

AMERICAN GOVERNMENT AND POLITICS

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The Short Session of Congress. On March 4, 1917, when the senate filibuster killed the armed neutrality bill, President Wilson issued a statement in which he said that the situation was "unparalleled in the history of the country, perhaps unparalleled in the history of any modern government. . . . The explanation is incredible. The senate of the United States is the only legislative body in the world which cannot act when its majority is ready for action. A little group of willful men, representing no opinion but their own, have rendered the great Government of the United States helpless and contemptible." The remedy, the President said, was a revision of the senate rules so that the majority would not be powerless without securing unanimous consent. On March 8, at a special session of the senate, a compromise form of closure was agreed to;¹ but when it is invoked action is delayed for at least several days, and it could not be used, therefore, to prevent the third session of the Sixty-fifth Congress from ending on March 4, 1919, in an exercise of freedom of discussion, or rather unrestrained garrulity, on the part of a few Republican senators who desired to embarrass the President and force an immediate special session. Seven of the appropriation bills, the passage of which is the chief congressional business at the short session, failed to come to a vote, although, even

¹ Senate Resolution 5 provided that "if at any time a motion signed by sixteen senators, to bring to a close the debate upon any pending measure is presented to the senate, the presiding officer shall at once state the motion to the Senate, and one hour after the senate meets on the following calendar day but one, he shall lay the motion before the senate" and, if a quorum is present, submit without debate the question: "Is it the sense of the senate that the debate shall be brought to a close?" If this question receives a two-thirds affirmative vote, then the measure is the unfinished business of the senate to the exclusion of all other business. No senator is entitled to speak more than one hour; except by unanimous consent no amendment is in order unless presented before the motion to bring the debate to a close; dilatory motions will not be considered, and points of order are decided without debate.

without a filibuster, all could not have been passed. President Wilson issued a statement which recalled that of 1917. "A group of men in the senate," he declared, "have deliberately chosen to embarrass the administration of the Government, to imperil the financial interests of the railway systems of the country, and to make arbitrary use of powers intended to be employed in the interest of the people."

But the unprecedented legislative jam in the senate was due to something more than a desire to embarrass the administration. The extra-constitutional, but in most cases tolerably effective, control of Congress which the executive is accustomed to exercise, was lacking, partly because, for the first time in the history of the country the President had been in Europe. Congress, left to its own devices, showed very clearly the need for a drastic revision of its procedure.² The senate had had ample opportunity to act on various measures before the filibuster began, but it had expended too much time in discussing the administration's conduct of the war, the league of nations, and the terms of peace. In the house also much time was employed in debating these questions and in describing the trips to Europe made by various representatives, but much more business was finished than in the senate. The legislation passed was unusually meager. Apart from the appropriation bills, the Revenue Act, and two measures allowed to pass through the filibuster—the Victory Loan and Wheat Guarantee acts—there was nothing of importance. The session was notable, however, for the strained relations between the President and Congress and for committee activity.

The President and Congress. Mr. Wilson, since his first inauguration, has dominated Congress. This has come about from a variety of reasons of which not the least interesting, in view of the proposed

² It is worthy of note that the King, in his Speech from the Throne on the opening of the English Parliament (February 11) spoke of the "large number of measures affecting the social and economic well-being of the nation" that "await your consideration." It was of the utmost importance, he said, "that their provisions should be examined and, if possible, agreed upon and carried into effect with all expedition. With this object in view My Government will invite the consideration of the House of Commons to entertain proposals for the simplification of the procedure of that house which, it is hoped, will enable delays to be avoided and give its members an increasing opportunity of taking an effective part in the work of legislation."

