EXHIBIT F

Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE SEVENTY-FIRST CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LXXI—PART 2

MAY 13 TO JUNE 3, 1929

(Pages 1167 to 2304)

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1929

page 8501 of the hearings, stated that he formerly consumed 9,000 bales of Delta staples 1¼ to 1 5/16 inches in length annually. He stated that now these staples are nonexistent. I know he is correct. The odds are against the American producer. The weather, the pests, and the labor costs are against him. Which is the short-sighted policy, to deny the benefits of the tariff or to follow the example of the Egyptian Government and promote domestic production?

All cotton is now raised in spite of the boll weevil. As shown by page 2303 of the Summary of Tariff Information, 1929, the acreage planted to staple cotton is determined by the spread in the price. This is but another way of saying that if there is no premium over the price of short cotton, the production of staple cotton in the United States will cease. The interest of the American consumer must be considered. Is it wise to continue a policy that will make the American people dependent upon a foreign production?

When the ravages of the boll weevil became manifest in the United States the growth of Sakellarides cotton was encouraged in Egypt. The production is growing less in Egypt each year. In Egypt the British Government is encouraging the extension and cultivation in the Sudan. The cotton growers of the South and the Southwest are familiar with foreign operations. The late Dwight B. Heard, of Arizona, visited all of the cotton operations in the British colonies some three years ago. He returned to the United States a more confirmed advocate than ever of a reasonable tariff on staple cotton.

DISCREPANCIES

In a speech on Tuesday, May 14, 1929, as shown by the RECORD, page 1293, Mr. TREADWAY gave statistics as to domestic exports of staple cotton. It is passing strange that Mr. TREADWAY overlooked the comments contained in the Summary on page 2306, and I quote the important matter which my colleague from Massachusetts did not include:

> The recorded exports of long staple cotton (over 1⅛ inches) are much larger than the estimated production, although large quantities are known to be used domestically. There is some confusion in the trade as to how staple length is to be measured and cotton considered 1⅛ inches in certain localities is considered short staple in others. The discrepancy can merely be pointed out, not satisfactorily explained here.

The statistics quoted by Mr. TREADWAY are reported to the Department of Commerce by exporters. They are not statistics collected by any governmental agency. Ex-Senator Lippitt referred to the discrepancy, and he stated on page 8475 of the hearings that the exports of staple cotton amount to about 300,000 bales annually. There was no guessing as to exports on the part of the domestic producers. Their records show, on page 8441 of the hearings, that from 70 to 75 per cent of Delta staples are consumed in the United States.

I have repeatedly pointed out that the United States Government for the past two years has estimated, as required by law, the domestic production. They have also estimated the domestic consumption. Their figures show that the domestic production for 1928 is around 700,000 bales, while the domestic consumption of domestic staples is less than that figure.

Mr. TREADWAY states that there is no satisfactory substitute for any Egyptian cotton. I speak from the hearings and from the uncontradicted hearings. I quote from the testimony of Mr. John B. Clark, representing the Clark Thread Co., in answer to a question by Mr. Collier, page 8490 of the hearings:

> I did not say that the Delta staple could not be substituted.

His statement is typical of other statements.

We have a very high tariff on wool. We do not grow enough for domestic consumption. It is just as reasonable to argue that a tariff on wool would prevent the imports of wool that we must have as to argue that a tariff on staple cotton will prevent the imports of staple cotton. The same argument applies to sugar.

Again, as repeatedly pointed out in the briefs and in the hearings, the fair conclusion from all the testimony is that Delta staples can be substituted for Egyptian uppers. At the present time there are being imported about 50,000 bales annually of Sakellarides. We ask for no embargo. We believe that a reasonable tariff on staple cotton would foster domestic production and would protect the domestic producer in the difference in labor costs in the United States and Egypt.

PREMIUMS

The growers of staple cotton are suffering unusual depression, and it is reflected in the entire cotton industry. Millions are engaged in the cotton fields of the South, where hundreds are employed in the factories. The importations of Egyptian cotton have reduced the premiums on staple cotton. The condition of the staple cotton grower is worse than that of the United States textile mills. He must compete with Egyptian labor, the cost of which is from 75 to 80 per cent less than that of American labor. He must overcome floods and pests. The importations are depressing the price of staples, and unless the domestic grower receives the equal benefit of the tariff the American people will be the loser in the long run. We know what the British interests will do when there is a monopoly. We have not forgotten the rubber situation two years ago.

TARIFF BENEFICIAL

The emergency tariff act, with a duty of 7 cents per pound on long-staple cotton, was in effect from May 27, 1921, to September 21, 1922. Approximately, 50,000 bales of Sakellarides and its equivalent were imported in 1928, as shown by the hearings, page 8458. I refer to page 2304 of the summary:

Sixteen thousand bales of Sakellarides were imported during the emergency tariff in 1921, and 31,000 bales in 1922.

The Tariff Bulletin, No. 27, to which I have referred, issued by the Tariff Commission, states that Pima cotton was substituted for the Sakellarides, and the hearings, on page 8458, show that the spinners themselves substitute Delta staples for Egyptian uppers when the premiums are too high. Alas, however, it will be too late to substitute when staples have disappeared in the United States.

TARIFF ON TIRE FABRICS

Ex-Senator Henry F. Lippitt, on page 8484 of the hearings, stated that long staples are combed, and that they make very fine numbers, such as 100 or 150. Staples are used in fine cotton goods and fine yarns, in sewing thread, tire fabrics, and for high grade special purposes.

In his speech, to which I have referred, on page 1287 of the RECORD, Mr. TREADWAY pointed out that the average tire fabric under the pending bill would carry a duty of 17 per cent ad valorem. I am aware that paragraph 905 has been modified. I admit that the present bill carries a smaller tariff on tire fabrics in general. However, all the fabrics that have the highest numbers have the highest tariff in history. The tariff on the textiles manufactured from domestic staples has been raised very materially. Replying to Mr. TREADWAY, I say that the tariff on tire fabrics in which staples are used has very materially increased. I quote from the hearings. As shown by page 8502, the tire industry uses about 700,000 bales of cotton annually, of which not more than 30 per cent, as shown by pages 8506 and 8507, is long-staple cotton. In other words, at least 70 per cent of the cotton, or 500,000 bales, used in tire fabrics would still remain on the free list if a reasonable tariff is granted on staple cotton; and inasmuch as the tariff on larger numbers has been materially increased it must follow that while the average duty on all tire fabrics may be 17 per cent ad valorem, where it is now 25 per cent, it will be much higher than 25 per cent on tire fabrics using staple cotton.

COMPENSATORY DUTIES

Mr. TREADWAY stated that there was no showing before the committee as to compensatory duties, in the event a tariff was granted on staple cotton. With so many tariff matters before him, he has again overlooked the hearings. Senator Lippitt, on page 8476, gave it as his judgment that there should be at least 40 per cent more duty on the products than the duty levied on the cotton. Senator Lippitt made this statement again on page 8484, and it was reinforced by the statements of other witnesses.

We do not ask that Delta staples be given a tariff without similar compensation to manufacturers. The probability is that the committee has anticipated the matter of compensatory duties. The tariffs, as I read the bill, on the articles manufactured from staple cotton, have been raised to and in excess of the figures suggested by Senator Lippitt. If I am in error, I concede that an adequate tariff on staple cotton should provide for adequate compensatory duties.

DOMESTIC AND FOREIGN COSTS

Agricultural workers in Egypt, according to the report of the American consul, dated December 22, 1928, received from 30 to 50 cents per day for men and from 15 to 25 cents per day for women and children.

Cotton pickers in Egypt are paid from 7½ and 25 cents per day for picking cotton. The pickers, many of whom are children, work under the lash. They are beaten if the overseer is dissatisfied with their work. The hearings disclose that the wage rate in the staple areas of the South and Southwest is from $1.25 to $3 a day. Cotton pickers of domestic staple cotton receive from $1 to $3 per day.

