law sets a challenge date after the registration is completed and the books are thrown open to everybody. That day is fixed on Saturday, when everybody comes to town; so that, my friends, there is an opportunity afforded to challenge the public register of absentee voters and other voters whose names should not be on said list.

Another opportunity for challenge is on the day of the election, when the voter appears to deposit his ballot in person or when the absentee vote is opened. So in this election under the laws of that State the minority party has had representation at every step and every stage of the proceedings, with fair opportunity to challenge any name on the registration list. This record and the evidence in this case will show that in the entire district very few challenges were made by either party, and in only one precinct in the nine counties comprising the district did the Republican judge of elections fail to sign and certify to the correctness of the results as to Congressman.

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

Mr. WILSON. Yes.

Mr. CHINDBLOM. Does the law provide for the presence of a challenger or a representative of each party on the election day?

Mr. WILSON. Yes; the law provides that when the books are thrown open on this Saturday set aside as challenge day and known to all the people as challenge day, any man may challenge any name.

Mr. CHINDBLOM. I do not mean on Saturday. I mean on election day.

Mr. WILSON. On election day; yes. A full and free opportunity is offered to either party for challenge on either day.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. WILSON. Yes.

Mr. CAMPBELL of Kansas. I want to find out, if I may, was there fraud charged in respect to these absentee voters in this case; and if so, was there any fraud proved?

Mr. WILSON. I am coming to the absentee vote, because I understand from Mr. CABLE that he bases his whole case on that.

Mr. CAMPBELL of Kansas. I understand the question hinges on that.

Mr. WILSON. I doubt if you could show a dozen votes altogether where as a legal proposition the voter was not qualified. The committee failed to find any considerable number.

Mr. BOX. That is of the absentee voters.

Mr. WILSON. Of the absentee voters. Now, my friend from Ohio [Mr. CABLE] says the whole thing hinges on that feature and that the entire absentee vote should be set aside, and that if you do that Doctor Campbell will have a majority of something over 317.

Mr. CAMPBELL of Kansas. Set aside on account of fraud, or for what reason?

Mr. WILSON. The minority views of the gentleman from Ohio [Mr. CABLE] say they should be set aside for the reason that the truth can not be deduced in relation to the absentee vote. That is what he says and that is what his report says. Now, when a man comes to this House sitting as a jury with a proposition like that, contending that there is a large percentage of the votes that should be cast out and thereby the result of the election be changed, the obligation, of course, is upon him to convince the House that that is true. In his statement he says that the absentee vote should be disregarded. I am sure the House understands that. In its minority views he goes on and gives the number of votes, and says:

But the absentee votes included above are "so tainted with fraud that the truth can not be deductible therefrom." The ratio of the absentee votes of Doughton and Campbell tell their own story, 1,596

to 201, respectively. Without this absentee vote Campbell wins by 317 votes. In Iredell and Rowan Counties Doughton received a total of 1,041 to Campbell's 87, or 12 to 1. The illegal absentee votes can not be separated from the legal, and all absentee ballots should therefore be rejected.

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

Mr. WILSON. No; I can not yield.

Mr. RAKER. All right.

Mr. WILSON. Now, that is offered solemnly to this House as the entire absentee vote of that district, because you would not be willing to take one-third or one-half of the absentee vote and cast it aside and leave the other standing. But these minority views of the gentleman from Ohio [Mr. CABLE] and everything that has been said by him would lead this House to believe that that is the whole absentee vote—1,596 Democratic and 201 Republican. What are the facts? In this district there are nine counties. Six of them went Republican, and in four of those counties that went Republican not one absentee vote is asked to be thrown out. There are absentee votes in every county. So I say it is not fair to this House to come here and put down a certain number as being the total absentee vote of this district, and say that this whole election should be settled by casting out, as Mr. CABLE says in his speech and in his report, all the absentee votes, when in four of the counties not one absentee vote is named or referred to.

Mr. CABLE. Will the gentleman yield?

Mr. WILSON. I will yield in a minute.

Mr. CABLE. I just want to ask about the absentee vote, and ask you if there is anything in the record concerning any of those counties, and whether Mr. Doughton made any effort to get the evidence as to that vote from any of the other counties?

Mr. WILSON. That is a strange thing to ask of a defendant in a lawsuit, to charge on behalf of the plaintiff that all the absentee votes should be cast aside, and then come here and say that Mr. Doughton, the defendant, has not shown that the absentee vote should be cast aside in the four counties concerning which there is not a line of testimony.

That is not all. Take Rowan County, for instance. The gentleman from Ohio [Mr. CABLE] says you should take out 518 absentee votes from Rowan County and names the precincts from which they should be taken. And in like manner for the five counties that make up the 1,596 votes. What is the fact about Rowan County? There are 11 precincts named in that county as having 518 absentee votes that should be taken out, but he did not tell the House that there are 28 precincts in Rowan County, 17 of which were not considered and most of which went Republican, where he has not asked you to take out a single absentee vote. Is that fair to the House? And the same thing is true of the other counties—for instance, the county of Caldwell; there are 17 precincts in that county and the absentee votes are given as to 12 of them only.

Mr. CABLE. Will the gentleman yield?

Mr. WILSON. Not at present. How are you going to cast out all the absentee votes of Rowan County, with 28 precincts, and not a single absentee vote referred to in 17 of them? How are you going to do that for Caldwell County, where there are 17 precincts with only 12 in which the absentee votes are given?

Mr. CABLE. Will the gentleman yield now?

Mr. WILSON. No; not until I get through with my line of argument. Then there is Ashe County. There are 16 precincts in that county, and 8 precincts only are presented in the record making up this case as to absentee votes. The next is Stanley County. There are 15 precincts in that county, and if you will examine the minority views there are only 4 precincts in that county in which they ask you to consider the absentee vote. So, if you will just ask the gentleman from Ohio [Mr. CABLE] to live up to the proposition that all the absentee votes are to be cast out, you will find him unable to do so. He asks you to take just those particular precincts that went Democratic which are counted here, to reject the absentee vote. Now, I say that is not fair to the House or either party to this contest. Why, it is not over one-third of the absentee votes in that district in which over 64,000 votes were cast. Less than one-third of the precincts in the district are considered.

Mr. CABLE. Will the gentleman yield?

Mr. WILSON. Not until I get through with this particular question. So that the 1,596 and 201 absentee votes come out of the consideration of less than half of the vote of the district. This plea for the rejection of the absentee vote comes about in this way: You are given a definite number of votes that should be cast out. You would not be authorized under the law to do that unless those votes were shown to be fraudulent. No attempt is made to do that. When absentee votes are sent in at 3 o'clock under the law, these absentee votes are opened up

and deposited as directed by law. If the name of the voter is on the registration book, his ballot is voted as indicated by him. If a man votes a straight party ticket, he may send a certificate stating that he desires to do so. The judges of election put the ballots in the box. Neither the certificates nor the ballots are preserved under the law of North Carolina unless the latter are signed by the voter, but, whether they are or not, it has been decided by this House and by every court in the country that you can not penalize the voter by the failure of the election officer to file a certificate after the vote has been put in the box.

Certain requirements under an election law are mandatory as to the voter; for instance, he must register, he must be present on election day, or, if absent, meet the requirements of the election law in order to have his ballot there. All such matters are within the control of the elector and provisions of the law in relation thereto are mandatory as to him, and the failure to reasonably comply therewith forms a sufficient basis for the rejection of his ballot. But after the elector has complied with these requirements and cast his ballot, or taken the steps necessary to have his ballot deposited, then, after that, the provisions of the law affecting election officers in order to have a correct return of the result made are simply directory as to the voter. Hence the failure of the election official to keep a proper record or to return any kind of certificate in connection with the record has never been held to invalidate the vote or to disfranchise the elector. To hold otherwise would place it within the power of election officials to make ineffective our system of election by the people.

Now, I want to say one thing further about the absentee vote. The gentleman from Ohio [Mr. CABLE] will not contend that what he has presented is all the absentee vote in the district.

Mr. CABLE. Will the gentleman yield?

Mr. WILSON. I will.

Mr. CABLE. I want to ask the gentleman whether he is arguing upon what is in the record or is out of the record.

Mr. WILSON. I am arguing upon what is in the record. There are 28 precincts in Rowan County, and the gentleman has given the count in 11, stating that all absentee vote ought to be deducted.

Mr. CROWTHER. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from New York makes the point that no quorum is present. The Chair will count.

Mr. CROWTHER. Mr. Speaker, I withdraw the point.

Mr. WILSON. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 13 minutes.

Mr. WILSON. I think the House must be satisfied that it has no opportunity to consider the entire absentee vote. This tabulation in the minority report is copied exactly from the brief of the contestant in this case. An inspection of pages 35, 36, and 37 of the plaintiff's brief will verify this statement. So there is no question raised by the minority report that was not presented to the committee and had its full and careful consideration.

I believe that I can also convince this House that the testimony in respect to even these 1,596 votes for Doughton and 201 for Campbell, which are offered as being fraudulent votes, is entirely unreliable. There seems to be some confusion as to how the absentee vote comes in.

This testimony relied upon to prove this small portion of the absentee vote is fraudulent is not reliable. In the county of Rowan, for instance, take Spencer precinct. It is claimed by the minority report that 70 should be taken from Doughton and 10 from Campbell. You are solemnly referred to page 419 of the record for evidence by which to do that. Now, here is a Republican judge of election on the stand:

Q. Your name is J. Lee Armstrong?—A. Yes, sir.

Q. Where do you live?—A. Spencer.

Q. State whether you were for a while on the 2d day of November last a Republican judge of election at that place?—A. Yes, sir; I relieved Mr. Dorsett. I don't know the exact time. Some time between 2 and 3 o'clock.