The proposals of the government were very drastic and were accepted by the house with unfeigned reluctance. They included the increase of the standing

changes in the house of commons procedure, is the fact that congressional legislation is committee legislation; interest and responsibility are obscured because the law making is done in small, separate groups, and whatever effective leadership there is comes from the executive. In foreign affairs Mr. Wilson's dictatorship has been especially extreme; he has directed American diplomacy without any check except public opinion. Alone he determined our neutral policy, and, after the declaration of war, the extent and manner of participation. As commander-in-chief of the army and navy he could agree on the armistice terms, and his European visits were made and the other peace commissioners appointed without consulting the senate. Whatever treaties he agrees to at Paris must, of course, receive a two-thirds vote to be binding on the country; but the President is unrestricted as to the choice of time and manner for submitting agreements to the senate, and he may withdraw them if at any time it seems likely that objectionable amendments will be insisted upon. With these enormous powers and possessing the ear of the public, he can go far towards coercing the senate which is the only legislative body which must consent to the agreements negotiated by the executives of the Allies at Paris. But over the league of nations covenant, the President and the senate came to open warfare.

The trouble has been brewing for some time. Congress, given by the Constitution a position coördinate with that of the President, has resented executive control. So long as the emergency of the war obtained, it could only consent; but when the armistice came, this inhibition was removed and the desire to reassert congressional authority was helped along by two events—the election of a Republican Congress and the President's trip to Europe. This intention to leave the United States was formally announced in the annual address on December 2, but

committees from four to six, with much more work to be done in committee than has hitherto been the case, and a form of closure known as "kangaroo," under which the speaker has the power to select amendments which the house may discuss. Until March 31 no bills except government measures were to be introduced, and the speaking privileges of private members are to be curtailed. The government proposed to cut down the discussion of supply—the historic *raison d'être* of the house—from twenty to twelve days, but on this point was forced to abandon its position. Measures have been proposed making the reelection of ministers unnecessary and creating ministries of health and communications. The whole problem of legislative procedure—in the lords as well as in the commons—and of administrative reform will have to be dealt with shortly, although the emergency is by no means so acute as it is in the United States.

there was the simple statement that the President had decided to go and no attempt to justify a great departure from precedent. Furthermore, while the President was well within his constitutional rights in not consulting the senate, either as to his trip or as to the personnel of the peace commission, this attitude was naturally resented.

It has seemed to many that, without sacrificing any of his principles and without suffering any diminution of his authority, Mr. Wilson need not have played such a lone hand. Had he taken the senate into his confidence much criticism would have been forestalled. The original constitutional conception was that the senate and the President should act together in the conduct of foreign relations, and at first Washington was accustomed to meet with the senate in executive session. He abandoned this practice because all real discussion—and sometimes criticism of his views—was postponed until after his departure. Subsequent presidents, while not bound to do so have generally, as a matter of policy, consulted the members of the senate committee on foreign relations with regard to foreign affairs, and in this manner possible objections have been foreseen and the path to approval made easier and shorter. President Taft's arbitration treaties of 1911 were negotiated without consulting the senate committee, and the senate so amended them that Mr. Taft withdrew the drafts. President Wilson and Secretary Bryan adopted other tactics on the latter's treaties and were successful in securing approval by the senate.

In connection with the Peace Conference, however, Mr. Wilson made no effort to create that atmosphere of trust and of common counsel which he argued for so eloquently in his books on the American government. Instead, the senate was ignored, and in consequence became eager to harass and worry and to seize the first opportunity to voice objections to the President's peace program and to declare that the league of nations covenant would not be ratified without material amendments. While Mr. Wilson was in Europe reports from the Peace Conference made a good many of the chief objectors admit that the unprecedented journey was justified; but when the President cabled a request to the senate to delay the discussion of the league of nations covenant until his return to the United States, he declared that there were good and sufficient reasons for even the phraseology of each article, and his two public speeches in the United States were devoted to generalities rather than to an exposition of the exact terms of the document. Had Mr. Wilson declared that he stood by the fundamental principles of the covenant, but that criticisms or amend-

ments of detail were invited, he could have avoided much opposition. Instead, he took the autocratic, isolated, and implacable attitude which was most easy and perhaps most familiar to him. At best the senate would have approached the league of nations covenant in a hesitating, puzzled manner. Almost entirely ignored by Mr. Wilson, dependent on newspaper reports for what has happened at Paris, the senators have been antagonized and have been eager to voice objections to the President's program. Thus forty senators signed the resolutions, presented by Senator Lodge, which declared that the covenant in the form first published could not be ratified.