Labor is the major cost in any product. It applies to the raw, as well as to the manufactured, product.

the case of a vessel of foreign registry. There is no reason, except the temporary moral influence of the *Vestris* case, why the tragedy might not be repeated to-morrow. Senator WAGNER has introduced a resolution in the Senate calling for a careful study by a committee as a preliminary to new legislation; and there are few subjects before the special session of Congress which are of more importance.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, the pending question being on Mr. SACKETT's amendment, in section 22, page 16, line 15, after the word "State," to insert the words "exclusive of aliens and," so as to make the section read:

SEC. 22. That on the first day, or within one week thereafter, of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, exclusive of aliens and excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the existing number of Representatives made in the following manner: By apportioning the existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member.

Mr. REED. Mr. President, speaking to the amendment of the Senator from Kentucky [Mr. SACKETT], which, as all Senators know, would exclude aliens from the count on which the apportionment of Representatives is based, let me say that I do not remember a time when I have been faced in the Senate with a proposition which has my more ardent support than this amendment. I want to vote for it; everything in my experience and outlook would lead me to vote for this amendment if that possibly could be done. I have tried hard, in studying the briefs and the arguments in the House and in listening with care to the Senator from Kentucky, to find some basis on which I could vote for his amendment, because, as I say, it has my most ardent sympathy and I wish that it were possible for me to support it.

While I do not believe I can vote for it, I hope the Senate will understand that when I say that I feel I am oath bound in the matter, that does not reflect in the slightest upon any Senator who differs from me; but the oath which we take to support the Constitution includes the obligation to support it when we dislike its provisions as well as when we are in sympathy with them. I believe that this amendment would be unconstitutional and that it would jeopardize the entire measure.

The use of the word "persons" as it occurs in Article I of the original Constitution was not an accident, Mr. President, as is shown by the records of the Constitutional Convention. The original language was that the apportionment should be based on the "free citizens and inhabitants," obviously including both citizens, other than slaves, and inhabitants. When that went to the committee on style of the Constitutional Convention it was reported back with the word "persons" substituted for the words "free citizens and inhabitants." The change led to no discussion, so far as the records of the convention disclose. We know of no question that was raised about the use of the word "persons" in substitution for the term "free citizens and inhabitants," and obviously the necessary inference is that the committee on style had tried to shorten the phrase without changing its meaning.

Every Congress that acted on that part of Article I of the original Constitution and every apportionment that was made in reliance upon that article included all free persons literally. It excluded Indians not taxed and it excluded slaves, but in every apportionment inhabitants who were not citizens were included. That construction has been continuous and consistent.

Then, when the fourteenth amendment was under consideration, as is shown by the memorandum put in the RECORD by the Senator from Michigan [Mr. VANDENBERG], which Senators will find at pages 1821 and 1822 of the CONGRESSIONAL RECORD, of course it was desired to change the provision which counted slaves at only three-fifths of their actual number. With the abolition of slavery that became an anomaly in the Constitution, and the prime attention of Congress was directed to that point. But while the question was under discussion it was then suggested in the House of Representatives that the word "persons" should be changed to read "citizens" and another proposition was made to change it to read "voters." After a considerable debate upon the subject it was deliberately decided then that the word "persons" should not be changed to read "citizens"; it should not be changed to read "voters"; and one of the reasons assigned was that it would disregard in the apportionment about 2,000,000 of law-abiding aliens who had not yet become naturalized.

Mr. ALLEN. Mr. President——

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

Mr. REED. I yield.

Mr. ALLEN. Will the Senator give us the authority for the quotation he is now making?

Mr. REED. The Senator will find that in the CONGRESSIONAL RECORD of that day, which was called the Congressional Globe. The references have been collected, and the Senator will find them in a memorandum prepared by the legislative counsel of the Senate which is printed on page 1831 of the CONGRESSIONAL RECORD of this session. I take it that it is unnecessary to repeat the references, because they are all contained in that memorandum.

So, Mr. President, while, as I have tried to make clear, I disagree to the bottom of my heart with the action then taken, while if it were a free question I should unhesitatingly vote to substitute the word "citizens" for "persons" or to substitute the words "voters who actually have cast their votes at the last general election," yet I am forced to the conclusion that the word "persons" must be taken in its literal sense; that it was not an accident that it occurred but was the deliberate choice, first, of the Constitutional Convention and next of the Congress in acting on the fourteenth amendment.

Mr. BARKLEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Kentucky?

Mr. REED. I do.

Mr. BARKLEY. Regardless of any reason given by the Members of the Congress which submitted to the States the fourteenth amendment, the sum of their action was to leave the language precisely as it was framed by the original framers of the Constitution?

Mr. REED. As far as this question is concerned, yes.

Mr. BARKLEY. Yes; as far as this question is concerned. So if any Member of either House of Congress believes that the original intention of the framers of the Constitution was not to include all aliens, would he, in good conscience or in the performance of his duty, be bound by any reasons assigned by those who framed the amendment to the Constitution in which they used that language?

Mr. REED. No, Mr. President; if he believed that, of course, he would be free to vote in accordance with that belief; and I am not speaking in the effort to swerve the decision of anyone else. I really hoped the Senate would disagree with me and would feel that this is constitutional; but I am explaining why, in my conscience, I can not vote otherwise than as I am going to vote.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. BINGHAM in the chair). Does the Senator from Pennsylvania yield to the Senator from Montana?

Mr. REED. I do.

Mr. WALSH of Montana. I understand clearly that if the Senator had had a voice either in the preparation of the Constitution in the first place or in the preparation of the fourteenth amendment, he would have felt constrained to use the word "citizen" or some other term which would exclude aliens.

Mr. REED. Yes, Mr. President.

Mr. WALSH of Montana. Exactly. Does the Senator find any reason at all why, in the apportionment of direct taxes, aliens should be excluded—the provision of the original Constitution being:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service—

And so forth.

Mr. REED. I can conceive that to exclude resident aliens from the apportionment of direct taxes might work an injustice.

Mr. WALSH of Montana. Can the Senator see any reason at all why, in imposing direct taxes upon the various States, a State which has a heavy alien population should be exempted from that proportion of the burden, and it should be imposed upon those States having a small alien population?

Mr. REED. I think that just as the inclusion of aliens works an injustice where privileges are being granted, so the inclusion of aliens might work an injustice where obligations are being imposed. One is an obligation; the other is a privilege.

DECENNIAL CENSUS AND APPORTIONMENT OF REPRESENTATIVES

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, the pending question being on Mr. SACKETT's amendment, in section 22, page 16, line 15, after the word "State," to insert the words "exclusive of aliens and," so as to make the section read:

SEC. 22. That on the first day, or within one week thereafter, of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, exclusive of aliens and excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the existing number of Representatives made in the following manner: By apportioning the existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member.

The VICE PRESIDENT. The question is on the amendment of the Senator from Kentucky [Mr. SACKETT].

Mr. HEFLIN and others called for the yeas and nays, and they were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. TYDINGS (when his name was called). On this vote I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote, I withhold my vote.

The roll call was concluded.

Mr. ALLEN. On this vote I have a special pair with the Senator from Nevada [Mr. ODDIE], and in his absence I withhold my vote. Were the Senator from Nevada present, he would vote "nay," and if I were permitted to vote I would vote "yea."

Mr. BINGHAM (after having voted in the negative). I have a general pair with the junior Senator from Virginia [Mr. GLASS]. I understand that if he were present he would vote "yea." As I am unable to obtain a transfer, I withdraw my vote.