Q. State whether you were sitting as judge at the time the absentee ballots were opened?—A. I was.

Q. Who opened the envelopes?—A. The registrar, Mr. Cruse.

Q. Do you know how many were opened?—A. No, sir; I don't know the exact number. I can give you the approximate number. There were as many as 80 absentee votes.

Of course, he could not know the exact number because these votes had been put in the box and mingled with the others, and the witness was testifying several months after the election. I think he was testifying very frankly.

Q. Do you recall whether they were actual absentees or persons present in the precinct and ill?—A. Quite a number were persons present in the precinct and ill.

In other words, the absentee voters are not necessarily out of the State; they may be in the precinct and unable to get to the polls.

Q. What proportion of the absentee congressional ballots was for Mr. Doughton and what proportion for Mr. Campbell, approximately?—A. I think there was 10 for Mr. Campbell and as many as 70 for Mr. Doughton. I am not positive about that. That is an approximate statement.

That is all of the testimony there is on that question, and yet we are asked to take out 70 votes for Doughton and 10 from Doctor Campbell.

Mr. RAKER. Will the gentleman yield?

Mr. WILSON. Yes.

Mr. RAKER. Under the law of North Carolina can a man vote, is he entitled to vote, by sending it in as you describe it?

Mr. WILSON. Yes.

Mr. RAKER. That being the case, where is there anything to show that the votes cast were fraudulent votes?

Mr. WILSON. There is not anything in this record; there may be a half dozen instances.

Mr. RAKER. Who is to blame for the counting of those absentee votes which the law says must be counted?

Mr. WILSON. There is nobody to blame. The law says they must be counted.

Mr. BROOKS of Illinois. Mr. Speaker, will the gentleman yield?

Mr. WILSON. Yes.

Mr. BROOKS of Illinois. The gentleman said a man might vote by certificate or by ballot.

Mr. WILSON. Yes.

Mr. BROOKS of Illinois. Does that have to be sworn to under the law?

Mr. WILSON. The certificate does; yes.

Mr. BROOKS of Illinois. Does the ballot?

Mr. WILSON. No. He sends his ballot in just as he wants it voted, with a certificate, duly attested, showing that he is a qualified voter.

Mr. BROOKS of Illinois. If he lives in a precinct and is sick, does that fact have to be sworn to?

Mr. WILSON. I am not so positive about that.

Mr. CABLE. If the gentleman will yield me, I can answer the question. When a man is sick he is supposed to file a statement, an affidavit, with his certificate or ballot, but when he files a certificate with the ballot, that does not have to be sworn to.

Mr. WILSON. Take Mount Ulla precinct, where there are 10 taken from Mr. Doughton and none from Mr. Campbell. I quote from the testimony in that case; N. R. West on the stand.

Q. Where do you live?—A. Near Mount Ulla.

Q. Were you connected with the election last November?—A. I was one of the judges.

Q. And assisted in holding the election?—A. Yes, sir.

Q. Who were the other election officials?—A. John K. Goodman was the other judge and Mr. Price Sherrill was registrar.

Q. They were Democrats?—A. Yes, sir. I was Republican judge.

Q. How many absentee votes were cast there?—A. Seven or eight or ten.

Q. Do you know how they voted?—A. All Democrats.

Right under that is Enochville precinct. A. J. Sloop is on the stand. He was the judge. He was asked the question how many absentee ballots, and he replied:

A. I reckon about eight or nine or something like that.

Q. Republican or Democratic?—A. They were about half Republican and half Democrat.

That precinct is not mentioned where they solemnly tell you it is your duty to take out all of the absentee votes. That is the way the record runs. There is no positive testimony.

Here is another one at East Salisbury. That is a place in which there is something like 100 votes to be taken off Mr. Doughton, according to this brief. The witness, J. L. Austin, was asked:

Q. Were you present on election day?—A. Yes.

Q. Do you know how many absentee votes were cast in this ward on that day?—A. Between 75 and 100.

Then they ask you to take 100 votes from Mr. Doughton. The testimony will run like that all through the record. So many votes "I think," so many votes "I estimate." That is the case even in those precincts which are put down here and in which you are asked to take the vote away without showing that the electors are disqualified. I say that it is not fair to this House to come up and ask you to decide an important election contest on testimony on which you would not render a judgment in the justice of the peace court for any amount of property, because it is unreliable, even though you take this small portion of the vote accounted for.

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield?

Mr. WILSON. Yes.

Mr. HARDY of Texas. Do I understand, where the vote shows 75 or 100, that the position of the contestant is that you should take off the whole 100?

Mr. WILSON. That is the way it is in this copy that is made from the brief, written for the contestant, and which is copied verbatim in this report, except that the report does not refer you to the page on which you will find the testimony.

Mr. DAVIS of Tennessee. Which report?

Mr. WILSON. The minority report.

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

Mr. WILSON. I will yield in a minute. Here is another case. Take the question of Chestnut Hills precinct. The registrar is on the stand—

Q. How many absentee votes in that township?—A. Twenty, twenty-five, or twenty-eight.

Now, you are asked to take off the 28. Why, gentlemen of the House, even if this report represented all of the absentee votes, and you felt that if you had sufficient testimony to satisfy you that you ought to deduct the entire absentee vote of that district, you have absolutely nothing on which to rest your verdict. Then, how can you reject the absentee vote without knowing its extent and without evidence to support the charges against a portion of it?

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

Mr. WILSON. Less than one-half of the precincts in some of the five counties named are accounted for, and there are absentee votes in every one of those omitted. In four other counties the House is given no information at all about the absentee vote. In the counties which gave larger Republican majorities in the district, the absentee votes are omitted from the minority report.

The SPEAKER. Does the gentleman yield?

Mr. WILSON. Not at present. You are asked to render a verdict on a charge in a report which says that all absentee votes should be deducted, and which leads you to believe that 1,596 to 201 constitutes all of them. But even if that were true, the burden would be upon the contestant in this case to show that those people were not qualified to vote. A great deal is said about the percentage of absentee votes being larger for Mr. Doughton than for Mr. Campbell. The record will show as it goes that the percentage was larger, I think; that there were more absentee voters in Washington who were Democrats than Republicans. I think that I can account for that. We had just been through eight years of Democratic administration. Many deserving Democrats in North Carolina had been sent to Washington to hold jobs, and if this administration does what it is likely to do, and what it probably ought to do, many of those Democrats will be back in North Carolina following civil pursuits, and in the next election that situation will be reversed. There is no testimony to show that these voters were disqualified. Republican witnesses show that many of them were ill, many of them were in Washington, many were off teaching school, young men in college and engaged in other pursuits.

If a majority of these voted for a Democratic candidate they had a perfect right to do so. If they were not qualified electors the burden was upon the contestant to prove that. The record contains no such proof. When we speak of absentee voters in North Carolina it does not follow that they are all absent from the State, and it is admitted in this record that many of those votes were cast by people in the State, in the county, and within the precinct on election day, being persons ill or physically unable to go to the polls. I can not believe that the contestant would seriously ask you to disfranchise these people and reject their votes, or to pursue that course in relation to the absent worker, the school teacher, or the traveling salesman.

Now, the chairman of this committee has given you a fair and clear report in this case. He has considered and reported upon all the issues involved, I believe, according to the law and the evidence. I want to say one other thing to this House. Each Member here, I am sure, wants to decide this case upon its merits, and without partisan bias or prejudice. The facts are that only the members of the committee have had the opportunity to make a full investigation and to know what facts are established by the evidence. The report of the chairman, Mr. LUCE, and the speech he has just made, set forth very clearly the findings of the committee, with the exception of the gentleman from Ohio [Mr. CABLE], in this case.

Mr. CLOUSE. Will the gentleman yield?

Mr. WILSON. I will.

Mr. CLOUSE. This question is somewhat troubling me. Does the gentleman think this Congress ought to place the stamp of approval upon the State of North Carolina, or any other State, that has a statutory provision with respect to

the qualification of the voters, such as having paid the poll tax in advance of the election? Do you think we should do that?

Mr. WILSON. That raises a very serious question, as the chairman stated, as the gentleman no doubt refers to the fact that both parties in North Carolina waived the poll-tax provisions of the constitution and no challenges were made on account of nonpayment of poll tax.

The SPEAKER. The time of the gentleman has expired.

Mr. DOUGHTON. I yield the gentleman two additional minutes.

Mr. WILSON. Both parties agreed to do that. -It is true that poll taxes were not required. This law was never popular in North Carolina and has since been repealed. We went into that very thoroughly, and, as the chairman told you, the poll-tax proposition would not change the result of the election.

Now, in respect to this agreement by parties and candidates in North Carolina to waive the provisions of the law regarding the payment of poll tax, we are not called upon to discuss the effect of such waiver generally. But the courts in some cases have held that a candidate for office who has been a party to a waiver of this kind before an election is held, and after taking the chances of securing the benefits resulting therefrom, can not afterwards be heard to contest the election on that account. In other words, he is estopped by his own act.

Mr. CLOUSE. Following this line, would it not be possible, if we approve of such conduct as that, the leaders of the party might go down there and say we will permit children to vote?

Mr. WILSON. We are asked to pass upon that question.

Mr. CLOUSE. But might it not encourage them to do that very thing?

Mr. WILSON. We are not passing upon that question, and that would have no effect upon the result of this election.

I know in one of the counties they had a biparty treaty to waive the poll tax provisions of the law. It was reduced to writing and the plenipotentiaries of both parties signed and ratified it without reservation. This was understood and consented to by all the candidates. After this I do not believe a candidate should be heard to contest the election on account of nonpayment of poll tax. Apparently this view has been adopted by the contestant, or at least that is not a matter of contention here, according to the minority report.