Mr. Wilson, it would seem, might have realized that in the Massachusetts senator he could find a supporter or a most powerful opponent. As chairman of the next senate committee on foreign relations Mr. Lodge had a moral if not a legal right to be consulted by the President. Such a course might have prevented the league from becoming a party issue; by consulting senators—perhaps taking some to Paris with him to meet representatives of foreign nations and learn the realities of the international situation—Mr. Wilson could have conciliated the body associated with him in the conduct of foreign relations. He would only have been following the precedents set by previous presidents in consulting the senate either formally, or informally, about proposed treaties;³ he might have avoided the bitter struggle which seems probable to secure the ratification of the treaties; and he would have escaped at least some of the congressional antagonism which, in varying degrees, has been the lot of every second term American President. As it is, Mr. Wilson's dealings with Congress on all matters will be made more difficult by the inevitable reaction against presidential dictatorship and the methods used in conducting our foreign relations.

At the same time it should be recognized that the unprecedented publication of the committee draft for the proposed league covenant, before action by the Peace Conference, is of itself a significant step in the direction of open diplomacy, and has in fact led to an active public discussion of the specific provisions of the draft, hitherto unknown, which has brought about some amendments. So, too, the President's conference at the White House, in February, with the senate and house

³ The precedents are collected in Senate Document No. 104, 57th Congress, 1st Session, a reprint of an article by Senator Lodge on "The Treaty Making Power of the Senate," *Scribner's Magazine*, January, 1902. See also Corwin, *The President's Control of Foreign Relations*.

committees on foreign relations gave opportunity for an interchange of views, though from the published reports it does not appear that there was any consideration of suggested changes which might meet some of the objections.

Legislation Passed. The legislation passed during the session, as has been said, was exceedingly meager; and the spectacle of Congress talking interminably and accomplishing little was in marked contrast to the activity of the war sessions, of those immediately after Mr. Wilson's first inauguration when the Democratic party established a record for the number and importance of the additions to the statute book, or even of those in the days of "Cannonism," when, although the rules of the house were tyrannical and unfair, business was accomplished.

Most notable, of course, was the Revenue Act; but this was a hold-over measure from the long session and an illustration of the fact that congressional procedure is in need of improvement. The President addressed Congress on May 27, 1918, and asked for increased taxes. "It would be manifestly unfair," he said, "to wait until the early months of 1919 to say what they are to be," and he could not "assure the country of a successful administration of the Treasury in 1918 if the question of further taxation is to be left undetermined until 1919." Through part of the summer Congress recessed for three day periods to allow the committee on ways and means to frame the tax bill (H. R. 12863). This was reported in the house on September 3, and seventeen days later was passed. It was not reported in the senate until December 6, and its subsequent legislative history was as follows: passed the senate and conferees appointed December 23; house conferees appointed January 2; conference report February 6; agreed to in the house February 8; agreed to in the senate February 13, and signed by the President February 24 (Public Law No. 254). This does not seem to have met the President's request for prompt action.

The financial details of the law are too well-known to need recapitulation here, but mention may be made of several riders which represented some of the most important legislation passed at the session. A prohibitive tax was placed upon the employment of children and the question whether Congress may control child labor in the states by the simple expedient of making it unprofitable will go to the Supreme Court, which, on June 3, 1918, declared unconstitutional the law which attempted to accomplish the same result by preventing interstate com-

merce in the products of child labor.⁴ The provisions in the Revenue Act are copied in part from the regulations for the excess profits tax and the law on its face is a revenue one, although its sponsors, of course, hope that there will be no returns under it.⁵ A similar rider amends the provisions of the Act of December 17, 1914⁶ relating to the sale and distribution of habit forming drugs.