Mr. ASHURST. I wish to announce that my colleague [Mr. HAYDEN] is absent from the Chamber on a very important conference relating to the Colorado River. He is paired with the junior Senator from Arkansas [Mr. CARAWAY]. If my colleague were present, he would vote "nay," and if the Senator from Arkansas were present and permitted to vote he would vote "yea."

Mr. GEORGE. I wish to inquire if the senior Senator from Colorado [Mr. PHIPPS] has voted?

The VICE PRESIDENT. He has not voted.

Mr. GEORGE. I have a general pair with the senior Senator from Colorado [Mr. PHIPPS], who, I am advised, is unavoidably detained from the Senate at this moment on official business. If he were present, he would vote "nay," and if I were privileged to vote I would vote "yea."

Mr. SCHALL. I wish to announce that my colleague [Mr. SHIPSTEAD] is ill in the hospital.

Mr. SHEPPARD. I desire to announce that the senior Senator from New Mexico [Mr. BRATTON] is paired with the junior Senator from New Mexico [Mr. CUTTING]. If present, the senior Senator from New Mexico [Mr. BRATTON] would vote "nay" and the junior Senator from New Mexico [Mr. CUTTING] would vote "yea."

I also desire to announce that the junior Senator from Oklahoma [Mr. THOMAS] is necessarily detained on official business. If present, he would vote "yea."

I also announce that the Senator from Wyoming [Mr. KENDRICK] and the Senator from Nevada [Mr. PITTMAN] are necessarily detained from the Senate on official business.

I also desire to announce that the Senators from Arkansas [Mr. ROBINSON and Mr. CARAWAY] are necessarily out of the city. This announcement may stand for the day.

Mr. HEFLIN. Mr. President, I ask for a recapitulation of the vote.

The Chief Clerk again recapitulated the vote, and the result was announced—yeas 29, nays 48, as follows:

YEAS—29

Barkley	Harris	Nye	Smith
Black	Harrison	Overman	Steck
Blease	Hawes	Pine	Swanson
Brookhart	Heflin	Robinson, Ind.	Trammell
Capper	Howell	Sackett	Tyson
Dill	McKellar	Schall	
Fletcher	McMaster	Sheppard	
Frazier	Norbeck	Simmons	

NAYS—48

Ashurst	Glenn	Keyes	Stephens
Blaine	Goff	King	Thomas, Idaho
Borah	Goldsborough	La Follette	Townsend
Broussard	Gould	McNary	Vandenberg
Burton	Greene	Metcalf	Wagner
Connally	Hale	Moses	Walcott
Copeland	Hastings	Norris	Walsh, Mass.
Couzens	Hatfield	Patterson	Walsh, Mont.
Deneen	Hebert	Ransdell	Warren
Edge	Johnson	Reed	Waterman
Fess	Jones	Shortridge	Watson
Gillett	Kean	Steiwer	Wheeler

NOT VOTING—18

Allen	Dale	Oddie	Smoot
Bingham	George	Phipps	Thomas, Okla.
Bratton	Glass	Pittman	Tydings
Caraway	Hayden	Robinson, Ark.	
Cutting	Kendrick	Shipstead	

So Mr. SACKETT's amendment was rejected.

Mr. HARRISON. Mr. President, I desire to offer an amendment.

The VICE PRESIDENT. The Senator from Mississippi offers an amendment, which will be reported.

The CHIEF CLERK. On page 16, strike out lines 11 to 25, inclusive, in the following words:

SEC. 22. That on the first day, or within one week thereafter, of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons in each State, excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the existing number of Representatives made in the following manner: By apportioning the existing number of Representatives among the several States according to the respective numbers of the several States as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member.

And in lieu thereof insert:

SEC. 22. That before the expiration of the second regular session of the Seventy-first Congress and of each fifth Congress thereafter, the President shall transmit to the Congress a statement showing the whole number of persons (stating separately the number of aliens) in each State, excluding Indians not taxed, as ascertained under the fifteenth and each subsequent decennial census of the population, and the number of Representatives to which each State would be entitled under an apportionment of the then existing number of Representatives made in each of the following manners: (1) By apportioning the then existing number of Representatives among the several States according to the respective numbers of the several States (including aliens but excluding Indians not taxed) as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member, and (2) by apportioning the then existing number of Representatives among the several States according to the respective numbers of the several States (excluding Indians not taxed and aliens) as ascertained under such census, by the method used in the last preceding apportionment, no State to receive less than one Member.

And on page 17 strike out lines 1 to 7, inclusive, in the following words:

If the Congress to which the statement required by section 1 is transmitted fails to enact a law apportioning Representatives among the several States, then each State shall be entitled, in the second succeeding Congress and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in the statement; and it.

And insert in lieu:

If the Congress to which the statement required by this section is transmitted, and the succeeding Congress, fail to enact a law apportioning Representatives among the several States, then each State shall be entitled, in the third Congress succeeding the Congress to which such statement is transmitted, and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in clause (1) of the statement; except that upon the ratification of any amendment to the Constitution excluding aliens from the persons to be counted in making an apportionment of Representatives then each State shall be entitled, in the second Congress succeeding the Congress during which such ratification occurs, and in each Congress thereafter until the taking effect of a reapportionment on the basis of the next decennial census, to the number of Representatives shown in clause (2) of the statement. It.

Mr. HARRISON. Mr. President, I want to explain this amendment briefly, so as to indicate just what is intended to be accomplished by it.

Under the bill the President of the United States, following the enumeration, will submit, either on the first day of the December session of Congress the next year, or within a week

Mr. WALSH of Montana. Manipulation can occur; but how can manipulation occur?

Mr. BLACK. It can occur exactly as it occurred when Representatives were taken away from four States.

Mr. WALSH of Montana. But then, obviously, according to the statement of the Senator, the House disregarded the rule of major fractions and with respect to certain States did not give them the representation to which they were entitled by the application of the principle of major fractions.

Mr. BLACK. That is the Senator's interpretation, but the Senator does not understand major fractions, because the Senator has the idea that the constituency which has the largest major fraction gets a Representative as a matter of right.

Mr. WALSH of Montana. Yes.

Mr. BLACK. But the Senator from Michigan, who says he understands it thoroughly, has just told the Senator that that is not the case.

Mr. WALSH of Montana. He has indicated that under certain circumstances that is not the case, but I have not been able to understand what those circumstances are.

Mr. BLACK. Neither do I; neither does anybody else, and that is what I am complaining about when the power is given to the President.

Mr. GEORGE. Mr. President, may I ask the Senator from Michigan a question?

Mr. VANDENBERG. I have not the floor.

Mr. GEORGE. Then I will take the floor, if I may be recognized, and will ask the Senator is not the major-fractions rule when the number of Representatives in the House has been fixed and the population has been ascertained, then it is necessary to find a divisor that will make it possible to give to all the States that have major fractions, that is, the greater part of the unit of the divisor, each a Representative in the House?

Mr. VANDENBERG. That is correct.

Mr. GEORGE. In that way it is necessary to keep searching, I should say, until a divisor is obtained which will result in bringing the total number of Representatives down to the number which has been fixed and predetermined.

Mr. VANDENBERG. The searching is done by mathematical calculation which is perfectly understood.

Mr. GEORGE. But if merely a fixed number were taken and divided into the population, there might be sufficient States with major fractions left over to give a larger number of Representatives in the House than the number fixed.

Mr. VANDENBERG. That is correct.

Mr. GEORGE. So it is necessary by a mathematical process to find a divisor that will leave exactly the proper number of major fractions.

Mr. VANDENBERG. That is correct. May I say to the Senator that under the system of major fractions as known in Daniel Webster's day there might be more major fractions than the size of the House justified. Then we reached the point where it was not satisfactory not to have a fixed objective in the size of the House; and that is the system of major fractions employed to-day.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. BLACK].

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

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. METCALF (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. FESS. I desire to announce that on this question the senior Senator from Massachusetts [Mr. GILLETT] is paired with the junior Senator from Arkansas [Mr. CARAWAY].