So, Mr. Speaker, if the only question to be considered by the House in relation to this contest is the absentee vote, I respectfully submit it is entirely impossible to pass an intelligent judgment upon that issue, under the evidence submitted.

The gentleman from Ohio [Mr. CABLE], who filed this minority report, and who is contending that the result of this election, as found and certified to by the sworn officials of North Carolina, be set aside and changed and that the findings of the Committee on Elections and the report made by the chairman thereof be reversed, can not inform you as to what this absentee vote is. In his minority report in respect to this vote he sets forth that the absentee vote amounts to 1,596 for the contestant, Doughton, and 201 for the contestant, Doctor Campbell, and publishes therewith a tabulated statement from five of the nine counties of the district. In these five counties there are 95 precincts. In making up this statement only 54 precincts are considered and the testimony as to the absentee vote in those is based upon guesswork and mere estimate. This is said without any criticism of the witnesses who testified, for the evidence was taken several months after the vote was counted, and they could not reasonably be expected to remember the number of absentee voters at their precincts. We are entirely without testimony as to 33 precincts in the five counties referred to and as to all the precincts in the other four counties, yet there were absentee votes involved in each and all of them. To be more exact the total vote polled at the precincts where testimony was taken at all in relation to absentee voters is 28,651, while that at the precincts where no testimony was taken and at which the House has no opportunity to consider the absentee vote at all amounts to 36,039.

Under the law and under an unbroken line of precedents established by this House the burden of proof rests upon the contestant to establish his cause by at least a fair preponderance of the testimony. In this case he has not only failed to do that but omits to furnish any proof at all in respect to the absentee votes cast at a majority of the precincts, involving about 60 per cent of the entire vote cast. So I repeat that if the House should desire to decide this whole case on the absentee vote, as it is urged to do in the minority report, it would be unable to do so for the want of proof as to what that vote is. However, the request to do this is entirely unreasonable because the laws of North Carolina, as do those of 43 States in the Union, authorize absentee voting. The absentee votes in this

district were cast and counted after a full and fair opportunity was offered for challenge on the day fixed by law and also upon election day. The unchallenged vote received by the sworn officials of both parties is admittedly correct. I therefore respectfully submit that the majority report of the committee should be adopted.

Mr. LUCE. Does the gentleman desire to consume more time on that side now?

Mr. DOUGHTON. Let Mr. CABLE use some of his time.

Mr. CABLE. I have only myself and one other speaker.

Mr. DOUGHTON. How many more speeches have you on that side?

Mr. CABLE. Myself and the gentleman from North Carolina, Mr. Campbell.

Mr. DOUGHTON. There is only one on this side.

Mr. MONDELL. Mr. Speaker, gentlemen seem to have some difficulty in determining about going on this afternoon, and I doubt the possibility of maintaining a quorum under the conditions that exist, and I move that the House do now adjourn.

The SPEAKER. Will the gentleman withhold that for a moment?

Mr. MONDELL. I will.

#### LEAVE OF ABSENCE.

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

To Mr. JONES of Texas (at the request of Mr. LANHAM), for May 26 and 27, on account of official business.

To Mr. BLAND of Virginia, for the day, on account of sickness.

To Mr. BANKHEAD, indefinitely, on account of important business.

To Mr. ARENTZ, for an indefinite period, on account of business in his home district.

To Mr. SCOTT of Michigan, for 10 days, on account of business.

To Mr. A. P. NELSON, indefinitely, on account of death in family.

#### POST OFFICE APPROPRIATION BILL.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Post Office appropriation bill, to further insist on the disagreement to the Senate amendments, insist on the amendment of the House to Senate amendment No. 58, and agree to the conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table the Post Office appropriation bill, to further insist on the disagreement to the Senate amendments, insist on the House amendment to Senate amendment No. 58, and agree to the conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9859) making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARNER. Reserving the right to object, is this agreeable to the minority Member?

Mr. MADDEN. Yes, sir.

The SPEAKER. The Chair hears no objection and appoints the following conferees.

The Clerk read as follows:

Mr. SLEMP, Mr. MADDEN, and Mr. SISSON.

#### EXTENSION OF REMARKS.

Mr. SANDERS of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed in small type an article prepared by the commissioner of the bureau of markets of Texas on the subject of grading and marketing cotton.

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

The extension of remarks referred to are here printed in full as follows:

Mr. SANDERS of Texas. Mr. Speaker, under permission heretofore given I submit an article on the grading and marketing of cotton, prepared by the Hon. Charles E. Baughman, commissioner of markets and warehouse department of the State of Texas.

The article is as follows:

The cotton growers of the United States, because of reduced demand for raw cotton, need to give more thought to methods of planting, harvesting, and marketing this great staple crop.

Every farmer might well afford to undertake to produce the present average crop on half the number of acres now planted, but get away from the idea of making "two blades grow where one is now grown." Take care of the one already grown in a fair profit added to cost of production.

This bulletin is intended to be educational—an appeal to business and professional men and the producers of the world's cotton crop, to take steps to have corrected some of the long existing evils surround-

ing the system of price fixing, and more especially to acquaint the people with the unfair methods of arranging differences as regards our low-grade cotton.

Not an appeal to prejudices but to the higher and better judgment of well-meaning men who have at heart the betterment of all our economic conditions.

The Federal Government has established standards for grades, and these standards have been likewise adopted by this department, and we believe it within the province of the Federal Government to promulgate differences in accordance with fair governmental mill tests, which have been made, and which are representative of every grade, and every section of our cotton producing area.

Let us back our efforts by sober thought, earnestness of purpose, and determination to bring about relief for the man who toils in the field in an effort to produce the basis of the world's clothing supply.

COTTON VALUES.

Since the origination of the different grades of cotton recognized today by the trade there has been more or less diversity of opinion as to how much premium value should be added for the grades above the middling type or how much discount should apply for the grades below that type.

The trade has been guided by what the demand was for relative grades, making the values for them from such bases, yet such a fact does not argue that such conclusions are correct; that is, values obtained in that way are not evidences of intrinsic worth. There is a true value to every relative grade, or half grade, of cotton if the fact establishing it can be found, and apparently no better way can guide us to that conclusion than by going to the cotton mills for it. Tests made in such manner shows variations in percentage of the same grade, but if a number of them are taken an average can be drawn, which should give a fair valuation from any middling base.

This is an old story, but it has new features to which the attention of the public is called; not to the daily fluctuations that we constantly experience but to the wide difference between the values made arbitrarily by the cotton trade and those shown by actual tests made in milling the staple.

To be fair and just in the matter averages have been made between the highest and lowest mill tests for conservative reasons, as herein-after explained. Tests were made at Clemson College in its textile department in 1912 and showed an average for mill waste to be for: G. M., 12 per cent; St. M., 12.5 per cent; M., 13 per cent; St. L. M., 13.75 per cent; L. M., 14.75 per cent; St. G. O., 16 per cent; G. O., 17 per cent.

These tests were not constant in results; that is, one sample of middling might show a loss of only 6 per cent, while another would go as high as 12 per cent, practically the same variations existing in all the relative grades by reason of the fact of good or bad ginning, careful or careless picking, care, etc., of the cotton.

Tests made by the Bureau of Markets, Department of Agriculture, at West Raleigh, N. C., and Fall River, Mass., as given in their bulletin No. 591, December 26, 1917, exhibited variations on tests similarly as those shown at Clemson College, but the percentage of loss as mill waste was not so great.

Tests made by this department were on cotton from every part of the cotton belt and on that of 15/16 to 1 inch staple. The grades tested were for middling fair, good middling, middling, low middling, and good ordinary. Averaging the table on page 10, Bulletin 591, results in the percentage of loss in mill waste to be for G. M., 5.50 per cent; middling, 7.31 per cent; L. M., 8.48 per cent; G. O., 11.37 per cent; the other grades intervening between these given have been added by the writer, shown below, as stated, to be conservative. These departmental percentages have been added to those of Clemson College, from which a new average has been drawn, showing for the following to be for: M., 10.20 per cent; St. L. M., 10.90 per cent; L. M., 11.60 per cent; S. G. O., 13.00 per cent; and G. O., 14.50 per cent; and from these latter figures the following comparative statement is made for clearly elucidating the idea intended:

M. basis 16 cents per pound, 500-pound bale.

MILL DIFFERENCES IN POUND AND VALUES.

Loss in weight refining and spinning.	Additional loss over middling.	Loss in values—mills.	Trade differences, pounds values.
Per cent. Pounds.	Pounds.		
Mid..... 10.20=51.....			
St. L. M..... 10.90=54.....	3½	\$0.56	\$5.00
L. M..... 11.60=58.....	7	1.12	11.25
S. G. O..... 13.00=65.....	14	2.24	16.25
G. O..... 14.50=72½.....	21½	3.44	21.25

NOTE.—Mill waste is the loss thrown out of a bale of cotton during the process of manufacture, and consists of the leaf trash, stems, mote naps, short fibers, dust, dirt, etc.

"Trade differences" means the above and below middling basis method of arriving at the price to pay.

The mill waste for the grades below middling is calculated on the excess number of pounds below that grade, while the trade discounts are taken from the official quotations given by United States Weekly Bulletin No. 101, February 6, 1922, for the Texas district.

From the records I am unable to obtain any history showing where cotton-manufacturing concerns ever attempted to dictate the relative prices they should pay for cotton, basing such purchases upon the mill-waste value for the different grades, hence the inference is they do not care to make purchases of raw cotton this way, preferring to hold to the practices of the trade, using the arbitrary differences as made by it, giving the advantage of making purchases for less than the intrinsic value of the lower-grade cotton.