The Revenue Act grants free postage to soldiers and sailors on foreign duty; restores the postage rates as in force before October 2, 1917 (effective July 1, 1919); grants a gratuity of \$60 to men discharged from the army; and creates a drafting service to prepare legislation for committees. There are also, of course, a number of administrative provisions;⁷ the importation of distilled spirits produced after October 3, 1917 is forbidden; and the Reed "bone dry" law is made applicable to the District of Columbia.

One hundred and five bills received the approval of the President, but the vast majority of these were unimportant.⁸ More than half authorized bridges and public improvements and were distinctly local

⁴ C. 432, 39 Stat. at L. 675; *Hammer v. Dagenhart*, 247 U. S. 529.

⁵ Cf. the article by Judge Hough entitled "Covert Legislation and the Constitution," 30 *Harvard Law Review* 801; *Veazie Bank v. Fenno*, 8 Wall. 533 (1869); *McCray v. United States*, 195 U. S. 27 (1903); and *U. S. v. Jin Fuey Moy*, 241 U. S. 394 (1916). Oleomargarine, state bank notes, phosphorous matches, transactions in cotton futures, and drugs are the precedents for the child labor rider.

⁶ The Harrison Drug Act, 38 Stat. at L. 785.

⁷ The house proposed to tax salaries received from the states and minor political subdivisions. The senate ignored the subject and left it to administrative determination as to whether such taxes are constitutional, with the result that the state exemption still holds. The act for the first time imposes the income tax on the compensation of the President and United States judges, and thus raises a constitutional question.

⁸ During the session more than 3000 bills were introduced in the house and nearly 500 in the senate. The exact figures for the whole Congress are as follows:

Number of House Bills introduced.....	16,239
Number of Senate Bills introduced.....	5,680
Number of House Joint Resolutions.....	445
Number of Senate Joint Resolutions.....	230
Number of Public Laws approved.....	349
Number of Public Resolutions approved.....	56
Number of Private Laws approved.....	48
Number of House Committee Reports.....	1,187
Number of Senate Committee Reports.....	790

I am indebted for these figures to Mr. W. Ray Loomis, Assistant Superintendent of the House Document Room and the compiler of the *Monthly Compendium* and *Weekly Compendium* of the War Congress.

in their nature. Of the rest, there were several necessary amendments of the War Risk Insurance Act; an appropriation of \$100,000,000 for starving Europeans outside of Germany; a few pieces of army legislation, the most important of which was the validation of emergency contracts not legally made (H. R. 13274, March 2, 1919, Public Law No. 322); provision for taking the fourteenth census, and some amendments to the Federal Reserve Act.

Perhaps the two most important measures of the session—apart from the Revenue Act—were passed after the filibuster began. One of these was the law authorizing the fifth liberty loan and amending the War Finance Corporation Act (H. R. 15979, March 3, Public Law No. 328). This provided for a loan of \$7,000,000,000 in the form of notes for a period of from one to five years, the secretary of the treasury to determine the four classes (according to the degree of exemption from taxation) and the rate of interest. The War Finance Corporation is given authority to promote foreign commerce, and its life is extended for a year instead of six months after the conclusion of peace.

The other act which emerged from the tie-up in the senate appropriated \$1,000,000,000 for guarantees to producers of wheat (H. R. 15796, March 4, Public Law No. 348). The President is authorized to create agencies for the purchase of the 1919 crop at \$2.26 a bushel. Of greater importance than this measure was the general deficiency bill, which included an appropriation for financing the railroads; but a filibuster against the farmer was out of the question and in spite of slow legislative machinery Congress found itself able to guarantee the price of wheat and to secure a fair amount of "pork" in the rivers and harbors bill which was signed by the President on March 2 (H. R. 13462, Public Law No. 323).⁹

⁹ A Public Buildings Bill was reported without passing the house (H. R. 16129). Four pension bills were passed, making a total of twenty-eight for the Congress.