Mr. SHEPPARD. I desire to announce that the Senator from Oklahoma [Mr. THOMAS] is necessarily detained on official business.

The result was announced—yeas 36, nays 52, as follows:

YEAS—36

Barkley	Dale	Heflin	Sackett
Black	Frazier	Howell	Sheppard
Blaine	George	King	Smith
Blease	Glass	McKellar	Steck
Bratton	Greene	McMaster	Stephens
Brookhart	Harris	Norbeck	Swanson
Broussard	Harrison	Norris	Trammell
Connally	Hawes	Nye	Tyson
Cutting	Hayden	Pittman	Wheeler

NAYS—52

Allen	Capper	Edge	Goldsborough
Ashurst	Copeland	Fess	Gould
Bingham	Couzens	Fletcher	Hale
Borah	Deneen	Glenn	Hastings
Burton	Dill	Goff	Hatfield
Hebert	Moses	Schall	Vandenberg
Johnson	Oddie	Shortridge	Wagner
Jones	Overman	Simmons	Walcott
Kean	Patterson	Smoot	Walsh, Mass.
Kendrick	Phipps	Steiwer	Walsh, Mont.
Keyes	Pine	Thomas, Idaho	Warren
La Follette	Ransdell	Townsend	Waterman
McNary	Reed	Tydings	Watson

NOT VOTING—7

Caraway	Metcalf	Robinson, Ind.	Thomas, Okla.
Gillett	Robinson, Ark.	Shipstead	

So Mr. BLACK's amendment was rejected.

Mr. BLACK. Mr. President, I send to the desk an amendment which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 5, after the period in line 13, it is proposed to insert the following new section:

Such censuses shall also include an enumeration of aliens lawfully in the United States and of aliens unlawfully in the United States.

The VICE PRESIDENT. The question is on the amendment of the Senator from Alabama.

Mr. BLACK. I thought perhaps the committee might accept that amendment.

Mr. JOHNSON. Mr. President——

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

Mr. BLACK. I yield.

Mr. JOHNSON. It would be an utter impossibility to undertake that enumeration in the census, so I am advised. It would simply add to the cost, and would accomplish no purpose, so far as that is concerned, because the particular matter is under the Labor Department at the present time in regard to the aliens lawfully and unlawfully in the United States; and it is obvious that if we gave to enumerators the right to determine, as I understand the amendment—I heard it read only for the first time—whether one were here lawfully or unlawfully, we would give them a task that is impossible of performance in the very brief period that is accorded.

May I inquire of the Senator if I am accurate in saying that the amendment provides for ascertaining the aliens lawfully and those unlawfully in the country?

Mr. BLACK. That is correct.

Mr. JOHNSON. That is what the amendment provides?

Mr. BLACK. That is correct.

Mr. JOHNSON. Of course, that can not be done in an enumeration of the sort that is indicated.

Mr. BLACK. Mr. President, the Senator stated, as I understood him, that he had been informed that it was impracticable to do that. May I ask the Senator——

Mr. JOHNSON. No; that was not in relation to the particular matter of the lawfulness or the unlawfulness. It had naught to do with this amendment. At first I did not quite comprehend, having heard the amendment for the first time, what its proposal was; but a proposal to put in the hands of an enumerating officer the determination of whether an alien is here lawfully or unlawfully I leave to the Senate to decide.

Mr. BLACK. Mr. President——

SEVERAL SENATORS. Vote!

Mr. BLACK. We are not going to vote right this minute. I think probably we will not speed up any by making an effort to vote hurriedly.

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. BLACK. Mr. President, this is an important amendment. I understand that perhaps no amendments to the bill are considered of any importance; but this is one upon which it might be wise to have a vote by the full Senate. It certainly can not be said that the United States should not know how many aliens are unlawfully in this country.

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

Mr. BLACK. I yield.

Mr. TYDINGS. In the course of the Senator's explanation of his amendment I hope he will point out how a census would be taken of the aliens unlawfully in this country—how they could be tracked down and enumerated.

Mr. BLACK. I shall be glad to do that. One of the ways to find out whether or not a man is unlawfully in the country is to ask him when he came, how he came, and where he came from. Another way is to find out whether or not he was born in this country.

I understand, Mr. President, that the very moment any question is raised with reference to aliens there are some who take the viewpoint that it is an attempt to injure America. Why, the statement was even made on the floor of the Senate yesterday afternoon that the percentage of native-born Americans who came to the colors to defend this country during the World

War was a smaller percentage than that of the foreign born who flew to the flag.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. BLACK. I yield to the Senator.

Mr. TYDINGS. The Senator may have planned to have a census taken of aliens unlawfully in the United States; but it seems to me that if a census enumerator were going about, and came to a house where he met a man who was a Hungarian, say, and could not speak English, and the enumerator asked how long the man had been in the country and how he came to get into the country, all he would really have from the man would be his own statement. How could he check up whether the man was telling the truth or making a false statement? How would he ascertain that the man had come into the country unlawfully? He would have only the individual's word for it; would he not? The individual might be in Jackson, Miss., but he might have come unlawfully into the country in Michigan six months before; and how would the man's history be traced so that it would be known whether he came in lawfully or unlawfully in a case of that kind?

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. BLACK. I do.

Mr. GEORGE. May I suggest to the Senator from Alabama that the legality of entry would necessarily raise a judicial question upon which rights would, of course, depend; and it does not seem to me that the census enumerators could settle in any satisfactory way that important question.

Mr. BLACK. Mr. President, I realize that the census enumerators could not settle the question. I realize, further, that the statement made by the Senator from Maryland that the enumerator would only have the man's statement in the census report is true; but that would be more than we have to-day.

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

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. BLACK. When I have finished replying to the Senator from Georgia.

I was led to offer this amendment by reason of the fact that a few days ago I took up with the Secretary of Labor a question as to the number of aliens in this country who had entered illegally. He stated to me that it was absolutely impossible for him even to approximate, or to hazard a guess. The statement was further made that the only thing to do would be to make an attempt, by an appropriation by Congress, to have an investigation made in order to determine that fact.

All facts can not be obtained at once, but certainly we would be further along than we are to-day if we attempted, through the census enumerators, to ascertain whether or not a man had been born in this country and how he had come into the country.

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

Mr. BLACK. I yield.

Mr. TYDINGS. The Senator has just stated that we would have to rely upon the individual himself as to whether or not he came into the country legally or illegally. Anyone coming into the country illegally would have to lie or sneak in, and if he lied his way in, does the Senator think the answers we would get in these statistics would justify the expense and trouble that would have to be entailed to obtain the information? If a man is going to steal his way into the country, or is going to lie his way into the country, if he gets here illegally, certainly anything that comes from him should be taken with a grain of salt, and the information so obtained would be worthless. It would not be worth the effort necessary to obtain it.

Mr. BLACK. I can see no reason why there should be any great anxiety as to the whether the gentleman was going to tell the truth or tell something which was not true.

Mr. BRATTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. BLACK. I will yield when I have replied to the question of the Senator from Maryland.

The Senator from Maryland takes the position that because a man might state something that was untrue, he should not be interrogated. If that is correct, the enumerators should not ask questions of any kind, because the answers might not be true.

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

Mr. BLACK. After I have yielded to the Senator from New Mexico. I yield now to the Senator from New Mexico.

Mr. BRATTON. I ask a question purely for information. In the absence of the adoption of the pending amendment, what is the duty of a census enumerator in ascertaining the place of birth of a given individual, and if it develops to be in a foreign country, the time of his entry into this country? Is he or not required to gather all the facts from which a judicial tribunal could determine whether such foreigner is here lawfully or otherwise?

Mr. BLACK. The Senator from Michigan could answer that perhaps better than I can. As I understand it, the pending bill does not require the enumerators to obtain information as to the place of birth or the ancestry of the individual.