Comparing the two, it would seem an agreement could be reached between the spinner and the grower, or the spinner and the trade buyer, to handle cotton at its intrinsic value and not on arbitrary prices as practiced to-day.

If it be conservative to say that a loss of only 3½ pounds exists between middling and strict low middling, as a mill waste, that its value as a loss at 16 cents a pound is 56 cents on a bale of cotton, justice in the matter would pronounce it absurd to discount a strict low middling bale of cotton \$5, as the trade now exacts. Reasoning upon the same line, as indicated by the comparative schedule made in the foregoing it will be noted that the loss from middling to low middling indicates 7 pounds, as a visible and an invisible waste, which on a 16 cents

a pound valuation equals \$1.12, while the trade penalizes it around \$11.25.

These trade discounts vary often, but nowhere do I find them ever coinciding in value with the physical losses made at the mills.

Should it be contended that the value for the lower grades is more than shown in the statements made here, for corroboration of these statements I refer again to Bulletin No. 591, December 26, 1917, page 11, from which I have made an average resulting in showing that for low middling the loss in mill waste is 8.78 per cent; for good ordinary, 12.42 per cent. Taking middling as showing a loss of 7.57 per cent, with the average loss between it and strict low middling, its equivalent is 8.18 per cent, and reckoning in the same manner the different percentage loss for strict good ordinary is found to be 10.60. Placing these figures in a tabular form the comparative percentages shown are for—

Mill differences in pounds and values compared with those of trade middling basis, 500-pound bale.

Mill differences and waste value.	Added loss.	Trade differences.
Per cent. Pounds.	Pounds.	
M., 16c..... 7.57=37.85		
S. L. M..... 8.18=40.90	2.05=\$0.328	\$5.00
L. M..... 8.78=43.90	6.05= .968	11.25
S. G. O..... 10.60=53.00	15.15= 2.42	16.25
G. O..... 12.42=62.10	24.25= 3.88	21.25

This table is made up from a Government source exclusively, a review of which demonstrates that the loss for mill waste is less than that shown in the preceding table, made from an average of the results of the Clemson College tests combined with that of the Federal Government.

It may be well to state that in making these scientific tests some of them divulged the fact that practically no difference existed between middling and strict low middling, while in others tested for mill waste on the same grades showed a wide departure therefrom.

A number of our Texas mills are manufacturing valuable articles very serviceable in character, such as heavy and light weight ducks, Osnaburgs, drills, heavy sheetings, shirtings, bedticks, denim, and a variety of wrapping twine, from cotton ranging in quality from middling to low ordinary, mostly strict low middling to good ordinary, inclusive, with sometimes an injection of a good class of bollies with other grades.

Statements from two Texas cotton mills interrogated say the loss for mill waste runs, on an average, around 17 to 17½ per cent, which on a 500-pound bale of cotton shows a loss of 85 to 87½ pounds. Comparing this with the preceding table declaring a loss of 37.85 pounds for middling, indicates a difference of 49.65 pounds, less for good ordinary, equaling a value of \$0.95, leaving a wide margin between that value and the trade discount of \$21.25, as shown.

It was found that the two Texas mills using the low grades of cotton mixed them very thoroughly before allowing them to enter the machines for fabrication into the finished product, and from the result of this mixing the percentage of loss was ascertained.

The percentage of mill waste is not an entire loss because of the fact, exclusive of the foreign substances thrown out, a mass of short fibers are caught, which find a market with concerns making hats, quilts, blankets, shoddy goods, rope, carpet, mattresses, cellulose, gun cotton, and many other articles of value, so the 10.20 per cent or any per cent given, shown in first table as a loss, does not finally result as such when brought to its final conclusion.

From the foregoing let me assume the prerogative to say that I hold to the opinion that a safe and sane line can be drawn, a base can be made upon which both buyer and seller can stand, meet each other fairly and squarely upon satisfactory terms, eliminate differences of opinion as to the relative lower grades, establishing a definite value for them, and forever bring harmony out of chaos.

This I suggest in the following, assuming and accepting middling as the base, recognizing at the same time the inconsistency or variability of the percentages of loss, conceding the greater losses, even discounting them, then designating the differences to be applied, for an accepted compromise the values will be as follows, say:

Middling, 16 cents, 500 pounds.	Intrinsic value.	Trade value.
Pounds.		
St. L. M..... 5=\$0.80	\$79.20	\$80.00
St. G. O..... 10= 1.60	78.40	75.00
G. O..... 35= 5.60	74.40	68.75
		58.75

In making the pound deductions I have discounted greatly the lowest discounts made in the foregoing mill waste, giving a definite number of pounds to be deducted for each grade, equivalent to saying that any buyer purchasing a strict low middling bale deducts 8 pounds; for low middling he will take off 15 pounds, etc., figuring the price at middling quotation for the pounds off, paying the seller at the same time full middling value, less the number of pounds off. It is apparent to me that if a definite number of pounds can be agreed upon for the relative grade discounts to be applied, the same publicly quoted, the grower as well as all interested can know at all times the worth of any character of cotton ready for the market, as the number of pounds off can be given instead of percentages.

The preceding summarizes in substance a guide designed to be safe for the purchaser, at the same time reflecting no great financial loss to the grower.

To determine with greater exactness a series of tests covering a period of several years should be made, and from them correct figures obtained for the true discount to apply; but in the absence of such figures I have assumed the responsibility to dictate the preceding, based upon the data given, and most earnestly solicit the assistance and cooperation of all desiring to see justice in the premises. This I do because the present practice of discounting the lower grades is, in my opinion, uneconomic, unwise, puts an onerous burden upon the back of labor, which can be taken off if those in authority will exercise the power vested in them and come to the rescue.

Mr. WILSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on this contested-election case.

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

Mr. SHELTON. Mr. Speaker, I ask unanimous consent to extend my remarks on the tariff and the prohibition question.

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

The extension of remarks referred to are here printed in full as follows:

Mr. SHELTON. Mr. Speaker, this country has had many experiences on the question of tariff. I have thought it settled several times. It was not. It is one of the questions that is like Banquo's ghost. It will not down. In the beginning it was not a party question, and I believe it should not be now. It is said that among the first acts of the First Congress of the United States was a protective tariff act. And for many years its wisdom was never questioned. George Washington favored it. Thomas Jefferson, the denominated founder of the Democratic Party, and a man of whom any party or country could well be proud, in his first annual message to Congress in December, 1801, congratulated that body upon the revenue derived from the tariff duties and suggested that the internal taxes could safely be dispensed with and tariff depended upon for support of the Government and the payment of the public debt, and further suggested that the surplus funds could be used for internal improvement. Andrew Jackson while United States Senator from Tennessee voted for a protective tariff in 1824, and after he became President, when South Carolina refused to obey the tariff laws, sent General Scott with United States troops down there to see that the law was enforced. The noted Thomas H. Benton, United States Senator for 30 years from Missouri, said of the tariff law of 1816:

A free trade measure; no price for property or produce; no sales but those of the sheriff and the marshal; no purchasers at auction sales but the creditors or some hoarder of money; no employment for industry; no demand for labor; no sale for the products of the farm; no sound of the hammer but that of the auctioneer knocking down property; no medium of exchange but depreciated paper; no change even but the little bits of foul paper marked so many cents and signed by some tradesman, barber, or luncheon; exchange deranged to the extent of 50 or 100 per cent; distress, the universal cry of the people; relief, the universal demand, thundered at the door of all legislatures, State and Federal.

#### THE EFFECT OF TARIFFS.

It is impossible to enact a measure that will redound to the direct interest of every individual. It is the people as a whole that have to be considered. It is true that a protective tariff on the manufactured goods of the New England States does not help directly the agriculturalists of the South and West, but it does indirectly help them. It furnishes labor for the working people of the New England States, thereby creating a demand for the products of the South and West. In that way it helps them. The same is true of a tariff on agricultural products of the South and West. It shuts out foreign cheap labor products and stimulates agriculture to produce the necessary raw material for manufacturers. The manufacturing districts employ labor, creating a market for all the products of the country. It is and must be a reciprocal proposition. It is very difficult to understand how one who claims to be a protectionist can favor protection for himself and deny it to others. That is only a quasi-protectionist.

As has been said, the tariff should not be a party question. It is strictly a fundamental American principle. It will not be a party question much longer. The whole country has awakened to the fact that it is necessary to the prosperity of this country.

Put a tariff on the products of our country high enough that the foreigner can not send in his cheap labor products and undersell our home markets. That will open up the mills, factories, and mines, give employment to our people and a market for our home products. It is a recognized fact that in normal times we furnish a market for 90 per cent of all our products. If we will start up the industries of this country, give employment to our laboring people, furnish them with the means to buy 90 per cent of our products, we may throw the other 10 per cent in the fire, or give it to suffering humanity, and we will be many times better off than we are, or should be, by sending all of our products abroad and letting our home people be idle, naked, and hungry. We should not weep over the condition of our neighbor's children when our own are at our feet crying for bread. Charity begins at home. When we have cared for our own, then is the time to help our neighbors. We have always done so, and shall continue to do so. I contend that a man's first duty is at home, and that that is true of a nation.

It may be that some people can not understand the working of a protective tariff. It is also true that they can not under-

stand just how the water gathers in the heavens and comes down in rain, but they know that when such is true we have abundance of crops. The same is true of the protective tariff. When we have it, we have prosperity, as a rule. It is true that there are other disturbing elements that sometimes bring on national difficulties, but under a protective tariff administration they are much less likely to come, and are much easier to overcome.

I am a protectionist, pure and simple. I believe in it. I think it is good for every industry and every enterprise in the land that comes in contact with the products of cheap foreign labor. I do not favor protection for the manufacturer and free trade for the producers. I do not favor protection for the producers and free trade for manufactured goods; but I favor protection for the American industries, great and small. I want to protect the East, West, North, and South. America for Americans first. Would it work well for the producers' products to be protected and the manufacturers' not protected? Think for a moment just what the situation would be. Then again put your thoughts to working, and protect the manufacturer and the producer, and see what a happy combination that would be. The factories would be running, the mills and mines would be operating, the farmers would be producing, the carpenters would be building, and all labor would have employment, and wives and children would be singing and rejoicing all over the land.

#### AN ORGANIC BODY.

The Government of the United States is a vast organic body, composed of many organs, each having certain duties to perform. No body so constituted can give the best results without the cooperation of all its organs. What are those organs? They are many, the chief of which is the producing factor. Upon the production of the material out of which must necessarily be made the things that supply the needs and wants of mankind, lies the secret of success. To this must be added many others, namely, the manufacturing industries, the mining industries, the milling industries, the great common laborers, the business enterprises, the professional vocations of many kinds, all combine to make the great body of the machine that moves the wheels that bring success.

If any of those factors fail to function, the best results can not be obtained. What is necessary to move the wheels of progress? I think a uniform, well-regulated protective tariff is the greatest factor. By guaranteeing to the people the home markets it will start the manufacturing and other industries, they will employ labor; employed labor creates a demand, demand creates good prices, good prices stimulate industries of all kinds, thereby making the whole machinery work in harmony. When that is done, the story is told, and prosperity will reign.

I hope that the time may soon come when every man or woman who is elected to this House or the Senate may come with the avowed purpose of legislating for the whole country. We are all made of the same material. Our wants are the same and must be supplied if the country is to prosper. It is obvious that since the protective policy is fundamental to our prosperity it should not be subject to such radical changes as it always has to undergo every time our Government changes from one party to another. There is nothing that does more to insure the prosperity of our country than the stability of the principles and policies upon which the country's business is based.

It has been proven that under free trade or low tariff our imports are increased and that our exports are decreased. Can we prosper when the balance of trade is against us? Certainly not. Can an individual accumulate wealth when his expenses are greater than his income? It can not be done. Neither can a nation under such circumstances prosper.

Why can not we meet foreign competition? It is very clear if you will just think of the difference in the ways, habits, ideas, manner of living, and costs of production in many of the foreign countries and ours. It should not be said in a boastful spirit, but the American people are not going to subscribe to such conditions. In many of the foreign countries the climatic conditions are very different. They need but few clothes, and their accustomed food is a very simple diet and costs but little. It is different here, and we can not help it.

Let us draw a comparison; take the wool industry. In Australia it is said that a flockmaster can get forage for his sheep at 8 cents per head for a year; that no hay or other expensive feed is required. New Zealand is the same; Argentina is almost the same. How is it with the Western States of this country? There it costs from \$4 to \$8 per head to winter sheep. Wool can be shipped from those foreign countries to the eastern markets of this country cheaper than it can from the Western States. How can we compete with the foreign countries when such is true? It is clear that we must have a

tariff sufficient to equal the difference in the cost of the products of the foreign country plus freight and that of our own.

It was brought out in the hearings by the Ways and Means Committee of the House that there were eggs to the value of \$2,602,352 imported from China during the year 1920. Eggs can be produced in China at from 4 to 6 cents per dozen and can be sold here at 6 to 12 cents per dozen.

There are other countries from which eggs are imported, among which are Australia, Argentina, and others, all of which can produce eggs much cheaper than the United States. This is true because they can feed their hens much cheaper and can get girl labor at from \$5 to \$7 per month to care for their flocks. The same can be said of many other articles.

It is not the price that is put on the horse every time that prevents you from buying him, but the price that you have in your pocket. If the horse is priced at \$10 and you have not the \$10, you can not buy him. But if he is priced at \$100 and you have the \$100 you can buy. Destroy our tariff and you destroy our home market, destroy our home market and you destroy our prosperity.

It is a simple proposition. We had a creamery erected at our town, on the promise that the dairymen would patronize it and make it a success. For a while they did so and the matter went on all right. But soon some of the large creameries from a distance sent an agent into our town who began to pay more for the cream than the local men could pay and have a profit left. Thoughtless men began to sell to him, and soon the local creamery had to quit business. As soon as that was done prices began to go down in a hurry. It was not long till the gains were all gone and a loss sustained. This thing was repeated and again some stood ready to jump at the bait and suffered the same result. The same is true of the foreign and home markets. If we allow foreigners to come in and undersell us till they destroy our home markets, then they will use their opportunity and we shall have to pay for it.

My theory is to put our own house in order, produce all we can, use all that is necessary for home consumption, utilize our own capital, labor, and skill; then seek the best market possible for the surplus.

The main object of the Government is to promote the welfare of its citizens; not some of them but all.

Who are the real producers of the wealth of this country? There is no doubt about that; they are the tillers of the soil, the herdsmen, and the miners, chiefly. That means the men who labor in the heat and the cold, the rain and the sun, on the farm; the men who expose themselves to all kinds of weather in driving and herding their flocks of various kinds; and the men who go into the bowels of the earth and bring forth the various minerals and put them to man's use. The interest of those men should be safeguarded by an adequate tariff, properly adjusted.

"Truth crushed to earth will rise again." The once acknowledged tariff policy of our country is fast coming to the front again. The South, where once it was a crime to mention the tariff, is now fully awakened and is anxious to have its interests protected, that they may make their various industries profitable. They have had quite an experience in competing with foreign cheap labor and have realized the difficulty and now ask for a tariff, and are awake to its importance. Experience is the best teacher in the world. They have taken a course in its school. This fact is demonstrated by the organization of the Southern Tariff Association. Some of the best, most logical tariff arguments are made by men of the South, such men as Senators Broussard and Ransdell, of Louisiana, and John M. Parker, governor of Louisiana, besides many other able Members of the House on the Democratic side. The emergency tariff bill was supported by the following Democrats: Hudspeth, Parrish, Blanton, and Jones of Texas; Smithwick and Clark, of Florida; Dupré, Favrot, Martin, and Lazaro, of Louisiana; Lankford, of Georgia; and Deal, of Virginia.

At the first meeting of the Southern Tariff Association it passed a resolution, among other things saying:

Whereas it is apparent to even the casual observer of the trend of events that the present tariff laws will be revised and other laws enacted in their stead by the next Congress; this without reference to the result of the impending election; and

Whereas it is likewise apparent that such laws will be formulated as to result in the collection of huge sums of money, in the form of revenue, to satisfy the demands of Government and to supplant in large part the funds now realized from the payment of income and other direct taxes, and such policy will result in the fixing of heavy tariffs upon most, if not all, commodities; and

Whereas it has been established to our thorough and complete satisfaction that the various industries of the South are facing imminent ruin by reason of being compelled to compete with foreign producing countries, where the wages of labor are pitifully low and the cost of production comparatively slight, and are, therefore, in need of a tariff designed to compensate for the difference in the cost of production in this country and that in foreign countries; we especially direct atten-

tion of Congress to the importation of vegetable oils from the Orient and other foreign countries as the direct cause for the reduction in prices of cotton seed and peanuts below the cost of production to the producers and manufacturers of this Nation, who suffer jointly, and we demand a tariff that will adequately protect these industries from foreign competition with cheap labor of the farm and factory of the countries named. We particularly direct attention to this menace on account of the proportion, reaching, as it does, practically every farm in the South.

Whereas it is evident that unless a compensative tariff shall be levied, the southern producer must necessarily go out of business, to the certain ruin of those engaged in agricultural and other lines of production in the South, and to the manifest injury of the country at large: Now, therefore, be it

*Resolved*—  
First. That we pledge this association and all the organizations and individuals who are members thereof to do all within our power to properly place before the United States Tariff Commission, before the Ways and Means Committee of the House and the Finance Committee of the Senate, and before the Members of the House of Representatives and Senate of the United States the facts bearing upon the cost of production in this country and abroad, and all such facts as may be properly taken into consideration in the fixing of a tariff, to the end that such tariffs may be placed as will enable the southern producer to continue in business and to reap a reasonable profit as a result of his thrift and endeavor.

Second. That we earnestly request all of those interested in the production of southern products and all of its industrial leaders, and those interested in the prosperity of the South, to do all in their power to further the subjects herein expressed.

Third. That we particularly call upon the Members of the United States Senate and House of Representatives from the South to do all in their power to see that southern products receive the benefits incident to the levy of such duties as are herein indicated: Be it further

*Resolved*. That in the levying of tariff duties this organization is unalterably opposed to discrimination as between occupations, citizens, or sections of the United States; that it does not ask for favors in any form, but opposes favoritism in all its forms.

Why dally with fundamentals? Acknowledge their value and profit by their use. Pass a general tariff bill as soon as possible, that business may be revived and the people relieved.

I want to emphasize the importance of safeguarding and protecting the producers of our country. It is said by some that that would be class legislation. It would not. Legislation that will benefit the producers of our country is in the interest of every man, woman, and child in the land. No class can prosper long unless the producers succeed.

Upon them must depend the success and prosperity of our country.

The policies by which the manufacturers will be manufacturing, the producers producing, and the laborers laboring and buying the necessities of life are policies by which the country will prosper.

Let us have it.

#### WILL THE NATION RETREAT?

Mr. SHELTON. Mr. Speaker, Will the Nation retreat? After 138 years of devotion to duty shall it falter? Many clouds of darkness have enveloped it, many troubles that try the very souls of men have confronted it, but the spirit that led the forefathers to that victory which has ever filled the hearts of men and women that love justice has ever been present to guide the people aright.

Difficulty after difficulty has been overcome, victory after victory has been won, and after nearly a century and a half triumphing over obstacles and winning in every contest, shall we retreat? Can anyone, looking through the cycles of time, fail to see the hand of Divinity directing the destiny of this Nation?

The people of this country have a right to congratulate themselves upon having such a body of men as they did to lay the foundation of human happiness. Never in the history of the world was there a greater body of men than those who wrote the Declaration of Independence and the Constitution of the United States of America. Endowed with the highest and most exalted ideals that men ever possessed, they set their goal high and have never yielded to any difficulty that lay in the way of its achievement.

They were the first to hold that all men are created equal, in that they have a right to life, liberty, and the pursuit of happiness. They, therefore, declared themselves free from any power that denied those rights. The world knows the results.

#### ADOPTION OF THE CONSTITUTION.

After adopting a Constitution that guarantees the citizens of this country the greatest privileges of any people in the world, they proceeded to move forward in the world to higher planes. One achievement after another followed, one of which deserves special mention—the liberation of the slaves. That was another step toward the fulfillment of the declaration—

that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness.

After having liberated the slaves, and while meditating upon the great achievement, they realized that none were really free; that there was still a power that held the human family in

subjection. The great Lincoln, after seeing the shackles fall from the hands of the slaves, said:

I prophesied 25 years ago that the day would come that there would not be a slave or a drunkard in the land. I have seen the first part come true.

The power referred to was King Alcohol. Many tyrants ruled by the sword and the guillotine, but King Alcohol ruled by feeding the appetite while entwining the individual with a chain of irresistibility. The tyrants slew by the hundreds and by the thousands, while King Alcohol has slain his subjects by the millions.

Time works wonders. The people were slow to awaken, but once awakened they never slept till John Barleycorn was entombed. The same spirit that drove back the British forces and liberated the American people, knocked the shackles from the hands of the slaves, and put John Barleycorn in the tomb has put the women of our country in their rightful places among men, and is going on conquering and to conquer but never to be conquered. Will the people who have wrought such wonderful works and placed the American people on the highest plane of civilization that has ever been attained in all the world now retreat?

They tell us that prohibition is unconstitutional and can not be enforced, and to prove it they give instances where the traffic is going on. If that justifies the people in saying that we can not enforce prohibition and that we should not try, we had just as well throw the statutes in the fire and quit. The same reasoning will apply to murder, robbery, arson, rape, forgery, and all other crimes. Is any crime entirely eliminated by law? Can any law be strictly enforced? Not one. Would anyone say that because we could not perfectly enforce the law against the various crimes of the country that we will repeal them? Surely not, and this applies to the prohibition law the same as to other laws.

Why say prohibition is unconstitutional? Some say that it conflicts with Article IV of the amendments of the Constitution. Many say that it does not. Suppose it does; how does it agree with Article XVIII? No one can possibly say that it conflicts with that. When was Article IV adopted? In 1791. When was Article XVIII adopted? In 1919. Then which prevails? Section 3 of Article I of the Constitution provides that—

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature there.

Article XVII provides—

That the Senate of the United States shall be composed of two Senators from each State elected by the people thereof.

Is Article XVII binding? No one disputes that it is. Neither can they logically say that Article XVIII is not binding.

#### WHAT HAS PROHIBITION DONE?

It has dispensed with the obnoxious saloons, done away with the custom of public treating to drinks, removed the various cures for drunkenness, reduced the number of insane, put clothes on the little children's backs, food in their mouths, shoes on their feet, reduced drunkenness, lifted many heavy burdens from the backs of mothers, and elevated the minds of the youths of our country.

Before prohibition was adopted there were 20,000,000 drinkers. The number who have stopped regular drinking is 17,500,000; the number who still drink is 2,500,000; of this number only 1,000,000 are regular drinkers. The amount of liquor both legally and illegally used last year was 80,000,000 quarts, or a little less than three-fourths of a quart per capita. In 1917 the per capita consumption was 20 gallons.

This certainly is a good showing for two years under prohibition. Everybody knows that the prohibition law is not properly enforced; neither can it be until the forces who are in control of enforcement get thoroughly organized. No one could expect a better showing for the time that we have been under prohibition.

Does anyone want to go back to the saloon, with all that it means? Do you want to erect new Keely cures, add numbers to the insane asylums, bring back the darkness to those who have been permitted to see the gloom pass with the hope that they were to be permitted to enjoy life unclouded by drunken debauchery?

The claim is made by some that the Government is depriving them of their liberty. There are certain liberties that have been recognized heretofore that should be taken away. When any liberty that has been granted becomes destructive of human happiness and national prosperity, it should be removed. How does civilization advance? Only by learning what to do and then doing it. It was never intended that one should have liberties that deprived others of all that they hold near and dear in life. Liberty should be a just liberty, and not one that robs

little children of their just dues and mothers and fathers in their old days of all that is dear to them.

There is no good reason why the expenses of enforcement should not be largely borne by the collection of fines and sales of property that was seized at the time of making arrests of violators, since the report of Mr. Haynes, the prohibition commissioner, say that there were seized 600 automobiles, 40 boats, 26 wagons and carriages, 45 horses and mules, 1 airplane, 5 motor cycles, \$7,500, 10 tracts of land, and 7 stocks of merchandise, all of which, under certain restrictions, can be sold and the money paid into the Government funds.

Only 15 per cent of the former drinkers are now drinking, and they drink only 5 per cent of the amount that was formerly consumed, and the entire drink bill has been decreased \$2,000,000,000, all for the betterment of humanity.

What does retreat mean? It means ragged, hungry, cold, uneducated, poverty-stricken, humiliated children; sending the mothers back to the washtub; a disrupted home; it stops many jewels from meeting their glad father at the gate with outstretched arms and a smiling face; it stops the proud smile of the father from meeting the reciprocating smile of the elated mother. If you favor these things, hoist the white flag and beat a retreat. If you do not favor a retreat, fling Old Glory to the breeze, sound the order to march, stop at no difficulty, scale the height of honor, plant the Stars and Stripes upon mount eminence, there to wave forever.

History teaches us that the first temperance society that was ever organized in America, I presume the first in the world, was organized in 1826 at Boston, known as American Society for the Promotion of Temperance. Several years later (1840) six men who knew the evils of the vice of intemperance, from their own personal experience, met in Baltimore, signed a total abstinence, and founded the Washington Temperance Society. That movement did immense good and restored, it is said, a hundred and fifty thousand drunkards to the manhood they had lost through drink. Since then a great change has come over society; "strong drink" still slays its thousands in the United States and elsewhere, but the young man beginning life now has this in his favor; all the best influences are on the side of temperance—70 years ago nearly every influence was on the other side. To the great credit of Maine, in 1846, it established prohibition, the first State to take such a step.

It is said by those who oppose the prohibition law that it is a bad law. How do we test the value of laws? It is said enforce a law and if it is a good law retain it. If it is a bad law repeal it. Give that test to the prohibition law, then if it proves worthless it can be repealed. As much as I favor the law, I will be willing to say that if it is properly enforced and proves detrimental I shall gladly aid in its repeal. But I am not willing for the lawless to declare it is a bad law and ignore or repeal it. No man has a right to claim that he is a good citizen and at the same time ignore and violate the laws of his country after they have been upheld by the higher courts of the land.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the volunteer officers' retirement bill.

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

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of the accomplishments of the Washington conference.

The SPEAKER. Is there objection?

Mr. GARNER. I did not hear the gentleman's request, on what subject?

The SPEAKER. On the accomplishments of the Washington conference.

Mr. LONGWORTH. Is it an eloquent speech?

Mr. HICKS. Very.

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

The extension of remarks referred to are here printed in full as follows:

Mr. HICKS. Mr. Speaker, of the many important achievements of President Harding's administration, the one which is destined to be most beneficial to America and to all humanity was the inception of the Washington conference. That alone justifies popular approval and public confidence in his administration, and warrants the enthusiastic support of the American people.

Skeptics may belittle the lofty idealism and scorn the noble altruism so strongly voiced at the conference and so cogently expressed in the treaties, yet as President Harding eloquently said in welcoming the delegates:

It is impossible to overappraise the importance of such a conference. It is no unseemly boast to declare that the conclusions of this body will have a signal influence on all human progress—on the fortunes of the world.

All honor is due President Harding and he deserves well of history. Honor is due him not merely because he is the Chief Executive of the Nation which summoned the conference. It is due him because of his unquestioned earnestness and his abiding faith; because of his sympathetic appeal to human consciousness and his calm determination that the peoples of the world should find a fulfillment of their hopes and aspirations. He had the courage of his convictions to chance the possibility that his policy would prove a failure and in the chaotic conditions prevalent in the world, that chance was not remote. His unselfishness and frankness created a feeling of good will and mutual confidence, allaying old suspicions and prejudices. As the delegates saw him, heard him, and came to know him, they trusted him. Then they began to trust one another. In such an atmosphere men's minds can meet without fear or distrust. It has been truly said:

But for the President's sincerity and charm, it may well be doubted if they would have met at all. The conference was the triumph of an ideal and of good will, and Mr. Harding, of all those present, best represented in his person and his character, the American conscience and the American spirit that made it possible and successful.

The exceptional intellectual powers and high statesmanship of Secretary Hughes were never more brilliantly displayed than in the masterful presentation of his subject on the opening day of the conference, so aptly described by Mr. Balfour as "that inspired moment, that fateful Saturday, unique in history." His logic of argument, directness of statement, and straightforward avowal of the aims of the convention, and his candid advocacy of the methods by which they could be attained made a profound impression and gave to the deliberations a standard of thought that continued undiminished through all the meetings. His address possessed three elements of greatness—soundness of principle, simplicity of program, and consistency in proclaiming that all international relationships must rest on honor and justice. Who can forget those words of Mr. Hughes in which he declared:

We can no longer content ourselves with investigations, with statistics, with reports, with the circumlocution of inquiry. The time has come, not for general resolutions or mutual advice, but for action.

The conference wrought a complete reversal of the accepted practice of the organized efforts of man. Formerly the extreme expression of voluntary cooperative endeavor has been in the direction of making war. This conference inaugurated a new phase in international relationships, where nations met for the organized purpose of curtailing their power to make war.

The convention has been spoken of as the Battle of Washington and pictured as the greatest naval conflict in all history. It was the most expensive and the cheapest; it heralded the grandest victory and proclaimed the worst disaster. All the nations involved in the conflict were triumphantly defeated and the commanding officers congratulated each other on the result. This naval engagement, which witnessed the destruction of more ships and of greater value than were ever sunk in any war, was fought on dry land, without a shot fired, a life lost, or a flag hauled down. All were victors; all were losers.

The purposes for which the conference met were to reduce and limit armaments and remove the causes of misunderstanding in the Pacific and Far East, thereby diminishing, if not eliminating, the possibilities of a conflict in that portion of the world.

It is well to bear in mind that the inauguration of huge military programs is very largely the result of a state of mind in which the expectation of an attack by one nation prompts another nation to prepare to meet that attack. Such a condition arises largely because of suspicion, and powerful armaments result. Remove apprehension by a common understanding; replace fear by friendship and the need of great military power disappears. The rule of conscience and reason, not the reign of might and hate, should dictate the actions of nations.

To estimate correctly the character and value of these several treaties, resolutions, and formal declarations they should be considered as a whole. Each one contributes its part in combination with the others toward the establishment of conditions in which peaceful security will take the place of preparation for war.

These covenants do more than save the expenditure of vast sums of money; they do more than lighten the burden of staggering debts; they do more than stabilize economic conditions. They go to the very source of international morality and to the hearts of men. They transmute idealism into a concrete proposition, reconcile theory with fact, and vitalize into reality the dream which poets, reformers, and publicists have held before mankind as the goal to which human endeavor should aspire.

That goal is peace, fellowship, respect, and honor between nations.

In addition to the tangible results, the conference demonstrated that this method of dealing with world affairs is feasible and practical. It showed that it is a better plan to talk about things than to fight about them, and as this convention proved a success it is a beginning to be greeted with high hope, a fitting basis for future accomplishments.

The naval treaty of the five great sea nations and the four-power agreement achieve many things. They reduce armaments afloat, curtail new construction of capital ships and their armament, prevent ruinous competition in naval programs, and limit fortifications ashore. They retard battleship development, which in the minds of many is rendered obsolete by the advance of aviation. They lighten the stress of financial strain and ease the burden of taxation. They turn our national energies and our resources into the channels of development instead of hurling them into the abyss of destruction. They divert men's minds and actions from proficiency in the arts of war to productivity in the fields of peace. They open up a new phase in the Pacific by destroying an old situation which was full of danger. They create an association of four nations in place of the Anglo-Japanese alliance and they will eventually replace the Franco-Japanese compact. They provide for peace in the Pacific by mutual pledges of the powers to respect the territorial integrity of each. They invite frank consideration and amicable adjustment of controversies. They bar discussion of the Pacific as the scene of a new conflict. They quiet the agitation of the militant element in their weighing of Japanese power against American strength. They bring about, after three centuries of naval superiority, the surrender on the part of the British Empire of the supremacy of the seas. They will give to America in less than a decade and without an enormous outlay of money, naval strength equal to that of Great Britain.

With the ratification of the naval treaty, certain achievements can be measured with accuracy. On the financial side alone its justification is sufficient. There is now under steam or on the ways in the navies of the five great sea powers a capital ship tonnage of 3,341,567. When the treaty shall stand fulfilled there will be 1,811,590 tons of first-line fighting vessels, a discard of 44 per cent, and this tonnage will be reduced to 1,715,000 when replacements are completed. That a reduction in Federal expenditures will result and Navy budgets no longer demand an abnormal proportion of our national wealth is inevitable. By the provisions of the treaty a total of 29 American battleships, built or building, will be scrapped. The signing of the naval treaty met with a quick response in the American Congress in the consideration of naval appropriations for the year ending June 30, 1923, as a comparison of the following figures will demonstrate:

Appropriations for year 1921-22.....	\$426,000,000
Probable appropriations for year 1922-23.....	275,000,000

Reduction.....	151,000,000
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Great Britain and Japan have also materially reduced their naval budgets.

With the ratification of the four-power treaty, dealing with far eastern questions, any real or imaginary cause for war in the Pacific between the great sea nations will disappear. An agreement satisfactory and honorable to all concerned, neither infringing the rights or alienating the territories of any signatory nation, has been entered into, and it is inconceivable that during the life of the treaty any conflict of interests can lead to war.

Let America and every nation party to the compacts faithfully and honorably observe the spirit as well as the commitments of these treaties, and thereby contribute to international confidence and promote the peace of the world.

Permit me to read this statement from a great educator, a prominent citizen of my State, a noted publicist, and a profound student of world affairs, the president of Columbia University:

If President Harding's administration were to rest its claim of public satisfaction and confidence upon the Washington conference alone, it would be justified. The calling and the conduct of that conference by President Harding marked a long and thoroughly practical step forward, not only in reconstructing a world broken and impoverished by war but in preventing the likelihood of future wars. The Washington conference was a sternly practical body. It dealt not with remote probabilities and theoretical problems but with concrete realities with which the nations were face to face. First of all, it met in an atmosphere and spirit of mutual confidence. From the first personal and national antagonisms and jealousies were put in the background and almost every advanced step that was proposed was quickly hailed with approval by the representatives of the participating powers. The details of the several projects as outlined were worked out in patient cooperation and with the strong purpose of achieving results. The consequence is that at once Great Britain, Japan, and the United States are able sharply to reduce their appropriations for naval construction and naval maintenance, thereby greatly relieving the tax-

payer. Other nations will quickly take similar steps. If what is vaguely called the problem of the Pacific should arise in any acute form, agreement has been made as to a mode of approaching and solving that problem in a spirit of confidence and peace rather than in a spirit of antagonism and war. The great congeries of peoples and local governments known as China has been protected against exploitation by alien forces and given a new chance to establish itself upon a firm basis as an independent and self-controlled State.

In human affairs progress is made not by passing resolutions but by taking action. The Washington conference took action, and therefore it made progress.

A great deal remains to be done, and in that the United States must play in its own interest and in accordance with its own ideals, a very important part. The Washington conference has paved the way for what is to follow by manifesting a spirit of international confidence and cooperation and by proving how much that spirit can accomplish.

NICHOLAS MURRAY BUTLER.

Mr. Speaker, no more fitting conclusion to this review of the treaties can be expressed than by quoting the inspired words of the President in congratulating the delegates on their work:

This conference has wrought a truly great achievement. It is hazardous sometimes to speak in superlatives, and I will be restrained. But I will say, with every confidence, that the faith pledged here to-day, kept in national honor, will mark the beginning of a new and better epoch in human progress.

In the revealing light of the public opinion of the world, without surrender of sovereignty, without impaired nationality or affronted national pride, a solution has been found in unanimity, and to-day's adjournment is marked by rejoicing in the things accomplished. If the world has hungered for new assurance, it may feast at the banquet which the conference has spread.

It has been the fortune of this conference to sit in a day far enough removed from war's bitterness, yet near enough to war's horror, to gain the benefit of both the hatred of war and the yearning of peace. Too often heretofore the decades following such gatherings have been marked by the difficult undoing of their decisions. But your achievement is supreme because no seed of conflict has been sown, no reaction in regret or resentment ever can justify resort to arms.

It little matters what we appraise as the outstanding accomplishments. Any one of them alone would have justified the conference. But the whole achievement has so cleared the atmosphere that it will seem like breathing the refreshing air of a new morn of promise.

You have written the first deliberate and effective expression of great powers, in the consciousness of peace, of war's utter futility, and challenged the sanity of competitive preparation for each other's destruction. You have halted folly and lifted burdens, and revealed to the world that the one sure way to recover from the sorrow and ruin and staggering obligations of a World War is to end the strife in preparation for more of it, and turn human energies to the constructiveness of peace.

No intrigue, no offensive or defensive alliances, no involvements have wrought your agreements, but reasoning with each other to common understanding has made new relationships among governments and peoples, new securities for peace, and new opportunities for achievement and attending happiness.

Here have been established the contacts of reason, here has come the inevitable understandings of face-to-face exchanges when passion does not inflame. The very atmosphere shamed national selfishness into retreat. Viewpoints were exchanged, differences composed, and you come to understand how common after all are human aspirations; how alike, indeed, and how easily reconcilable are our national aspirations; how sane and simple and satisfying to seek the relationships of peace and security.

When you first met I told you of our America's thought to seek less of armament and none of war; that we sought nothing which is another's, and we were unafraid, but that we wished to join you in doing that finer and nobler thing which no nation can do alone. We rejoice in that accomplishment.

#### NOTES ON THE TREATIES.

The treaty for the limitation of naval armaments contains the following provisions:

The number and total tonnage of capital ships to be retained is as follows:

	Number.	Tonnage.
America.....	18	525,850
Great Britain.....	22	580,450
France.....	10	221,170
Italy.....	10	182,800
Japan.....	10	301,320

Article II provides that when the treaty becomes effective all other capital ships than those named in the treaty "built or building" by the five powers shall be scrapped.

Article III constitutes an agreement by the powers to abandon their respective capital-ship building programs and neither to build nor acquire any new capital ships except under the replacement agreement.

Article IV is the naval ratio agreement, and it gives in standard displacement tonnages the aggregates for capital ship replacement as follows:

	Tons.	Ratio.
United States.....	525,000	5
Great Britain.....	525,000	5
France.....	175,000	1.75
Italy.....	175,000	1.75
Japan.....	315,000	3

The powers agree not to exceed these aggregate tonnages.

Article V fixes 35,000 tons as the maximum for any capital ship.

Article VI provides that no ship shall carry a gun exceeding 16-inch caliber.

Article VII fixes the total tonnage of aircraft carriers as follows: United States and Great Britain, each 135,000; France and Italy, each 60,000; Japan, 81,000.

Article IX fixes the limit of each aircraft carrier to 27,000 tons, but by a special exception the contracting powers are permitted to build not more than two aircraft carriers of a tonnage not to exceed 33,000. In order to effect economy, the scrapping of capital ships as provided for in Article II is qualified by granting permission to any of the contracting powers to use for the purpose of constructing aircraft carriers any two of their ships, built or building, which otherwise would be scrapped, providing these ships do not exceed 33,000 tons.

Article X limits the size of guns that aircraft carriers may carry to 8 inches and limits the number to 10 for a 27,000-ton carrier and to 8 for a 33,000-ton carrier.

Article XII provides that no vessel hereafter laid down, except capital ships, shall carry guns in excess of 8-inch caliber.

Article XIII provides that no vessel which is liable to be scrapped shall be reconverted into a warship.

Article XIV provides that no preparations shall be made on merchantmen in time of peace for the purpose of converting such vessels into warships "other than stiffening the decks for mounting guns not exceeding 6-inch caliber."

It is laid down that warships to be scrapped must be treated so that they "can not be put to combatant use." The scrapping may be effected by sinking, breaking up, or conversion into targets.

It is also provided that, with the exception of ships lost or accidentally destroyed, no replacement tonnage shall be laid down until 10 years after November 12, 1921. This is the so-called naval holiday.

Article XIX provides that the present situation in the Pacific in reference to fortifications or naval bases shall be maintained. In relation to these fortifications, the United States has agreed not to extend the fortifications of the Philippines and not to begin land works in Guam, Samoa, the Aleutian Islands, nor in any other Pacific possession with the exception of Hawaii. Japan on her part has agreed not to extend the fortifications in her island possessions, and Great Britain has similarly agreed not to fortify Hongkong further.

The treaty provides that all these stipulations shall remain in force until December 31, 1936, and if none of the powers have given notice two years before that date of their intention to terminate the treaty it shall continue in force until the expiration of two years from the date notice is given.

The treaty relating to insular possessions in the Pacific (four-power pact) provides that for the preservation of the general peace and the maintenance of national rights, if there should develop between any of the high contracting parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment.

If the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding as to the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation.

#### MEMORIAL EXERCISES.

Mr. MONDELL. Mr. Speaker, as I understand it, the House will be in session to-morrow at 12 o'clock for the purpose of holding special services.

The SPEAKER. The House will meet in session at 12 o'clock to-morrow for the purpose of holding memorial exercises.

#### ADJOURNMENT.

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

The motion was agreed to; accordingly (at 3 o'clock and 40 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Sunday, May 28, 1922, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

619. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Navy, transmitting a draft of a bill for the relief of the Royal Italian Government for losses sustained by collision of the tug *Mahorney* with the barge *Anode*, was taken from the Speaker's table and referred to the Committee on Foreign Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,  
Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 11634. A bill granting the consent of Congress to the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Traill and the town of Herberg, in said county, in the State of North Dakota, to construct a bridge across the Red River of the North on the boundary line between said States; without amendment (Rept. No. 1037). Referred to the House Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. NEWTON of Minnesota: A bill (H. R. 11822) to amend the interstate commerce act and the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

By Mr. VAILE: A bill (H. R. 11823) to amend section 402 of the war risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. MADDEN: Joint resolution (H. J. Res. 339) making available funds for repairing and restoring levees on the Mississippi River above Cairo, Ill.; to the Committee on Appropriations.

## PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. DUPRÉ: A bill (H. R. 11824) to place John R. Harrell, of New Orleans, La., on the retired list of the Navy, with the rank of lieutenant; to the Committee on Naval Affairs.

By Mr. LANHAM: A bill (H. R. 11825) authorizing the removal of the restrictions from 40 acres of the allotment of Isaac Jack, a Seneca Indian, and for other purposes; to the Committee on Indian Affairs.

## PETITIONS, ETC.

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

5821. By Mr. ANSORGE: Petition of Knickerbocker Chapter, Daughters of the American Revolution, New York City, urging passage of H. R. 6774, asking that Yorktown, Va., be made a national park; to the Committee on Military Affairs.

5822. By Mr. GERNERD: Petition of evidence in support of H. R. 11810, granting an increase of pension to A. Laurie Nicholson; to the Committee on Pensions.

5823. By Mr. KNIGHT: Resolutions adopted by Summit Lodge, No. 203, International Association of Machinists, of Akron, Ohio, demanding the United States Government recognize the present Russian government; to the Committee on Foreign Affairs.

5824. By Mr. KISSEL: Petition of the Bank of America, New York City, N. Y., urging the reappointment of Hon. W. P. G. Harding governor of the Federal Reserve Board; to the Committee on Banking and Currency.

5825. Also, petition of Martin J. Gillen, New York City, N. Y., relative to the Morse case; to the Committee on the Judiciary.

5826. By Mr. SUMMERS of Washington: Resolutions indorsing House bill 9753, adopted by the Presbytery of Columbia River, South Bend, Wash., signed by Ernest A. Reed, presiding officer, and Grant Merchant, secretary; to the Committee on the District of Columbia.

5827. Also, resolutions adopted by the Central Washington Presbytery, Naches, Wash., signed by Daniel S. Brown, secretary, indorsing House bill 9753. Senate Joint Resolution 31, and House Joint Resolution 131; to the Committee on the Judiciary.

5828. By Mr. SWING: Petition of various citizens of Chino, Calif., protesting against House bill 9753; to the Committee on the District of Columbia.

5829. By Mr. VARE: Memorial of the Pennsylvania State Chamber of Commerce, asking passage of amendment providing for taxation of State and municipal securities; to the Committee on Ways and Means.

5830. By Mr. YOUNG: Resolution of the North Dakota State Federation of Labor, urging reclamation in the Mississippi and Missouri Valleys; to the Committee on Flood Control.

## HOUSE OF REPRESENTATIVES.

SUNDAY, May 28, 1922.

The House met at 12 o'clock noon, and was called to order by Mr. MONTAGUE as Speaker pro tempore.

Rev. Page Milburn, of Washington, D. C., offered the following prayer:

*Lord, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God.*

Thou art our God. We worship Thee, and we come to Thee with our prayer this morning that Thou wilt manifest Thy presence and power and grace unto every heart. And as we remember one who gave himself in service to humanity and to the State, we ask that Thy blessing may rest upon those who take part in this service and upon all who shall hear the words spoken, and that to each heart there may come inspiration to go out and serve the Nation, serve the people, and in doing so serve the Almighty God, the Father of us all.

And as we remember those who gave their lives to preserve the Union, who laid down at the feet of the people and of the Nation all that they had and all that they were, and as we shall in a day or two strew upon their graves flowers of beauty and of fragrance, may we remember their lives, and dedicate our lives again unto the service of this great country and of the world.

We ask of Thee that Thou wilt forgive us all our sins, for we have fallen far short of the glory of God. Fill us with the inspiration to do that which is right and pleasing in Thy sight. May we be what Thou wouldst have us be, and do what Thou wouldst have us do, and go where Thou wouldst have us go; and after this life is over may we look forward to that other service at the right hand of God. Through Thy Son who taught us to pray and taught us to exalt Thee.

And may the blessing of the Father, and of the Son, and of the Holy Ghost rest upon and abide with us all evermore. Amen.

The SPEAKER pro tempore. Without objection the reading of the Journal will be deferred.

There was no objection.

## THE LATE REPRESENTATIVE FLOOD, OF VIRGINIA.

The SPEAKER pro tempore. The Clerk will report the special order of the day.

The Clerk read as follows:

On motion of Mr. MONTAGUE, by unanimous consent, Ordered, That Sunday, May 28, 1922, be set apart for addresses on the life, character, and public service of Hon. HENRY D. FLOOD, late a Representative from the tenth district of the State of Virginia.

Mr. TUCKER. Mr. Speaker, I offer the following resolution. The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

## House Resolution 356.

Resolved, That the business of the House be now suspended that an opportunity may be given for tributes to the memory of Hon. HENRY DELAWARE FLOOD, late a Member of this House from the State of Virginia.

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

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

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

The resolution was agreed to.

Mr. TUCKER. Mr. Speaker, HENRY DELAWARE FLOOD was born on the 2d day of September, 1865, in the county of Appomattox, Va., and died December 8, 1921, in the city of Washington. His early education was acquired at local schools in his own county, after which he attended the academic department of the Washington and Lee University, and subsequently graduated in law at the University of Virginia.

His father was Maj. Joel W. Flood, who himself was a citizen of Appomattox County all of his life and the member of a family which had been long noted for its probity and high standards of life. His mother was a daughter of Hon. Charles James Faulkner, of Martinsburg, W. Va. She was a woman of many charms and had been reared in an atmosphere of refinement and culture. Her maternal grandfather was Elisha Boyd, of Berkeley County, who himself had occupied a prominent position in that county for many years.

Mr. Flood graduated in law at the University of Virginia on June 30, 1886, and at once began the practice of his profession in the county of Appomattox, which he continued actively to the day of his death, except for the interruptions which an active