A great many private bills were included in the omnibus pension laws as follows:

	HOUSE	SENATE	TOTAL
Civil War.....	2,090	742	2,832
Regular army and wars other than the Civil War....	673	136	809
Total.....	2,763	878	3,641

The Appropriation Bills. The status of all the appropriation bills at the close of the third session is shown on the accompanying table. Seven of these important measures—the District of Columbia, Indian, agricultural, navy, army, sundry civil (including \$660,000,000 for the shipping board), and general deficiency bills—failed to pass. Even without the filibuster, not all of these would have been finished, and the record of Congress affords abundant arguments in favor of a budget system—not solely on the grounds of economy and efficiency, but to enable the necessary appropriation laws to be passed. With procedure as it now is and with no effective leadership Congress cannot find time to perform the duties which are the principal business of the short session.

Of the bills which failed to pass that making general deficiency appropriations was the most vital, because it met the immediate needs of the various departments for the remaining four months of the fiscal year and granted \$750,000,000 to the revolving fund of the railroad administration. Half of this amount was necessary for back debts. The remaining bills contained appropriations which would not be available until July 1, and if Congress is called in special session by May, there will at least be time to prevent paralysis by resolutions continuing the old appropriations—a device which Congress, unfortunately, is employing with increasing frequency. With such uncertainty, however, the departments cannot formulate plans which would be possible if they knew what funds would be available; and in two cases, at least, important branches of the government are without definite policies because their appropriation bills had legislative riders.

The army bill provided for a volunteer force of 500,000 men. Under existing laws the limit is 175,000 and plans for demobilization on the basis of retaining at least 500,000 men are made uncertain. Another rider to the bill provided for the re-creation of the national guard, since, under a decision of the judge advocate general, the absorption of the national guard in the army destroyed the old organizations. Appropriations by state legislatures will also be necessary to reestablish the various militia units and this concurrent legislation may be delayed by the failure of Congress to pass the bill.

*History of Appropriation Bills, Third Session**

NUMBER OF BILL (H. R.)	TITLE	NUMBER OF HOUSE REPORT	PASSED HOUSE	NUMBER OF SENATE REPORT	PASSED SENATE	SENT TO CONFERENCE	NUMBER OF CONFERENCE REPORT (HOUSE)	NUMBER OF CONFERENCE REPORT (SENATE DOC.)	CONFERENCE REPORT AGREED TO	DATE APPROVED	NUMBER OF LAW
			1918		1919	1919			1919	1919	
13277	Dist. of Col...	842	Dec. 11	683	Feb. 24	Feb. 25					
13308	Post Office...	849	Dec. 18	666	Feb. 8	Feb. 10	1088	390	Feb. 25	Feb. 28	299
13462	Rivers and Harbors.....		1919								
		878	Jan. 13	665	Feb. 18	Feb. 20	1130		Feb. 26	Mar. 2	323
14078	Legislative....	910	Jan. 18	679	Feb. 20	Feb. 22	1146		Feb. 26	Mar. 1	314
14516	Dipl. and Cons.	935	Jan. 22	698	Feb. 26	Feb. 28	1165		Mar. 3	Mar. 4	346
14746	Indian.....	945	Jan. 25	747	Feb. 28	Feb. 28					
15018	Agriculture....	980	Feb. 1	752							
15140	Second deficiency for 1919.	989	Jan. 29		Feb. 10	Feb. 11	1058		Feb. 12	Feb. 25	275
15219	Pensions.....	997	Feb. 1	696	Feb. 7					Feb. 25	276
15462	Military Acad.	1019	Feb. 4	711	Feb. 21	Feb. 25	1145		Mar. 3	Mar. 4	347
15539	Navy.....	1024	Feb. 11	777							
15835	Army.....		1048	Feb. 18							
15979	Fortifications.	1069	Feb. 19	750	Feb. 26					Mar. 3	327
16020	Railroads.....	1083	Feb. 21								
16104	Sundry Civil. .	1117	Feb. 28								
16187	General deficiency.....	1148	Feb. 28	790							

* From the *Weekly Compendium* for March 10, 1919.

Notes.—The conferees could not reach an agreement on the District of Columbia bill (H. R. 13277).

The conference report on the Indian bill (H. R. 14746) was agreed to in the house March 4, but consideration was prevented in the senate.

The agriculture bill (H. R. 15018) was reported but not considered by the senate. The same was true with respect to the navy bill (H. R. 15539) and the army bill (H. R. 15835). The army bill was reported February 25, 1919, without a separate report being printed.

The railroad deficiency appropriation bill (H. R. 16020) was not reported to the senate, but adopted as an amendment to the general deficiency bill (H. R. 16187).

The sundry civil bill was not reported out by the senate committee.

The general deficiency bill (H. R. 16187) was under consideration when the senate adjourned sine die.

In the naval appropriation bill were included regulations which determined the personnel and building programs. There was also the highly contentious rider which authorized ten capital ships and ten scout cruisers after July 1, 1920, the specific program to be determined by the President. The measure passed the house, partly on account of Mr. Wilson's confidential and much discussed cablegram to the chairman of the house naval affairs committee recommending immediate action. Its career in the senate is likely to be somewhat delayed. Senator Penrose declared that the discretionary provision alone would require a month's debate.

Problems Left for the New Congress. A number of other important measures were left for the new Congress. Some of these belonged to the very meager reconstruction program sponsored by the administration. Secretary Lane's soldiers' settlement bill, which carried an appropriation of \$100,000,000 for farms to be reclaimed by irrigation or drainage and to be settled by men who have served in the army and navy (H. R. 15993) did not come to a vote in the house of representatives. The Shields water power bill (S. 1419) which it is anticipated will greatly encourage the use of hydro-electric plants, passed the senate on December 14, 1917, and the house on September 5, 1918. It was sent to conference on September 30 and the conference report was adopted by the house during the short session, but no action could be secured in the senate. Nor could agreement be reached on the bill (S. 2812) to encourage the production of coal, phosphate, oil, gas, potassium and sodium. It passed the senate in January and the house in May, 1918, and went to conference. A report was not made until February 18, 1919, and on February 22 the senate ordered the bill to be sent back to conference.¹⁰

Other measures which failed included a bill (H. R. 15302) reported in the house, to prohibit immigration for four years; the so-called "red flag" bill (S. 5207); a measure to enforce wartime prohibition which

¹⁰ There were seven bills which passed both houses but which died in conference or through failure to agree to conference reports: H. R. 5559, relating to projects under the Carey Land Act; H. R. 7236, amending the act permitting rights of way through canals, reservoirs, and tramroads; H. R. 10851, providing for the disposal of liquor in the possession of court officers; H. R. 13277, District of Columbia Appropriations; H. R. 14746, Indian appropriations; S. 1419, Water-power bill; and S. 2812, Oil and gas leasing bill.

The President exercised his right of veto on five occasions, all during the second session. The measures which were sent back to Congress—none passed over

is effective after July 1 (S. 5561); the resolution (H. J. R. 439) to repeal section 904 of the Revenue Act (1919) which imposes a tax on household goods, clothing and certain luxuries; the civil service retirement bill (H. R. 12352 and S. 4637), and the resolution (H. J. R. 368) to extend the period of government control of the telephone and telegraph systems. A number of appointments (including that of A. Mitchell Palmer, alien property custodian; to be attorney general) were not confirmed and the Colombia Treaty was left unratified.

In addition to these matters, the new Congress will be called upon to determine the policy of the government with regard to the enforcement of national prohibition under the constitutional amendment and the return of the railroads to private owners, which is inadvisable, as the President said in his annual address to Congress, without material modifications of the old régime. Congress will require months for a determination of what to do with the railroads. The revision of the court-martial laws (several minor amendments were passed in the short session) will reopen the controversy between Generals Crowder and Ansell which will doubtless be investigated by congressional committees. Other problems include woman suffrage, the future of the war risk insurance bureau, the amendment of the anti-trust laws, revision of the tariff (proposed by the Republicans), the reform of the shipping laws, unemployment measures (possibly furnishing an excuse for an omnibus public buildings bill), and the leasing of water power and oil lands. The new Congress, furthermore, is likely to have an epidemic of investigations which will more than equal the activity of the Democrats when they gained control of Congress in 1910. During the Sixty-fifth Congress there were thirty-two investigations.

The attention of the senate, for a considerable time, at least, will be devoted to the agreements reached at Paris. The terms of peace and the provisions of the league of nations covenant are certain to cause prolonged discussion and without a revision of the senate rules it seems very doubtful whether there will be time for all of the pressing business

the veto—were as follows: H. R. 7237, Post Office appropriation bill (because of the provision which continued pneumatic mail tubes); H. R. 9054, Agricultural appropriation bill (because of the provision which fixed the price of 1918 wheat at \$2.40 per bushel); H. R. 10358, Legislative, executive and judicial appropriation bill (because of the rider requiring government employees to work eight instead of seven hours a day; S. 2917, to appoint an army chaplain for every 1,200 soldiers; and S. J. Res. 159, extending the time for the relinquishment of government control of short-line railroads.

before the next Congress. The need for a reform of procedure and for some sort of effective and recognized leadership was never more urgent. This is evident from the number and variety of the problems confronting the Sixty-sixth Congress no less than from the failure of the third session of the Sixty-fifth Congress to accomplish what was expected of it.¹¹

¹¹ In connection with this question of legislative procedure an investigation of how Congress spends its time would be very interesting. It is well enough to point out the delays on various measures, but what was done in the meanwhile? An investigator studying the *Congressional Record* with this purpose in view would have an exceedingly tedious and enervating task, but the results would be very valuable. Such a study has been made for the British Parliament for the years 1904-1908 by an anonymous writer, *An Analysis of the System of Government Throughout the British Empire* (Macmillan, 1912). *The Round Table* for September, 1918 (Number 32), contains a very interesting article on this subject, "The Better Government of the United Kingdom."

It may be noted that the Sixty-fifth Congress was in session for 87 per cent of the two years. From March 4, 1917, to March 4, 1919, there were only 96 days out of a total of 728 when Congress was not in session. Its length is exceeded by only one other Congress—the Sixty-third—which had twenty more days.

LEGISLATIVE NOTES AND REVIEWS

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Recent Primary and Election Laws. *Primary legislation* has been enacted recently in thirteen states.¹ Alabama in 1915 adopted a comprehensive direct primary law for the nomination of county and state officers by political organizations which polled twenty-five per cent of the vote cast at the last preceding election.² Party tests are to be prescribed by state and county party committees. Contested primary elections are to be tried, not by the courts as is customary elsewhere, but by the state executive committee in the case of candidates for state offices, and by the county executive committee in the case of candidates for county offices, with an appeal to the state executive committee. Another unusual feature is the authorization given to party executive committees to impose assessments or other qualifications upon persons desiring to become candidates in a primary, with the restriction, however, that such assessments shall never exceed four per cent of the first year's salary attached to the office sought, or more than thirty-five dollars in case of fee offices.

In the California primary law of 1916,³ amending the act of 1913, the most important feature is the provision doing away with separate party primary ballots and substituting therefor a single blanket ballot containing the names of all candidates for nomination arranged in party columns or in a nonpartisan column. The party columns are first arranged in alphabetical order of party names and then are rotated by assembly districts. When applying for a ballot, a voter must declare his party affiliation; whereupon a polling official stamps all other party columns "cancelled," before the ballot is delivered to the voter. For participation in nonpartisan nominations only, of course no

¹ Alabama (1915); Massachusetts (1916); California (1916, 1917); Illinois, Indiana, Iowa, Nebraska, Nevada, New Jersey, Oregon, Tennessee, Washington, and Wyoming (1917).

² *General Laws of Alabama*, 1915, no. 78.

³ *Statutes of California*, 1916, ch. 1; *ibid.*, 1917, ch. 711.