Mr. VANDENBERG. I am unable to answer the question of the Senator.

Mr. JONES. Mr. President, I might suggest to the Senator that the Director of the Census has made up a schedule of questions to be asked, based largely on the questions which have been asked heretofore, and it was not deemed necessary to specify the different questions in the bill. I want to say to the Senator that the nativity of the different persons is one of the items that is brought out.

Mr. BRATTON. Mr. President, will the Senator yield to me further in order that I may seek additional information from the Senator from Washington?

Mr. BLACK. I yield.

Mr. BRATTON. If in the course of interrogation a given individual it develops that he is born in some foreign country, has it been the practice heretofore to develop the facts with reference to the time of entry into this country?

Mr. JONES. I doubt that, although I have not exact information as to that. There is a long list of questions that are to be asked by the enumerator, but just how far they go I am not prepared to say. Whether the questions cover exactly the point the Senator has mentioned I can not say, but the enumerator does inquire, of course, to determine whether a man is an alien, or whether he is a native-born citizen.

Mr. BRATTON. If the Senator from Alabama will allow me to pursue that matter a little further——

The VICE PRESIDENT. Does the Senator from Alabama yield further to the Senator from New Mexico?

Mr. BLACK. I yield.

Mr. BRATTON. The point I have in mind is whether or not, in the administration of laws under which previous censuses have been taken, the facts have been gained from which a court or other tribunal could ascertain whether a foreigner entered this country legally or otherwise.

Mr. JONES. Mr. President, I do not think the census enumerators go into that phase of the question. They could not pass on that.

Mr. BRATTON. The Senator misapprehends what I have in mind. In taking a previous census, when an individual announced that he was born in a foreign country, has the enumerator pursued the subject to the extent of ascertaining when he came into this country, and gathered such other facts from which it could determine whether the foreigner was here illegally?

Mr. JONES. I am inclined to think that they find out when he came into the country, but just how far they go in that particular I can not tell the Senator.

Mr. HEFLIN. Mr. President, why could not the census enumerator ask these men at what port of entry they came in, and then we could communicate with the port and see if their names were on the record; and if they had told a falsehood about it, and it was shown that they had been smuggled into the country, we could get them out of the United States.

Mr. BRATTON. That is the point upon which I have been trying to get information, namely, as to whether in taking any previous census those questions or similar questions have been asked the foreigner from which a department or court could arrive at a conclusion as to whether the alien was here with legal sanction, or otherwise.

Mr. HAWES. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. BLACK. I yield.

Mr. HAWES. In all seriousness, I would like to suggest to the Senator that if an alien is here unlawfully, what we really want is not an enumerator but a policeman to arrest him.

Mr. BLACK. If we find out where he is, and whether he is unlawfully here.

Mr. HAWES. It is not the business of an enumerator to look after violators of the law. So it seems to me that that provision, if it remains in, would mean an enumeration of men who were violating the law, and that is a question for the Department of Justice and not one for the census enumerators.

Mr. BLACK. Mr. President, I desire to get through as quickly as I can. I will state first, with reference to the question now raised, that it is my desire to have the information secured, as far as it can be obtained, in order that the Depart-

ment of Justice and the policeman whom the Senator from Missouri has mentioned may later do their duty.

There is at present no method whatever provided by this great country, so far as I am aware, which affords us any information as to the number of aliens who are illegally in America. It may be that there are some who think that we should not get that information; I do not know. Personally, I take the position that when an alien is illegally here, here in violation of the plain laws of this country, we ought to utilize every power at our command, whether it be by enumerators or otherwise, to ascertain the identity of those aliens who are illegally in our midst, in order that we may sooner or later deport them back to the countries from which they came.

Mr. WALSH of Montana. Mr. President——

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

Mr. BLACK. I yield.

Mr. WALSH of Montana. I am very sure that everybody would assent to the proposition that it would be exceedingly advantageous to know about how many people there are in this country who are illegally here; but how could a census of them be taken by anyone? If the department knows about people who are here illegally, of course, the department immediately causes their arrest for the purpose of deportation. The only way by which we could ascertain whether they were here legally or not would be to consult the department. It seems to me the difficulty is not alone that the enumerators can not get the information, but that it would be next to impossible for anybody to get the information. Of course, in every case where the attempt to get the information was resisted an inquiry would be necessitated.

Mr. BLACK. I take the position that if the enumerators could find 5,000 aliens illegally in our midst the money expended in getting the information and sending them from this country would be money well spent.

Mr. WALSH of Montana. I fully agree with that, but let me ask the Senator, How will the enumerators determine that question?

Mr. BLACK. I have no sort of doubt but that the information can be obtained—not a particle of doubt.

Mr. WALSH of Montana. Mr. President, will the Senator yield again?

Mr. BLACK. I yield.

Mr. WALSH of Montana. Let me ask, then, if that would not be an impeachment of the officers of the Department of Labor, whose duty it is immediately to arrest those who are here illegally and deport them?

Mr. BLACK. If the enactment of a law to find out the number of aliens who are in our midst, when we all know they are here, can be construed as an impeachment of any department, then I am ready to impeach them. The Labor Department is not finding out those who are here. If the Senator should call them up, they would not even hazard a guess as to the number of aliens who are in our country illegally. At the same time, the aliens are here illegally, taking the jobs of American citizens, getting the money that would otherwise be earned by American citizens living under American standards, and whenever an effort is made to pass legislation for the purpose of getting information on this subject, some argument is advanced about the impossibility or the unconstitutionality of any effort to protect the present American citizenship from a surplus of foreigners.

Mr. WALSH of Montana. If the Senator will pardon me further——

Mr. BLACK. I yield to the Senator.

Mr. WALSH of Montana. Let me ask the Senator this: Are we to understand that his accusation now is that the Department of Labor is not performing its duty, is neglecting to ascertain who are illegally in this country and to cause them to be deported?

Mr. BLACK. I shall be glad to answer the Senator's question, but I shall not be diverted from the issue which is before us, and which is, "Are we willing to vote for a measure which will tend to some extent to inform the country how many aliens are illegally in America?" I make no indictment of the Department of Labor.

Mr. GEORGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. BLACK. I shall yield again just for a question. I am under a 30-minute limitation.

Mr. GEORGE. I appreciate that fact. I want to say this: I think it is not exactly fair to the Department of Labor to criticize them about this matter.

Mr. BLACK. I was just about to say that.

Mr. GEORGE. Because under a proper registration of aliens, and in no other way, could we properly get the information which the Senator wishes to secure by the enumeration, because it is a judicial process, and it would be very unwise, it seems to me, to inject into the enumeration of the population machinery that ought to be kept within the other field.

Mr. WHEELER. Mr. President——

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

Mr. BLACK. Mr. President, due to the fact that my time is about exhausted——

Mr. WHEELER. I was merely going to suggest this to the Senator, that I can not see how it is possible to get the information which he suggests in his amendment; but there is one thing that could be done without a question of doubt. Every alien who comes into the United States is supposed to come in through a port of entry. Every alien could be asked through what port of entry he came into the United States, and we could then have the Department of Labor check up all the aliens in the United States and ascertain whether or not they had given the correct information if we wanted to go to that extent.

Mr. BLACK. That is exactly correct.

Now, lest there be a misunderstanding, I have not sought to indict the Department of Labor, and I do not. I have not done it directly or indirectly, by inference, remotely, or in any other way. The Department of Labor, in my judgment, is doing its best with the funds on hand, and if I am not mistaken—and I am not sure about this—that department has sought appropriations in order that it might get this very information with reference to aliens. Why the bills making the necessary appropriations have not been enacted I do not know, but I do know that there is a decided minority sentiment in this country opposed to any measure that will curtail immigration to the slightest extent.

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

Mr. BLACK. Certainly.

Mr. BRATTON. The objection has been raised against the Senator's amendment that it attempts to vest in the census enumerators the power to pass upon judicial questions. I doubt the wisdom of that, but I am in full sympathy with the proposal to gather data for proper use by the Department of Justice or otherwise in determining whether aliens are in the country legally or otherwise. I suggest to the Senator that language substantially reading as follows might be substituted which would eliminate the objection entertained by some Senators to the pending amendment. This is the language I suggest to the Senator:

> That such census shall also include an enumeration containing full information respecting all aliens in the United States, including therein the facts and circumstances under which each entered the United States.

Under that provision an enumerator could interrogate an alien and gather from him the facts which might be used by the Department of Justice or the Department of Labor or otherwise, by which a competent tribunal in exercising its jurisdiction could determine whether or not the alien is here lawfully, and if not to deport him or take proper action.

Mr. BLACK. I think the Senator's suggestion is a good one, and I would be glad to have him offer that as a substitute.

Mr. BRATTON. I shall do so.

Mr. TYDINGS. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. BLACK. I yield.

Mr. TYDINGS. I would like to ask the Senator from New Mexico a question. As I understand the Senator, the census will be taken of all persons, citizens and aliens, and I assume the questionnaire which is to be circulated in each case would have the effect of producing the information mentioned in the Senator's amendment and that the Department of Labor or the Department of Justice, having certain investigators or enumerators, would get the information without the amendment being incorporated in the bill at all.

The VICE PRESIDENT. Does the Senator from Alabama modify his amendment, as proposed, by the Senator from New Mexico?

Mr. BLACK. I will modify it in line with the suggestion of the Senator from New Mexico, and now I would prefer to proceed with my remarks without being called upon to answer any further questions so that I may conclude what I have to say.

I want to call attention to the fact that the Department of Labor has invited our attention to the number of immigrants who illegally entered our borders last year and they have asked for aid and assistance to prevent illegal entry in the future. The Secretary of Labor whom, instead of criticizing, I desire

to commend for his work in the position which he holds, has expressed himself all over this land as favoring methods which will permit the Nation to determine whether a man who has come to America from a foreign land has entered our country legally or illegally. There is nothing strange about the amendment and nothing revolutionary. It is merely a proposition suggesting that we utilize the machinery which is at hand to get as much information as we can to determine the facts with reference to the entrance of immigrants into the country.

Statistics show there are 14,500,000 aliens in our land to-day. Many of them can not speak the English language. They come from countries with various kinds of governments. It is my judgment, and I have offered a bill for the purpose, that if the Congress would do its duty it would absolutely prohibit the entrance of a single immigrant into this land for the next five years while we take stock of our present citizenship, with the view of educating the foreign born for their own good and for the welfare of our country.

I do not wish to be understood as criticizing the statement made by the Senator from Massachusetts [Mr. WALSH] on yesterday. I said in the beginning that I did not intend to do that. I desire, however, to quote from statistics with reference to services rendered by native-born Americans and those who were foreign born. After the statement made yesterday on this subject, I sent for the report of the provost marshal general in order that I might find for myself whether the native-born citizens of this land of ours were shown to be recreant to their duty when the call of war sounded in the land. I find these facts, which I shall now read, on page 90 of the report of the provost marshal general, made in 1919.

Mr. WALSH of Massachusetts. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BLACK. I yield.

Mr. WALSH of Massachusetts. I understand that during my absence from the Chamber the Senator made some reference to something I said yesterday.

Mr. BLACK. That is correct.

Mr. WALSH of Massachusetts. Will the Senator kindly repeat it?

Mr. BLACK. I am just beginning now to discuss it. It would be impossible to repeat the exact language, because my statement was not written. I was commenting upon the Senator's statement with reference to native born and foreign born in the World War.

Mr. WALSH of Massachusetts. I had understood that the Senator attributed to me the use of the word "slackers" in referring to those whom the Army rolls showed to be on the deferred and exempted classes of aliens and Americans registered.

Mr. BLACK. I stated in response to a statement of the Senator from Utah [Mr. KING] that the Senator from Massachusetts quoted or stated that he was using the language of somebody else in calling them "slackers."

Mr. WALSH of Massachusetts. There was a hearing before the Immigration Committee some time ago and statistics were presented along the line that I presented and that the Senator is about to present, and in those hearings the term "slackers" was used. I used the expression yesterday with quotation marks, as I said at the time, and did not myself attribute to these classes of registrants the condition of being slackers.

Mr. BLACK. In Table 24 of the second report of the provost marshal general I find the following figures.

The VICE PRESIDENT. The Senator's time on the amendment has expired.

Mr. BLACK. I have not spoken on the bill.

The VICE PRESIDENT. The Senator is entitled to 30 minutes on the bill.

Mr. BLACK. Those who were placed in class 1 were 24.33 per cent of aliens. Those placed in the deferred classes—those who gave excuses as to why they should not serve, those whom the Senator said someone had called "slackers," though personally I would not and I do not agree with that statement—were 75.67 per cent.

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

Mr. BLACK. I yield.

Mr. TYDINGS. Is the Senator quoting from draft statistics or from the volunteers?

Mr. BLACK. I am quoting from the table of classification of aliens and citizens compared in the draft army.

Mr. WHEELER. Mr. President——

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

Mr. BLACK. I yield.

Mr. WHEELER. Of course, those figures would not be fair to the aliens because of the fact that a good many of them could not be taken into the Army, as I recall the law, because of the fact that they came from countries with which we were at war. That is my recollection.

Mr. BLACK. Those of native-born Americans who were placed in deferred classes were 63.33 per cent. I do not mean to infer that either the 63 per cent of native Americans or the 75 per cent of foreign born were slackers. In my judgment the fact that they were put in the deferred classes is no indication that they were slackers. Some of them may have been, but I am giving the statistics simply in order that the record may be clear as to what the provost marshal general's report showed in this controversial matter.

Mr. WALSH of Massachusetts. Of course, there was no dispute about the figures I gave yesterday. The figures I gave were correct, were they not?

Mr. BLACK. I did not have the opportunity, in the short time available to me, to get exactly what the 24 per cent meant which the Senator referred to, unless it was the 24.33 per cent of Americans placed in class 1.

Mr. WALSH of Massachusetts. The Senator will find on page 1980 of the RECORD the figures which were used in the colloquy that took place between himself and myself on yesterday. The number of aliens registered was 1,703,000; exempted as enemy aliens, 334,949; aliens exempted or received deferred classification, 580,003; per cent other than enemy aliens exempted or deferred, 33 per cent. Number of Americans registered, 8,976,808; Americans exempted or received deferred classification, 5,684,533; percentage of Americans exempted or deferred, 64 per cent. I was simply making a comparison between the percentage of Americans and the percentage of aliens who were not enemies that were placed in the exempted or deferred classes.

Mr. BLACK. The figures show that those placed in deferred classes among the aliens were 75.67 per cent, as against 63.33 per cent of native born. I have not been able to find in the report the distinction drawn by the Senator in his figures, but there can be no doubt that there were 75 per cent of the aliens who were put in deferred classes either because they belonged to enemy countries or because of requests for some other reason.

Mr. WALSH of Massachusetts. It is very easy to figure out the percentage. The enemy aliens exempted were 335,000 and other aliens 580,000, together they representing about 915,000. The total number of aliens registered was 1,703,000. The percentage of all aliens, including enemy aliens, who were placed in these classes was about 54 per cent. The total percentage of all Americans placed in deferred classes was about 64 per cent. If we deduct enemy aliens, who could not serve, the alien percentage is about 33 per cent.

Mr. BLACK. As I said, the total number of aliens placed in deferred classes was 75.67 per cent. I have the provost marshal general's report before me. There were placed in deferred classes 1,288,617 of aliens.

It will also be remembered that the percentage of married men, according to our census statistics, among native-born Americans is greater than the percentage of married men among the alien born. Of course, at that time that was properly a cause for deferred classification.

Going just a step farther and quoting from the same report, at page 462 we find that the report shows the number of desertions, by citizenship, from the American Army: Desertions of native-born Americans, 3.23 per cent; desertions of foreign-born, 10.87 per cent. That is, more than three times as many foreign born deserted from the American Army as did native-born Americans.

Going a step farther in the report of the provost marshal general, I find this statement:

> It is not too much to say that the spectacle of American boys, the finest in the community, going forth to fight for the liberty of the world, while sturdy aliens—many of them born in the very countries which have been invaded by the enemy—stay at home and make money has been the one notable cause of dissatisfaction with the scheme of military service embodied in the selective-service act.

So, Mr. President, while I admit without question there are now many good men who have come to this country from foreign lands, and there have been many immigrants in the past who have become good citizens, yet I take the position that to-day what this country needs is not more immigrants but a less concentration of the wealth which the Senator from Massachusetts [Mr. WALSH] mentioned on yesterday, and that can not be obtained unless there can be found paying employment for our citizens. With millions of our people out of work, what possible excuse can there be for failing to adopt every means at our hand to remove from our land the aliens who have unlawfully intruded themselves in our country? With cities advertising that there are inexhaustible supplies of un-

organizable Mexican labor in our country, what excuse can we offer for a failure to adopt every possible means to discover aliens illegally here, that we may later remove this unfair competition with American labor?

I acknowledge the statement of the Senator from Massachusetts that there are many aliens who have entered America who can and who have made real contributions to our citizenship, but it is my belief that what America needs to-day is not more immigrants but a fair opportunity for our present population. It needs positions for those who are now within our midst. We need to shut the door and close the gates against foreign immigration from any land until those here have absorbed our principles and become merged in the social, political, and economic life of the Nation.

There is nothing unfair about this for prospective immigrants and it is certainly just to our present citizenship. With fourteen and one-half million immigrants in our midst, why should we not spend a little money for the purpose of placing our hands on the aliens who have come here illegally? Why should we dispute as to whether the method is perfect and whether the results would be 100 per cent accurate? After all, Mr. President, the question comes down to this: Those who are in favor of restricted immigration are in favor of using all possible means to register the aliens and thereafter to deport those who are not lawfully here. Those who are opposed, and are honestly opposed, to the restriction of immigration, fight every means and every measure which has a tendency to further restrict immigration.

I submit that this amendment is fair and just to America. If Senators believe in a restriction of foreign immigration, if they believe in the principles of nationalism, which would make this a land of Americans; if they believe in keeping the country true to the old-fashioned principles and ideals of American liberty and democracy, then they do not want immigrants in this country who are here illegally. The amendment merely provides a method by which we may use the best means at our command to determine what immigrants are here legally and what immigrants are here illegally.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Alabama yield for a question?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. BLACK. I yield.

Mr. WALSH of Massachusetts. The Senator from Alabama has properly called attention to, and during this whole debate repeated comment has been made about, the large number of persons who have entered this country illegally. Personally I think the figures have been exaggerated, though I think it is deplorable that there are so many immigrants smuggled into the country. I wish to inquire what steps have been taken by anyone in this body, in the other Chamber, or by the administration to increase the number of immigration inspectors or to secure additional appropriations so as to prevent the "bootlegging" of immigrants into this country? Why are not those who are urging more and more limitations upon the immigrant doing something effective to stop smuggling and bootlegging of foreigners who seek and enter the country illegally?

Mr. BLACK. I understand that there was an increased appropriation for that purpose made at the last session of Congress but that it was not sufficient.

Mr. WALSH of Massachusetts. I think we all can agree that no person ought to be allowed to enter this country illegally. There should be no official vigilance so sweeping as that of preventing this offense against national authority by nonresidents.

Mr. BLACK. That is absolutely true. I am heartily in favor of increasing the appropriations to prevent that.

Mr. TYDINGS. Mr. President, I offer a short amendment which I propose to add to the amendment of the Senator from Alabama [Mr. BLACK] as modified. I send the amendment to the amendment to the desk and ask that it be read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. At the proper place it is proposed to add the following:

Exclude from the count all persons who have violated the eighteenth amendment or the Volstead Act.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. COPELAND. Mr. President, I am unwilling to permit the discussion about aliens to end here. I have no disposition to continue the debate or to postpone the vote. But when I think about the thousands and tens of thousands and hundreds of thousands of persons in my home city who are of alien birth, who have distinguished themselves in every walk of life, in the professions and in trade, I can not let the moment pass without saying a word concerning them.

It is not fair—I say it in all kindness—to raise repeatedly in this body questions which bring heart burnings and unhappiness into thousands of American homes. When I think about the men and women who have come to America from foreign shores, who have succeeded here, who have contributed to everything making for the upbuilding of our country, I consider it unjust, if I may say so, to reflect upon the whole group because there happen to be those who have "bootlegged" their way into the country. In the last analysis, with the exception of the American Indian, all of us are aliens.

I went to the Russian border immediately after the World War. I visited Poland. I saw there a country which had been devastated by seven armies which crossed back and forth during the Great War, a country which had been further devastated by the war with the Russian Bolshevists. After that last war with Russia, when the Russians were finally driven out of Poland they took three and one-quarter million of the population; took away the flocks and herds and destroyed every building in eastern Poland. When under the treaty of Riga those people were permitted to came back to Poland they came to find their homes destroyed, their lands grown up with underbrush, no animals, no tools, no seed. I saw them living in covered-over portions of trenches and in the dugouts. I am not surprised if thousands of them found their way to this country of wealth and opportunity.

I have no question but there are hundreds of thousands of immigrants who are here illegally. But when we consider the conditions under which they were forced to live, and the pressure under which they lived, the destruction of their homes in the old country, I am not surprised that they came. And when I recall the aliens who, coming here years ago and acquiring wealth, have used their money for the benefit of humanity: when I think about a man like Nathan Straus, who came here an immigrant boy and has done more, in my opinion, for child life in America and the world than any other two men who ever lived; when I see a member of our own body who was born in a foreign country contributing $10,000,000 to the welfare of the children of America; when I remember that a citizen of my city, Mr. August Heckscher, another alien, has contributed $4,000,000 to the same purpose; when I think of what these and other aliens have done in contributing to the welfare of America, I am not willing, sir, to sit in my place and hear the whole group reflected upon, as apparently they will feel has been done, by many things which have been said here.

I have no desire to say more than this, except to add that there are aliens and aliens, and it is not fair thus, as I view it, to reflect upon the whole alien group because a limited number perhaps have not lived up to those standards which we believe to be right.

Mr. HEFLIN. Mr. President, nobody has intended to reflect upon the whole alien group. Of course, there are bound to be some honest aliens in the country; but no alien, no foreigner, who has been smuggled into the United States—it makes no difference how bright he is or how good he is—if he is not here properly, he has no business being here. Whenever one of them is smuggled in he has violated the immigration law, and he is not here properly and, I repeat, has no business being here. We are going to do something ultimately to solve this alien problem which the Senate refuses to solve now.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Maryland [Mr. TYDINGS] to the amendment of the Senator from Alabama [Mr. BLACK].

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question recurs on the amendment proposed by the Senator from Alabama.

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

The yeas and nays were not ordered.

Mr. HEFLIN. Division, Mr. President.

Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Allen	Couzens	Greene	Keyes
Ashurst	Cutting	Hale	King
Barkley	Dale	Harris	La Follette
Bingham	Deneen	Harrison	McKellar
Black	Dill	Hastings	McMaster
Blaine	Edge	Hatfield	McNary
Blease	Foss	Hawes	Metcalf
Borah	Fletcher	Hayden	Moses
Bratton	Frazier	Hebert	Norbeck
Brookhart	George	Heflin	Norris
Broussard	Glass	Howell	Nye
Burton	Glenn	Johnson	Oddie
Capper	Goff	Jones	Overman
Connally	Goldsborough	Kean	Patterson
Copeland	Gould	Kendrick	Phipps

Pine	Shortridge	Townsend	Walsh, Mont.
Pittman	Simmons	Trammell	Warren
Ransdell	Smith	Tydings	Waterman
Reed	Steck	Tyson	Watson
Robinson, Ind.	Steiwer	Vandenberg	Wheeler
Sackett	Stephens	Wagner	
Schall	Swanson	Walcott	
Sheppard	Thomas, Idaho	Walsh, Mass.	

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

Mr. WATSON. Mr. President, I should like to ask the Senator from Michigan how many more amendments are pending, and about the length of time he thinks it will take to complete the bill?

Mr. VANDENBERG. I should be unable to answer the Senator. I think there are perhaps four or five amendments pending and there ought to be no lengthy debate upon them.

Mr. WATSON. I desire to ask the two Senators, then—they are here together now—whether or not they want the bill completed to-night?

Mr. JOHNSON. I should prefer it.

Mr. WATSON. Very well.

Mr. BLEASE. Mr. President, I have three amendments. I do not think all three of them will take over half an hour.

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

The VICE PRESIDENT. The Senator from Indiana has the floor. Does the Senator yield?

Mr. WATSON. There is a vote pending, as I understand, and I shall not interfere with that.

Mr. KING. I merely wish to suggest to the Senator, if I may do so, that the so-called George amendment will be brought before the Senate, and that will lead to some debate.

The VICE PRESIDENT. The question is on the amendment of the Senator from Alabama [Mr. BLACK].

Mr. BLACK. I call for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. METCALF (when his name was called). I have a general pair with the Senator from Arkansas [Mr. ROBINSON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. WATSON (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Missouri [Mr. PATTERSON] and will vote. I vote "nay."

The roll call was concluded.

Mr. SHEPPARD. I desire to announce that the Senator from Montana [Mr. WHEELER] and the Senator from Oklahoma [Mr. THOMAS] are necessarily absent on official business.

The result was announced—yeas 24, nays 56, as follows:

YEAS—24

Barkley	Connally	Heflin	Sheppard
Black	Frazier	McKellar	Steck
Blease	George	McMaster	Stephens
Bratton	Glass	Pine	Swanson
Brookhart	Harris	Pittman	Trammell
Capper	Harrison	Robinson, Ind.	Tyson

NAYS—56

Allen	Fletcher	Kean	Shortridge
Ashurst	Glenn	Kendrick	Simmons
Bingham	Goff	Keyes	Steiwer
Blaine	Goldsborough	King	Thomas, Idaho
Borah	Gould	La Follette	Townsend
Broussard	Greene	McNary	Tydings
Burton	Hale	Moses	Vandenberg
Copeland	Hastings	Nye	Wagner
Couzens	Hatfield	Oddie	Walcott
Cutting	Hawes	Overman	Walsh, Mass.
Deneen	Hayden	Phipps	Walsh, Mont.
Dill	Hebert	Reed	Warren
Edge	Johnson	Sackett	Waterman
Fess	Jones	Schall	Watson

NOT VOTING—15

Caraway	Metcalf	Ransdell	Smoot
Dale	Norbeck	Robinson, Ark.	Thomas, Okla.
Gillett	Norris	Shipstead	Wheeler
Howell	Patterson	Smith	

So Mr. BLACK's amendment was rejected.

Mr. WATSON. Mr. President, I ask unanimous consent that after 2 o'clock to-morrow no further speeches shall be made on this bill and that all speeches on amendments shall be limited to five minutes.

The VICE PRESIDENT. Is there objection?

Mr. BLEASE. Mr. President, does the Senator mean on pending amendments?

Mr. WATSON. All pending amendments.

Mr. HARRISON. That would not preclude the Senator from South Carolina from offering his amendment.

Mr. BLEASE. I have here an amendment that I have had printed and laid on the desk. I do not think I will take over 10 minutes in discussing it. If it is on pending amendments, I will not consent to that.

Mr. HARRISON. Mr. President, may I say to the Senator from South Carolina that under my interpretation of the proposed agreement he has a right to offer his amendment at any time and have it be a pending amendment. The agreement will not preclude him from talking on the amendment.

Mr. BLEASE. But, as I understand the proposal of the Senator from Indiana, speeches on amendments from now on are to be limited to 5 minutes.

Mr. HARRISON. No; after 2 o'clock to-morrow.

Mr. WATSON. After 2 o'clock to-morrow afternoon.

Mr. BLEASE. I do not think I shall want to speak at all after that time.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement?

Mr. JOHNSON. Mr. President, I want to have the proposed agreement entirely clear, so that there will be no misunderstanding or mistake. After 2 o'clock to-morrow, as I understand, no further speeches shall be made upon the bill; and the only speeches shall be upon amendments, in duration five minutes—amendments that are pending at 2 o'clock.

The VICE PRESIDENT. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is so ordered.

The agreement was reduced to writing, as follows:

Ordered, by unanimous consent, That after the hour of 2 o'clock p. m. on to-morrow further debate on the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress is precluded, and no Senator may speak more than once or longer than 5 minutes upon any amendment that may be pending or any amendment that may be submitted and ordered to lie on the table prior to the hour of 2 o'clock p. m.

Mr. PITTMAN. Mr. President, is there an amendment pending now?

The VICE PRESIDENT. There is no amendment pending.

Mr. PITTMAN. I desire to offer an amendment.

The VICE PRESIDENT. The Senator from Nevada offers an amendment, which will be stated.

Mr. WATSON. Mr. President, I should like to ask——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. PITTMAN. I will yield after the amendment is stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On line 24, page 16, after the word "apportionment," it is proposed to insert "and by the method of equal proportions"; and in line 3, page 17, after the word "States," it is proposed to insert "under either method"; and in line 7, page 17, after the word "statement," it is proposed to insert "based upon the apportionment under the method used at the last preceding apportionment."

Mr. WATSON. Mr. President, will the Senator from Nevada yield for me to make a motion to go into executive session, and after that to take a recess?

Mr. PITTMAN. With the understanding, of course, that this amendment is pending.

Mr. LA FOLLETTE. Mr. President, I desire to be recognized very briefly in my own right, and I ask the Senator from Indiana to withhold his motion. I desire to discuss a matter which does not pertain to the pending bill, and it will not take me much more than a couple of minutes to explain it, and ask to have printed in the RECORD a decision of the Supreme Court of the United States.

Mr. WATSON. I yield, if I have the floor.

The VICE PRESIDENT. The Senator from Nevada has the floor. To whom does he yield?

Mr. PITTMAN. I understand that the effort at the present time is to go into executive session, looking to a recess or an adjournment——

Mr. WATSON. A recess.

Mr. PITTMAN. To which I have no objection. I understand that the Senator from Wisconsin [Mr. LA FOLLETTE] desires to make a statement on another subject. I have no objection to that. I simply give notice that to-morrow morning I shall attempt to get the floor and discuss briefly this amendment.

THOMAS W. CUNNINGHAM, RECUSANT WITNESS

Mr. LA FOLLETTE. Mr. President, on March 22, 1928, the junior Senator from Utah [Mr. KING] introduced Senate Resolution 179, which was as follows:

Whereas it appears from the report of the Special Committee Investigating Expenditures in Senatorial Primary and General Elections that a witness, Thomas W. Cunningham, twice called before the committee making inquiry as directed by the Senate under Senate Resolution 195 of the Sixty-ninth Congress, declined to answer certain question relative and pertinent to the matter then under inquiry: