There were those in Louisiana who agreed with him on this question, and while a vast number did not, yet such was the nobility of his character and his sincerity of purpose that the latter class forgot this difference for many other issues on which there was perfect accord between him and them.

His honesty was his pride, and the slightest stain upon his reputation for probity, if believed by his people, would have tortured him like the shirt of Nessus. Of criticism by his friends he was duly sensitive; but the calumniator and muck raker who sought to impugn his motives and to destroy his reputation for honesty was ever answered simply by his dignified silence, knowing full well that his people trusted him always and believed him honest. He was ever fond of quoting what Gayarré handed down as emanating from the first American governor of Louisiana, W. C. C. Claiborne:

The lie of the day gives me no concern. Neglected calumny soon expires. Notice it, and you gratify your calumniators; prosecute it, and it acquires consequence; punish it, and you enlist in its favor the public sympathy.

In Senator McENERY were the precepts of true justice so defined by Justinian, that constant and perpetual disposition to render every man his due. He never made a promise but that he kept it; never was a trust reposed in him that he betrayed. The Delphic Oracle had no standing among his ideals, and double tongue was never a subterfuge of this frank, bold man.

As a companion Senator McENERY was to the last most attractive. Many an evening have I visited him in the modest quarters where he resided in Washington, and after dinner, while enjoying a cigar, he frequently became reminiscent. And gazing into "that world of memory in which the distant seems to grow clear and the near to fade," he loved to speak of antebellum days in Louisiana and was most entertaining upon that subject, while few if any could recite or depict more vividly the true history of reconstruction. Seldom did he wish to dwell much upon matters that did not pertain to Louisiana, her people, and what had happened or was still happening there; and not in the sad sense which Scott intended, but as an emblem of the State he loved, his heart found solace in the literal meaning of the words:

Oh, lady, twine no wreath for me,
Or twine if of the cypress tree.

Truly he was Louisiana's "grand old man." We loved Senator McENERY living; we mourn him dead. We regarded him with that devotion which Cicero so loved to laud in "De Amicitia"—friendship, exalted friendship, the love of man for man. Hosts of Louisianians there are still loving him for the memories of long ago when in the pride of his young manhood, and more who knew and revered him in the grandeur of his old age, and who now, that he dwells in the land "beyond the turmoil of renown," shall revere him as one who while he stopped here made the world better for his stay. His name will not perish in the grave of his body.

A soldier, but "one who never turned his back to an enemy, and who knelt to none save God;" a citizen whose services to his people in the dark era of the seventies will not yield in splendor to those of N. B. Forrest; a governor whose administration took up the cord of prosperity where broken and put asunder for two decades, and united the ends in lasting strength; a justice of the supreme court of his State who held the scales so evenly as to demonstrate to all that his sole motive was that justice be done, the united interest of the people preserved, and confidence in the court maintained, until the motto of Louisiana was not more a guide for him than he for it; a Senator of the United States whose three terms of service saw him as faithful to his people on the morning of June 28, 1910, as the youth of 18 in 1856 and the soldier of 23 in 1861. From the beginning to the end he served well.

If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and makes it burst forth from its prison walls, will He leave negligent the soul of man who was made in the image of His Creator? If He stoops to give to the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He withhold the words of hope from the souls of men when the frosts of winter come? If matter, mute and inanimate, though changed by the force of nature into a multitude of forms, can never die, will the spirit of man suffer annihilation after it has paid a brief visit like a royal guest to this tenement of clay? Rather let us believe that He, who wastes not the raindrop, the blade of grass, nor the evening's sighing zephyr, but makes them all to carry out His eternal plans, has given immortality to the mortal and gathered to himself the generous spirit of our friend.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolutions heretofore adopted, as a further mark of respect to the late Senator DOLLIVER and the late Senator McENERY, the House will adjourn.

Accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Monday, February 27, 1911, at 11 o'clock a. m.

SENATE.

MONDAY, *February 27, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. BURROWS. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE PRESIDENT. Is there objection?

Mr. CUMMINS. I object.

The VICE PRESIDENT. Objection is made. The Secretary will continue the reading of the Journal.

The reading of the Journal was resumed.

Mr. KEAN. I should like to ask the Senator from Iowa if he has heard read that part of the Journal he desired to hear.

The VICE PRESIDENT. The Senator from New Jersey asks unanimous consent that the further reading of the Journal be dispensed with.

Mr. CUMMINS. I object.

The VICE PRESIDENT. The Senator from Iowa objects.

Mr. KEAN. I thought perhaps the Senator had heard read that part of the Journal he was interested in.

Mr. CUMMINS. I am very much interested in every part of the Journal this morning. I hope the Secretary will read every word of it.

The VICE PRESIDENT. The Secretary will resume the reading of the Journal.

The Secretary resumed and concluded the reading of the Journal.

The VICE PRESIDENT. Without objection, the Journal as read will stand approved.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the Thirteenth Annual Report of the National Society of the Daughters of the American Revolution, which, with the accompanying paper, was referred to the Committee on Printing.

REGENT OF SMITHSONIAN INSTITUTION.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives for the return to that body of the joint resolution (S. J. Res. 145) providing for the filling of a vacancy, which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

Mr. LODGE. In this connection I offer the following resolution.

The resolution (S. Res. 373) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary be directed to inform the House of Representatives that the enrolled Senate joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress is now and was in the possession of the House when the House requested its return on the 24th of February, having been delivered to the House on the 23d of February and signed by the Speaker.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 32909) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, in which it requested the concurrence of the Senate.

The message also transmitted to the Senate resolutions commemorative of the life and public services of Hon. JONATHAN P. DOLLIVER, late a Senator from the State of Iowa.

The message further transmitted to the Senate resolutions commemorative of the life and public services of Hon. SAMUEL D. McENERY, late a Senator from the State of Louisiana.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 10691. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

S. 10849. An act to authorize the city of Shreveport to construct a bridge across Red River.

MISSISSIPPI RIVER BRIDGE AT WATERTOWN, ILL.

Mr. CULLOM. On Saturday I undertook to have a little bill passed to which there is no objection, but I failed to get the proper number. I ask the Senate now to put on its passage the bill (H. R. 32440) authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island. It is very brief.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OUACHITA RIVER BRIDGE, ARKANSAS.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 10882) to authorize the county of Ouachita, Ark., to construct a bridge across Ouachita River.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN WEST VIRGINIA.

Mr. SCOTT. I should like unanimous consent to call up the bill (H. R. 28215) to fix the time of holding the circuit and district courts for the northern district of West Virginia.

Mr. HEYBURN. I should like to ask the Senator whether this has been included in the Judiciary Title which is now in conference. If it has, there is no occasion for the enactment of a law in regard to it. I called upon the Senators to hand in any memorandum with reference to a change of the existing times and places of holding courts, and I assume it was handed in.

Mr. SCOTT. No; I think not. This is a House bill reported by the Judiciary Committee.

Mr. HEYBURN. I think the Senator will find it in the Judiciary Title.

Mr. SCOTT. I think not.

Mr. HEYBURN. I do not object.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution of the Legislature of the State of Kansas, which was ordered to lie on the table and to be printed in the RECORD, as follows:

House concurrent resolution No. 25.

Whereas it has come to the notice of the Legislature of the State of Kansas that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 921,083 June 30, 1910); and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interests and convenience: It is therefore

Resolved by the house of representatives (the senate concurring), That the Legislature of the State of Kansas respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of the vast body of pensioners, who, owing to their services to the country, as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

I hereby certify that the above concurrent resolution originated in the house, and passed that body February 20, 1911.

G. H. BUCKMAN, *Speaker of the House.*
EARL AKERS, *Chief Clerk of the House.*

Passed the Senate February 23, 1911.

RICHARD J. HOPKINS,
President of the Senate.
F. W. BRINKERHOFF,
Assistant Secretary of the Senate.

Approved February 24, 1911.

W. R. STUBBS, *Governor.*

STATE OF KANSAS,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Charles H. Sessions, secretary of state of the State of Kansas, do hereby certify that the hereto attached is a true copy of House concurrent resolution No. 25, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed my official seal.

Done at the city of Topeka this 24th day of February, A. D. 1911.

[SEAL.] CHAS. H. SESSIONS,
Secretary of State.

The VICE PRESIDENT presented a memorial of the Waterbury Felt Co., of Skaneatekes Falls, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of San Antonio, Tex., remonstrating against the United States taking any part in the so-called Mexican revolution, which was referred to the Committee on Foreign Relations.

Mr. FRYE presented memorials of Westostogo Grange, of North Yarmouth; of Local Grange of Farmington; of Floral Grange, of North Bucksport; of Local Grange of Fort Fairfield; of Silver Lake Grange, of China; and of Local Grange of Wayne, all of the Patrons of Husbandry; and of 1,200 employees of the paper and pulp mills of Livermore Falls, Chisholm, and Riley, all in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be read and referred to the Committee on Conservation of National Resources.

There being no objection, the joint memorial was read and referred to the Committee on Conservation of National Resources, as follows:

Senate joint memorial No. 5.

Memorializing the Congress of the United States to enact such legislation relative to the several subjects of conservation as shall remove the present existing hindrances to the proper progress and development of the West.

Be it resolved by the senate of the State of Wyoming (the house of representatives of said State concurring):

Whereas there is a great diversity of natural resources in the country lying west of the Missouri River, and there exists numerous varying natural conditions affecting the proper development of these resources by reason of which general blanket statutes and departmental rules can not be applied without resulting in great detriment to the development and hardship and injustice to the denizen and developer of the West, such varying conditions existing even within State boundaries, and which conditions are and can only be understood by the actual residents and workers within the particular territory by nature so conditioned; and

Whereas a vast territory has been segregated and set aside as forest reserves upon which no tree ever grew or ever will or can be grown, and unreasonable departmental rules promulgated and enforced relative thereto whereby a vast acreage of grazing and agricultural land is rendered valueless for home building and the production of meats and wool, destructive fires being the natural result of the unutilized grasses of these reserves, said fires would be prevented by the passage of these lands into private ownership; and

Whereas by reason of the indiscriminating departmental rules the homesteader, prospector, and developer are practically, and often entirely and in fact, debarred from prosecuting his proper, worthy, and useful occupation for the benefit of himself, the community, and posterity; and

Whereas under the present conditions, existing by reason of the recent conservation withdrawals of oil, coal, and other lands and power sites, all development and even use of these resources for the benefit of this section and the country at large is practically precluded, and thereby great injustice, loss of money—in many instances financial ruin—and expensive litigation has been forced upon our people; and

Whereas we, the builders of these western Commonwealths, believe in the proper conservation of these nature's resources, but on such lines as will insure their development, their proper, economical, and unmonopolized use now and hereafter: Now therefore be it

Resolved, That the Congress of the United States is hereby memorialized and requested to enact such legislation as will relieve and correct the errors and mistakes herein set forth, and most earnestly do hereby recommend that all the natural resources in the Western States be given, under proper restrictions and conditions, to the State wherein they are situated, so they may be under the supervision of those on the ground who are experienced in the many and diversified conditions there prevailing, and so they shall not be subjected to the unknowing, unexperienced, and uninterested control of those living at a distance from the scene of action, or who are sent here as agents without knowledge of their supposed sphere of action; be it further

Resolved, That the secretary of state be instructed to send a copy of this memorial to each of our Representatives in Congress.

Approved February 18, 1911.

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with senate joint memorial 5 on file in this office, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 24th day of February, A. D. 1911.

[SEAL.] FRANK L. HOUX, *Secretary of State,*
By C. P. MACGLASHAN, *Deputy.*

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD, and referred to the Committee on Post Offices and Post Roads.

There being no objection, the joint memorial was referred to the Committee on Post Offices and Post Roads, and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 4.

Memorial to the Senate and House of Representatives of the United States, requesting Congress to pass the Mondell bill, providing for a parcels post on the rural and star routes of the United States.

Be it resolved by the senate of the State of Wyoming (the house of representatives concurring), That the Congress of the United States be memorialized as follows:

Whereas the people of the State of Wyoming are sorely in need of quicker, cheaper, and more adequate transportation facilities, whereby they can receive and transmit small packages over the rural and star routes; and

Whereas the Mondell bill, now pending before the Congress of the United States, whereby parcels up to 11 pounds may be transmitted over said routes for the sum of 25 cents per package, thus offering greatly increased accommodations to our people. appears to promise just the relief desired: Therefore be it

Resolved, That the Congress of the United States is hereby earnestly petitioned to pass the said parcels-post bill; and be it further

Resolved, That a certified copy of this memorial be sent to the United States Senators and Representative in Congress from Wyoming.

Approved February 18, 1911.

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with senate joint memorial No. 4 filed in this office, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 24th day of February, A. D. 1911.

[SEAL.] FRANK L. HOUX, *Secretary of State,*
By C. P. MACGLASHAN, *Deputy.*

Mr. McCUMBER. I present a concurrent resolution of the Legislature of the State of North Dakota, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the concurrent resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Twelfth Legislative Assembly, State of North Dakota—Concurrent resolution, introduced by Mr. Bessesen.

Whereas about 90 per cent of the grain handled at terminals is interstate; and

Whereas it is an injustice for any one State, by reason of its having terminal points within its borders, to exercise the absolute power of inspection over the grains of the numerous grain-growing States which regularly ship all the grain to its terminals; and

Whereas the shipping of grain is in reality interstate commerce and the inspection thereof should be controlled by the Federal Government, so as to give more absolute justice and equality to all and so as to result in the least discrimination against any particular State or locality; and

Whereas the Federal inspection of meats and foods has resulted in uniformity and far-reaching benefit to the people of this country; and

Whereas the interests of the State of North Dakota are agricultural and its chief source of wealth is its grain crop; and

Whereas the grain crop is annually shipped through the terminals of other States and is dependent for its grading and inspection upon the laws of other States; and

Whereas it is apparent that the highest degree of efficiency and uniformity in grain grading and inspection can be attained only under Federal supervision; and

Whereas a concurrent resolution for an amendment to the constitution of this State providing for the erection, leasing, purchase, and operating of terminal elevators in the States of Minnesota and Wisconsin has passed the legislative assembly of 1909, and is again before this assembly for passage; and

Whereas in order to make it effective in the highest degree a Federal law providing for Federal inspection of grains is desirable: Now therefore be it

Resolved by the senate of the State of North Dakota (the house of representatives concurring), That this legislative assembly puts itself on record in favor of a just system of Federal inspection of grains, and that the early passage by the Congress of the United States of a Federal law for the Federal inspection of grains is urged and earnestly recommended, and that our Senators and Representatives in Congress be requested and urged to work and vote for the speedy passage of such a bill in Congress providing for such Federal inspection of grain; and be it further

Resolved, That a copy of this resolution be forthwith sent to each of our United States Senators and Representatives in Congress.

This certifies that the foregoing concurrent resolution originated in the senate and was concurred in by the house of representatives of the Twelfth Legislative Assembly of the State of North Dakota.

MOHER L. BURDICK,
President of the Senate.
JAS. M. HANLEY,
Speaker of the House.

Mr. BRIGGS presented memorials of Rancocas Grange, Somerset Grange, Mercer Grange, Lincoln Grange, Bridgeport Grange, Blue Anchor Grange, Franklin Grange, and of the New Jersey State Grange, Patrons of Husbandry; John A. McBride, of the board of managers of the State Hospital, Morris Plains; and of sundry citizens of Hamilton Square, all in the State of New Jersey, remonstrating against the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

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

He also presented a petition of the Hat Finishers' Union of Newark, N. J., praying for the construction of all United States battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented the petition of Edward D. Fox, of Trenton, N. J., and the petition of Joe Hooker Post, Department of New Jersey, Grand Army of the Republic, of Atlantic City, N. J., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. OWEN. I present a concurrent resolution of the State of Oklahoma, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

House concurrent resolution No. 34.

Whereas section 3, article 16, of the constitution of Oklahoma authorizes the legislature to provide for a system of levees and drains in the State; and

Whereas owing to the legislation upon the alienation or incumbrance of land owned by members of the Five Civilized Tribes, in many sections which should be embraced in levy or drainage districts, it is impossible to organize such districts; and

Whereas thousands of acres of the most fertile lands lying in the east side of the State are, for the reasons above set forth, now nonproductive, which would, if properly protected by levees or drainage, produce annually thousands of dollars of wealth and would greatly enhance in value, thus materially benefiting the owners of such lands and the entire country: Therefore be it

Resolved by the house and senate of the Oklahoma Legislature, That Congress be, and is hereby, memorialized to grant such relief to such districts at the earliest possible date by adequate legislation as will empower the members of the Indian tribes owning lands in districts subject to levee and drainage to participate in the formation of such districts and the issuance of bonds as provided by the laws of the State of Oklahoma, to the end that justice may be done the owners of said lands, and that thousands of acres of our best lands, which are now nonproductive, may be converted into happy, prosperous homes, and that said lands may contribute their share to the support and welfare of the entire country; be it further

Resolved, That a copy of these resolutions be immediately forwarded to each of the United States Senators and Representatives in Congress from Oklahoma, and that copies be sent to the chambers of commerce of the most important cities in the neighboring States, with a request that they urge their Representatives in Congress to aid in procuring the relief herein prayed for.

Passed the house of representatives February 16, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Passed the senate February 16, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

Mr. OWEN. I present a concurrent resolution of the Legislature of the State of Oklahoma, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate concurrent resolution No. 20.

Whereas a bill (H. R. 29346) known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers who served in the Civil War and the War with Mexico, has passed the House of Representatives in the Congress of the United States and is now pending in the Senate: Therefore be it

Resolved by the senate of the State of Oklahoma (the house of representatives concurring therein):

1. That we heartily approve all the provisions of said bill, and that we hereby respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States just as it passed the House of Representatives, without alteration or amendments as to benefits provided.

2. That copies of this resolution, signed by the respective officers of both the senate and house, when properly engrossed, be sent each of the Senators from the State of Oklahoma in the Congress of the United States.

Passed by the senate this 16th day of February, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

Passed by the house of representatives this 17th day of February, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Mr. WARREN presented a petition of the Industrial Club of Cheyenne, Wyo., praying for an increase in the salary of railway mail clerks, and remonstrating against the reported policy in failing to fill vacancies in the railway mail service, which was ordered to lie on the table.

He also presented the memorial of Carl F. Rakow, of Wheatland, N. Dak., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

Mr. JONES. I present a large number of telegrams in the nature of memorials, signed by business firms in the State of Washington, remonstrating against the ratification of the proposed reciprocal agreement with Canada. I ask that the first telegram be read.

There being no objection, the Secretary read the telegram, as follows:

SEATTLE, WASH., *February 18, 1911.*

Hon. WESLEY L. JONES,
United States Senate, Washington D. C.:

The banking and business interests Seattle deem reciprocity measure of especial menace to Pacific coast industries. Lumber, coal, fish, fruit, shipping, wheat, and Alaska trade seriously jeopardized without any compensating feature from Canada. Lumber valued at $20,000,000 to California yearly jeopardized because of being shipped in American bottoms as against lesser wages in foreign bottoms from Canada. Northwest Canada territory wheat best in world and will seriously compete with Washington. Seattle's Alaska business will be divided with Vancouver and Prince Rupert. Fish business will be diverted to Frazer River and eastern British Columbia. Apples will be diverted to Wenatche, Yakima, and Hood River. British Columbia coal will harm our coal mines. We are simply turning over resources this country to Canada without recompense. Urge you to vote and work against reciprocity; if passage bill imperative it should provide removal duty on Canadian logs and make absolute free trade.

Northern Bank & Trust Co., W. L. Collier, cashier; Citizens National Bank, per E. W. Campbell, assistant cashier; American Savings Bank & Trust Co., by J. P. Gleason, manager; The Mercantile Bank, by O. S. Harley, manager; The State Bank of Seattle, H. H. Sailberg, vice president; Washington Trust & Savings Bank, W. H. Parsons, vice president; Metropolitan Bank, by J. T. McVay, cashier; The Dexter Horton National Bank of Seattle, by N. H. Latimer, president; Seattle National Bank, by J. F. Furthe; The Scandinavian American Bank, J. F. Lane, cashier; Commercial State Bank, W. B. Shoemaker, cashier; The Bank for Savings, by D. E. Kellcher, president; German American Bank, I. J. Riley, cashier; James D. Hoge; First National Bank, by M. H. Arnold, president.

The VICE PRESIDENT. The telegrams will lie on the table.

Mr. JONES. I ask that the names attached to the other telegrams be noted in the RECORD, and that the telegrams be ordered to lie on the table.

There being no objection, the telegrams were ordered to lie on the table and the names attached thereto to be noted in the RECORD, as follows:

Telegram from the legislative committee, Nation of the Lakotah, of Olympia, Wash.

Telegram from the Chamber of Commerce of Seattle, Wash.

Telegram from the Chamber of Commerce of Bellingham, Wash.

Telegram from the Commercial Club of South Bend, Oreg.

Telegram from the Commercial Club of North Bend, Oreg.

Telegram from the Business Men's Association of Everett, Wash.

Telegram from the Bank of California, of Seattle, Wash.

Telegram from the stationary firemen of Bellingham, Wash.

Telegram from the Preston Mill Co., of Preston, Wash.

Telegram from the Pugett Mill Co., of Seattle, Wash.

Telegram from Galbraith, Bacon & Co., of Seattle, Wash.

Telegram from G. N. Skinner, of Seattle, Wash.

Telegram from the Altoona Packing Co., of Astoria, Oreg.

Telegram from the Simpson Lumber Co., of North Bend, Oreg.

Telegram from the North Bend Manufacturing Co., of North Bend, Oreg.

Telegram from The Moran Co., of Seattle, Wash.

Telegram from the O'Connell Lumber Co., of Winlock, Wash.

Telegram from the S. E. Slade Lumber Co., of Vancouver, Wash.

Telegram from the Tacoma Mill Co., of Tacoma, Wash.

Telegram from the Wheeler Osgood Co., of Tacoma, Wash.

Telegram from the Western Pine Manufacturing Association, of Spokane, Wash.

Telegram from Everett G. Griggs, of Tacoma, Wash.

Telegram from the Shepard Traill Co., of Seattle, Wash.

Telegram from W. H. Decan, of Bellingham, Wash.

Telegram from the Stimson Milling Co., of Seattle, Wash.

Telegram from J. H. Bloedel, of Bellingham, Wash.

Telegram from Victor E. Beckman, of Seattle, Wash.

Telegram from the Robert S. Wilson Lumber Co., of Seattle, Wash.

Telegram from John McMasters, of Seattle, Wash.

Telegram from the Atlas Lumber & Shingle Co., of Seattle, Wash.

Telegram from the Seattle Lumber Co., of Seattle, Wash.

Telegram from the Day Lumber Co., of Seattle, Wash.

Telegram from the Jamison Shingle Co., of Everett, Wash.

Telegram from the Building Managers' Association, of Seattle, Wash.

Telegram from the Alaska Pacific Steamship Co., of Tacoma, Wash.

Telegram from the Central Labor Council of Seattle, Wash.

Telegram from Local Union No. 288, International Brotherhood of Stationary Firemen, of Bremerton, Wash.

Telegram from the Typographical Union of Seattle, Wash.

Telegram from Charles H. Frye, of Seattle, Wash.

Telegram from the Washington Clay Works Association, of Seattle, Wash.

Telegram from Lester, Herrick & Herrick, of Seattle, Wash.

Telegram from M. J. Batchelder, Aaron Jones, and T. C. Atkeson, legislative committee of the National Grange, of Concord, N. H.

Telegram from J. S. Goldsmith, of Seattle, Wash.

Telegram from the Everett Pulp & Paper Co., of Everett, Wash.

Telegram from the Ship Owners' Stevedoring Co., Rothschild & Co., Bartlett & Co., and Brown & McCabe, of Seattle, Wash.

Telegram from the Pacific Coast Steamship Co., of San Francisco, Cal.

Telegram from the Occidental Fish Co. (Inc.), of Seattle, Wash.

Telegram from the Blom Codfish Co., Western Codfish Co., Matheson Fisheries Co., King & Winge Codfish Co., and Seattle & Alaska Fish Co., of Seattle, Wash.

Telegram from Fred S. Stimson, of Seattle, Wash.

Telegram from the Northwest Lumber Co., of Seattle, Wash.

Mr. JONES. I present telegrams in the nature of petitions, signed by citizens of the State of Washington, praying for the ratification of the proposed reciprocal agreement with Canada. I ask that the first telegram be read.

There being no objection, the Secretary read the telegram as follows:

SEATTLE, WASH., *February 23, 1911.*

Senator JONES, *Washington, D. C.:*

The undersigned earnestly urge you to support the reciprocity agreement and to oppose any amendment thereof that will endanger its adoption. We heartily approve of the wise and patriotic action of the President in negotiating this agreement, believing with him that only good to the peoples of both countries will follow its adoption.

English Lumber Co., by E. G. English, president; Tom Moore Boom Co., by W. H. McEwan, treasurer; Campbell Lumber Co., by James Campbell, president, John A. Campbell, secretary, George H. Snowden; Continental Mill Co., by M. Thompson; Ferguson-Dugan Investment Co., by Joseph Ferguson, president; Frederick H. White; E. C. Million; P. C. Leonard Lumber Co., by W. W. Hamilton, secretary; Tyee Logging Co., by E. C. Million, secretary; Peters & Powell, by W. A. Peters; The J. M. Coleman Co., by L. J. Coleman, president.

The VICE PRESIDENT. The telegram will lie on the table.

Mr. JONES. I ask that the names attached to the other telegrams be noted in the RECORD, and that they be ordered to lie on the table.

There being no objection, the telegrams were ordered to lie on the table and the names attached thereto to be noted in the RECORD, as follows:

Telegram from the Kennewick Commercial Club, by R. A. Mitchell, secretary, of Kennewick, Wash.

Telegram from the Wenatchee Commercial Club, by R. R. Ellinwood, L. J. Crollard, W. O. Parr, special committee, of Wenatchee, Wash.

Telegram from W. A. White, manager of the Yakima Implement Co., of North Yakima, Wash.

Telegram from the Mitchell Lewis & Staver Co., by J. R. Posson, manager, of Spokane, Wash.

Telegram from W. R. Criffield, manager of the J. H. Morrow Implement Co., of Walla Walla, Wash.

Telegram from W. L. Taylor, manager of John Deere Plow Co., of Spokane, Wash.

Telegram from the Northwest Trust & Safe Deposit Co., E. Sherrock, president, of Seattle, Wash.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial No. 7.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the senate and house of representatives of the State of Washington in legislative session assembled, being the twelfth regular session, respectfully represent in petition as follows:

There are over 300,000 acres of arid land in Benton, Yakima, and Klickitat Counties in the State of Washington, lying in the valley of the Columbia River, and commonly known as the "Horse Heaven" district, which are capable of irrigation. About three-fourths of this land is now held in private ownership and the remainder has been filed upon under the desert-land acts.

The entrymen who have filed on this land under the desert act have done their assessment work and made their annual proofs in good faith, and confidently believe that they could make reclamation and final proof within the limit of time provided by the United States statutes and extension enactments amendatory thereto, but the work of bringing water from the mountains, distant 150 miles, has proven so great that it is now apparent that more time will be required than is now given by law.

Much of this vast district of 300,000 acres or more is valueless without irrigation, and it is now definitely known that irrigation is possible therefor at a reasonable cost. It has often been announced through press reports that the Reclamation Department of the United States Government will pursue a policy of encouragement to private capital in reclaiming arid lands. Most of the projects with water supply comparatively near have already been undertaken, and those in which the water supply is remote can not be financed and canals built within the period given to desert entrymen for making final proof.

Wherefore your memorialists respectfully petition the Congress of the United States to enact a law which shall extend the time in which the desert-land entrymen of the "Horse Heaven" district may make final proof until such time as water may become available to them through an irrigation project now under way for this district.

Passed the house January 25, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate February 14, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. JONES presented memorials of sundry citizens of Prosser, Wash.; of Prairie Grange, No. 191; Columbia Pomona Grange, of Clarke County; Sunny Side Grange; Fern Bluff Grange, No. 267, of Sultan; Lincoln Grange, No. 357, of Matlock; Whibby Grange, No. 354, of Island; Happy Valley Grange, No. 322; and Local Grange of Tekoa, all of the Patrons of Husbandry, in the State of Washington, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. TALIAFERRO presented a petition of sundry citizens of Polk County, Fla., remonstrating against the enactment of legislation donating 300,000 acres of Government land in the Territory of New Mexico to the archbishop of Santa Fe, etc., which was referred to the Committee on Territories.

Mr. BRISTOW. I submit a concurrent resolution of the Legislature of the State of Kansas, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

House concurrent resolution No. 25.

Whereas it has come to the notice of the Legislature of the State of Kansas that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 921,083 June 30, 1910); and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interests and convenience: It is therefore

Resolved by the house of representatives (the senate concurring), That the Legislature of the State of Kansas respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of the vast body of pensioners, who, owing to their services to the country, as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States, and to each of the Senators and Representatives from this State.

I hereby certify that the above concurrent resolution originated in the house and passed that body February 20, 1911.

G. H. BUCKMAN, *Speaker of the House.*
EARL AKERS, *Chief Clerk of the House.*

Passed the senate February 23, 1911.

RICHARD J. HOPKINS,
President of the Senate.
F. W. BRINKERHOFF,
Assistant Secretary of the Senate.

Approved February 24, 1911.

W. R. STUBBS, *Governor.*

STATE OF KANSAS,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Charles H. Sessions, secretary of state of the State of Kansas, do hereby certify that the hereto attached is a true copy of house concurrent resolution No. 25, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed my official seal.

Done at the city of Topeka this 24th day of February, A. D. 1911.
[SEAL.] CHAS. H. SESSIONS, *Secretary of State.*

Mr. LORIMER presented petitions of Local Union No. 21, Branch 1, United Brewery Workmen, of New Athens; of Twin City Local Union of the Federation of Labor, of Champaign and Urbana; of Local Union No. 742, United Brotherhood of Carpenters and Joiners, of Decatur; of Federal Labor Union, No. 8281, of Lincoln; of Stone Planermen's Union, No. 13093, of Chicago; of Local Division No. 22, Order Railway Conductors, of Chillicothe; of Iron Molders' Local Union No. 134, of Kewanee; of Washington Camp No. 9, Patriotic Order Sons of America, of Chicago; of Fox River Valley Council, Brotherhood of Carpenters and Joiners, of Aurora; of Local Union No. 568, Brotherhood of Carpenters and Joiners, of Lincoln; of Local Union No. 873, United Brotherhood of Carpenters and Joiners, of Lawrenceville; of Local Union No. 1883, Brotherhood of Carpenters and Joiners, of Macomb; of Local No. 1267, Retail Clerks International Protective Association, of Breese; and of the Trades Assembly, of Belleville, all in the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented the memorial of George S. Frick, of Champaign, Ill., and the memorial of J. C. Sailor, secretary of the Iroquois County Farmers' Institute, of Illinois, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of Burnside Lodge, No. 50, International Association of Car Workers, of Chicago, Ill., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Shabbona, Ill., remonstrating against any increase being made in the rates of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a petition of Local Union No. 352, Farmers' Educational and Cooperative Union of America, of Mount Carmel, Ill., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Farmington and Peoria, in the State of Illinois, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Mount Carmel, Ellery, and Fairfield, all in the State of Illinois, remonstrating against the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Council Fire of Yolo Tribe, No. 397, Improved Order of Red Men, of Chicago, Ill., praying that an appropriation be made for the erection of a national Indian memorial, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Aurora, Ill., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented a memorial of the Philadelphia Peace Association, of Philadelphia, Pa., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Appropriations.

Mr. BRANDEGEE presented petitions of Local Grange of Ledyard; Local Grange of Goshen; Local Grange of Plymouth; Local Grange of Colebrook; Local Grange of Manchester; Local Grange of Mystic; Natchaug Grange, of Chaplin; Local Grange of Meriden; Local Grange of Wethersfield; Local Grange of Durham; Local Grange of West Hartford; Easton Grange, of Bridgeport; Local Grange of Haddam Neck; Local Grange of Cromwell; Local Grange of Groton; New London County Pomona Grange; Rippowam Grange, of Stamford; Local Grange of Danbury; and Greenfield Hill Grange, of Fairfield, all of the Patrons of Husbandry, in the State of Connecticut, praying for the passage of a full and complete parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Business Men's Association of Seymour, the Business Men's Association of Middletown, and of the Business Men's Association of Hartford, all in the State of Connecticut, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented memorials of the Connecticut Pomological Society; the Wolf Den Grange, of Pomfret; of Good Will Grange, of Glastonbury; the Lake Valley Grange, of Sherman; of Local Grange of Groton; Rippowam Grange, of Stamford;

Local Grange of Cromwell; Local Grange of Plainville; Indian River Grange, of Milford; Local Grange of Plainfield; Local Grange of Norwich; Local Grange of Bridgewater; Local Grange of Danbury; Local Grange of Seymour; Local Grange of Tolland; Local Grange of Old Lyme; Lake Valley Grange, of Sherman; Hillstown Grange, of East Hartford; Local Grange of Avon; Local Grange of Wallingford; Local Grange of Manchester; Tunxis Grange, of Bloomfield; Beacon Valley Grange, of Naugatuck; and Mad River Grange, of Waterbury, all of the Patrons of Husbandry, in the State of Connecticut, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of the Business Men's Association of Hartford, Conn., praying for the enactment of legislation providing increased salaries for Federal judges, which was referred to the Committee on the Judiciary.

He also presented a petition of the Business Men's Association of Hartford, Conn., praying for the enactment of legislation providing for the erection of buildings for the accommodation of United States ambassadors in foreign countries, which was ordered to lie on the table.

Mr. KEAN presented the memorial of P. A. Mertz, of Plainfield, N. J., and the memorial of E. C. Stibbs, of Red Bank, N. J., remonstrating against any increase being made in the rates of postage on periodicals and magazines, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Frank O. Cole, of Jersey City, N. J., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented memorials of the Eastwood Wire Manufacturing Co., of Belleville; of Rancocas Grange, No. 131, of Burlington County; and of Somerset Grange, No. 7, of Middlebush, Patrons of Husbandry, all in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

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

Mr. BULKELEY presented petitions of Danbury Grange, Rippowan Grange, Meriden Grange, Wethersfield Grange, West Hartford Grange, Durham Grange, Manchester Grange, Colebrook Grange, Plymouth Grange, Goshen Grange, Ledyard Grange, Groton Grange, Haddam Neck Grange, Easton Grange, Greenfield Hill Grange, all of the Patrons of Husbandry, in the State of Connecticut, praying for the passage of a full and complete parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. DICK presented petitions of sundry citizens of Chillicothe, Ohio, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Chillicothe, Dayton, Cleveland, Akron, Columbus, Niles, and Cincinnati, all in the State of Ohio, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Society of Friends of the State of Ohio, remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Appropriations.

He also presented petitions of Ed. L. Ford, Joseph G. Butler, jr., George D. Wick, and Philip Wick, all of Youngstown, Ohio, and of the International Association of Machinists of Lima, Ohio, praying for the enactment of legislation authorizing the construction of all-battleships in Government navy yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of Plainville Council, No. 330, Junior Order United American Mechanics, of Dayton, Ohio, and a petition of Bricklayers and Masons Local No. 43, of Niles, Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Commercial Protective Association of Cleveland, Ohio, praying for an increase in the rate of postage on periodicals and magazines, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Farmers' Institute of West Salem, Ohio, remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Stationary Firemen of Columbus, Ohio, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Cleveland, Akron, Norwalk, Springfield, Dayton, Toledo, Cincinnati, Canton, Youngstown, Custar, Gibsonburg, Tarlton, Mount Vernon, Columbus, and Rushsylvania, all in the State of Ohio, remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were referred to the Committee on Post Offices and Post Roads.

Mr. DEPEW presented memorials of Marlboro Grange, No. 904, and of sundry citizens of Canandaigua, Birdsall, Dalton, Wesley, Whitney Crossing, Lisbon Falls, New York City, Fort Edward, Skaneateles Falls, and Livingston Manor, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of the National Piano Manufacturers' Association of America, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a petition of the Pattern Makers' Association of Syracuse, N. Y., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Peekskill Musical Union, No. 29, of Peekskill, N. Y., praying for the enactment of legislation to prohibit competition between enlisted and civilian musicians, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented memorials of Hillsboro County Pomona Grange, No. 1, of Bedford; of John Hancock Grange, No. 33, of Hillsboro County; and of Mount Prospect Grange, No. 242, of Lancaster, all of the Patrons of Husbandry; and of D. C. Hoyt, of Bradford; Orin S. Huntley, of Hillsboro; of Alton F. Sanborn, of Raymond; and of sundry citizens of Danbury, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of the North Conway Woman's Club, of North Conway, N. H., praying that an investigation be made into the condition of dairy products for the further prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. ROOT presented a memorial of sundry bankers of New York City, N. Y., remonstrating against the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, etc., which was ordered to lie on the table.

Mr. HALE presented memorials of Good Cheer Grange, No. 323, Patrons of Husbandry, of Bradford, Me., and of sundry citizens of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. PILES presented a memorial of Lincoln Grange, No. 357, of Matlock; Big Bottom Grange, No. 268, of Randle; and of Fisher Grange, No. 211, of Fisher, all of the Patrons of Husbandry, in the State of Washington, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. RAYNER presented a petition of Pride of Allegany Council, No. 59, Junior Order United American Mechanics, of Westernport, Md., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. LODGE presented a memorial of sundry vessel owners, masters, and fishermen of Provincetown, Mass., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented resolutions adopted at a meeting of citizens of the Commonwealth of Massachusetts, favoring the annexation of Crete with Greece, which were referred to the Committee on Foreign Relations.

Mr. GUGGENHEIM presented a petition of sundry stockholders of the United Wireless Telegraph Co., residents of Denver, Colo., praying for the enactment of legislation providing for an investigation of the status of telegraph companies in the country, which was referred to the Committee on Commerce.

Mr. SCOTT presented a petition of members of sundry Grand Army posts in the city of Philadelphia, Pa., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

Mr. LA FOLLETTE. I present a joint resolution adopted by the Legislature of the State of Wisconsin, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution (65a) asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies.

Whereas it has come to the notice of the Legislature of the State of Wisconsin that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 921,083 June 30, 1910); and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interests and convenience: It is therefore

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of this vast body of pensioners, who, owing to their services to the country as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

C. A. INGRAM,
Speaker of the Assembly.
H. C. MARTIN,
President pro tempore of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. SWANSON. I present resolutions signed by the president and secretary of the Farmers' Educational and Cooperative Union of Virginia, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

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

Whereas the United States Immigration Commission, after four years investigation involving the expenditure of almost $1,000,000, reports that restriction is demanded by "economic, moral, and social reasons," specifically recommends a reading and writing test, "as the most feasible single method for excluding undesirable immigration," and suggests also an increased head tax, a limitation of numbers, a money qualification, and other measures that are law in other countries and which have been urged by the Farmers' Educational and Cooperative Union of America in National and State convention; and

Whereas the United States is the only country with any considerable net foreign immigration, as a result of her feeble immigration laws; and

Whereas it is proposed in order to permit the foreign steamships to bring more and to relieve the Northeast of its immigration evils, that the present enormous annual alien influx of over a million, of whom less than 15,000 last year were "farmers," be diverted and distributed over the agricultural sections, and a Federal Division of Information and Display has been established for accomplishing such purpose: Therefore be it

Resolved by the Farmers' Educational and Cooperative Union of Virginia in State convention this 7th day of February, That we earnestly urge upon Congress the immediate passage of H. R. 15413, and such other measures as will give this country some such protection from undesirable immigration as is recommended by the Immigration Commission and is in force in other civilized countries, such as Canada, Australia, and Natal; and be it further

Resolved, That the State secretary send at once a copy of this resolution to the entire Virginia congressional delegation with the request that it be presented to Congress, and to the President, at Washington, D. C.

Passed unanimously and enthusiastically indorse action of legislative committee at Washington last March before the House Committee on Immigration and Scott bill.

D. M. GANNAWAY, *President*,
H. L. PETTY, *Secretary*,
Farmers' Educational and Cooperative Union of America.

Mr. SHIVELY presented a memorial of Pine Lake Grange, Patrons of Husbandry, of La Porte, Ind., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented petitions of the Journal, the Chronicle, the Republican, and the Miami County Sentinel, all of Peru, in the State of Indiana, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of George Harmon and 14 other ex-soldiers, residents of Brownsburg, Ind., and the petition of George W. Rodenbaugh and 16 other ex-soldiers, residents of Cayuga, Ind., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. STONE presented a memorial of the American Federation of Catholic Societies in convention at New Orleans, La., remonstrating against any appropriation being made for the extension of the work of the Bureau of Education, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Missouri, praying for the construction of all United States battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented petitions of Evergreen Camp, No. 4, Woodmen of the World, of Carthage; of Botree Camp, No. 26, Woodmen of the World, of West Plains; of Linden Camp, No. 565, Woodmen of the World, of Maplewood; and of Defiance Lodge, No. 850, Modern Brotherhood of America, of Defiance, all in the State of Missouri, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Lodge No. 363, International Association of Machinists, of Queen City; of the Central Trades and Labor Council of Cape Girardeau; of Local Union No. 1827, United Mine Workers of America, of Lexington; and of the Sedalia Federation of Labor, all in the State of Missouri, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Journeymen Tailors' Local Union No. 6, of Sedalia; of the Culture Club, of Edina; of the United States History Class, of St. Louis; and of Local Union No. 26, United Garment Workers of America, of St. Louis, all in the State of Missouri, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of St. Louis, Mo., praying for the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Colonel Grover Post, No. 78, Department of Missouri, Grand Army of the Republic, of Warrensburg, Mo., and a petition of Captain John Mathews Post, No. 69, Department of Missouri, Grand Army of the Republic, of Springfield, Mo., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Schuyler County, Mo., remonstrating against the creation of a Civil War volunteer officers' retired list, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Missouri, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New Hamburg and Benton, in the State of Missouri, praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a memorial of Local Grange No. 39, Patrons of Husbandry, of North Scituate, R. I., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

Mr. BURNHAM presented memorials of Local Grange No. 156, of Surry; of Hillsborough County Pomona Grange, No. 1, of Bedford; of John Hancock Grange, No. 33, of Hancock; of Mount Prospect Grange, No. 242, of Lancaster; and of Merrimack County Pomona Grange, of North Boscawen, all of the Patrons of Husbandry, in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. OWEN. I present the memorial of Moncena Dunn, of La Crosse, Wis., setting forth the coupon ballot as authorized by the laws of Wisconsin. It is an improved method of assuring an honest ballot, which I understand has been adopted by the State of Wisconsin. I move that the memorial be printed as a Senate document (No. 840).

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PENROSE, from the Committee on Naval Affairs, to which was referred the bill (S. 10379) to promote the efficiency of the Naval Militia, and for other purposes, reported it without amendment.

Mr. BURNHAM, from the Committee on Claims, to which was referred the bill (S. 10668) to satisfy certain claims against the Government arising under the Navy Department, reported it with an amendment and submitted a report (No. 1252) thereon.

Mr. CURTIS, from the Committee on Pensions, to which was referred the bill (H. R. 32675) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1253) thereon.

He also, from the same committee, to which was referred the bill (H. R. 32822) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported it with an amendment and submitted a report (No. 1254) thereon.

He also, from the same committee, to which was referred the amendment submitted by Mr. McCUMBER on the 23d instant, proposing to appropriate $1,200 to pay Robert W. Farrar for indexing and extra services as clerk to the Committee on Pensions, Sixty-first Congress, third session, and also to appropriate $1,200 to pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, Sixty-first Congress, third session, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. FOSTER, from the Committee on Military Affairs, to which was referred the bill (S. 2328) to grant an honorable discharge to Alfred L. Dutton, reported it with amendments and submitted a report (No. 1255) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 19010) authorizing proper accounting officers of the Treasury Department to reopen pay accounts of certain officers of the Navy, reported it without amendment and submitted a report (No. 1256) thereon.

Mr. SMOOT, from the Committee on Claims, to which was referred the bill (H. R. 19685) to compensate William P. Williams for losses sustained by him while assistant treasurer of the United States at Chicago, Ill., reported it without amendment and submitted a report (No. 1257) thereon.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (H. R. 23826) to amend section 13, chapter 252, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896 (29 Stats. L., p. 183), reported it without amendment and submitted a report (No. 1258) thereon.

Mr. CLARKE of Arkansas, from the Committee on the Judiciary, to which was referred the bill (H. R. 31806) to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.," reported it without amendment.

Mr. MARTIN, from the Committee on Commerce, to which was referred the bill (S. 10863) to give the consent of Congress to the building of a bridge by the city of Northport, Wash., over the Columbia River, at Northport, reported it with an amendment and submitted a report (No. 1259) thereon.

S. H. ROBINSON.

Mr. OLIVER. From the Committee on Claims I report back favorably the bill (H. R. 18512) for the relief of S. H. Robinson, of Allegheny County, Pa., and I submit a report (No. 1249) thereon. It is the unanimous report of the committee, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to S. H. Robinson, of Allegheny County, Pa., $26,985.63, as compensation for the injury sustained by him because of a flood in the Allegheny River in January, 1907, that being the amount recommended to be paid him by the Chief of Engineers, United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HACKENSACK RIVER CANAL, NEW JERSEY.

Mr. FRYE. From the Committee on Commerce I report back favorably with an amendment the bill (S. 10883) authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes, and I submit a report (No. 1251) thereon. I call the attention of the Senator from New Jersey [Mr. KEAN] to the bill.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Commerce was to add as a new section the following:

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEVIATION IN WEIGHT OF SILVER COINS.

Mr. SMOOT. I am directed by the Committee on Finance, to which was referred the bill (H. R. 24885) to amend section 3536 of the Revised Statutes of the United States, relating to the weighing of silver coins, to report it favorably, and I ask for its immediate consideration.

The VICE PRESIDENT. The Senator from Utah asks for the immediate consideration of a bill, which the Secretary will read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 3536 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3536. In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime, 1½ grains."

Mr. HEYBURN. Let the bill be again reported.

The Secretary again read the bill.

Mr. HEYBURN. I should like to know the necessity for the porposed legislation.

Mr. SMOOT. I can state it in a very few words, Mr. President. In the present law there is an accepted deviation from the standard weight of 1½ grains in the case of an individual half dollar, an individual dollar, an individual quarter, and an individual 10-cent piece. But in the mints, where the coins are weighed together, there is entirely a different acceptable deviation, and every dime and every quarter and every half and every dollar has to be counted now separately at the mints. This makes the deviation of a grain and a half for all the same, whether it be an individual piece or in bulk.

Mr. HEYBURN. You can not recognize the right of the mint to grow careless in the coinage.

Mr. SMOOT. This has nothing to do with the coinage.

Mr. HEYBURN. Coins in the mint ought to be absolutely true to the weight, and whenever we recognize laxity on the part of the mint we are opening the door to greater carelessness. I object to the consideration of the bill.

The VICE PRESIDENT. Objection is made, and the bill will go to the calendar.

NATIONAL DEFENSE SECRETS.

Mr. BRANDEGEE. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 26656) to prevent the disclosure of national defense secrets, to report it favorably, and I submit a report (No. 1250) thereon. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. PAYNTER:

A bill (S. 10893) granting a pension to Samuel G Hillis; to the Committee on Pensions.

By Mr. CARTER:

A bill (S. 10894) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes (with accompanying paper); to the Committee on Public Lands.

By Mr. FLINT:

A bill (S. 10895) to set apart a certain tract of land in the State of California as a public park, such lands, together with those set aside by the act of September 25, 1890, to be known as Sequoia National Park; to the Committee on Public Lands.

By Mr. PENROSE:

A joint resolution (S. J. Res. 146) directing the Commission on Universal Peace to report upon a plan for commemorating the one hundredth anniversary of the signing of the treaty of Ghent; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate $12,000 for the purchase of 15 portraits of Justices of the Supreme Court of the United States, intended to be proposed by

him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in New Mexico, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. KEAN submitted an amendment proposing that from July 1, 1911, the salary of the United States attorney for the district of New Jersey shall be $5,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CUMMINS submitted an amendment proposing to increase the salary of the property records clerk, Government Printing Office, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. SUTHERLAND submitted an amendment proposing to appropriate $360, being an additional amount to the salary of the assistant clerk to the Committee on Cuban Relations, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate $50,000 for continuing the survey of public lands in the State of Idaho, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CLAPP submitted an amendment proposing to appropriate $64,000 to pay the publishers of the Federal Reporter for back volumes and current volumes of the Federal Reporter, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ROOT submitted an amendment proposing to appropriate $8,000,000 for the erection and completion of a separate fireproof building for each of the Departments of State, Justice, and Commerce and Labor, in the District of Columbia, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment relative to the control of the waters of the Niagara Falls, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LORIMER submitted an amendment providing that the increased rate of postage shall not apply to industrial and trade periodicals issued weekly, monthly, or otherwise, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $4,000 for the salary of the collector of customs for the customs district of Montana and Idaho, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing for the extension of the road in the Yellowstone National Park to properly connect with the new Canyon Hotel, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $69,200, to be immediately available, for the administration and improvement of the Glacier National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to increase the limit of cost of the post-office and courthouse building at New Orleans, La., to $350,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $21,000 for the placing of suitable lights and signals in Cape Fear River below Wilmington, N. C., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate $4,000 for the salary of solicitor of the Government Printing Office in the Department of Justice, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate $35,000 for the commencement of the building for the post office and courthouse at Tulsa, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $35,000 for the commencement of the building for the post office and courthouse at McAlester, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $35,000 for the commencement of the building for the post office and courthouse at Chickasha, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $77.68 to reimburse Benjamin S. Hanchett, of Grand Rapids, Mich., for money expended for necessary expenses while attending the meetings of the assay commission in March, 1905, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARNER submitted an amendment proposing to appropriate $30,000 for an electric lighting plant, including the enlargement of the power house, and one new boiler at the Battle Mountain Sanitarium, Hot Springs, Ark., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLARKE of Arkansas submitted an amendment proposing to appropriate $45,000 for the commencement of the building for the post office at Searcy, Ark., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $210,000 for the purchase of the so-called Carpenter Pennsylvania Avenue tract, in the District of Columbia, for park purposes, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARREN submitted an amendment relative to the salaries of plate printers in the Coast and Geodetic Survey, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

RECIPROCITY WITH CANADA.

Mr. WATSON. I submit an amendment intended to be proposed to the bill (H. R. 32216) to promote reciprocal trade relations with Canada, which I ask may be read and lie on the table.

There being no objection, the amendment was read and ordered to lie on the table, as follows:

Amendment intended to be proposed by Mr. WATSON to the bill H. R. 32216, viz: Insert the following: On page 8 strike out lines 17 and 18, as follows: "Coal slack or culm of all kinds, such as will pass through a half-inch screen, 15 cents per ton." And on page 15, line 19, after the word "screen," strike out the words "45 cents per ton" and insert the words "and coal slack or culm of all kinds, such as will pass through a half-inch screen," and place the same on the free list. So that the amendment will read on page 15, beginning with line 17, as follows:

"Coal, bituminous, round and run of mine, including bituminous coal such as will not pass through a three-quarter-inch screen, and coal slack or culm of all kinds, such as will pass through a half-inch screen, free."

WITHDRAWAL OF PAPERS—LAND IN FORT SMITH, ARK.

On motion of Mr. WARREN, it was

Ordered, That all papers accompanying Senate bill No. 10348, Sixty-first Congress, third session, entitled "A bill to convey to the city of Fort Smith, Ark., a portion of the national cemetery reservation in said city," be withdrawn from the files of the Senate, no adverse report having been made on said bill.

WITHDRAWAL OF PAPERS—GEORGE D. BLAKEY.

On motion of Mr. PAYNTER, it was

Ordered, That the heirs and representatives of George D. Blakey be, and they are hereby, authorized to withdraw from the files of the Senate all papers relating to and on file in connection with Senate bill 3925, Sixty-first Congress, second session, entitled "A bill for the relief of George D. Blakey," no adverse report having been made thereon.

ADVANCES IN FREIGHT RATES.

Mr. LA FOLLETTE submitted the following concurrent resolution (S. Con. Res. 41), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That 5,000 additional copies of Senate Document No. 725, Sixty-first Congress, third session, be printed, 3,000 for the use of the House of Representatives and 2,000 for the United States Senate.

RATE ADVANCE CASES.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 374), which was considered by unanimous consent and agreed to:

Resolved, That the decision of the Interstate Commerce Commission in the rate advance cases known as Docket No. 3400 and Docket No. 3500 be printed as a part of Document No. 725.

LIST OF CLAIMS.

Mr. HALE submitted the following resolution (S. Res. 376), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the following schedule and lists of claims, judgments, and awards requiring appropriations by Congress not heretofore reported to Congress at the present session, namely:

First. Schedule of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874.

Second. List of judgments rendered by the Court of Claims against the United States.

Third. List of judgments rendered by the Court of Claims in favor of claimants and against the United States under the act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891.

Fourth. List of judgments rendered against the United States by the circuit and district courts of the United States under the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

Fifth. List of awards made by the Spanish Treaty Claims Commission under the act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898, approved March 2, 1901.

RUSSIA AND THE AMERICAN PASSPORT.

Mr. SHIVELY. I present a paper, being the address of Louis Marshall, on Russia and the American passport, before the Union of American Hebrew Congregations, New York, Thursday, January 19, 1911. I move that the paper be printed as a Senate document (No. 839).

The motion was agreed to.

RECIPROCITY WITH CANADA.

Mr. McCUMBER. I present a short letter from the Modern Miller, of St. Louis, Mo. There are two paragraphs which I should like to have read, so that they may go into the RECORD, because they are very pertinent in reply to a question which was asked by the Senator from South Carolina [Mr. SMITH].

The VICE PRESIDENT. Without objection, the Secretary will read the paragraphs, as requested by the Senator from North Dakota.

The Secretary read as follows:

Hon. P. J. McCUMBER, *Washington, D. C.*

DEAR SIR: I note the vigorous stand you have taken against Canada reciprocity and the fact that it will discourage wheat culture in the United States and encourage the away-from-the-farm movement to the Canadian fields. As this is apparently, to us, a most unfortunate prospect, I take the liberty of calling your attention to the fact that free wheat can not possibly be a factor of consequence in reducing the cost of living. The annual per capita consumption of flour in the United States is but slightly in excess of one barrel per year. It takes approximately 5 bushels of wheat to make a barrel of flour, and if free wheat reduces the cost 10 cents per bushel it would mean an annual saving of 50 cents per barrel of flour to each consumer in the United States. Thus a consumer would receive a reduction of 50 cents per year in the cost of living. There is no getting away from this substantial fact. Furthermore, if a consumer uses bakers' bread, he will not receive one penny's worth of benefit in the reduction of the cost of living, as the little matter of 50 cents per year will be absorbed by the baker.

So far as the question of free wheat reducing the cost of living is concerned, it is beyond the question of a doubt a myth. While the reduction of 10 cents a bushel would mean a material loss to the farmer, but a matter of more consequence is that it would discourage wheat culture in this country and would cause dependence upon Canadian wheat prospects.

The VICE PRESIDENT. The letter will lie on the table.

INCREASED POSTAGE ON SECOND-CLASS MATTER.

Mr. PENROSE. I present a number of communications from the Postmaster General relative to the increased rate of postage on second-class mail matter. I move that the communications be printed as a Senate document (No. 841).

The motion was agreed to.

RATES FOR BONDING GOVERNMENT EMPLOYEES.

Mr. GALLINGER. From the joint commission of Congress to inquire into the rates of premium heretofore and now being charged, as well as those proposed to be charged, by surety or bonding companies for bonds of officers or employees of the United States, I submit a report (No. 1260) and ask that it be printed and that 200 extra copies be printed for the use of the Senate document room.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 200 additional copies of Senate Report No. 1260, "Rates for bonding Government employees," be printed for the use of the Senate document room.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, and recedes from its disagreement to the amendments of the Senate Nos. 99, 100, 101, and 102.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island;

H. R. 24153. An act for the relief of John Marshall;

H. R. 23015. An act to protect the dignity and honor of the uniform of the United States; and

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. Latta, Executive clerk, announced that the President had, on February 25, 1911, approved and signed the following act and joint resolution:

S. 8457. An act to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah; and

S. J. Res. 132. Joint Resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon.

GREELEY-ARIZONA IRRIGATION CO.

Mr. GUGGENHEIM. I ask unanimous consent for the present consideration of the bill (S. 10808) to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz.

Mr. BURROWS. I think I must object.

Mr. WARREN (to Mr. BURROWS). Let him get that through.

The VICE PRESIDENT. The Senator from Michigan objects, and the bill will go over.

LANDS OF CERTAIN INDIAN MINORS.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the bill (H. R. 18893) relating to the title of lands inherited by minor heirs of Indian allottees, and sold by order of court, and for other purposes, to report it without amendment, and I ask unanimous consent for its present consideration. It merely clears the title to certain pieces of land in western Oklahoma.

Mr. BURROWS. I call for the regular order.

The VICE PRESIDENT. The Senator from Michigan asks for the regular order, and the bill will go to the calendar.

HOT SPRINGS MOUNTAIN RESERVATION, ARK.

Mr. CLARKE of Arkansas. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 31806) to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark., to report it favorably, and I ask unanimous consent for its present consideration.

Mr. BURROWS. I must insist upon the regular order, Mr. President.

The VICE PRESIDENT. Regular order is demanded, and the bill will go to the calendar.

EMPLOYEES ON PANAMA CANAL.

Mr. CLAPP. I offer the resolution which I send to the desk, and I ask to have it referred to the Committee on Education and Labor.

The Secretary read the resolution (S. Res. 375), as follows:

Resolved, That the Committee on Education and Labor be instructed to investigate and make report to the Senate whether or not the circular, No. 315, signed by George E. Goethals, chairman and chief engineer of the construction of the Panama Canal, published in the Canal Record for the month of March, 1910, in its reference to employees who have been discharged from South American railroads, has any application as a prohibition to citizens of the United States applying for employment in Government work on the Isthmus;

And to further inquire whether or not the arrangements and agreements with men employed as locomotive engineers, conductors, steam-shovel engineers, and dredgemen on the Panama Canal, made by the Hon. W. H. Taft, when Secretary of War, in relation to compensation for overtime when overtime work was actually necessary, and for longevity pay, has been violated or broken, and whether or not employees who entered upon such work, in reliance upon the arrangements and agreements made with Secretary Taft have been deprived of the benefits of the arrangements and agreements under which they entered upon such work;

And to further inquire if the provision in the act making the appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, prohibiting any part of the appropriation for the Isthmian Canal being applied to the payment for allowance for longevity service on lay-over days other than such as may have accumulated under existing orders of the commission prior to July 1, 1909, is a violation of the understanding, arrangement, and agreement under which the men were employed in constructive and operative work on said canal, and to report whether such prohibition ought to be modified or repealed to effectuate the understanding under which employees entered upon that work.

Mr. BRANDEGEE. Let the resolution go to the Committee on Interoceanic Canals.

Mr. CLAPP. I asked to have it referred to the Committee on Education and Labor.

The VICE PRESIDENT. The Senator from Connecticut asks that it go to the Committee on Interoceanic Canals.

Mr. BRANDEGEE. I think the Committee on Interoceanic Canals would have jurisdiction of the resolution, as far as I was able to hear it when it was reported.

Mr. CLAPP. It goes to the question whether there has been anything not warranted by law with reference to the employment of men. It clearly should go to the Committee on Education and Labor.

Mr. BRANDEGEE. I am satisfied with whatever reference the Chair may direct.

The VICE PRESIDENT. The Chair, unless the Senate directs otherwise, would refer it as the Senator introducing it asked, which was to the Committee on Education and Labor. It is so referred.

BATTLESHIPS FOR ARGENTINE REPUBLIC.

The VICE PRESIDENT. The Chair lays before the Senate a resolution, coming over from a former day, which the Secretary will read.

The Secretary read the resolution (S. Res. 364) submitted by Mr. LA FOLLETTE on the 22d instant, as follows:

Resolved, That the Secretary of the Navy be, and hereby is, directed to transmit to the Senate a report on the following matters:

(1) Copies of any and all orders which may have been issued by the Secretary of the Navy or his subordinates and of all communications received or sent by the Navy Department pertaining to the construction in private shipyards of two battleships for the account of the Argentine Republic.

(2) What, if any, plans of guns, gun mounts, and other appliances pertaining to the armament of battleships the property of the Government of the United States in the custody of the Navy Department have been loaned, transmitted, or communicated to either the representative of the Argentine Republic or to representatives of any shipbuilding company?

(3) What, if any, of such plans cover devices which hitherto through patents or secrecy have been the exclusive property of the United States Government?

(4) What, if any, work has been done in the navy yard at Washington or elsewhere by any officials or employees of the Navy Department, civilians or otherwise, to aid in the construction and armament of the two battleships being built in this country for the Argentine Republic?

(5) If any such plans have been so divulged or if such work has been performed by employees of the Navy Department, by whose authority has such action been taken and such work performed?

Mr. LA FOLLETTE. I offer the amendment I send to the desk, to be inserted on page 1, line 15, after the word "company."

The SECRETARY. In the second paragraph, in line 15, after the word "company," insert:

Were the plans of the new battleships, Nos. 34 and 35, marked "confidential," furnished to the Argentine Republic? Were the plans of our submarine torpedo tubes and the fire-control system furnished to the Bethlehem Steel Co. or to the Argentine Republic for use in the two battleships now under construction in this country for the account of the Argentine Republic? Has the Argentine Republic or the Bethlehem Steel Co. been furnished with the book or specification marked "confidential," or with any appendices to such book?

Mr. LA FOLLETTE. Mr. President, I have no desire to take the time of the Senate this morning in discussing the resolution, if it can be passed by the Senate as I offered it. I ask for a vote on it.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent for the present consideration of the resolution.

Mr. BURROWS. Mr. President, I shall have to call for the regular order.

Mr. LA FOLLETTE. I am unable to hear the Senator from Michigan.

Mr. BURROWS. I say I must demand the regular order at this time. I trust the Senator will be content to have this matter considered later.

Mr. LA FOLLETTE. If the Senator from Michigan will not insist on the regular order I think that no time will be taken in the consideration of the resolution.

Mr. BURROWS. If it takes no time, I have no objection to it.

Mr. BROWN. The resolution is regularly before the Senate, is it not?

Mr. BURROWS. I have no objection to it if it takes no time.

Mr. BROWN. Let it be proceeded with.

Mr. GALLINGER. It is the regular order.

The PRESIDING OFFICER. It is the regular order. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. LA FOLLETTE. I ask that Senate resolution 365 be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 365, submitted by Mr. LA FOLLETTE on the 22d instant, as follows:

Resolved, That the Secretary of State be, and he hereby is, directed to transmit to the Senate copies of any written communications and report upon any verbal communications which may have passed between the State Department and any other department of the Government of the United States, or between the State Department and any department or representative of the Argentine Republic, and any other communications, written or verbal, which may have been issued or received by the State Department pertaining to the construction and armament in this country of two battleships for the Argentine Republic.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. KEAN. That is a very unusual resolution. I do not think there is any precedent anywhere for a resolution of that kind.

Mr. LA FOLLETTE. The occasion for the resolution is very unusual.

Mr. President, I do not wish to take the time of the Senate to discuss the resolution. I ask that it be submitted to a vote.

Mr. GALLINGER. I ask that the resolution be read again.

The Secretary again read the resolution.

Mr. GALLINGER. I will suggest to the Senator that he should insert the words "if not incompatible with the public interest." This seems to be dealing with a foreign government.

Mr. LA FOLLETTE. Mr. President, ordinarily I should readily assent to that. When that same suggestion was made the morning I introduced the resolution, the suggestion coming from the Senator from New Jersey at that time, the Senator from New Hampshire at once said that under the circumstances the phraseology of the resolution was exactly right. His long service upon the Committee on Naval Affairs gives special weight to his opinion in the matter. It was my own opinion. It was for that reason that I so framed the resolution, without including the usual qualifying statement.

Mr. GALLINGER. I do not recall the circumstance the Senator alludes to. I do not recollect having made that statement.

Mr. KEAN. It was the Senator from Maine [Mr. HALE].

Mr. GALLINGER. It was the Senator from Maine, I think.

Mr. LA FOLLETTE. It was the Senator from Maine.

Mr. GALLINGER. I think the Senator will see that no harm can come if this phrase is used. It seems to be dealing with a foreign government.

Mr. LA FOLLETTE. It is dealing with a foreign government, and if there is any occasion for requiring a report under the resolution at all it is because department officials have not been considerate of the best interests of the public or of this Government. I do not think that under the circumstances, considering the nature and character of the resolution, anything should be left to the discretion of the departmental officials in this particular case.

Mr. GALLINGER. I move to amend the resolution.

The PRESIDING OFFICER. The Senator from New Hampshire proposes the following amendment.

The SECRETARY. After the word "Senate," in line 2, insert the words "if not incompatible with the public interest."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

Mr. LA FOLLETTE. Mr. President, if the departmental officials of either of the departments referred to, the one named in the resolution which was passed and the one named in the

resolution which is pending, have disclosed to any foreign government or the agents of any foreign government any confidential documents or any documents treated or marked as confidential in the Department of the Navy, they have manifestly shown such a want of consideration of the public interest that it should not be left to them to judge whether this resolution calls for information which is incompatible with the public interest.

The ordinary plans of battleships, Mr. President, are not confidential, and there is no reason why they should be; but there are many things in the construction of a battleship which I am credibly informed, and which one can readily see is reasonable, should be treated strictly as confidential and should not be communicated to any shipbuilder unless he is employed upon the construction of some battleship for our own Government—and then only in the strictest confidence.

Now, Mr. President, that is all I care to say upon the matter at this time. I trust the amendment will not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire. [Putting the question.] The ayes appear to have it.

Mr. LA FOLLETTE. I ask for a roll call.

The PRESIDING OFFICER. Does the Senator demand the yeas and nays or a division?

Mr. LA FOLLETTE. I demand the yeas and nays.

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

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY], and I withhold my vote.

The roll call was concluded.

Mr. FOSTER. Has the senior Senator from North Dakota [Mr. MCCUMBER] voted?

The PRESIDING OFFICER. He has not voted.

Mr. FOSTER. I withhold my vote.

The result was announced—yeas 44, nays 28, as follows:

YEAS—44.

Bankhead	Curtis	Kean	Root
Brandegee	Depew	Lodge	Scott
Briggs	Dick	Lorimer	Smith, Mich.
Bulkeley	Dillingham	Nelson	Smoot
Burnham	du Pont	Nixon	Stephenson
Burton	Flint	Oliver	Sutherland
Carter	Frye	Page	Taliaferro
Clark, Wyo.	Gallinger	Penrose	Thornton
Crane,	Gamble	Perkins	Warner
Crawford	Guggenheim	Piles	Wetmore
Cullom	Heyburn	Richardson	Young

NAYS—28.

Borah	Culberson	Jones	Shively
Bourne	Cummins	La Follette	Smith, S. C.
Bristow	Davis	Martin	Stone
Brown	Fletcher	Overman	Swanson
Chamberlain	Gore	Owen	Taylor
Clapp	Gronna	Percy	Tillman
Clarke, Ark.	Johnston	Rayner	Watson

NOT VOTING—19.

Aldrich	Burkett	Hale	Simmons
Bacon	Burrows	McCumber	Smith, Md.
Bailey	Dixon	Money	Terrell
Beveridge	Foster	Newlands	Warren
Bradley	Frazier	Paynter	

So Mr. GALLINGER's amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

SENATOR FROM ILLINOIS.

The PRESIDING OFFICER. The morning business is closed.

Mr. BURROWS obtained the floor.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. BURROWS. I am advised that several Senators are prepared to proceed with the consideration of Senate resolution 315. We have three-quarters of an hour before 2 o'clock, and I ask unanimous consent that the Senate now proceed to the consideration of the unfinished business.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. BURROWS. Certainly.

Mr. CUMMINS. I do not want to appear to be ungracious, but I am very deeply interested in a measure pending now before the Senate, and my people are very deeply interested in it. The only opportunity there seems now to be to consider it is to pursue the regular order. I refer to the tariff commisssion bill. I feel, therefore, that I must object.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Michigan.

Mr. BURROWS. I move that the Senate proceed to the consideration of the unfinished business at this time.

The PRESIDING OFFICER. The Senator from Michigan moves that the Senate proceed to the consideration of the unfinished business, Senate resolution 315.

Mr. CUMMINS. Mr. President——

Mr. KEAN. The question is not debatable.

The PRESIDING OFFICER. The question is not debatable. Does the Senator from Iowa rise to a parliamentary inquiry?

Mr. CUMMINS. I believe I do.

The PRESIDING OFFICER. The Senator will state it.

Mr. CUMMINS. My parliamentary inquiry is this: Is the motion made by the Senator from Michigan in order at this time?

The PRESIDING OFFICER. In the opinion of the Chair it is.

Mr. CUMMINS. If it is in order at this time, is it not debatable if made before 2 o'clock?

The PRESIDING OFFICER. In the opinion of the Chair it is not.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from South Dakota?

Mr. BURROWS. For a question.

Mr. KEAN. Let us have the regular order.

Mr. CRAWFORD. If the motion carries, will there be an opportunity to discuss the matter?

The PRESIDING OFFICER. There will be.

Mr. BURROWS. The very object is to open debate on the proposition.

Mr. CRAWFORD. But I was informed that if the motion was carried that we are not even then to have the privilege of discussion.

Mr. KEAN. Let us have the regular order.

The PRESIDING OFFICER. The regular order is being proceeded with, which is the motion of the Senator from Michigan to proceed to the consideration of Senate resolution 315. That motion is neither debatable nor amendable. If the Senate decides to proceed to the consideration of the matter, it is then open for full and free debate.

Mr. JONES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington rises to a parliamentary inquiry. He will state it.

Mr. JONES. Would it be in order to amend the motion of the Senator from Michigan by substituting another bill?

The PRESIDING OFFICER. It is not in order to amend the motion.

Mr. CUMMINS. Upon the motion of the Senator from Michigan I ask for the yeas and nays.

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

Mr. WARREN (when his name was called). I am paired with the Senator from Mississippi [Mr. MONEY].

The roll call was concluded.

Mr. BEVERIDGE. I desire to make a parliamentary inquiry. Can a motion to proceed to the consideration of a matter by the Senate be made before 2 o'clock? I have no objection to this motion, having voted "yea."

Mr. KEAN. The roll having been called, let us have the regular order, Mr. President.

Mr. GALLINGER. That was decided.

The PRESIDING OFFICER. The regular order is demanded.

Mr. FRYE (after having voted in the affirmative). Has the senior Senator from Georgia [Mr. BACON] voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. FRYE. I have a general pair with that Senator, and I therefore withdraw my vote.

The result was announced—yeas 66, nays 12, as follows:

YEAS—66.

Bailey	Dick	Martin	Smith, Md.
Bankhead	Dillingham	Nelson	Smith, Mich.
Beveridge	Dixon	Nixon	Smith, S. C.
Bradley	Du Pont	Oliver	Smoot
Brandegee	Fletcher	Overman	Stephenson
Briggs	Flint	Owen	Stone
Bulkeley	Foster	Page	Sutherland
Burkett	Gallinger	Paynter	Swanson
Burnham	Gamble	Penrose	Taliaferro
Burrows	Guggenheim	Percy	Taylor
Carter	Hale	Perkins	Thornton
Clark, Wyo.	Heyburn	Piles	Tillman
Clarke, Ark.	Johnston	Richardson	Warner
Crane	Jones	Root	Watson
Culberson	Kean	Scott	Wetmore
Curtis	Lodge	Shively	
Depew	McCumber	Simmons	

NAYS—12.

Borah	Brown	Clapp	Davis
Bourne	Burton	Crawford	Gore
Bristow	Chamberlain	Cummins	Gronna

NOT VOTING—13.

Aldrich	Frye	Newlands	Young
Bacon	La Follette	Rayner	
Cullom	Lorimer	Terrell	
Frazier	Money	Warren	

So the motion of Mr. BURROWS was agreed to, and the Senate resumed the consideration of Senate resolution 315, submitted by Mr. BEVERIDGE January 9, 1911, as follows:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

Mr. CRAWFORD obtained the floor.

Mr. STONE. Will the Senator from South Dakota yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. CRAWFORD. I do.

Mr. STONE. I desire to make an announcement. I desire to say that on Wednesday morning next after the conclusion of the morning business I shall proceed to address the Senate on what is known as the Lorimer resolution.

The PRESIDING OFFICER. The notice will be entered.

Mr. CRAWFORD addressed the Senate. After having spoken for some time,

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, in order to avoid any question as to the parliamentary status, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. Senate resolution 315, relative to the election of WILLIAM LORIMER, a Senator from the State of Illinois.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. CRAWFORD. I do.

Mr. BEVERIDGE. Just for a moment. I wish to point out to the Chair at the present moment the unparliamentary status which the Senate has found itself in for the last half hour. We have now been considering for the last half hour, in the morning hour, the unfinished business.

At a later time, not now, I shall call the attention of the Senate to that, because I do not think—I may be wrong—that the motion can be entertained in the morning hour. I am familiar with the rule. The present condition very plainly illustrates that we have been considering the unfinished business under a separate motion for the last 30 minutes. I do not want to take time to do it now, but for the purpose of showing that my inquiry as to that was not vain, I shall lay perhaps two or three authorities before the Senate later on.

The PRESIDING OFFICER. The Chair will state that no point of order was made against the motion when it was made.

Mr. BEVERIDGE. That is true.

The PRESIDING OFFICER. The Senator from Indiana attempted to interpose a point of order at the time the roll was being called and the Chair could not entertain it.

Mr. BEVERIDGE. No; the Chair will permit the Senator from Indiana to suggest a correction; I did not interpose a point of order; I would not have done that; I voted for the motion. I rose to a parliamentary inquiry.

Sometimes in our haste—I have seen it in many matters here in the last 12 years—we overlook the laws which govern our proceedings. The Chair will do the Senator from Indiana the justice to say that he did not rise to a point of order but to a parliamentary inquiry, having voted himself for this very motion, because I did not want to delay the matter, although as a matter of fact I can demonstrate to the satisfaction of the Chair the motion at that time was out of order. But I do not want to take the time of the Senate now.

The PRESIDING OFFICER. The Chair agrees with the Senator from Indiana that he did rise to a parliamentary inquiry and made a suggestion pending the roll call. The Chair did not think it was in order at that time, and directed the Secretary to proceed with the roll call.

Mr. BEVERIDGE. I have no quarrel with the Chair on that point. It is a matter which absolutely is of no concern to me, except I always have stood, even against measures which I myself was pressing, against any infraction of the law of procedure in this body as soon as I had informed myself, after having been here a good many years, what that law was. I sometimes think it is far more important for us to maintain rigidly our regular course of business than it is to expedite matters by a few minutes. I voted for the motion because I am interested in this discussion.

Mr. CRAWFORD resumed his speech. After having spoken for five minutes,

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Oklahoma?

Mr. CRAWFORD. I hope the Senator will not call for a quorum. I am not willing to be a party to force Senators to hear what I have to say. If they do not want to hear it, let them stay in the cloakroom; it is a matter of absolute indifference to me. I am speaking upon a subject in which I am profoundly interested, Mr. President, and I am not speaking out of malice or with a vindictive spirit, because neither has a place in my heart. I can not understand the man who is vindictive and malicious. I can not understand a man of that character, but I can understand the spirit that takes possession of men when they are aroused by a horrible wrong. I can understand the spirit that makes men throw away all fear when they think there is a real menace facing the welfare of their country; and the Republic, sir, will be wounded, wounded to the heart, cut to the quick, if we treat indifferently the things that are laid upon the record in this testimony. So I do not care whether Senators hear me or not. If they do not want to hear me, let them stay in the cloak rooms, but the American people are interested in what is going on here.

The PRESIDING OFFICER. The Chair will state to the Senator from South Dakota that, when a Senator rises and addresses the Chair, it is the business of the Chair to ask the Senator having the floor whether he yields or not. Does the Senator from South Dakota yield to the Senator from Oklahoma?

Mr. CRAWFORD. I will yield.

Mr. OWEN. Mr. President, I regret very much to interrupt the Senator from South Dakota, but the Senate of the United States is sitting as a jury upon a question affecting the honor and integrity of this body, and I believe that even in the Senate of the United States a jury should not be absent when a case is being argued before the jury. If it is not convenient for the Senate now to be present to hear this argument, I move a recess.

Mr. DAVIS. Mr. President, we have been notified by the Senator from Michigan that the jury has already rendered a verdict in this case.

The PRESIDING OFFICER. The Senator from Arkansas is out of order.

Mr. OWEN. I move a recess until 3 o'clock.

The PRESIDING OFFICER. The Senator from Oklahoma stated a hypothetical case as the Chair understood it.

Mr. OWEN. I move a recess until 3 o'clock in the hope that by that time the Senators may find it convenient to attend the session of the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma moves that the Senate take a recess until 3 o'clock.

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

The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum.

Mr. OWEN. I rise to a point of order. Can a call be made now?

The PRESIDING OFFICER. In the opinion of the Chair the Senator has the right to suggest the absence of a quorum at any time. That having been done there is nothing for the Chair to do but to order the Secretary to call the roll.

Mr. BEVERIDGE. That is true.

Mr. OWEN. I believe that is true.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Beveridge	Clapp	Gore	Piles
Borah	Clark, Wyo.	Guggenheim	Richardson
Bourne	Crawford	Johnston	Root
Bradley	Culberson	Jones	Shively
Brandegee	Cullom	Kean	Smith, Md.
Briggs	Cummins	La Follette	Smith, Mich.
Bristow	Curtis	Martin	Stephenson
Brown	Davis	Nelson	Stone
Bulkeley	Depew	Nixon	Swanson
Burkett	Dillingham	Oliver	Taylor
Burrows	du Pont	Owen	Tillman
Burton	Fletcher	Page	Warner
Chamberlain	Frye	Percy	Young

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The Senator from Oklahoma moves that the Senate stand in recess until 3 o'clock.

Mr. BURROWS. What is the motion?

The PRESIDING OFFICER. The Senator from Oklahoma has moved that the Senate stand in recess until 3 o'clock.

Mr. BURROWS. Does not the roll call disclose the presence of a quorum?

The PRESIDING OFFICER. The Senator from Oklahoma moved that the Senate take a recess until 3 o'clock; whereupon the absence of a quorum was suggested, and the roll call has just developed the presence of a quorum.

Mr. OWEN. I demand the yeas and nays on the motion.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion was not agreed to.

The PRESIDING OFFICER. The Senator from South Dakota will proceed.

Mr. CRAWFORD resumed his speech. After having spoken for some time,

The VICE PRESIDENT. The Chair understands that the Senator from South Dakota has yielded the floor.

Mr. CRAWFORD. I yielded it to the Senator from Georgia.

The VICE PRESIDENT. But does the Senator yield the floor, or does he yield to the Senator from Georgia temporarily?

Mr. CRAWFORD. I do, because I have not concluded my remarks, and he has given notice that he wished to speak—if I can do that.

The VICE PRESIDENT. The Chair will recognize the Senator from Georgia, but the custom of the Senate is not to permit a Senator occupying the floor to yield to another Senator to occupy the floor in debate. But, of course, the Chair will recognize the Senator from Georgia.

Mr. CRAWFORD. Very well; but just a moment. I want that understood. Am I giving up the floor entirely? If it is insisted that I go on or yield the floor entirely, I will go on. I can talk some time yet.

The VICE PRESIDENT. It can be done, if the Senate desires, by unanimous consent, but it is not in accordance with the rules.

Mr. CRAWFORD. All I want to know is that I shall have the opportunity to close my speech.

I want to say here now that I am not making this speech for delay. I am saying what I have to say here in good faith, and I want an opportunity to conclude my remarks. They are not going to be at any undue length, but I want an opportunity to conclude them.

Mr. BACON. I think I can make a statement which will clarify the situation. I gave notice that I would ask to be heard to-day at 2 o'clock, and I did so because the vote is scheduled to be taken to-morrow morning immediately after the reading of the Journal, and there will be no other opportunity. At 2 o'clock, the Senator from South Dakota having the floor, I was perfectly willing and consented for him to proceed until 3 o'clock. I do not suppose there will be any difficulty in the world about the Senator again taking the floor and concluding his speech before the vote is taken.

The VICE PRESIDENT. The Chair does not see how it is possible that the Senator could not be again recognized if he asks for recognition.

Mr. BACON. He will have the right as a Senator at any time to take the floor when there is an opportunity to do it.

The VICE PRESIDENT. And he is recognized by the Chair.

Mr. BACON. Undoubtedly.

The VICE PRESIDENT. But not by right of having the floor all the time.

Mr. BACON. I think the Chair is entirely correct.

Mr. CRAWFORD. Mr. President, some weeks ago I reviewed at some length the testimony in the matter now before the Senate and gave my views with reference to what facts were established by that testimony. I have no desire, having once reviewed the testimony and given my views in regard to it, to detain the Senate for the purpose of further discussion. However, the other day when the sitting Member whose seat is involved in this examination addressed the Senate, a part of his remarks were directed to me and to what I had said. A statement of some length was made by him with reference to the organization of the Legislature of the State of Illinois preceding his election by that legislature to the Senate, in which statement he disclaimed that he personally had anything to do with the organization of that legislative body and charged that the result which followed an attempt to organize the lower house of that legislature was due almost entirely to a very extraordinary course of procedure on the part of the governor of that State. He severely arraigned Gov. Deneen, the governor of the great State of Illinois, now in his second term, for his conduct in undertaking to absolutely, as an outside executive force, organize that body. The explanation of the extraordinary alliance between a few Republicans and Democrats and the election of Mr. Shurtleff as a result was the statement; that it was a sort of uprising against outrageous and officious interference by the governor of that State.

I rose at the time to remark to the sitting Member that Gov. Deneen had no opportunity to answer the charge which was being laid at his door, made, as it was here, long after the testimony had been taken and reported, and made, as it was, in this ex parte fashion by the sitting Member, who was not offering himself here as a witness under oath, who was not here in an attitude that would enable us to accept his statement as testimony and to test it by that cross-examination process which is used for the purpose of eliciting the truth. It was suggested that no interruption should be made in the course of the address of the sitting Member.

I felt then that it was only fair to the governor of the State of Illinois that he be given an opportunity to put into the records of this Senate his answer to this remarkable charge made against him here in this exceedingly dramatic manner. It is with reference to that, more than anything else, Mr. President, that I intend to submit a few remarks to the Senate.

I went to the telegraph office the other day and sent Gov. Deneen a telegram, in which I said to him that Mr. LORIMER charged on the floor that he had undertaken to compel members of the legislature, by threat of removal from office and by the threat to take away from them patronage, to vote against Mr. Shurtleff as a candidate for speaker at the session of the legislature in which Mr. LORIMER was elected; and that that was the reason why the Democrats had made this bipartisan contest in the interest of Mr. Shurtleff, and explained his election as speaker. I also telegraphed him that the statement had been made here that Gov. Deneen could have elected Mr. Hopkins, had he been so disposed; that he had the votes under his control to do it; and that he, Gov. Deneen, had pledged Mr. LORIMER to be a candidate himself and had also been friendly to Mr. LORIMER's candidacy. I am stating not the words of the telegram literally, but I am stating the substance of my communication to him, to which I received a reply addressed to me in language as follows:

> My statement published to-day in the newspapers answers the inquiries of your telegram. Also received telegram from Representative Frank Brady, denying statement of Senator LORIMER regarding threats. I did not favor LORIMER for Senator. Understand that Brady's telegram will be published to-morrow. See my statement published by morning and the one published May 29, 1910.
>
> C. S. DENEEN.

This Mr. Frank Brady was brought into the record by the sitting Member the other day, and Gov. Deneen was brought into the record by him in language which was printed in the newspapers as his speech. That speech has not yet been published in the RECORD, but I heard it, and the statement from which I quote, according to my recollection, is a truthful statement of what the sitting Member said in relation to the organization of the House of Representatives at Springfield. In that speech he used this language:

> Mr. President, anybody who knows aught of the organization of that legislature would not make that statement—

referring to the statement I made in my address to the Senate a few weeks ago.

> The facts are that I was not determined to organize the legislature against Gov. Deneen, and, if I had been so determined, under all the conditions existing at that time, it would have been impossible for me to do so. To organize a legislature with the aid of Democrats and Republicans is a matter that can not be done just by a wish or a thought. It requires constant effort to bring about a combination of that sort under what Senators would have us understand was a well-defined plan in the head of just one man.
>
> It happened, Mr. President, that on the 15th day of September I was stricken with illness—

And he goes on to explain how he had gone to the Pacific coast, how he had come from there to Washington, and how on the very day or the following day after the speaker had been elected at Springfield, he, Mr. LORIMER, went on record in voting for some motion in the House of Representatives. He then explained Shurtleff's election as follows:

> Edward Shurtleff, Mr. LORIMER declared, was elected speaker of the Illinois House of Representatives because of a condition that arose there, and if the same condition arose anywhere else in the country the result would have been the same. The governor of our State was very much opposed to the reelection of Mr. Shurtleff, and he called in a few of the members and told them that they must elect some person speaker other than Edward Shurtleff.
>
> Gov. Deneen told them that he did not care who was elected speaker, but that under no circumstances must any Republican vote for Edward Shurtleff, and, if they did vote for him, he served notice on them not one of them could expect to receive patronage at the hands of his administration.

He went further than that:

> He called in Representative Brady, who had pledged his support to Shurtleff, and he told him that unless he joined with the men that were trying to organize that body under his dictatorship every man who was in the employ of the State on Brady's recommendation would be forthwith dismissed; in other words, the governor of our State undertook to dictate to the general assembly who should be its speaker.

Here he was interrupted by me; and in reply to my protest against his attack upon Gov. Deneen, when the latter could not be heard, he said:

I was in no way connected with the committee which investigated these charges and I have no right to summon Gov. Deneen. During this whole investigation, from the day when I submitted the resolution to make this inquiry last May, no Senator, whether he was a member of the subcommittee or not, will say that I have ever suggested anything to him or made any appeal or in any way at any time tried to influence his judgment as to how he should vote in my case, and so I made no suggestions to the committee as to who should be summoned as a witness. If the Senator from South Dakota is dissatisfied because the governor of our State was not called to refute these statements I am not to blame for it, but it would have been impossible to refute this statement at that time because the cause for making it was not suggested to me until the Senator from South Dakota made it in his speech on this floor just a short time ago.

Then he goes on to say, in reference to Gov. Deneen:

Suppose, Mr. President, that the President of the United States—a President of the United States—I care not who he be, should call in the Senators of his party, tell them who he wanted for President pro tempore of the Senate, tell them how he wanted the Senate committees organized, tell them that unless they did his bidding they could get no patronage under his administration, and tell them that if they failed to do his bidding every last man employed by the Government on their recommendation should be driven from public employment?

Suppose a President could fall so low as to undertake such a feat as that, and that he succeeded in getting into an organization a majority of the Members of this body of his own party to the exclusion of one man and the men who were favorable to him—what do you suppose the Senate would do? What do you suppose party lines would accomplish? It would not take the Senators of this body one moment to make up their minds to cross the party lines and organize the Senate with men whom they thought were fit to hold the different offices in the control of this body.

The men in our State did what any set of sensible, courageous men would do. They organized the body, regardless of the wishes of the executive branch of the government. If the governor of our State had attended to his own business, said nothing to the members of the house, permitted them without coercion to go on and organize that body, Mr. Shurtleff would have been the choice of its members and he would have been elected in the Republican caucus by a unanimous vote.

Mr. President, it seemed to me rather remarkable at the time, and it seems to me yet to be very remarkable, that one of the salient elements, one of the significant occurrences in Springfield which operated powerfully in the shaping up of the situation there that ended in the election of the sitting Member, to wit, the securing of the control of the organization, with all of its patronage, with the influence of its speaker, should not in any way have been the subject of inquiry before the committee, and that the sitting Member in his argument should attempt to destroy its effect as a material fact by making, upon the floor of the Senate, a most sweeping and severe arraignment of the governor of his State, with no possible opportunity either on the part of the governor himself to be heard or on the part of the committee to make investigation of the charges, unless a further continuation of this investigation is had, which all would deplore.

It was remarkable that such a statement should for the first time be made in closing the argument here, placing in that light before the people of this country the governor of a great Commonwealth, a highly respected citizen of Illinois, with a record behind him for achievement, with a record for climbing that ladder which every American boy may climb as long as the stars shine in the heavens above him. It was remarkable that he should be attacked in this manner here, with no opportunity to defend himself and no choice here on the part of a Member of the Senate to do anything except to accept the statement of the sitting Member or refuse to accept it; and so I sent this inquiry to the governor of Illinois.

Mr. President, it is perfectly apparent to any person who has had any experience whatsoever with legislative bodies, with political issues hinging upon the action of a legislature, with the solution of contests between candidates for United States Senatorship before legislative bodies, that one of the most important points in the case for or against a candidate is to be sufficiently fortunate to have the legislative body organized by those who are his friends. It is true in State legislatures, or with most of them, as it is in the National House at Washington, that a tremendous power is wielded by the speaker of the popular house. He names the chairmen of the great committees, the chairman of the committee on corporations, the chairman of the committee on railroads, the chairman of the committee on appropriations, the chairman of the committee on the judiciary, and the membership of each of these great committees, to one or the other of which is referred every important measure that is before the legislature for consideration. Places upon those committees are sought and eagerly sought by members, no matter to which party they belong.

To those who were interested in the election of a United States Senator at Springfield, the control of the organization there was a matter of much concern and the selection of the speaker of the house was a matter of the most extreme importance. Here we have this sweeping charge made upon the floor of the Senate by the sitting Member, so dramatically placing it before this body the other day, that the governor of the great State of Illinois, Gov. Deneen, played the autocrat and attempted to organize the lower branch of the legislature there and to swing a club over the members of that body, threatening that unless they did his will in selecting their presiding officer he would not simply withhold from them, the offending ones, any recognition in the distribution of patronage, but that he went further than that and threatened one of the representatives, Mr. Frank Brady, that he would wreak vengeance upon him by removing from office those who were indebted to him for places.

I say it was a most remarkable thing here, in the closing hours of this debate, after the testimony had been submitted and closed, when there would be no opportunity here to say whether or not these grave and serious charges of usurpation and tyranny lodged upon the floor of the United States Senate by the sitting Member against the governor of a great State for the purpose of placing upon him the responsibility for this most remarkable situation at Springfield for that charge to be made here under such circumstances; not as a witness under oath, subjecting himself to cross-examination, where the facts could be elicited by all the tests that can be applied in such cases, but under the privileges of this floor he made a statement so sweeping, a charge so remarkable, that it seems to me only fair and decent that the governor of the State of Illinois should have an opportunity to reply.

Mr. President, speaking with reference to the governor of Illinois I desire to say that I am not here as a special pleader in his behalf. My acquaintance with him is not at all intimate. I had the pleasure of making a trip with him once on the Mississippi River and on one other occasion of traveling with him from Chicago to Washington. I am somewhat familiar, as we all are, with his career, and it is a career which appeals to us just as the review of some of the incidents in his life given here the other day by the sitting Member appealed to us. Incidents in the career of both are the highest tributes to America and to this great Republic. It is not a matter of regret but it is one of profound gratification in which we all alike rejoice that in this country a boy can come up from the humble position of peddling newspapers and blacking boots, that he can climb the ladder with the stars of hope shining in the sky above him and keep on climbing until he reaches the highest place in the gift of the Nation. Instead of being a subject for pity the opportunities given to vigorous youth of this country, born in humble environment, gives joy rather than sorrow and sadness. I think the most unfortunate youth in the United States is the youth who is born in wealth—who is so unfortunate as to be born in an environment that does not require of him that he make struggles and win triumphs like these which both LORIMER and Deneen have met and won.

I recall that Charles S. Deneen, the governor of the great State of Illinois, is the son of a Methodist minister who rode circuit in Illinois away back in the days when the venerable Senator from that State who sits at my right was a youth. I recall the story—he told me a little of it himself—of Charles S. Deneen, a boy without money and without friends, who went into the great city of Chicago and started his splendid career. I remember his telling me how he made his living in those days by teaching night schools, reading law in the daytime.

As the governor of the great State over which he is presiding with credit, Gov. Deneen should be dealt with by the Senate at least justly. He should at least have an opportunity to be heard when the accusation is laid at his door that he was a usurper and a tyrant who caused a rebellion to arise in the Legislative Assembly of Illinois so strong that party lines were considered as secondary; that because of this rebellion, caused by the power of a tyrant, there was no longer any distinction between Democrats and Republicans, but they organized the legislature as freemen to overthrow a tyrant governor, Charles S. Deneen, the Methodist minister's son, whom the people of Illinois by their suffrage had placed in the position of their chief executive. Let us hear what he says. It is only fair, it is only just, that he have an opportunity to be heard here.

Mr. President, I hold in my hand the statement to which Gov. Deneen referred in his telegram to me. I hold in my hand all that I am able to present here as an answer to this grave charge laid at his door upon the floor of the Senate, with no opportunity for cross-examination, without even the sanctity of an oath having been administered, and with no opportunity upon his part to make answer. I do what I can in justice to the governor of Illinois to give to the Senate the

answer which he makes to this charge of tyranny and usurpation and unjust interference on his part with the Legislature of Illinois to such an extent that it is claimed it caused a rebellion there, which broke down all party lines, so that these free men of the State of Abraham Lincoln could assert themselves. What does the governor say?

SPRINGFIELD, ILL., *February 23, 1911.*

"But what does all this have to do with the charge that Senator LORIMER was elected by the corrupt use of money?"

With these words Gov. Deneen closes a statement made late last night in reply to that portion of Senator LORIMER's speech in the United States Senate wherein the junior Senator attempted further to complicate the issue in his case. Gov. Deneen's statement follows.

The governor refers to this statement in his telegram to me, in which he says:

My statement, published to-day in the newspapers, answers the inquiries of your telegram.

The statement to which Gov. Deneen refers is as follows:

I have only such meager information regarding the speech made by Senator LORIMER to-day as appeared in the afternoon editions of the Springfield papers. I notice, however, that he followed the course which I have often observed is followed by men charged with serious offenses in Cook County when I was State's attorney there, of trying to escape explanation of the facts against him by making charges against men who are not on trial. He has followed the course of Mr. Erbstein, one of the attorneys for Mr. Lee O'Neil Browne, who was recently indicted and tried in the criminal courts of Cook County for jury bribing and who refrained from going on the witness stand to testify under oath, where he could be cross-examined, and, instead, made a speech to the jury, where his statements were not subject to the rules of cross-examination.

Mr. LORIMER in his speech charges—

1. That I consented to become a candidate for Senator and then immediately withdrew. This is not true.

This is the language of the governor of Illinois, made to the American people, and referred to in his telegram received by me when I told him what charges had been made against him on the floor of the Senate—

That I consented to become a candidate for Senator and then immediately withdrew. This is not true.

A denial under these circumstances is entitled to just as much credit as the charge, because the man making the charge is in a desperate situation and does not make it under oath, while the man who answers it is simply stating what is the fact as he knows it.

This is not true—

Says Gov. Deneen—

I never gave my consent to him or anybody else to become a candidate, but, on the contrary, refused to do so and stated to everyone who spoke to me upon the subject that I refused to become a candidate and would not accept the office if elected.

We are told how awful it is to attack a man's character and reputation, and I indorse every word of it. But an attempt is being made to claim that this investigation, instead of being an investigation to ascertain whether there was a valid election, is an investigation to assassinate character.

You can make that charge in every murder trial by saying it is a conspiracy on the part of the State's attorney and the prosecuting witnesses and the sheriff to ruin the character of the poor man put upon his proof. If we are to retreat from the performance of our duty in enforcing law, if we are to refuse to consider charges that go to the very heart of the Republic, charges of bribery in elections, that strike a death wound to the heart of society; if we are to run away from our duty in a case of this character because some one says it is an attempt to assassinate character, we are writing ourselves down as cowards.

Great God, are we to throw aside direct testimony of bribery and the unlawful use of money to corrupt elections and run away because some one says we will injure the good name and reputation of the man who is the recipient of the fruits of the fraud?

Better tear down our courthouses, better burn up our statutes, better abolish the Senate, better let every man do as he pleases rather than be governed by any such motive or by any such appeal as that.

The governer goes on:

2. He charges that Edward Shurtleff—

I call attention to this—

2. He charges that Edward Shurtleff became speaker of the house because I threatened to deprive representatives of patronage should they vote for him, and that I tried to elect one of my friends as speaker. Neither of these charges is true.

Thus answers the governor of Illinois.

"Neither of these charges is true" rings out through the press of the country the next morning after they were uttered here. "Neither of these charges is true," says this son of a Methodist minister, who, in his earlier days, taught a night school in Chicago while fighting for a place at the bar, now an honored citizen and the chief executive of his State.

"Neither of these charges is true." I say his denial is entitled to as much credence here as the charges made by the Senator, who has everything at stake and who makes them at the last moment, with no opportunity for cross-examination; makes them not under oath but through courtesy here. You can not throw aside this statement of the governor of Illinois, whose good name has been attacked here as a tyrant, a usurper, a dictator, that these charges are not true.

I threatened no one with taking patronage from him, nor did I ask any member to vote for any particular person for speaker. I urged the Republicans to go into a Republican caucus and abide by the will of the majority as expressed there; and had Mr. Shurtleff been selected as Republican candidate for speaker in a Republican caucus, any man who would have followed my advice would have supported him.

This is a frank, candid, and open statement of an honest man, a man willing to recognize the right of the majority of his party to rule.

"The same situation arose here last month," says Gov. Deneen. I want to say to the Senator from Georgia [Mr. BACON], whose time I really am trespassing upon, that as soon as I finish making this statement of Gov. Deneen, so that I may have it in the RECORD, while I will not have concluded all I wish to say, I will be glad to yield to the Senator from Georgia. In a way, I am really trespassing on his time.

Mr. BACON. Mr. President, if the Senator will finish within an hour I am willing to have him go on rather than break into his speech.

Mr. CRAWFORD. When will the hour end?

Mr. BACON. At 3 o'clock, say.

Mr. CRAWFORD. I will do the best I can.

Mr. BACON. I am willing the Senator shall go on until then.

Mr. CRAWFORD. Gov. Deneen goes on to say:

The same situation arose here last month at the beginning of the present session of the general assembly. Mr. Shurtleff and his friends again refused to go into the regular Republican caucus. The other 64 Republicans, most of whom were my friends, went into the caucus and there selected Mr. Charles Adkins as the Republican candidate. I urged the Republicans to go into this caucus and abide by its decision, but did not indicate to any Republican any preference for speaker.

Immediately after Mr. Adkins had been chosen for speaker it appeared that Mr. Shurtleff and his friends, who were hostile to me and were opposed to the Republican platform, would be given conspicuous places and would, in fact, dominate the house organization. Notwithstanding this was apparent, every one of the 64 members who went into the caucus voted for Mr. Adkins for speaker because he was the caucus nominee.

3. Senator LORIMER states that I could have elected Mr. Hopkins Senator at any time. In view of the fact that he charges in the same breath that I could not elect a speaker, this statement falls by its own weight and needs no further refutation.

4. He states that Mr. Shurtleff was one of Mr. Hopkins's managers. This will be news in Illinois.

5. He has added to the list of candidates, whom he claimed in his speech of May 28, 1910, that he submitted to me, Mr. GEORGE EDMUND FOSS. My answer made on May 29, the day after Mr. LORIMER'S speech in the Senate, stands now as to Mr. Foss also.

He then goes on as follows, quoting Mr. LORIMER:

I urged him [Deneen] to become a candidate, telling him I believed he would reunite our party, torn asunder by factional strife. The proposal to elect me United States Senator was not by Republican votes alone, but I was assured by him that I would get practically the entire Democratic vote in the house.

No one who is familiar with the situation but knows that the majority of the Republicans were at all times for Senator Hopkins and would not have voted for me had I become a candidate or for anyone else—

We are told here that they did not intend to observe the popular vote, that none of them intended to follow it; but Gov. Deneen says:

No one who is familiar with the situation but knows that the majority of the Republicans were at all times for Senator Hopkins, and would not have voted for me had I become a candidate or for anyone else; and the only hope of electing anybody but Senator Hopkins lay in securing a large Democratic support. No Democrat offered me such support; and the assurances of that vote came entirely from Senator LORIMER, who appeared even at that time to have authority to speak for the Democrats in this matter.

I notice that he gives reasons why the Democracy would support him. I have looked in vain in his speech for reasons why they would support me or any other Republican whom he named in his speech to-day, none of whom could have gotten a majority of the Republicans, *because the majority felt bound by the primary vote to vote for Senator Hopkins.*

Mr. President, was I making a radical statement when I said that a few unprincipled men threw to one side, threw to the winds, the verdict which the people had rendered, and sought to circumvent it? Gov. Deneen says:

Because the majority felt bound by the primary vote to vote for Senator Hopkins.

The truth is—

Now, here is a very significant fact, and I call the attention of the Senate to it, because it shows what had been going on long before the legislature met. Here is what Gov. Deneen says:

The truth is the bipartisan coalition which reached its climax in the election of Senator LORIMER was formed in the general assembly

which preceded his election for the purpose of defeating me. To injure me it made a spurious investigation of our State institutions; it made corrupt alliances with certain interests that could not use me to secure my defeat in the primaries and got a very influential wing of the Democratic Party to unite with it in this effort. It was the understanding then that if the effort to defeat me at the primaries failed the Republican members of the bipartisan coalition would in turn join with the Democrats to defeat me at the polls, a program which was followed to the letter.

Gov. Deneen was hounded as perhaps no one in the history of the country was hounded, not by Democrats, but by members of his own party, belonging to the Lorimer and Yates factions, who came within a few thousand votes of defeating him, and then started factional committees out over the State to examine the institutions for partisan purposes—for factional partisan purposes. The governor tells us about it. He says:

After the election it became apparent that the Republican wing of this bipartisan coalition would not go into a Republican caucus upon the speakership, where they would be in a hopeless minority, and before the general assembly met it became apparent, also, that they would join with the Democrats to elect a speaker and organize the house of representatives on bipartisan lines. This was done, and Mr. Shurtleff was elected speaker.

Mr. President, I said in my speech that the election of that speaker was the first step in a corrupt program and that the selection of Lee O'Neil Browne as minority leader was the second step in a corrupt program, and that a union of forces between the men who had been heretofore handling the jack pot with the men who wanted to elect a Senator was the third step in a corrupt program; and I do not back a hair's breadth from that statement, because the facts justify it.

Talk about this happening while the sitting Member was over here in the House of Representatives! The sitting Member did not have to be in Springfield, for he had been carrying on a campaign all summer and all fall before the November election; he had his forces well in hand; and they were at Springfield. I did not say he was there at that time. I said the Lorimer Republicans went into this combination with the Democrats and elected Shurtleff speaker against Hopkins and against Gov. Deneen; and I do not back from it a hair's breadth, because it is a fact, and the record proves it. Gov. Deneen says:

After the election it became apparent that the Republican wing of this bipartisan coalition would not go into a Republican caucus upon the speakership, where they would be in a hopeless minority, and before the general assembly met it became apparent also that they would join with the Democrats to elect a speaker and organize the house of representatives on bipartisan lines. This was done, and Mr. Shurtleff was elected speaker.

It was understood that the first fruits of this coalition would be to unseat me as governor, and the public is familiar with the long-drawn-out contest, where the plan was to unseat me without counting votes, upon trumped-up general charges affecting every county in the State. Finally, the contest committee ruled that they would have to file specifications, when the whole rotten fabric of false accusation dissolved and disappeared.

This is a fine situation, indeed, a plot not only to go in with the opposing party, select a speaker, and secure control of the patronage of the lower branch of the legislature against a Republican governor, but to also put up a job on that governor by a daring attempt to remove him from office and to thereby secure control of the State. The election of the speaker was the first step in this program, which I denounced as a corrupt program conducted by unprincipled men, and which I said ripened into bitter fruit afterwards; and so it did. Gov. Deneen continues:

It was understood that the first fruits of this coalition would be to unseat me as governor, and the public is familiar with the long-drawn-out contest, where the plan was to unseat me without counting votes, upon trumped-up general charges affecting every county in the State.

God save us from this kind of politics! God knows, in His wisdom, that the only way His people can rule is to take power out of the hands of such an outfit as this. You ask why these popular uprisings; you ask why there is agitation for the initiative and referendum. It is because the people are distrustful of such legislatures as this. I do not believe in the extremities to which they go in some of the States, but I submit that it is the natural result of a situation like this in Chicago, under the rule of "Hinky Dink" and "Bathhouse John;" it is the natural rebellion against such conditions in Tammany and in other great cities. You are surprised because the people, who, in their heart of hearts, believe in their God and in their fellow men, hug the belief that there ought to be something pure and wholesome in our political life, are shocked when they learn of such conditions as these at Springfield.

Ah, it will not do to harden the heart and turn the back to all this or to put it aside lightly, or to say, as some have stated to me in letters, "they all do it." "You make a great fuss over it, but it is done everywhere." Great God, is that to become the common belief of our people? Mr. President, we ought to stop and take an invoice here; to think seriously; not dismiss an important proceeding, an inquiry like this, because of a fear that it will injure the reputation of one man. Why, that man is a mere incident here. I can love him in my heart and desire to help him, but I will never, so long as I have a voice and a breath in my body, stand for a fraud like that established in this case—never. It can not be dismissed as worthy of only a passing thought. I can not conceive how men can look at a situation like this in that way.

"Oh," they say, "we are making these appeals to the galleries here because we think it popular." What a sordid and suspicious view that is of a situation like this. Mr. President, there are people all over this country living in homes, where the old family Bible lies on the center table; where the New Testament is read to the children in the morning, and where every day prayer goes up to Almighty God for the preservation of the Government. From such homes come the recruits that take the leadership in the great responsibilities of our national life, the recruits that guide the destinies of the Nation and enable it to continue in its course. They come from those homes; they become your railway presidents, your great bank presidents, your great engineers. The men and women in these homes have a profound interest in this case. What do you suppose their opinion is of this sort of thing? Mr. President, if an invader was endeavoring to land on either shore of this Republic with the purpose to destroy the Government and these institutions, there is not a man in this Senate but would be on his feet, and the old song, "My country 'tis of thee," would take possession of his heart; the tears would run down his cheeks; he would be willing to sacrifice everything he had on earth to save his country; yet with apparent indifference we look upon a poison canker in our political life where men are selling their votes, where men are getting into office through the use of money, where, in places like Springfield, legislation is being sold, and where men confess that they received money to cast their votes for a Member of this Senate, and it is easier to dismiss it as not worthy of our concern. It is easier to dispose of it all by dismissing this great mass of testimony so strong and so convincing by believing that it is false.

It is easier to prefer simply to fold our righteous robes about us and to hug the delusion that we are not required to look upon rottenness like that; to turn our backs to it; and to believe that it does not exist at all. There is no one so blind as he who will not see. Gov. Deneen says:

It was understood that the first fruits of this coalition would be to unseat me as governor, and the public is familiar with the long-drawn-out contest, where the plan was to unseat me without counting votes upon trumped-up general charges affecting every county in the State. Finally the contest committee ruled that they would have to file specifications, when the whole rotten fabric of false accusation dissolved and disappeared.

It was after this that I was offered the nomination for the senatorship by men who had waged this unrelenting warfare against me for so long a time. Manifestly, the only purpose of such a proposal from such a source was to get me out of the governorship, where I stood in the way of their plans, and leave to this bipartisan combination the reuniting of the Republican Party, torn asunder by factional strife. What interest the 53 Democrats who voted for Senator LORIMER had in the reconciliation of Republican factions, torn asunder by factional strife, doth not yet appear.

But what does all this have to do with the charges or the evidence that Mr. LORIMER was elected by corrupt use of money?

Now, Mr. President, I want to call attention to another very significant fact, which is that the wonderfully dramatic and appealing statement made here the other day was an avoidance. I will not say a "confession and avoidance," but an avoidance, because it did not deal with a single one of the concrete facts established in the record in this case. It was a very appealing story about selling newspapers and meeting Hinky Dink and getting a job for the man whose wife was sick; but the sitting Member, when he got through with that whole story, only made the claim that he had accounted for 34 Democratic votes, and he said those 34 friends of his got the rest of them for him.

They got the rest, but how did they get them? He says John Broderick was one of those friends. Well, we know how John got one of them, and the sitting Member did not deny that John got it in that way. He simply undertook to explain how he got 34 votes, but there were 19 more, and how did he get them?

I am not going to review all the testimony. The Senate would not hear me if I should do so, even though I did it ever so well; they are tired of this case and all that, but, Mr. President, it remains, and it will remain in this record forever, that Charles White left O'Fallon, Ill., on one day and went to Chicago. He met Lee O'Neil Browne there and came back home the next day. He went to the cashier of a department store and gave him an envelope with $800 in it, and wrote his name on that envelope, and the cashier of the store put it in his vault and kept it over night for him. It is in that record, and it will remain there forever, that the next morning White went down to his office and called his stenographer, Miss Van-

deveer, and there they made a list of his debts and his debtors, and he called them in and paid off their debts; that he took their receipted bills, and those receipted bills are in the record.

It is in that testimony, and it will remain there forever, that the man who had been in business with White at O'Fallon, Ill.—John W. Dennis, who gave his testimony—knew of White going to Chicago, saw him when he returned, knew that he did not have a dollar before he went, and saw $200 on his table in his office when he got back. Mr. Lee O'Neil Browne admits that he met White in Chicago in the Briggs House at this very time. Everybody admits that White was a spendthrift, a gambler, a drunkard, and that he had drawn his salary in Springfield in February and speedily spent it, and this was in June. What is one to do with testimony of that kind? Oh, the self-righteous may refuse to look at it. They may wrap their cloaks about them and turn their backs to it, and say, "We prefer not to see it, though we know it is there, because to believe it would be a reflection upon some man's character." There is none so blind as he who will not see.

Beckemeyer says he went over to St. Louis on one trip, that he met Browne there, that he got $1,000, and that he went over there on another trip and met Robert E. Wilson and got $900. Did he act like an honest man? He says he took that money and put $500, as I recall, in the Commercial Trust Company Bank; and the man who went with him to identify him went on the stand and said he saw Beckemeyer do this. Then, what did he do with the rest? He did not want to be caught with it on his person. He did not deposit it in his home bank, but took it over to a bank in another town, deposited it there, and then drew a few bills at a time. He would have the big bills exchanged into little bills and put the little bills into his pocket, spending that money for expenses a little at a time, and when that was gone, he would go back and get some more large bills, have them changed, and spend the money in the same way.

How natural and consistent that is with guilt and how utterly inconsistent it is with innocence; yet men do not want to believe it. They simply turn their backs upon it and say, "We refuse to believe it because it is an unpleasant thing to do; it will involve a Senator; it may put him out; it may involve him during all his future life in disgrace; and therefore we do not want to believe it and we will not believe it;" men may be found who will shut their eyes against the plain truth and refuse to believe it. There is none so blind as he who will not see.

Mr. Holstlaw comes up from a town in southern Illinois and goes to the west side of Chicago and into a saloon that he had never been to before in all his life. The man whom he visited there takes him into his office and pays him $2,500. He goes over to the State Bank of Chicago, deposits it there in the regular course of business, and a deposit slip is made in the usual course of business. The man who saw him come in, who looked upon him when he came, who took the money out of his hand, and who placed it to his credit or to the credit of his bank at Iuka, goes on the witness stand and says, "This is the man. On such a day this is the man who came into my bank; I saw him myself; I accepted this money from him; I put it in my bank; and here is the deposit slip. It was made out in the regular course of business at the time."

But, "Oh," they say, "we do not believe it, because we prefer to think that there is something irregular about the deposit slip, because we prefer to think that it might have been a manufactured and forged deposit slip."

The cashier of that bank goes on the stand and says:

> I saw this man come into the bank; I took this money from him; I placed it to the credit of his bank at Iuka.

Not one cross-question is put to him that impugns his good faith; not one inconsistent statement is wrung out of him; but men say he committed a perjury, and men say that because Gov. Deneen, of Illinois, was a stockholder in that bank, the great governor of a great sovereign State being a stockholder, a bank in Chicago that received $2,500 from Mr. Holstlaw is to be put under suspicion for having been guilty of a direct forgery in connection with a deposit slip. Ah, you can not get away from the probative force of this testimony by that.

John Broderick lived in a certain ward in Chicago. He was a friend of Mr. LORIMER; he got many votes for Mr. LORIMER in another ward, and he had been Mr. LORIMER's friend for years. It is this friend, John Broderick, who had the deal with Holstlaw, and it is this man Holstlaw who comes in with a statement that he was in a corrupt furniture deal in the legislature, a statement which he put in writing; but it is said that that should all be swept aside because the State's attorneys in Chicago and in Springfield insisted on finding out the truth. Would you ever have convicted the Sugar Trust if you had not jerked a man out of the penitentiary, pardoned him, and had him turn State's evidence to get the truth? What are you going to do with violators of law in this day when money is ruling? The Sugar Trust and others are violating the law, and they control the machinery of the law, if possible, and if you attempt to get the men who are accomplices with them and get the truth out of them you will be guilty of violating the rules of law and order, and it is "the third degree." Men who cry the loudest about "the third degree" are the men who do not want crimes to be uncovered. The men who cry out the loudest always against peace officers and prosecutors are the men who want the man who is on trial to escape.

I will yield now to the Senator from Georgia [Mr. BACON]. I have not entirely concluded my remarks, but the Senator had announced that he was going to speak at this time, and I yield the floor to him.

Mr. HALE. Mr. President——

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

Mr. BACON. I do.

Mr. HALE. The conclusion which has been reached is just exactly in the line of the course and precedents in the Senate. The Chair undoubtedly is right. No Senator can yield to another Senator to go on and make a speech and keep the floor.

Mr. BEVERIDGE. Certainly not.

Mr. HALE. And when a Senator has done that there never has been an instance in my experience in the Senate when a Senator, either from fatigue or for any other reason, has yielded the floor that he was not afterwards recognized by the Chair, and proceeded——

Mr. BEVERIDGE. Of course.

Mr. HALE. As a matter of course.

Mr. BACON. I think I substantially said the same thing. The Senator from South Dakota will have to be recognized de novo, if he is recognized.

The VICE PRESIDENT. Certainly.

Mr. HALE. The Senator from Georgia is speaking in his own time.

Mr. BACON. It is a little embarrassing for me to do the same thing now, but the Senator from Maryland [Mr. RAYNER] has asked me to give him a few minutes for the purpose of presenting some views upon the same subject as that upon which I am to address the Senate, and I therefore yield the floor and trust to my opportunity to regain it afterwards.

Mr. STONE. Mr. President, I wish simply to make——

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

Mr. RAYNER. Certainly.

Mr. STONE. I gave notice this morning that on Wednesday I would address the Senate on the Lorimer resolution, so called. I find that a vote on the constitutional amendment for the direct election of Senators is set to be taken immediately after the reading of the Journal to-morrow morning. I should like to modify the notice I gave to-day and say that if I can do so I will proceed with what I have to say on the election case immediately after the vote is taken on the constitutional amendment to-morrow morning.

ELECTION OF SENATORS BY DIRECT VOTE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. RAYNER. Mr. President, I ask the attention of the Senate just for a few moments to give the reasons why I shall vote for the joint resolution submitting to the legislatures the question of the popular election of Senators with the Sutherland amendment in it. I will not take long. I promised the Senator from Georgia I would not take over seven or eight minutes. I will ask Senators kindly not to interrupt me.

Mr. President, I would rather not have the Sutherland amendment, and opposed it with all my strength. It is now a part of the resolution; and the question with me is, Shall I vote for this resolution or against it with this amendment in it? I have reached the conclusion to support the resolution with the amendment. In the several arguments that I have addressed to the Senate upon the Sutherland amendment I stated that I had not arrived at any conclusion as to whether I would support the resolution with the amendment incorporated in it. I also took good care to state that I objected to the amendment principally upon the ground that I did not consider it necessary, believing, as I still do, that Federal laws could be enacted by Congress to prevent violence, intimidation, or corruption at the polls without the Sutherland amendment as well as they could with it.

I am so strongly in favor of the election of Senators by the people that I can not possibly turn the proposition down because it contains a provision that might probably give rise to trouble in the future. We will be prepared to meet the trouble if it should ever come. Public opinion would not tolerate the passage of any measure similar to the force bill. I think that is a dead issue, buried beyond the chance of political resurrection. Nor can I by my own vote delay this great question until the next Congress. The vote may delay it, but I shall not and can not participate in that plan. I want to expedite it with all my might and strength. I have fought for this proposition for the greater part of my public career and believe in it with all my heart. I consider that it will be the greatest political reform accomplished by the present generation.

The proposition that the people are incapable of selecting Senators seems to me too absurd for consideration. I have not a lingering fear of the incapacity of the people in this regard. I would rather trust the people than trust the legislature. Intelligence rules the day. If the people select an incompetent Representative, then it is the people's fault, and it is not for us to criticize them.

The people want this change and they will have it. It is not the clamor of the mob; it is not the impulse of agitation; it is the deliberate and matured thought of the American people that the change shall come. Between the people and the legislature I prefer the people, and I would not want to hold my place here for a moment if I thought the popular sentiment of my State was against me. Legislatures are one thing, the people are another. Legislatures are sometimes controlled by political managers, and the people at this hour are in the humor of breaking the bonds of political despotism. The day of tyranny is over in this Republic, and the rising generation is no longer being driven to the polls like cattle to the shambles, but is marching in unbroken phalanx with free ballots and ballots that are not for sale. From the ranks of labor and from our colleges and universities they come. They understand this question and demand that it shall be submitted to the legislatures of the States. They will not tolerate the suggestion that has been advanced here that they are too ignorant to decide it.

From whence comes this suggestion that the people can not perform the function of selecting Senators? I have hardly ever heard of it outside of this Senate Chamber. I am satisfied that this body contains a membership better equipped in point of character and ability to perform the important duties assigned to them than any other parliamentary assemblage in the world. But, on the other hand, I do not believe we will deteriorate if the people are allowed to make the selection.

I recognize the fact that this is a representative government, but great changes have taken place since the adoption of the Constitution, and the greatest of all changes apparent now on the surface to the casual observer is that there should be a closer relationship between the people and their public servants.

If the people have not the intelligence or the capacity to select their Representatives, then we had better submit a constitutional amendment to change our form of government from a republic to a monarchy. If the people must have political slave masters let us invest them with royal power and hereditary prerogative. If the people are wanting in the qualifications requisite to select Senators, then, in my judgment, the Republic is a failure. Who says that they can not be trusted? We say so. Who has authorized us to say so? We are not the masters; we are the servants of the people; and if the States demand that this question should be submitted to them, in my judgment we had better no longer trifle with their appeal.

I am not influenced by passion or feeling, but my mind has kept pace, solemnly kept pace, with this mighty problem, and we can not prevent its consummation. We may impede it, we may delay it, we may throw obstacles in its path, we may obstruct it, but the day of reckoning and accountability will come.

I shall therefore support this resolution for two reasons: First, because I believe in it; and, second, because I know that the people want it. Either reason would be sufficient for me. Some Senator, speaking in opposition to this resolution and substantially repeating what another great Senator years ago had said before who spoke in the same vein, observed that if we pass it we will wreck the Constitution and founder the ship of state.

Mr. President, the Constitution is subject to amendment. Fifteen amendments have been made to it, and I venture to say that no amendment that ever will be made to it will impair the spirit of the instrument. So far as the ship of state is concerned, it will weather the gale that has practically spent itself in this Chamber. It may be necessary to change pilots, it may be necessary to jettison a part of the cargo, the shores may be strewn with stranded hulks, but armed and equipped with the manhood and the courage and the honor of the Nation, Mr. President, the ship of state is safe. [Manifestations of applause in the galleries.]

The VICE PRESIDENT. Applause in the galleries is not permitted.

Mr. BACON. Mr. President, I do not propose to address myself to the general subject as to whether or not this change should be made in the fundamental law, to wit, the change from an election of Senators by the legislature to an election by the people. That I consider to be an issue which has been thoroughly discussed in the Senate. I have announced my position in regard to it. But I shall address myself exclusively to the question whether it is safe to adopt the joint resolution with the Sutherland amendment upon it as it has been engrafted upon it by the action of the Senate.

The resolution, Mr. President, as it came from the Committee on the Judiciary proposed to amend the present provision in the Constitution so that in reference to the election of Senators it would read as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.
>
> The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

The remaining portion of the resolution recommended by the Judiciary Committee it is unnecessary to now read, as there is no issue or contention in regard thereto.

That joint resolution, as it thus came from the Committee on the Judiciary, I favored, and would still vote for the joint resolution if it were presented to us for action in those words. By the adoption by the Senate of the Sutherland amendment, however, the additional words have been practically added, so that that clause, as amended, reads this way:

> The times, places, and manner of holding elections for Senators shall be prescribed in each State by the legislature thereof, but Congress may at any time by law make or alter such regulations except as to the place of the choosing of Senators.

It is true that the latter part of the resolution as amended is found in another part of the Constitution. But that is the effect of the amendment, and the amended resolution is the same as if it read just as I have recited it to the Senate.

In that shape I am not in favor of it, and I can not vote for it, because I do not believe that it is safe to the country at large and my section in particular. I do not believe that it is either wise, just, or safe that the manner of choosing Senators by direct vote by the people should be regulated and controlled by the Federal Government, and it is upon that proposition that I ask the consideration of the Senate.

I begin by saying that, of course, it is recognized that that language is the language used by the Constitution as it now stands in regard to the election of Representatives, and that under the proposed change all the powers that the Federal Government has in the control of the election of Representatives will be powers which can be exercised in the control of the election of Senators by the direct vote of the people.

At a later time in my argument I am going to discuss the question whether this is no change in the law or whether in the retention of the present language of the Constitution and making it applicable to the changed conditions it is in effect a great change; and I think I will be able to show that it is a most radical change. The words as now found in the Constitution are applicable to an entirely different condition of affairs. In the one case the words are applicable to an election of Representatives by the people and the control of their manner of election in all of its details by the Federal Government. In the other case, as it now stands, although the same words are used, it is a matter which relates simply to the question of an election of Senators by the legislature now practically under the exclusive control of the State. It is an entirely different thing when the same words are made applicable to the control by the Federal Government of all the details of election of Senators by direct vote of the people.

Mr. President, the first thing that I think it is well for us to advert to and to recognize is this: That the language proposed to be applied in this case by the Sutherland amendment in the use of the words "manner of holding elections" is an unlimited expression.

So far as the time of holding Senatorial elections is concerned, I have no objection whatever to that. I am perfectly willing that the Federal Government should have, as it has in the case of the appointment of electors for President, the right to prescribe the time for the election. I would have no objection to the Sutherland amendment so far as it relates to the

question of time. But when it comes to the question of the manner of holding elections I repeat that it must be recognized that that is an expression without limitation; that it includes everything which relates to the details of holding that election. It includes everything in connection with the election except the question of the qualifications of the elector. The qualifications of the elector, of course, can not be affected by the power being vested in the Federal Government to control the manner of election, because in another portion of the Constitution it is prescribed that the elector shall be the one who is authorized to vote for a member of the most numerous branch of the State legislature. That is not affected by this Sutherland amendment. But it does affect everything which relates to the ascertainment of who is comprised within that definition. It does relate to the decision as to whether he is or is not one who, under the law, is qualified to vote for a member of the most numerous branch of the legislature. It does give the power to determine in this way who shall vote and who shall not vote.

Let us advert a little to the details. What are the details of the manner of an election? We have two ways in which we can judge of that. First by our general view as to what the words mean, and second by the accepted view of what the words mean as found in statutes which have heretofore been enacted under that provision in the Constitution for the purpose of exercising the power and practically of determining what is meant by "the manner."

That has been repeatedly done, and attempted to be done at other times, by the enactment of laws prescribing "the manner" in which Representatives should be elected. So that we have the general interpretation, from our knowledge of the meaning of the term and from the accepted interpretation as exercised by Congress in the enactment of laws.

Mr. President, the manner will include various things which have been adverted to here in the course of the debate, the first of which may be mentioned as the power to appoint registrars. The power is fully recognized in decisions of the Supreme Court, in which they say that Congress has a right to appoint registrars of election under this particular provision of the Constitution, the meaning of which I am attempting to discuss. The court has decided that Congress would have the right to appoint registrars under the power to prescribe the manner of holding elections, and they could have gone still further and decided that Congress would have the right to enact a law of registration.

If it is true that the entire subject is within the control of Congress, Congress has not simply the right to appoint registrars, but it has the right to enact a registration law. It has the right not simply to appoint officers who shall supervise the registration, but it has the right to appoint Federal officers who shall determine who had the right of registration in the first instance and to preside over the act of enrolling those entitled to vote, and in that way, having the right to determine at each poll and precinct who has the right to be registered and who has not the right to be registered.

Taking this somewhat a little in detail, I wish to call attention to the immense power that the power to appoint registrars and to pass an act of registration would give to the Federal Government in the control of elections. Again, saying that the Government would have no right to determine what should be the qualifications of a voter, it would be within the power of the Government to clothe the registrars with such power that they would in the exercise of a very wide discretion have almost unlimited control of the question who should go upon the registration lists or who should be excluded from the registration lists. The State might prescribe the qualification of those entitled to vote, but the Federal registrars, in the exercise of their power and their discretion, may utterly defeat the purpose and design of the State and order the registration of persons whom it was the intention of the State to exclude from the ballot box.

I want to make an illustration of that from the law in my own State. Under the law Georgia, with Federal registrars clothed with power to decide who should be registered and who should not be registered, with Federal registrars of a strong political bias, as they certainly would be under political appointment, there is scarcely a man of any degree of intelligence in the State of Georgia who could not, under the law of Georgia, be put upon the registration lists, although it is the design of the State law to exclude unworthy and incompetent men from the voting lists.

We have a very liberal law in Georgia, Mr. President. It is true it contains what is generally known as the grandfather clause, but it is not limited to that by any means. I can not read the entire law, but I will insert enough of it to make it plain what the qualifications are which illustrate the statement I make as to the power these Federal registrars would have in determining who should be permitted to register as voters. This was adopted as an amendment to our constitution in 1907. Paragraph 4 of the law is in these words:

Par. 4. Every male citizen of this State shall be entitled to register as an elector and to vote in all elections of said State who is not disqualified under the provisions of section 2 of article 2 of this constitution, and who possesses the qualifications prescribed in paragraphs 2 and 3 of this section, or who will possess them at the date of the election occurring next after his registration, and who, in addition thereto, comes within either of the classes provided for in the five following subdivisions of this paragraph.

1. All persons who have honorably served in the land or naval forces of the United States in the Revolutionary War, or in the War of 1812, or in the War with Mexico, or in any war with the Indians, or in the War between the States, or in the War with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Georgia in the War between the States; or

2. All persons lawfully descended from those embraced in the classes enumerated in the subdivision next above; or

3. All persons who are of good character, and understand the duties and obligations of citizenship under a republican form of government; or

4. All persons who can correctly read in the English language any paragraph of the Constitution of the United States, or of this State, and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely, because of physical disability, are unable to comply with the above requirements, but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States, or of this State, that may be read to them by any one of the registrars; or

5. Any person who is the owner in good faith, in his own right, of at least 40 acres of land situated in this State, upon which he resides, or is the owner in good faith, in his own right, of property situated in this State, and assessed for taxation at the value of $500.

Mr. President, I have read all this, but the particular paragraph to which I call attention is the third, containing the qualification——

All persons who are of good character, and understand the duties and obligations of citizenship under a republican form of government.

I repeat the proposition, that with a vast horde of illiterates in the State and a people unacquainted with the duties of citizenship, with a vast horde of those whom it is dangerous to intrust with the ballot, with the vast multitude of people whom every consideration of good government and good, orderly society would suggest should not be those who were to control in political affairs, it would be perfectly competent under this liberal constitutional provision of the State of Georgia for any set of Federal registrars, who might be controlled by political passion and political bias, in the wide discretion which would be theirs under that provision to register almost every negro and every white man undesirable in his character, and permit him to exercise the elective franchise.

Therefore, I say, Mr. President, without dwelling upon it at length, but putting that simply by way of illustration, it is an extremely dangerous power to confer upon the Federal Government under conditions such as exist in a large part of the country; that it is dangerous to confer upon the Federal Government the power to appoint registrars. It would be still more dangerous to empower the Federal Government to make registration laws in a State; and the power to control and prescribe the manner of holding elections would include the power to pass a Federal registration law to direct and control the registration of voters in a State.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him for just a minute?

Mr. BACON. I will yield for a question. I want to say to the Senator I wish to cover a good deal of ground and it will be very difficult for me to do so unless I am permitted to present my argument with some degree of continuity.

Mr. NELSON. I wanted to propound just one question.

Mr. BACON. I would very much prefer if the Senator would wait, but I will hear him now.

Mr. NELSON. The only question I wanted to propound to the Senator was simply this: Whether the Federal registration board, if it were established, would not be bound by the laws of Georgia in respect to the qualifications of voters?

Mr. BACON. Undoubtedly. I have said that before, and I have read what the qualification was as prescribed in Georgia. I have shown that it was a qualification extremely broad, one in which the registrars would have almost unlimited discretion in their decision. The point I was making was that with that unlimited discretion, with that broad provision in the constitution, with registrars who are influenced by political bias as they doubtless would be appointed by partisan political Federal officials under a statute prompted by political consideration and to advance political ends, it would be in their power to register almost every man in the State, and it would only be the penitentiary convict who would probably be excluded.

I have no doubt the same thing is true as to provisions in other State constitutions, and I am going to have something to say before I get through, if I do not weary the Senate, as to the conditions in other States different from those which afflict us,

which may give them some little pause as to whether it is a safe thing that the States shall be deprived of their right to determine not simply the technical qualification of electors, but the practical question of who shall vote, and whether the Federal Government shall assert and exercise the power to practically control the question as to who shall go to the ballot box in those States.

I recognize, Mr. President, the fact that that is the existing law as to Representatives, and I shall not omit before I get through to give reasons, satisfactory to myself at least, why, if it is a law as to Representatives, it should not be extended so as to include the election of Senators. But it does not apply simply in reference to registrars and the enactment of a registration law. It goes further. It includes the right to appoint supervisors; and how are they appointed? I can only call attention to the law as it existed upon the statute books for 23 years. They are under that law appointed in a city of 20,000 inhabitants upon the suggestion or complaint of any two citizens of that vast number of people; and in a whole congressional district any 10 men, regardless of who they are, could go before a judge of the Federal court and upon their simple statement that they thought there was need for these supervisors by reason of anticipations of difficulty which they apprehended, it was the duty of the judge to open the court and to immediately appoint supervisors of election with powers which I have not the time here to enumerate. The powers of these supervisors prescribed in the law occupied pages in the statute books—powers conferred on Federal officers alien to the people, political partisans, doubtless, in most cases, with power to control those elections at every poll and every precinct in every particular, to stand there as the watchers, the supervisors, the controllers, the directors of how that election shall be proceeded with and what shall be done and what shall not be done. I wish I had time to enumerate all the powers of these supervisors. Connected with the powers of supervisors is the provision that marshals and deputy marshals in a number sufficient to man every polling place shall be there with each one of these supervisors, with these judges of election, to carry out their orders, to maintain their authority; and further than that, Mr. President, on their own motion to arrest anyone whom they think to be in any manner opposing the authority of those supervisors and those judges or in any manner interfering with the election, the good order or the progress of it, in all matters with a discretion absolutely unbounded, to arrest any man they saw fit without a warrant, to take him to a commissioner and have him committed for trial or go to jail in the absence of bond.

Then, Mr. President, in those election laws there was a chief supervisor, one of the district, or of any designated area of territory, whose duty it was to receive all these complaints, and in the case of the election of Representatives to gather up all the testimony he could find against the validity of the election and to submit and send it to the Clerk of the House of Representatives to be used there in the contest which would arise out of it; and with penal provisions, section after section, prescribing that if a citizen at that election did this thing or that thing or the other thing he should be liable for trial before a Federal court with heavy penalty and fine and imprisonment.

Mr. President, to anyone who is familiar with the manner in which elections are conducted in this country there was under that law the most unbounded opportunity, not only for cruelty and oppression but for the tyrannical domination of the people and the arbitrary control of them in the exercise of the elective franchise.

Mr. President, not only so, but the power under the expression "manner of election" is not confined to a registration law; it is not confined to registrars; it is not confined to supervisors; it is not confined to deputy marshals, but goes further and gives the power to provide that the Army of the United States shall be at those polls, for the purpose of upholding the authority of the supervisors and judges of election, and of the marshals where the marshals' authority of itself was not sufficient; and for more than 20 years it was upon the statute book that the Army of the United States could be called upon to go to the polls for the purpose of preserving the peace.

The power exists now to pass such laws as to Representatives. If we adopt this joint resolution as it has been amended by the Sutherland amendment the power will exist in Congress, in the case of the election of Senators by the people, to appoint these Federal registrars, supervisors, and judges of election, with their authority supported by marshals and deputy marshals and, if need be, the soldiers of the Army.

Not only so, Mr. President, but in the case of Senators there can also be in the law a provision for a returning board under the words "manner of election," not only power to supervise the election, but certainly the power also to determine the result of the election. When under that law a Senator claiming an election comes to this body he will bring with him, not the certificate of the governor of his State but the certificate of an officer appointed by a judge of the Federal court, probably an officer not a citizen of the State, that such and such a man was elected as a Senator from the State of Florida or from the State of Maryland. The Senator from Maryland [Mr. RAYNER] shakes his head, but good lawyer as he is he can not show to the contrary. I am not surprised that the statement I have made is disturbing to anyone who considers it.

Mr. RAYNER. Mr. President, I do not want to interrupt the Senator, but I do not think any registration board, any certification board, any marshal, or supervisor can change the suffrage laws of my State.

Mr. BACON. Oh, who said they could?

Mr. RAYNER. You can not do anything contrary to the laws of my State. If I thought that I would not vote for it.

Mr. BACON. I am not now talking about the laws of Maryland in fixing the qualifications of voters. I am not talking about the laws of any other State in regard to such qualifications. I am recognizing that each State has a right to prescribe the qualifications of its voters. I do not dispute that. That is undoubtedly so. But the point I am making is that with the power to create a registration law, to create registrars, to create supervisors, authorize marshals at the polls, to authorize soldiers to support those supervisors and those marshals at the polls, and for a returning board to say who has been elected; I care not what the law of the State is as to the qualifications, these supervisors, these judges of the elections, these returning boards become the judges of it, and it can be perverted by them and the will of the people defeated by permitting persons to vote whom the law intends to exclude.

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

Mr. BACON. Yes.

Mr. RAYNER. Can not all that be done under the fifteenth amendment?

Mr. BACON. No; by no means.

Mr. RAYNER. Just one minute; I have not finished my question. Does not the fifteenth amendment provide, and if it did not it would be the same thing, that we may pass every law necessary to carry out the terms of that amendment?

Mr. BACON. I am not going to discuss, certainly not in detail, the question as to what can be done under the fifteenth amendment. I am going to discuss what can be done under the Sutherland amendment, which could not be done even under the fifteenth amendment without the Sutherland amendment. I submit it as a proposition so manifest that it is almost difficult to discuss it, that under the fifteenth amendment the Federal Government would have no right to pass a registration law, under the fifteenth amendment the Federal Government would have no right to pass a law appointing supervisors, under the fifteenth amendment the Federal Government would have no right to pass a law creating a returning board to certify who was elected and who was not elected. I am not going into the wide field, Mr. President, as to what we may do under the fifteenth amendment. I am only going into it so as to show what we could not do under the fifteenth amendment in the absence of the Sutherland amendment.

Of course we are beating the air if we are limiting ourselves simply to the question as to whether or not it can be done under the fifteenth amendment. If it can be done under the fifteenth amendment, the Sutherland amendment is not needed. If it can be done under the fifteenth amendment, none of the election laws passed under the fourth section of the first article were needed. The great body of the lawmakers of this country who enacted those drastic election laws, in the enactment of those laws pronounced as strongly as they could that the fifteenth amendment did not of itself give them the power, and the Supreme Court, in the Siebold case and in other cases, distinctly put their ruling upon the ground that the power to pass those election laws was a power derived from the fourth section of the first article of the Constitution.

Of course there are other provisions of the law found in the sections in the Revised Statutes numbered five thousand and odd which are not based upon that, but those provisions of the law are made applicable and put in force by reason of the fact that they can be applied to the election laws and made of service in the enforcement of the election laws. In the absence of the provision of the fourth section of the first article the election laws could not have been passed. They are found in the Revised Statutes in the two thousand range, I have forgotten the exact number, beginning from section two thousand and odd and running on page after page. If those election laws had not been passed the particular laws to which the Senator from Maryland refers could not have been

made applicable and put in practical effect as they were in controlling the election of Representatives in enforcing the terms of those election laws.

Now, Mr. President, Senators say with great earnestness that the Sutherland amendment is not a change in the Constitution, that we are simply using the same words which are there now; that we are simply making them applicable to the changed conditions where Senators will be elected by the direct vote of the people, and that it is in fact no change in the law. The change in the law I say is this:

In the first place, the election laws which have heretofore been passed were laws limited exclusively to elections of Representatives and were so denominated. In the second place, no one can dispute the fact that with the elections of Senators by the legislature, although the law is the same in language as that with reference to the election of Representatives, the exercise of the power is altogether different in the election of Senators. In the election of Representatives there is the power which I have recited to pass these election laws—the power to control elections, the power to register the voters, the power to determine who shall be registered, the power to determine who shall be the supervisors of that election, the power to put marshals at the polls to supervise those elections, the power to bring the Army of the United States to maintain those marshals, and there is finally the power to have a returning board to say who have been elected.

Under the present law as it stands, those powers do not exist in practical effect as to the election of a Senator; and yet if we make the election by a direct vote of the people and apply the same law, all those powers with reference to the election of a Representative will then be applicable to the election of a Senator, and it is just as great a change as if there had been an independent enactment to that effect.

Mr. President, I recognize another fact. It is urged with great earnestness that that is the law with reference to Representatives and that if we have direct vote by the people it ought to be the law with reference to Senators. I want to give some reasons why it should not be.

In the first place I will call to the attention of the Senate the fact that the fourth section of the first article as it has been construed, and as I grant it is capable of being construed, is an utter perversion of the intent and purpose of the framers of the Constitution. The framers of the Constitution, Mr. President, never had it in their minds in the most remote degree that the Federal Government should ever exercise a control over the regulation of elections as it has since been exercised, and as it has been determined by the Supreme Court they had a right to exercise, and I will go further and say as a legitimate construction of the words "manner of election" will permit it to be exercised. I want to call attention to what was said in the debates in the different States at the time the question of the adoption of the Constitution was under consideration, to show that such a thought was never in the minds of the framers of the Constitution and was never in the minds of the States when they adopted the Constitution. I am happy to say, Mr. President, that the strongest utterances, or among the strongest utterances, on this subject are States which are not Southern States but Northern States.

The question of negro suffrage was in nobody's mind or anticipation. The question of the effect of slavery or the institution of slavery was not in any man's mind, because at that time every State in the Union except one was a slave State, and that one was Massachusetts, in which there was a dispute as to whether or not slavery existed in it. Every other State at the time of the adoption of the Constitution was a slave State. So this consideration of the existence of slavery had no influence upon the various conventions when they made the announcements which I am about to read. Slavery was not for a long time after that abolished in the various Northern States.

If I recollect aright, even in the State of New York slavery existed until the year 1828. So it had no reference to the question of slavery or the presence of the negro. Yet, Mr. President, those hardy people, composing those 13 States, scattered as they were, out of the sphere of influence of any central power as they were, with no great predominating and inflaming questions to raise section against section, were each jealous of the right to forever control their own internal affairs, and especially in relation to the question of suffrage.

Mr. President, I will begin with the State of South Carolina. The State of South Carolina in its convention adopted the Constitution on the 23d of May, 1788. It was not among the first to adopt it by any means. The first State was Delaware, the second was Pennsylvania, and the third New Jersey, or the reverse of that, I have forgotten which, and the fourth was my own State. South Carolina did not adopt it until May 23, 1788, and in adopting the Constitution it used these words with reference to this particular fourth section of the first article. I want to say to Senators, go through the debates in the various conventions and you will find that the most seriously contested question in all of those conventions was as to whether the Federal Government should have the right to exercise any power over elections within the States, and all these States all adopted it with reservations.

The State of South Carolina said this in its articles of adoption:

> And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of said Constitution.

Before I read the others I am going to say that, as in the case of South Carolina, that was the exception made as to all of them, that was the exception made by the most earnest advocates of the adoption of the Constitution, and none of the States, with one exception that I am going to cite hereafter, would go further than that. It was natural that there should be the apprehension that the States themselves might not elect Representatives, that they might not pass a law for the election of Representatives, and therefore it was important that the Federal Government should have that power in case the States failed to exercise it. They had just had an experience with a Confederation, in which the States were bound together only by a loose rope of sand, and they did not know when they enacted this Constitution whether the States, in giving their adherence, would be strong and earnest in their desire for a maintenance of the Union. They wanted it fixed so that, if the States should fail to provide a means by which Representatives could be elected, the Federal Government itself should have that opportunity in order that, as recited in all of these various resolutions and as stated by the Senator from New York in his address the other day, the Government might be saved from dissolution. Now, I will read, Mr. President, the resolution of Virginia, June 26, 1788, in adopting the Constitution:

> That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

North Carolina in the act of 1789 ratified the Constitution in the same language that Virginia did, each of them expressing the same idea, that this dangerous grant of power in the Federal Government was only to provide against the contingency that the States themselves should refuse to exercise it. North Carolina was reluctant to vest the Federal Government with this and other powers, and delayed the act of adoption. Rhode Island was the last to adopt the Constitution, and North Carolina was next to the last.

Now, I come to New York, where, as the Senator from that State who sits before me knows, there was a desperate opposition to the adoption of the Constitution, and where this very provision in the Constitution was one of the great stumbling blocks in the way of its adoption. I have what the great State of New York said in its act of adoption, July 26, 1788. After reciting various things which the convention thought ought to be included in the Constitution for the protection of the rights of the people in the various States, and also fundamental rights belonging to the people upon which the Federal Government should not be allowed to encroach, it continued—New York ratified the Constitution on the 26th of July, 1788—and uses this language:

> Under these impressions—

Those which it had previously recited—

> Under these impressions and declaring that the rights aforesaid can not be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution shall receive an early and mature consideration, we, the said delegates * * * do by these presents assent to and ratify the said Constitution.
>
> In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulation in this State respecting the times, places, and manner of holding elections for Senators and Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same, and that in those cases such power will duly be exercised until the legislature of this State shall make provisions in the premises.

Thus spoke New York. Rhode Island, when after more than two years' delay she finally ratified the Constitution on June 26, 1790, used the same language as did the State of New York, only stronger.

Pennsylvania said in the article adopting the Constitution:

That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose, and then only for such time as such neglect or refusal shall continue.

The State of Massachusetts on February 6, 1789, in its act of adoption used this language:

That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations *subversive of the rights* of the people to a free and equal representation in Congress, agreeably to the Constitution.

That is the only State that has a qualification in asserting this right claimed by all of the States, and yet you will observe that, even though it had that qualification, it was not satisfied with the broad grant of power conveyed by the fourth section of the first article of the Constitution, but desired that the power should be restricted in such a way that the right of the State to control its own internal affairs and to decide as to what was to the interest of its people in guarding their institutions should not be infringed upon by the Federal Government. In order that their rights should not be invaded by the Federal Government, the convention which ratified and adopted the Constitution went on further in the same connection and said:

And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of said Constitution, to exert all their influence and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in said article.

They adopted the Constitution with the distinct provision that there should be efforts made to procure amendments which should cover this particular point and guard the State in this particular.

New Hampshire, when it ratified the Constitution, June 21, 1788, made a recommendation in the same language as did Massachusetts.

Thus we have it, Mr. President, with nearly all of the States—some of these records are lost and can not be found—but so far as can be ascertained, in all of these States this particular provision of the Constitution was challenged, and was only acceded to upon the assurance that they felt that it would only be used to the extent mentioned for the purpose of guarding against the possibility that the States themselves might not exercise the power, and in the further confidence that the Constitution should be so amended as to restrict it to that.

Not only so, Mr. President, but the great commentators of that day, the men who engaged in the effort to have the people of the United States adopt the Constitution, time and again repeated, reiteration upon iteration, that that was the only purpose of the fourth section of the first article of the Constitution, simply to guard against the possibility that the States themselves might not elect representatives.

Mr. PERCY. Mr. President——

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

Mr. BACON. I do.

Mr. PERCY. Just for one moment. In discussing this power in a speech the other day the Senator from New York stated that Mr. Madison, of Virginia——

Mr. BACON. I am coming to that.

Mr. PERCY. If the Senator from Georgia is coming to that, I will not then interrupt him with a question.

Mr. BACON. Go ahead.

Mr. PERCY. I just want to call attention to the fact that, while Mr. Madison, of Virginia, was an advocate of the exercise and bestowal of this power upon the Federal Government, it was with the same limitation that the States referred to by the Senator from Georgia adopted, namely, that it was an emergent power only.

Mr. BACON. I have it right here.

Mr. PERCY. Go ahead with it. I simply wanted to call the attention of the Senator to the matter.

Mr. BACON. Mr. President, I am obliged to the Senator from Mississippi for directing my attention to it. I had some other citations to read, but I will read that directly in this connection.

As correctly stated by the Senator from Mississippi [Mr. PERCY], Mr. Madison was one of the great advocates of the adoption of the Constitution before the Virginia convention, called to decide the question whether or not it should be adopted. In that convention there was grave and serious opposition to its adoption, because of the grant of this and other powers to the Federal Government. That particular power had been challenged, the danger that it would be abused had been pointed out, and Mr. Madison, in defense of that provision, used this language:

It was found necessary to leave the regulation of these (times, places, and manner) in the first places to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution * * *. Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised.

Mr. John Jay, afterwards Chief Justice of the United States, in discussing in the New York convention this provision of the Constitution, used this language:

That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government, and prevent the dissolution of the Union. He believed this was the design of the Federal convention.

Mr. SUTHERLAND. Mr. President——

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

Mr. BACON. I will say to the Senator that I would yield for a question, but manifestly I could not, without breaking the continuity of what I am endeavoring to present as a consecutive argument, now turn aside to discuss some of the numerous questions which I know the very fecund mind of the Senator from Utah would naturally present.

Mr. SUTHERLAND. I simply wanted to ask the Senator a question, and I could have done so during the time the Senator has been protesting against it.

Mr. BACON. I am not protesting; the Senator does me an injustice.

Mr. SUTHERLAND. Well, have I the Senator's permission to ask a question?

Mr. BACON. If it is a question, yes; but I do not desire to go on to a side argument at this time.

Mr. SUTHERLAND. The question is right on the point the Senator is reading. Does the Senator from Georgia agree with the statement made by Chief Justice Jay with reference to this matter?

Mr. BACON. Mr. President, I have no reason to disagree with the judgment of afterwards Chief Justice Jay. He was giving his opinion as to what was the purpose of it. The Senator, perhaps, did not hear what I said in the beginning, that while that was the intent and the purpose, the construction of the word "manner" was very much broader and could be enforced to a very much greater degree.

Mr. SUTHERLAND. Well, does not the Senator, if he agrees with the language of Chief Justice Jay, agree that it is necessary for the General Government to have this power under some circumstances, namely, in order to preserve the Government from dissolution.

Mr. BACON. I am coming to that very question, if the Senator will permit me. I have that in view. It is a very pertinent question, but I have not quite reached it yet. I will, however, in a moment.

Mr. SUTHERLAND. Very well.

Mr. BACON. In the Madison Papers Mr. Madison uses this language in regard to this section:

This was meant to give the National Legislature a power not only to alter the provisions of the State, but to make regulations in case the States should fail or refuse altogether.

That was in the mind of all.

The great apostle of the party to which my distinguished friend from Utah [Mr. SUTHERLAND] belongs, Mr. Hamilton, also expressed his idea of this section. Mr. Hamilton, while he was not one of the most influential and potential men in the framing of the Constitution, because there were many things in it which were at variance with his ideas of what should be in it, was afterwards one of the most urgent and ardent and effective advocates of the adoption of the Constitution, and he contributed papers, with Mr. Madison, which are the most illuminating upon that subject of the arguments of that day. In the fifty-eighth number of the Federalist Mr. Hamilton used this language:

They (the convention) have submitted the regulation of elections for the Federal Government in the first instance to the local administrations, which, in ordinary cases and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose whenever extraordinary circumstances might render that interposition necessary to its safety.

Having been a member of the convention in New York, having heard all of the discussions, while using different language, he had doubtless in his mind the exact meaning which Chief Justice Jay had attributed to it and which was embodied in the resolutions of the convention itself. I think I am correct in saying that he was a member of the New York convention. I will ask the Senator from New York [Mr. ROOT] as to that.

Mr. ROOT. Yes.

Mr. BACON. That was my recollection.

Now, Mr. President, we come to the question which the Senator from Utah propounded to me, and which I was about to reach without the suggestion on his part. The question of the Senator from Utah is this: Is not this a necessary power—the power thus to guard the Government against the danger of dissolution by reason of the States' failure to provide a method by which Representatives shall be elected to take their places in the other branch of Congress. I will say, Mr. President, that, with the conditions as they existed then, it was a proper provision to put into the Constitution, for, as I have previously said, there was reason then to apprehend that the States might be negligent in their performance of that duty; that they might grow cold in their allegiance to the new Government, as they had grown indifferent to the ligaments which bound them to the Confederation, and that for that reason it was proper that there should be such a provision; but is there a Senator, is there a man in the whole United States, who believes for a moment that it is possible at this day that a condition of affairs will arise where the States and the people within the States and the ambitious aspirants within the States will leave undone that important duty? Is it possible to conceive that the time will ever come when the States will not have laws by which Representatives can be elected and sent to Congress, or that there will be a condition under which they would be unrepresented in Congress, nonparticipants in its affairs and nonrecipients of its benefits?

Mr. SUTHERLAND. Mr. President——

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

Mr. BACON. I do, for a question. I would prefer, if the Senator wants to argue the proposition, that he wait until I get through, and I will give him all the opportunity he desires.

Mr. SUTHERLAND. I simply want to say to the Senator that under existing conditions the Senator is undoubtedly correct; but is the Senator or anybody else wise enough to know that in all the time to come this power may never be necessary and that in all future time no State will neglect this duty? It may be true, under existing circumstances, that it will not be done, but none of us is able to see what the future may produce, and is it not wise to preserve this power against the day of need?

Mr. BACON. As is suggested to me by my friend from Texas [Mr. BAILEY], we would be very glad to have that power if, as was suggested in a number of the ratifying conventions, it was limited to that case. I would be willing to provide that the Federal Government should have the right to exercise the power to prescribe the manner of holding such elections in all cases where the States neglected to do so. That is the point, namely, that as originally contemplated it was limited to the case where the States neglected the duty; it had no other purpose in view, and if it had been extended beyond that the Constitution would undoubtedly have been rejected. Suppose, instead of the language as found in section 4 of the first article, the reading of that section had been different. The Senator will bear in mind what I before read of the very strenuous opposition of the States from the topmost New England States down to the extreme South, in regard to the control by the Federal Government of the manner of elections within the States. But suppose, instead of the language found in section 4, Article I, this had been the reading of the section:

SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations for the purpose of keeping order at the polls, insuring pure elections, and enforcing the right of every person to vote who may be deemed by the Federal Government eligible thereto under the law, and for that purpose shall have power to appoint registrars and supervisors of elections in the several States, with marshals and soldiers to enforce their authority.

Does the Senator think, does any Senator think, for a moment, in view of the sensitiveness of the States at that time as to any encroachment of the Federal Government upon the question of prescribing who should vote or who should not vote in the elections in the States, that the Constitution with such a provision in it would have been adopted by a single State of the 13 States? Yet under the broad construction which it has received by Congress and by the Supreme Court, under the broad construction of which it is capable, and under the application of it in the enactment of law in a manner not then contemplated, that section, as I now suggest, is just exactly the same in effect as the Sutherland amendment. The States would never have adopted the Constitution with section 4 of Article I written out plainly that way.

What conclusion do I draw from that, Mr. President? The conclusion I draw from that is this: That it is no argument to say that that is the law with reference to the election of Representatives and that therefore it should be the law with reference to the election of Senators. In view of what I have submitted there can be no doubt of the fact, no possible question of the fact, that that was not the original contemplation of the Constitution; and if any change is to be now made at all the power in the Federal Government as to the control of the manner of electing Representatives should be limited in this particular, and the power should not be extended where it does not now exist. That is my argument, that is the response I make to that; and I conceive, Mr. President, that it is a conclusive one.

I intended to do it at a later stage in the argument, but my friend from Texas [Mr. BAILEY] makes a suggestion to me which I will carry out now. Mr. President, this resolution providing for the election of Senators by direct vote of the people can be adopted if those who profess to be its friends will frame this particular provision in a way that will not make it dangerous to us. We will not go to the extent of saying that we will not agree to this amendment unless it is taken out altogether, but we will go to the extent of saying that we will agree to it if it is limited to the cases where the State fails to act, as it was originally intended, as shown by all these utterances by the various conventions.

Let it be so limited that in the direct election of Senators by the people the States shall have the right to prescribe the times, manner, and places of holding the elections, and that the Federal Government shall have the right to make such regulations only in case the States should fail to make the necessary regulations prescribing the manner of holding such elections.

Now, Mr. President, there is a plain proposition. Make that change and I pledge, so far as this side of the Chamber is concerned, that joint resolution will be adopted for the election of Senators by direct vote of the people. Preserve, if you please, the right of the Federal Government to fix the time. I think that is right and proper. Then, as to the manner, limit the power of the Federal Government as the framers of the Constitution intended it to be limited, and as the conventions which adopted it understood it to be limited, to cases where the States fail to make the necessary regulations. Do that and our contention immediately ceases.

Mr. President, I think this is a question which concerns all the States and is not limited to any particular section; and yet we can not shut our eyes to the fact that there is a large section of this country which is peculiarly interested in it, a large section of this country to which it is of the most vital importance that the States should control the question of suffrage within their borders. I want to say, Mr. President, in this presence that there is no question concerning public affairs, either in the National Government or in a State government, in which the people of the South are so vitally interested and in which the people of the South are so unalterably fixed, come weal come woe, as their determination to preserve white supremacy, and it is no use to mince words on the subject.

Mr. President, we have fought the battle, as I said the other day, through the darkest night through which a people ever passed. We have rescued our civilization by the sacrifices and the trials which we then endured. We have not only rescued the civilization of the South, but we have rescued this entire Nation from the destruction of civilization which would have undoubtedly ensued if a Haiti had been made of the South. With civilization and with social order overthrown in the South, the deadly poison would have extended to the whole country.

Mr. President, I approach that question from that standpoint. If that standpoint is wrong, then all I have to say is wrong, because I base it all on that so far as it concerns my particular section. But then I want to say further that I do not consider the importance of this question as limited to my section. Constitutions are not made for to-day. They are not made for to-morrow or a decade or a century, but they are made for the life of a nation. They are not made for peace only; they are made for storm, and no man can tell in the years which are to come, in the centuries which I hope are to pass with this Government still pursuing its grand career, there is no telling when the time will come when this question of the right of the States to control their elections will be a vital question to other than the States in the southern section of this country.

Sir, there are great forces at work—great forces of unrest. No man knows what the next decade will bring, much less what the next century will bring, and the greatest bulwark that the people of this Nation can have against the dangers from the upheaval of those great forces is in the check which there is in the control by each State of its own affairs. So if there is a predominating influence for evil in any section, it can not outweigh the counterbalance in the lesser part, but that each, a separate entity, may, by controlling matters within its own borders, hold in check that predominating influence for evil. And so I say, while the question is acute now with us, it is a question which in the future may be acute with some other sections.

Mr. President, Senators from the West are nervous about the yellow peril. They do not, however, think it possible now that the question of suffrage for Asiatics can ever be presented to them or to this country, because they are not now even allowed to be made citizens. But is any man within my hearing ready for a moment to say that the proposition of Asiatics ever being forced as voters upon the people of the western coast is more impossible or more unthinkable than was the probability in the year 1860 that in eight years by an act of the Federal Government a whole section of this country should be submitted to the dangers of the domination of a race of people with only the slavery through thousands of years behind them, who were of the lowest alien race, and who had none of the capacity or intelligence or experience or character essential for government? Does any man think that the possibility of a change which shall confront the western people with the question of the right of that Asiatic element to vote—is there any man here who will say that the possibility of that compares with what was recognized as the possibility in 1860 that that would occur which did occur within the short space of eight years?

Mr. President, I hope Senators will not consider me as endeavoring to stir up feeling on sectional or racial questions. But yet we have the problem with us; we have the dangers confronting us, and we can not shut our eyes to them, and we must guard against them. It will not do to say that the thing is settled. The only argument that can be used in support of the proposition to ignore these safeguards is that the day of danger from this cause has passed, or, as said by the Senator from Maryland [Mr. RAYNER], that the issue is dead. I shall, sir, in reply call attention to the attitude occupied within a very short period in the past upon this question by the influential dominant party of the country.

In time of peace it is hard to believe that there will be war. It is hard to look upon a peaceful ocean and realize the fact that on the day before the storm had lashed it in fury, and still more difficult to realize that on the next day it will be seething in a tempest. With other Senators who now sit here I have seen, only a few years ago, Mount Vesuvius when it was as peaceful as any mountain in Pennsylvania or in West Virginia, although before then it had known its days of fiery wrath. And yet since that recent day when we have seen it thus peaceful, mighty forces have worked within it. There has been since then a great convulsion within its vast abyss which has blown off a third of the upper cone of that mountain, blown it to the very skies, and the people who in fancied security had settled at the base of that mountain and had there builded their villages and had planted their orchards and their vineyards upon its slopes, fled in terror from homes all engulfed in a storm of molten lava.

With such convulsions as we have been through, such dangers as we have had to face, such troubles as we have had to endure—are we now to neglect all opportunity, neglect all precaution, upon the simple ground that there is now peace?

I shall have to call attention to some things, in no spirit of unkindness, in no sectional spirit, but as a justification, as a reason why we can not submit, or some of us, at least, to a change in our fundamental law which will give to the Federal Government the control of our internal affairs.

Before doing so, however, and before I pass from the subject I have been discussing, I desire to suggest one thought to Senators. Upon what possible ground can there be a justification of the proposition that the Federal Government ought, for the purpose of securing free elections and purity of elections, to have the power to interfere and control those elections by registrars and supervisors and marshals and deputy marshals and soldiers at the polls and with persons chosen to certify the result of the elections? Upon what ground can it possibly be defended except upon the ground, first, that the States themselves have not the intelligence and the virtue to decide this question for themselves; second, that the country at large in its collective capacity has an intelligence and a virtue not found in an individual State? Does any man think for a moment that when the Constitution was framed and the Government was formed any such thought was in the minds of people? And, Mr. President, if there is any Senator here who thinks that while it might not have been true in the first instance, it is true now, I scout the proposition and I would trample it under my feet.

Does the Senator representing any great State—New York or Pennsylvania or Illinois or Massachusetts—think for a moment that the people in his own State are incapable of determining what is best for the people of that State, incapable of maintaining free institutions, incapable of maintaining the virtue and public character of their people, and that the collective intelligence and collective virtue of the people of the United States are superior to their own and should be, therefore, invoked to control them in that which they are not able to manage for themselves?

Why, Mr. President, the very suggestion of it is abhorrent, and what is justly claimed to the contrary for such communities as those States which I have named can with equal right be claimed for every other State; and so far as I am concerned, sir, I will never agree, cost what it will, to sanction any provision which shall contain within it necessarily the recognition of any such monstrous heresy as that, and yet there can be no other ground upon which the policy and duty of Federal interference can be placed; no other ground.

The people of Massachusetts, the people of New York, the people of Illinois are not the guardians of the people in Georgia. They are not the people who are to determine what should happen within it in order to protect those within her borders or to safeguard her institutions. Mr. President, it is the opposite of that proposition, it is the ignoring of that proposition, it is the denial of the power and ability of people within the States to control their own affairs that has led to all the great troubles, the great sacrifices, the great tragedies in this country.

I do not hesitate to say, Mr. President, that the greatest tragedy in the nineteenth century, if not the greatest tragedy considered from some standpoints of all the ages, was the Civil War in America—greater than the tragedies of the wars of Napoleon or of Hannibal or of Cæsar, because they were wars between alien peoples. But our Civil War was a war of people of the same race and blood on each opposing side, the same kinships, the same family—fathers, brothers, sons—who went against each other to war; and that a million men of the same race and blood, the same ancestry, and the same destiny should have, in that fratricidal war, found untimely graves, is the greatest tragedy not only of the nineteenth century, but of all time. Point to a parallel, if you can. And what brought it about? Mr. President, we know that while it was complicated with other questions and the issue was at times obscurely stated, the existence of African slavery caused the war, and without the existence of African slavery no war would have occurred; and I assert here, and I challenge contradiction, that in all probability, with almost certainty, slavery would have been driven from the United States peacefully and by the consent and cooperation of all sections if it had not been for the intermeddling of people in other States, who undertook to say what was right and proper in States within which they did not live.

Why do I say that? I can give a number of reasons, but I point to one, the correctness of which is easily ascertained. Let any man go and read the debates in Congress up to the thirties, and he will find that the Southern Senators and Representatives were apologists of slavery and not its defenders. He will find that they apologized for it on the ground that they had inherited it; that it had been put upon them against their will, or without their agency, rather; that a large proportion of it was in the influx of slaves from the Northern States, where they had not abolished slavery peremptorily, but where they had fixed the date when the abolition of slavery should commence, giving ample time in the meantime for all the slaves to be carried South and sold.

They were apologetic of it, I say. All the great leaders of the South were against slavery. In my own State, the very first of all colonies to so provide, had in its law a prohibition against slavery. Jefferson, Randolph, all the great sages of the South were opposed to slavery, and it was not until the great meddling, the great interference by fanatics in other States, attacking the institution, heaping all obloquy upon those who were so unfortunate as to be within its grasp—it was not until then, until this interference, that the apologetic tone naturally changed according to all human impulse into one of defense of the institution, and finally into one of defiance of those who were thus attacking it, and out of that grew that war, that terrible tragedy, the greatest of all times, with a third of the country utterly desolated, with a vacant place at every hearthstone, and a million of young men in untimely graves. That was the direct conse-

quence of the "holier than thou" doctrine and practice. It is in resistance to that doctrine that I oppose the policy or the right of Federal interference in the control by the States of their own elections.

Now, the Senators say that the time is passed; that that issue is dead, and that there is no longer danger of Federal interference. I have occupied so much time that I will not carry out the intention I had of going through this particular branch of the question in detail. I must allude to it, however. We have had within the last 30 years great controversies and great struggles upon this very issue. There first arose—I will not say there first arose—but there was in the Forty-fifth Congress so great an opposition to this Federal interference that the Democratic House at that time felt itself justified in putting upon the Army appropriation bill a provision which prohibited troops at the polls in connection with the election laws. It passed the House of Representatives, and, Mr. President, if I had time I would like to call the roll of the great men of that day who were engaged in that controversy, some of whom I see before me, who were then Members of the House, men who contended on the one side and the other side. The position was taken that the Federal election law was a great invasion of the rights of the people to the free exercise of the franchise and of the right of the State to determine in what way that franchise should be exercised. They said that unless the Government would withdraw its troops, unless it should put in the law that it could not have troops at the polls in the support of the Federal election laws, the Army appropriation bill should not pass.

Mr. President, of course there was great criticism upon the fact that supplies to the Government were denied, but Mr. Hewitt, of New York, who reported the bill to the House, defended it upon the ground that it had been true of our ancestors, that they had secured the great rights of civil liberty by denying supplies unless concessions in favor of that liberty were permitted to them by the Crown. And so it passed the House and came to this Senate. The Senate, being Republican, refused to pass the bill with that provision upon it which took the troops from the polls in support of Federal supervisors, and it went into conference, and after an interchange it finally failed in conference and an extra session of Congress had to be called, and in that extra session of Congress there was again a great struggle.

The Army appropriation bill in the House again had that same provision put upon it. It again came to the Senate, and again the Republican Senate struck it out, and it went into conference. I want to read, Mr. President, the names of the Senators who took that position—the Senators who recognized the fact that the question of the right of the people to control their own elections was so grave a question that rather than surrender it they would stop the wheels of the Government.

I want to say, first, Mr. President, that among those Representatives in the House who took that position were distinguished men who afterwards came to the Senate, and I read the names of some of them. There were Messrs. Blackburn, of Kentucky; Kenna, of West Virginia; Vance, of North Carolina; Carlisle, of Kentucky; and MONEY, of Mississippi; and when it came to the Senate there were Senators of historic names who stood for that proposition and who said that before they would agree that the Federal Government, under the elections laws and with the use of troops at the polls, should be allowed to control elections in the States, they would refuse the supplies to the Government for the support of the Army. The Senators who then spoke and voted that way in the Senate were Bailey, of Tennessee; Barnum, of Connecticut; Bayard, of Delaware; Beck, of Kentucky; Butler, of South Carolina; Cockrell, of Missouri; Coke, of Texas; Davis, of West Virginia; Dennis, of Maryland; Eaton, of Connecticut; Garland, of Arkansas; Gordon, of Georgia; Grover, of Oregon; Harris, of Tennessee; Hereford, of West Virginia; Hill, of Georgia; Jones, of Florida; Kernan, of New York; Lamar, of Mississippi; McCreery, of Kentucky; McDonald, of Indiana; McPherson, of New Jersey; Maxey, of Texas; Merrimon, of North Carolina; Morgan, of Alabama; Ransom, of North Carolina; Saulsbury, of Delaware; Shields, of Missouri; Thurman, of Ohio; Voorhees, of Indiana; Wallace, of Pennsylvania; Whyte, of Maryland; and Withers, of Virginia.

Mr. President, these be great names, illustrious names, not only in the Democratic Party but in American history; and I invoke their names to-day in justification and support of the position I take here.

Sir, can it be conceived for a moment that these great men, these illustrious men, who were willing to say that the wheels of the Government should be stopped before these election laws and troops at the polls should be allowed to continue to interfere with the elections within the States—can it be said that if they were here to-day standing in the places which we in only a measure can hope to worthily fill, they would vote to extend that provision of the law to the election of Senators, when in its enforcement in the election of Representatives they said, "We will stop the wheels of the Government before we will permit it?"

Mr. President, there is no escape from the proposition. Can it be said for a moment that Senators would have taken so drastic action as that, these great men—for they were great men, and I am afraid we of this day can not furnish their equals—can it be said for a moment these great men would be willing in any manner to extend this dangerous power in the Federal Government or consent to the possibility of its exercise in any additional sphere where it does not now have it?

Mr. President, that did not end the controversy. There were other instances in which the struggle was waged. I will not, however, now stop to recall, or rather to recite, them, because I feel that time will not permit; but when Senators say there is no danger, when Senators say that the time for such issues is past, that the issue is dead, I want to call attention to the fact that the law of 1870 for the control of elections at the polls in the States, a law coupled with another which had been previously passed, which put it within the power to send troops to maintain the authority of these supervisors and registrars and deputy marshals at the polls—I want to call attention to the fact that that law was not repealed until the year 1893, and that it was repealed by the only Democratic Government that has existed since the war. There has been but one term of Congress in which the Democrats had the Executive and each branch of the legislative Government, and that law was repealed by that Congress, and when it was repealed every single Republican voted against the repeal; and yet we are told the issue is dead.

Prior to that repeal, to state it as briefly as possible, in the year 1890 there had been introduced in the other House what was known as the force bill. I want to state another fact. Seeing my learned friend, the Senator from Texas [Mr. BAILEY], sitting before me reminds me of it. When we are talking about the question whether the thing is dead and belongs to the distant past, and when I am bringing to the attention of the Senate the fact of these recent occurrences, I note that the Senator from Texas, as young as he is, born during the Civil War, was a Member of Congress and recorded his vote in 1893 in favor of the repeal of those Federal election laws. That does not look very much like it was an ancient and antiquated measure, and that the influences which supported those election laws belong to the dead and distant past. I could enumerate a great many others. I see Senators sitting in front of me who were in that House before that time.

But, Mr. President, to recite it briefly, there had been introduced in the House what was known as the force bill, which passed the House after a very acrimonious and heated debate. It came to the Senate and, after possibly the most acrimonious and heated debate which has taken place in the Senate in 30 years past, it was at last defeated by indirection and not by direction. It was defeated simply by the then Senator from Colorado, Mr. Wolcott, moving to proceed to the consideration of the congressional apportionment bill, and while that motion was not debatable any one who will read the RECORD will see in the remarks which were interjected the intensity and heat of those who realized the fact that if that motion prevailed the bill would fail, the bill by which they had set so much store.

Mr. President, it was in that debate when party spirit ran so high and the intention to fix that bill upon the country was so strong that the present Senator from Rhode Island [Mr. ALDRICH] submitted a resolution to apply a cloture in this body—not simply a motion, but an elaborate resolution to apply a cloture in this body to cut off the efforts of those Senators who were resisting the measure, so earnest was he in the insistence that the force bill should be passed.

Now, Mr. President, it will not do to say that the debate to which I have alluded when the extra session was forced was one which related simply to the question of the removal of troops from the polls. While there was an extra session by reason of the failure to pass the Army appropriation bill, the burden of that whole debate was that the necessity of the troops at the polls was required in connection with the election laws, which gave to Congress the power and the opportunity to control the manner in which these elections should be had. If Senators will turn to the speech made by Senator Voorhees in the debate, which, of course, I can not stop to quote, they will see a most elaborate discussion in that very controversy of the election laws and each provision and clause of the election laws as they were affected by the use of troops at the polls for their enforcement.

Mr. President, I want to say another thing which will be borne out by anyone who will take the time to examine the debates of that day. While there was a general claim of power

and some incidental mention occasionally of disorders in different States, the great burden of the argument through all the months was in that controversy that the Government should have the power to pass a Federal election law, with registrars and supervisors and deputy marshals and troops at the polls, in order that the black vote of the South might be protected in the casting of the ballot. Senators will find not only page after page, but volume after volume, of the congressional debates filled up with that.

Mr. President, I am going to read, just to give an idea of it, an extract from that debate from the then Senator from Maine, Mr. Blaine. I do not do this now from any unkindness or for the purpose of stirring up any feeling, but to show the animus and purpose of those who then advocated the Federal election law, and that we stand on solid ground when we oppose this legislation or when we oppose extending to the Federal Government the power to enact legislation of this kind.

On page 733, volume 9, part 1, Forty-sixth Congress, first session. That was the extra session which had been called because of the fact that the Army appropriation bill had failed in the manner and for the reason I have stated. The sole question being whether or not these laws should be kept upon the books, whether these marshals should be armed with the power of troops, nobody denying that the Federal Government under the fourth section of Article I could do it, the sole question was whether it should be done or whether or not if the Government were to refrain from doing it the supplies should not be stopped from the Army. Here is what Mr. Blaine said about elections in the South. It may be true from the standpoint of some gentlemen, but it nevertheless accounts for the fact that we are not willing that that matter should be adjudged by the Federal Government. Mr. Blaine, in the course of that debate, said:

> What we ask is that Representatives in Congress shall be elected by the free vote of the people of the respective districts, and there has never been such a travesty on truth, there has never been such a satire on fact, there has never been such a pretense to righteousness so utterly confounded by fact and so utterly ridiculed by history as for the Senators on that side to stand up here and demand a free election. Why, that is what we have been struggling for—a free election. There has not been a free election in five Southern States that I can name since the Democrats have had power. There was no more a free election in South Carolina for the Congress now in session than there would be in a mob of violent roughs that had undisputed possession of a poll in the lower wards of the city of New York—not a particle more.

Mr. President, I could quote page after page and volume after volume of just such talk as that. Mr. President, we are not willing—at least I am not willing if the power does exist in the control of Federal election of Representatives—by my vote to give the opportunity to extend that power to be exercised by the Federal Government in the control of the election of Senators.

With the permission of the Senate, I will read one other extract from a Member of the House along the same line just to show that it was not confined to the Senate, coupling it with the statement that it is only one of thousands. In advocating the retention of the Federal election laws to control elections in the Southern States, Representative TAYLOR of Ohio said in the debate in the House:

> There is no need of any antagonism between the North and South, and if the South will secure equal and exact justice to all men of all colors there will be none, and the South will be the great gainer. If this is not done, sooner or later the same causes which brought on the War of the Rebellion will bring on another conflict, the end of which will not be so peaceable as the last. The Anglo-Saxon sense of justice will not permit this injustice to continue very much longer. The iniquitous methods of degrading the colored race in the South must come to an end. An enslavement of 8,000,000 of human beings by indirection, by fraud and perjury, by violence and intimidation, is no better than the slavery we had before the war and will not be allowed to exist very much longer. The colored race rebels, the great North rebels, one-half the Southern States rebel, and one-half the people where these frauds exist rebel against this flagrant and unblushing wrong.

With such views as those thus expressed, who can doubt, when the time came to act, the spirit with which Congress would proceed to enact laws to control elections in the South?

Mr. President, I know some Senators—who do not themselves approve of the resolution with the Sutherland amendment—say that by our votes here we do not determine this question; that we simply put it up to the States to determine it. I have no criticism to make of Senators who take that position, but it is one I can not use in justifying myself in casting a vote different from what I think is the proper vote to be cast by the legislature itself. It was the contemplation and the intention of the Constitution that the proposing of amendments to the Constitution was a function to be carefully exercised by Congress. It was not a matter in which the final determination was thought to be sufficient if three-fourths of the States had that determination. If so, we would have left it to a majority in Congress to propose the amendment, as is done in other matters. But so careful were they to protect even three-fourths of the States against the possibility of deciding unwisely that they said to Congress, Before you can submit to the States to be determined by three-fourths of them the question whether or not this Constitution shall be amended, two-thirds of each of your bodies shall think it ought to be amended. What else can you say as to the purpose in requiring that there shall be two-thirds except that it was the intention that Congress should weigh in its judgment whether or not there should be an amendment to the Constitution, and that if even a majority of them thought there ought to be such an amendment it would still require two-thirds of each House to agree upon it before there should be given to the States the power and the opportunity to decide it, even though three-fourths of them would have to concur before it could be decided in the affirmative?

I think, Mr. President, from my standpoint, that it is not proper for me to vote to submit to the States an amendment of the Constitution which I myself do not approve, and that I can only consistently submit to the legislatures of the States an amendment which I do approve.

I want to suggest one other thought in that connection. Some Senators say that, while they do not approve the resolution with the Sutherland amendment, they will put it up to the legislatures and that they will have a right to determine, and they do not feel that they are at liberty to deny to the legislatures of the States the right to determine the question for themselves. I want to suggest to Senators that when they put up to the States the opportunity to determine as to a constitutional amendment which they themselves do not approve, they run the risk of putting up a proposition which their own legislatures may not approve and which they will vote against, but which other legislatures may force upon them. Then, Mr. President, there comes the question of the responsibility of a Senator who thus by so doing practically defeats the will of his own State.

Mr. President, it is no light matter to amend the Constitution of the United States. It is a matter of sufficient gravity when we pass a statute law which gravely affects the people of the United States, because it is difficult to repeal it, but still it can be repealed. But when we pass a law which changes the Constitution of the United States, we have done that which is practically irrevocable. One-fourth, or a fraction over one-fourth, can defeat a proposed amendment to the Constitution. But when it has been once adopted, however grievous it may be, however tyrannical in its exercise of power it may prove to be, the fraction over one-fourth can not then put themselves back in the same position; it will take a fraction over three-fourths in order to do it.

There is one other thought, Mr. President, recurring to something I have already passed, and then I am going to close. In connection with the suggestion that this is a dead issue, there is one other thought in connection with the peculiar interests that the people of the South have in regard to this matter. I believe it is true that the great mass of the people of the North have changed their minds, and that there is now no general disposition to interfere with the people of the South in the control of their own affairs. Yet I recall that the Senator from New York [Mr. ROOT] in the main address which he made here the other day, stated the fact that there were things done at the South which, in his opinion, ought not to be done, and which, if they continued to do, the Federal Government must exercise the power to prevent; and when in a subsequent short debate I asked for specifications, the pertinent specification, one which he mentioned which relates to this question, was the suppression of the Negro vote.

Now, I am not going to stop to discuss the question which was raised as to whether or not the Senator in his reply meant that Congress could by direct act nullify the statutes of the State in prescribing the qualifications of electors. I am not going to stop to discuss that, but I do say that it does show from so high authority as the Senator from New York that the people of the North—perhaps I should say those belonging to the Republican Party—still have it in their minds that when opportunity comes they will exercise the power, if they have it, to interfere with the elections at the South.

Mr. President, even though it be true that there has been a change in the general feeling of the North on this subject, a general disposition to leave the people of the South to the control of their own affairs, it is a fact not to be forgotten that vast numbers of negroes have gone to the North and that in a half dozen close Northern States the negro vote is most potential and frequently holds the balance of power between the two great political parties.

Whenever the Republicans carry the State of New York by a close vote it is because the negroes have given them their sup-

port. The same thing is sometimes true in the great State of Illinois, even with its ordinary majority of over 100,000 Republicans. The same thing is frequently true of Ohio. The same thing is true always in Maryland and Delaware and West Virginia whenever Republicans carry those States.

Mr. President, is it possible for us to shut our eyes to the fact that it is a political necessity to regard the demands of that large voting negro population in these close States? Is it possible for us to shut our eyes to the fact that, however much the people of the North may be disposed to leave to the people of the South the control of their own affairs, the time may come when under the demand of the colored voters in these close States they may again, if they have the power, pass these election laws, having the southern elections in view, to retain their political support? We can not prevent them passing these election laws, if they have the numerical majority, in the case of the election of Representatives. We ourselves put our hands within the manacles as to the election of Senators if we extend to them this power.

Mr. President, it may be true of some Senators that they will support this joint resolution with the Sutherland amendment under a feeling of obligation for one cause and another, when they would prefer that it should not be enacted.

Some persons, Mr. President, must stand in the breach. For myself, with my views as to the danger of this measure, whatever may be the sacrifice, so far as in my power I propose to stand in this breach. I do not propose to consent, Mr. President, by any act of mine to extend the power of the Federal Government in the control of elections in the States. It is too great a price to pay for the election of Senators by direct vote; it is too great a price for my section, particularly; not only because of the vast magnitude of the issues which are involved, but because we already have the selection of Senators there by popular choice. There is not a Southern State in which the Senators are not now selected by choice in a primary election. Therefore we can afford not only to say we will not take it at this price, but we can afford to say we will wait. The time is near at hand when this amendment can be so framed as to relieve it of this objectionable feature.

Mr. President, I thank the Senate for its very kind attention.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 30570. An act to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes; and

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest.

The message also announced that the House insists on its amendment to the bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 9904) granting certain rights of way on the Fort D. A. Russell Military Reservation at Cheyenne, Wyo., for railroad and county road purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912.

The message further announced that the House had disagreed to the second report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON managers at the conference on part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the Vice President:

H. R. 5453. An act for the relief of the legal representatives of M. N. Swofford, deceased; and

H. R. 26606. An act for the relief of Charles A. Caswell.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. CRAWFORD in the chair) laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

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

The motion was agreed to; and the Presiding Officer appointed Mr. GALLINGER, Mr. CURTIS, and Mr. TILLMAN conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

Mr. SMITH of South Carolina obtained the floor.

Mr. CLAPP. Will the Senator from South Carolina yield to me for a moment to enable me to make a conference report? It will take only a moment.

Mr. SMITH of South Carolina. Certainly.

The VICE PRESIDENT. The Senator from Minnesota presents a conference report, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) an act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

On amendments numbered 48, 76, and 82, the committee of conference have been unable to agree.

MOSES E. CLAPP,
P. J. MCCUMBER,
WM. J. STONE,
Managers on the part of the Senate.

CHAS H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,
Managers on the part of the House.

Mr. CLAPP. I move that the Senate further insist on its amendments disagreed to by the House of Representatives, that it ask for a further conference, and that the Chair appoint the conferees on the part of the Senate.

Mr. JONES. Mr. President, I want to ask the Senator from Minnesota whether the amendment relating to the Colville Indian money has been passed upon by the conference committee.

Mr. CLAPP. That is one of the three amendments upon which the disagreement is based.

Mr. JONES. If this conference report is adopted and the matter goes back to the conferees and the conferees then agree, whatever that agreement may be, I understand there would be no opportunity to discuss that particular amendment, but only to vote upon the report that is made.

Mr. CLAPP. That is true.

Mr. JONES. I really do not like to see it go in that way. I think that the amendment ought to be receded from by the Senate, and I think the matter ought to be discussed somewhat in the Senate, but I do not like——

Mr. CLAPP. I suppose that would be in order if it did not interfere with the Senator from South Carolina [Mr. SMITH], who has taken the floor to speak. I certainly do not intend to interfere with his speech.

The VICE PRESIDENT. It would be in order for the Senate to proceed with the consideration of the conference report, if it so desired.

Mr. CLAPP. I know it would be in order, but I would not press it, in view of the Senator from South Carolina having the floor.

Mr. JONES. I know that.

Mr. CLAPP. I think it might be just as well to send the report back to conference.

Mr. JONES. Then I will leave that to the judgment of the chairman of the committee.

Mr. DIXON. Mr. President, I have been out of the Chamber for a moment, and I want to inquire what became of the Colville item in the conference report. Was it retained or stricken out?

Mr. CLAPP. That is one of the three items upon which the conferees have not agreed. It goes back to conference.

The VICE PRESIDENT. The Senator from Minnesota moves that the Senate further insist upon its amendments numbered 48, 76, and 82; that it ask for a further conference with the House of Representatives thereon, and that the Chair appoint the conferees.

The motion was agreed to; and the Vice President appointed Mr. CLAPP, Mr. MCCUMBER, and Mr. STONE the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: "Hereafter the pay and allowances of Army paymasters' clerks shall be the same as provided by law for Navy paymasters' clerks on shore duty, and they shall also be entitled to the same right of retirement with the same retired pay as is now allowed Navy paymasters' clerks: *Provided*, That Army paymasters' clerks shall be subject to the Rules and Articles of War"; and the Senate agree to the same.

That the Senate agree to its amendment numbered 23, as amended by the House, with amendments as follows: On page 1 of said amendment as amended, in line 7, strike out the words "State, Territory, and the District of Columbia"; and in line 8 strike out the words "not to exceed one additional officer for each," and strike out the comma which appears at the end of line 8.

On page 2 of said amendment as amended, in line 18, strike out the word "one-fifth" and insert in lieu thereof "one-half," so that the amendment will read: "Upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia, as follows, namely: Not to exceed one officer for each regiment and separate battalion of infantry, or its equivalent of other troops: *Provided*, That line officers detached for duty with the Organized Militia under the provisions hereof, together with those detached from their proper commands, under the provisions of law, for other duty the usual period of which exceeds one year, shall be subject to the provisions of section 27 of the act approved February 2, 1901, with reference to details to the staff corps, but the total number of detached officers hereby made subject to these provisions shall not exceed 200: *And provided further*, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant to colonel, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the whole Army. The vacancies hereby caused or created in the grade of second lieutenant shall be filled in accordance with existing law, one-half in each fiscal year until the total number of vacancies shall have been filled: *Provided*, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of 21 and 27 years. The President is authorized to make rules and regulations to carry these provisions into effect: *Provided*, That the Quartermaster's Department is hereby increased by 2 colonels, 3 lieutenant colonels, 7 majors, and 18 captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: "Hereafter there shall be attached to the Medical Department a dental corps, which shall be composed of dental surgeons and acting dental surgeons, the total number of which shall not exceed the proportion of one to each thousand of actual enlisted strength of the Army; the number of dental surgeons shall not exceed 60, and the number of acting dental surgeons shall be such as may, from time to time, be authorized by law. All original appointments to the dental corps shall be as acting dental surgeons, who shall have the same official status, pay, and allowances as the contract dental surgeons now authorized by law. Acting dental surgeons who have served three years in a manner satisfactory to the Secretary of War shall be eligible for appointment as dental surgeons, and, after passing in a satisfactory manner an examination which may be prescribed by the Secretary of War, may be commissioned with the rank of first lieutenant in the dental corps to fill the vacancies existing therein. Officers of the dental corps shall have rank in such corps according to date of their commissions therein and shall rank next below officers of the Medical Reserve Corps. Their right to command shall be limited to the dental corps. The pay and allowances of dental surgeons shall be those of first lieutenants, including the right to retirement on account of age or disability, as in the case of other officers: *Provided*, That the time served by dental surgeons as acting dental or contract dental surgeons shall be reckoned in computing the increased service pay of such as are commissioned under this act. The appointees as acting dental surgeons must be citizens of the United States between 21 and 27 years of age, graduates of a standard dental college, of good moral character and good professional education, and they shall be required to pass the usual physical examination required for appointment in the Medical Corps, and a professional examination which shall include tests of skill in practical dentistry and of proficiency in the usual subjects of a standard dental college course: *Provided*, That the contract dental surgeons attached to the Medical Department at the time of the passage of this act may be eligible for appointment as first lieutenants, dental corps, without limitation as to age: *And provided further*, That the professional examination for such appointment may be waived in the case of contract dental surgeons in the service at the time of the passage of this act whose efficiency reports and entrance examinations are satisfactory. The Secretary of War is authorized to appoint boards of three examiners to conduct the examinations herein prescribed, one of whom shall be a surgeon in the Army and two of whom shall be selected by the Secretary of War from the commissioned dental surgeons"; and the Senate agree to the same.

F. E. WARREN,
M. G. BULKELEY,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.
J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. HALE. Mr. President, I wish the Senator from Wyoming would state to the Senate whether the conference report establishes a dental corps in the Army.

Mr. WARREN. The proposition is, that instead of the three supervising dental officers and the various contract dental surgeons, there shall be not exceeding 60, or not exceeding one to a regiment who shall have the rank of first lieutenant. There are none above that rank. We have heretofore passed bills where such surgeons have been given the rank of captain, major, etc. This is cutting down that proposition to about the number we now use as contract surgeons, and making them first lieutenants.

Mr. HALE. Mr. President, this is the establishment by the authority of a conference committee of what has never been adopted by Congress in either branch, of a dental corps. I ask that the report may go over.

Mr. WARREN. I am perfectly willing that the report shall go over, but the Senator from Maine is in error. This establishes no corps. It is a part of the Medical Corps.

Mr. HALE. Let the Secretary read the provision of the conference report relative to the dental corps.

The VICE PRESIDENT. The Secretary will again read the provision to which the Senator from Maine refers.

The Secretary read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows:

"Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: 'Hereafter there shall be attached to the Medical Department a dental corps, which shall be composed of dental surgeons and acting dental surgeons'"——

Mr. HALE. That is enough, Mr. President. Let the report go over.

The VICE PRESIDENT. The conference report will go over.

PROPOSED RECESS.

Mr. SMITH of South Carolina and Mr. HALE addressed the Chair.

The VICE PRESIDENT. The Senator from South Carolina is recognized. Does he yield to the Senator from Maine?

Mr. SMITH of South Carolina. I do.

Mr. HALE. Mr. President, I rise to the question of the order of business. In accordance with the notice I gave on Saturday, I now move that the Senate take a recess until 8 o'clock this evening.

Mr. *BAILEY*. It is impossible for us to hear what the Senator from Maine it saying.

The VICE PRESIDENT. The Senate will please be in order.

Mr. HALE. My purpose in rising is to move that the Senate take a recess from half past 5 o'clock until 8 o'clock. It is evident, as I said the other day, that, unless we have evening sessions, with all the discomforts and burdens which they carry, it is simply not only impossible, but absurd, to think that we can dispose of the immense mass of unfinished matter which before Saturday noon ought to pass—all of the great appropriation bills, the subjects of public interest before the Senate, and, without going into any further enumeration, I think Senators will understand that, while it is a matter of inconvenience and burden, at this stage, with all these matters precipitated upon us, there is nothing else for us to do.

Mr. BAILEY. Mr. President, I agree thoroughly with the Senator from Maine [Mr. HALE] in thinking that it is impossible to conclude the work necessary without night sessions; but still I think it entirely possible and even easy to do so with night sessions of moderate length if we could get out of our way the unfinished business of the Senate. I have no objection to a recess if we can now get an agreement to vote upon the resolution touching the right of the Senator from Illinois [Mr. LORIMER] to his seat. I understand a request was preferred to vote to-morrow. That was denied because some Senators desired to address the Senate on that subject. Then a request was preferred for unanimous consent to vote on Wednesday; and that was objected to. I now venture to ask unanimous consent that the Senate will vote on that question at 2 o'clock on Thursday.

Mr. HALE. That is fair.

Mr. CUMMINS. Mr. President, I recognize, I think, as fully as can the Senator from Texas [Mr. BAILEY] the importance to the Senate, to the country, and to the sitting Member of the resolution to which he referred; but it is not, in my opinion, the most important matter before this body. This resolution had its opportunity for the space of one month or more. I do not criticize the objection then made, which prevented a vote during that time.

Mr. BAILEY. The Senator understands, of course, that the objection was based on the fact that the debate had not been concluded.

Mr. CUMMINS. Precisely; but it was suggested that the vote be had at such a time that the debate could have been finished before the time came for the vote.

Mr. President, there is pending before the Senate a bill, which has been passed by the House of Representatives, which has been debated all over this country for years, and which is desired by a larger proportion of the people of this country than any other measure which is now before us; and, so far as I am concerned—and I speak only for myself—I intend to do everything within my power to induce those who are opposed to a consideration of the tariff-board bill to consent to its consideration and to a vote upon it—I mean, everything within my power and the limits of parliamentary procedure. I think that is very well understood.

I know that there are many Senators who desire yet to speak upon the Lorimer case; I do not know how the request of the Senator from Texas may affect the business of the Senate, and therefore I want it to be clearly understood—I make no concealment about it whatsoever—that unless a time can also be fixed for voting upon the bill which creates a tariff board, I shall object to fixing a time for voting upon the Lorimer resolution.

Mr. BAILEY. In other words, though the Senator from Iowa has said to the Senate and to the country that the Senator from Illinois is not entitled to his seat, he declines to allow the Senate to vote on that until the Senate will agree to vote on some other question.

Mr. CUMMINS. Precisely.

Mr. BAILEY. If the Senator is content to take that position, I am quite content to have him appear in that way before the country.

Mr. CUMMINS. I am quite content to stand by what I have said. I believe that the bill to which I have referred is of greater importance to the people of this country than any other measure now pending before this body. The Senator from Illinois is here; he is sitting as a Member of this body. The opportunity to vote upon his title to his seat will not be lost if this occasion passes; but the Senator from Texas, as well as every other Senator here, knows that if we do not avail ourselves of this opportunity to vote upon the bill creating a tariff board we will have no opportunity so to do for years to come.

Mr. BAILEY. Which means that the people, having given authority to the Democratic Party in the popular branch of Congress, it must be denied the right to settle that matter as it pleases, and it must be forced through the Senate in connection with a totally different matter before the expiration of this session.

The Senator from Iowa makes it plain that he is trying to defeat the latest expression of the people's will rather than to record it, because, if it be true that the people of this country want a tariff board, then, if the Democratic majority in the next House does not pass it, that majority itself will disappear. Much as the people will hesitate about calling the Republican Party back into power, they might do even such a foolish thing as that [laughter] if the Democratic Party does not behave itself wisely.

Mr. CUMMINS. Mr. President, whatever may be the fortunes or misfortunes of the future, I am very far from being pessimistic with regard to them. The House of Representatives has had its command to pass this bill from the people of the United States, and the House has passed the bill.

Mr. BAILEY. Yes; but three-fourths of the Democrats voted against it.

Mr. CUMMINS. It is here, and it is the duty of the Senate to deal with it if it can be dealt with within the time still remaining to us.

Mr. President, I have preferred this request, and it has been preferred more than once, I think; and, as I remember, the Senator from Texas has been the only Senator who refused or who made objection to fixing a time for a vote upon it. I am perfectly willing, Mr. President, to go forward with the unfinished business—do not understand me to ask any interference with the unfinished business—and when that has been debated and when that has been concluded there will be a vote, of course, upon it. But when we are asked to fix a time at which the vote can be had, I only reiterate my former statement, that unless we can agree with regard to the tariff-board bill, I shall not agree to a vote on the Lorimer resolution or any other measure save an appropriation bill, for I think it is my duty to do everything in my power to secure a vote upon this bill.

Mr. BAILEY. Mr. President, a moment if you please. I have gravely doubted whether the Democrats in either House of Congress ought to permit any legislation touching the tariff question at this session of Congress. The people of this country, at the last election, at least voted a want of confidence in the Republican Party, and I think expressed their confidence in the Democratic Party. It therefore seemed to me that we would have been well within our rights to have flatly said to our discredited opponents—I do not of course mean personally discredited, but politically discredited opponents—"you can do those things only which must necessarily be done, and leave these other things to the Representatives who come fresh from the people, with the people's commission in their hands, and the people's command upon them." But I did not deem it proper to urge that view, and I have not done it.

My own opinion now is that these appropriation bills ought to wait for the next Congress. I am told, or at least it is said in the papers that we are to have an extraordinary session; and while I am not in the habit of believing everything I see in the papers, I do believe almost everything I see in the papers as emanating from the White House, because it must be said to the credit of the gentlemen who represent the newspapers in the Executive offices that they seldom make a mistake in their report of what transpires there—and if it be true that we are to have an extraordinary session, I think these supply bills ought to be the work of the people's Representatives last elected

rather than the work of those who have been rejected at the polls.

But I waive that. That is, I have waived it up to this time. Exactly how long I will continue to waive it is an open question in my mind.

But when a Senator stands here and tells the Senate and tells the country that this project for a permanent tariff board—one of the administration's measures, one of the devices by which Congress will be advised exactly how much protection shall be measured out to these various industries—must pass now or it can not pass at all, I remind him that that is an open confession that he is seeking to escape the latest judgment of the people; and if it can not pass in the next Congress, to my mind, sir, that is all the reason more why it ought not to pass in this Congress. I would resist it the more stubbornly because of the fact that they are trying to enact it into a law now under a knowledge that it is now or never with that proposition.

But, Mr. President, beyond all that, upon the question of the election of a Senator we act as judges, and I would as soon, if I had the honor to sit in connection with other judges, attempt to delay the judgment of a court as to attempt to delay the judgment of the Senate on a matter upon which it must act as judge.

I have witnessed some remarkable spectacles here in the debate and consideration of this case. I have seen honorable Senators, after the testimony was closed, after the witnesses were sworn, send out and obtain ex parte affidavits and bring them here and present them to the Senate. What would you think, sir, if a judge, after the testimony had closed in his court and after the attorneys had made their arguments, would step down from the bench and go about among the people asking for ex parte affidavits upon which he would base his judgment? Yet I have seen that remarkable spectacle in the Senate of the United States.

Mr. HALE. Let me appeal to the Senator from Texas——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Maine?

Mr. HALE. I have the floor on the motion for a recess.

The VICE PRESIDENT. The Senator is correct.

Mr. BAILEY. I had forgotten that, and I tender the Senator my apology.

Mr. HALE. I hope the Senator from Texas will not open all of the questions that will give rise to controversy and answer while my motion to take a recess until 8 o'clock is pending.

Mr. BAILEY. Will the Senator from Maine withhold that until the Chair can submit——

The VICE PRESIDENT. One moment. Of course, nobody can speak while that motion is pending. The Chair understood the Senator from Maine to withhold it.

Mr. HALE. No; I did not.

Mr. BAILEY. I thought you withheld it.

The VICE PRESIDENT. The Chair so understood.

Mr. BAILEY. I thought the Senator withheld it that I might prefer a request for unanimous consent.

The VICE PRESIDENT. The Chair so understood. But if the Senator from Maine makes his motion and insists upon a vote, the Chair must submit it.

Mr. BAILEY. I will ask the Senator from Maine to withhold it until I submit a request that the Senate vote on it next Thursday at 2 o'clock.

Mr. HALE. Unless some Senator is prepared at once to object——

Mr. CUMMINS. I object.

Mr. BAILEY. Then I ask unanimous consent for a vote on this question at 2 o'clock Friday.

Mr. CUMMINS. I object.

Mr. BAILEY. Then I ask unanimous consent to vote on this question at 10 o'clock Saturday.

Mr. CUMMINS. I object.

Mr. BAILEY. Then it is evident we are not to have a vote on it unless we have upon a test of endurance; and I hope the Senate will not take a recess.

Mr. HALE. I want to say, about the matter of the recess, that it is simply a question of the convenience of the Senate. If we do not take a recess, we will run along until 7 or perhaps 8 o'clock and have nobody here, and we will do nothing.

Mr. BAILEY. And if we do take a recess we will not have a quorum when we reassemble.

Mr. HALE. If we do not have a quorum, we will not do any business.

Several SENATORS. Question!

Mr. HALE. I will submit the motion, at any rate, that the Senate take a recess until 8 o'clock.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Maine that the Senate take a recess until 8 o'clock. [Putting the question.] The "noes" appear to have it.

Mr. HALE. Let us have a division.

There were, on a division—ayes 22, noes 39.

So the Senate refused to take a recess.

RECIPROCITY WITH CANADA.

Mr. SMITH of South Carolina. I gave notice that I would proceed immediately after the close of the speech of the Senator from Georgia [Mr. BACON] to discuss the question of reciprocity, but as some Senators wish to discuss the same subject discussed by the Senator from Georgia, and as the vote comes to-morrow morning immediately after the reading of the Journal, I will await another occasion. I give notice now that immediately after the speech of the Senator from North Dakota [Mr. GRONNA] I will address the Senate on the subject of reciprocity.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 30, 31, 32, 33, 200, 201, and 218.

That the House recede from its disagreement to the amendments of the Senate numbered 85, 86, 103, 104, 105, 106, 107, 108, 109, 202, and 205, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,820"; and the Senate agree to the same.

On amendments numbered 99, 100, 101, and 102 the committee of conference have been unable to agree.

F. E. WARREN,
E. J. BURKETT,
MURPHY J. FOSTER,
Managers on the part of the Senate.

F. H. GILLETT,
JOSEPH V. GRAFF,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. PERCY. Mr. President, in speaking on the joint resolution providing for the election of Senators by the people, with the so-called Sutherland amendment, I have no expectation of contributing anything to the able and exhaustive discussion of that subject which we have just heard from the Senator from Georgia [Mr. BACON]. And yet I desire to present briefly and somewhat informally the reasons why, although supporting the joint resolution as it was reported from the committee, I am unable to support it in its present shape.

I accept as an absolutely correct statement of the law the proposition laid down by the Senator from Georgia and acquiesced in on the floor the other day by the Senator from Minnesota [Mr. NELSON], namely, that under the Sutherland amendment Congress would have the same power in regard to the regulation and supervision and control of the election of United States Senators that it has to-day in regard to the election of Members of the House of Representatives, and that that power embraces, if Congress sees fit to exercise it, the appointment of Federal registrars to register the voters entitled to vote at such

elections, the appointment of Federal judges and Federal supervisors to conduct such elections, the appointment of United States marshals and deputy marshals to carry out the directions of such supervisors and judges; the support, if need be, of the Army of the United States to aid in carrying out the orders and directions of such judges and supervisors; and, finally, the appointment of a canvassing board to ascertain who has been elected at such election and to certify the result to the United States Senate, such Senator to present as his credentials to the United States Senate the certificate of his election from the canvassing board instead of his commission from the governor of his State.

That power exists under no provision of the Constitution as that Constitution stands to-day. It does not exist under section 4 of Article I of that Constitution, giving to Congress the power to make and alter the regulations for the election of Members of the Senate, because that power, as the Constitution stands to-day, only comes into play after the organization of the legislature which elects a Senator. It does not go to the polling place. It has no control over the election of members of the legislature.

It has been suggested, however, that possibly this power exists under the second section of amendment 15 to the Constitution, which provides that Congress may by appropriate legislation enforce the fifteenth amendment, which provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

I deny that under that provision any such power as is here contemplated does exist. No warrant for it is found in any decision of the United States court construing the fifteenth amendment. No suggestion of the existence of such a power can be found in any decision of the Supreme Court of the United States passing on the fifteenth amendment.

More than that, in all of the long, bitter, exhaustive, and able debates of this body at the time when it was proposed to enact the "force law" in 1890, and again in 1894, when the Federal supervision laws were repealed, in debates where the constitutionality of those laws was seriously questioned and discussed, the suggestion was never made, no Senator ever contended here, that the power to regulate Federal elections arose by virtue of any other provision than the power to make and alter the regulations of the State. No one suggested that under the fifteenth amendment the power existed in Congress to take charge and control of the machinery of the election of Members of the House of Representatives.

There can be no question, Mr. President, that the power under the fifteenth amendment is a power directed against the States—against State action—that so far as it ever affects individuals it is a corrective power, simply a power to enact corrective legislation. There is no power to enact general legislation to take charge and control of the machinery of the election. If that were true, there would be a similar power under the fourteenth amendment, which provides that no State can deprive one of life, liberty, or property without due process of law. Congress can enact corrective legislation under the fourteenth amendment, but it has never been contended that Congress, where there was a denial by the State of due process of law, could enact general legislation which would enable it to take charge of and administer the laws so that there should be no deprivation of life, liberty, and property without due process of law.

I take it that the correct rule as to the fourteenth amendment and the power of Congress under it, which applies equally to the fifteenth amendment, is found in this statement of the Supreme Court of the United States in James against Bowman, One hundred and ninetieth United States, quoting with approval the civil-rights case:

> And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the fourteenth amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity; for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation can not properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons of the equal protection of the laws is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation; that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking.

It is the same limitation that obtains in regard to the powers of Congress under the fifteenth amendment. If that were not true, if Congress has, under the power to pass appropriate legislation to enforce the fifteenth amendment, the power to take charge of the machinery of elections, it would be a much broader power than that conferred by the Sutherland amendment, because the power would not be to protect the person elected because he was a member of the Federal Government, not to protect him because he was a Senator, not to guard the election because it was the election of a Member of the House, but it would be to protect the party offering to cast his vote from a denial of that right, and therefore that power would extend not only to the election of Federal officers, not only to the election of Senators and Members of the House of Representatives, but it would invade the sovereignty of the State and could control every election, whether it be municipal, district, county, or State; it could strip the State of every vestige of sovereignty and control the elections for governor as easily as it could the elections for United States Senator.

Such a proposition is monstrous and preposterous. It finds no warrant in any decision of the courts of this country. So we are faced with the naked proposition that if this power is to be given by the Sutherland amendment, it is a power which never existed before under the Constitution of the United States since the creation of the Government. This is a truth which can neither be disguised nor successfully controverted.

Is it a power that we are willing to extend to the Federal Government? While the people of my State desire that there shall be an election of Senators by the people, they have that mode of election in their own State to-day under the primary elections system, and they are unwilling, in order to give that privilege to States that do not care for it, to extend the power of the Federal Government in the control of elections beyond what that power has ever been under the Constitution as it has existed up to this day.

I do not regard this as a sectional question. It interests every section of this Union. Yet, unquestionably, it is true that because of the peculiar conditions in the South, it concerns us more vitally than it does any other section of the Union. I do not consider that the race question is one that concerns the South alone or that we alone are entitled to deal with it. It concerns the welfare and the happiness and the protection under the flag of this country of 9,000,000 citizens of the country; but in other sections of the country it is regarded as a matter which affects the negro alone, while to the South it not only affects the millions of negroes there, but the millions of white people likewise who are residing there; and therefore it is a matter of more vital concern to them than it is to any other section of the country.

If I interpreted aright the expressions which fell from the lips of Senators during this debate in regard to the exercise of the power of the Federal Government over elections, they meant that as long as the South handles this question in a manner satisfactory to the Congress of the United States there shall be no interference with the southern people in the handling of it; but whenever, in the opinion of Congress, that question is not being handled there fairly and justly toward the negro, Congress reserves to itself the power to interfere.

Mr. CARTER. Mr. President——

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

Mr. PERCY. I do.

Mr. CARTER. I assume that the continuance of that power is the particular part of this proposal which the Senator objects to. In the course of some observations recently made I contended, and I believe the position of the Senator from Mississippi as stated agrees with the contention, that legislation, with reference to elections and the franchise, if based upon authority given in the fifteenth amendment, would be merely corrective, applicable only to the States; whereas under the first part of section 4, Article I, to which the Sutherland amendment was directed, the right is given the Federal Government by appropriate congressional action in execution of the law to go into the respective States where, in the judgment of Congress, the Federal power should interfere to appoint, if need be, registry agents, judges, and clerks of election for the purpose of insuring, through the prescribing of the election machinery and the conduct of the election itself, such regard for the rights

of persons under the fifteenth amendment as the Congress might think proper to prescribe and enforce.

Now, I understand the Senator to mean that if the joint resolution is passed as it now stands, with the Sutherland amendment adopted, the Federal Government will have that power as to a senatorial election precisely as it has the power with reference to a congressional election, save and except as to the fixing of the place of the election. Is that the part to which the Senator objects?

Mr. PERCY. Unquestionably. I adopt the Senator's construction, and I object to the extension of the very power the Senator from Montana has enumerated to the control of the election for Senators. There is no controversy about our respective positions, as stated by the Senator from Montana. There is no controversy between us as to the legal effect of the Sutherland amendment. I believe I state the position of the Senators who have spoken on the question correctly when I state that their attitude is that, while sympathizing with the South in the handling of this race problem, Congress was willing, as long as the South handled it in such a way as commended itself to the approval of Congress, to leave the handling of it to the South, but that when the South failed to handle it in such a manner as Congress thought it should be handled Congress reserved the right to control the Federal elections as to Members of the House, a power which it now has, and Congress, under the Sutherland amendment, desired to extend that control to the election of United States Senators.

Mr. CARTER. Mr. President, if the Senator will permit me, undoubtedly the power of Congress to control elections authorized in the first part of the fourth section of the first article of the Constitution would follow to the polls precisely as it is exercised now with reference to legislatures. I am free to say to the Senator that I would not have voted for the joint resolution if the Sutherland amendment had not been adopted for the very reason that, according to my views, the right of the Government to control and regulate the election of Senators and Representatives in Congress should not be surrendered, and that position is taken with reference to the North as well as the South.

Mr. PERCY. Mr. President, my reply to the contention that Congress should have the power to intervene in Federal elections whenever Congress sees fit to do so, and that that power, if Senators are to be elected by the people, should be extended to the election of Senators, is this: That there will never come the day, however bad conditions there may seem, when Congress can intervene and use that power in the South, except disastrously to the welfare and the prosperity of the South and to the detriment and injury of both the black and the white man there; and believing that way, I would say that whenever Congress, either by reason of the exigency of some political demand or because it is the misguided victim of a maudlin philanthropy, seeks to intervene by control of Federal elections in the South, I want to restrain the field of its pernicious activity to as small an area as possible, to the area to which it is restricted to-day and has ever been restricted by the Constitution of the United States; and never by my vote will I extend the power of Congress to control Federal elections beyond the power as it exists to-day under the Constitution as it stands. And that, Mr. President, although the laws regulating suffrage in the South are valid and constitutional, so declared by the Supreme Court of the United States, and although those laws are administered in fairness, in justice, and in honesty by the officers charged with the administration of them.

Mr. President, it is difficult almost to realize the difference in conditions in the South on this question and elsewhere. There are to-day in the United States, according to the census of 1900—I have not the one of 1910—in round numbers 9,000,000 Negroes. Of that number 90 per cent reside in the Southern States. In the States of Alabama, Mississippi, and Georgia 31 per cent of the total negro population resides. Only seven-tenths of 1 per cent reside in the New England States. I will just read a paragraph from probably the ablest authority who has written on the race question, "Studies of the American race problem," by Alfred Holt Stone, to give some idea of the preponderance of that population:

> There are more negroes in Mississippi than in Cape Colony or Natal, even with the great territory of Zululand annexed to the latter; more than in the Transvaal, and not far from as many as in both the Boer colonies combined; more than in Jamaica and Barbados combined; more than in Trinidad and all the remaining English islands combined, excluding those just named; more than in Cuba and Porto Rico combined; more than in either Haiti or Santo Domingo.

In the county of Washington, in which I live, there are 5,000 white people and 44,000 negroes. There are more negroes in that county than there are in 18 States combined that can be named in the United States, more than there are in any one of 28 States which can be named. The Senator from New York [Mr. DEPEW] in his address the other day made a misstatement as to the negro population of New York State, which I first thought was simply a typographical error. He stated there were 300,000 negro voters in New York City. The last census shows that there were less than a hundred thousand negroes in New York State all told.

So, Mr. President, with this enormous negro population, the framers of the constitution of 1890 in Mississippi met to frame a constitution under which a white man's government could be maintained, to establish a white man's government under and not in conflict with the Constitution of the United States.

Never did a more difficult task confront the people of our race, and rarely ever was such a task dealt with by men of more distinguished ability and sincere patriotism.

The present constitution was the result of that convention. There was no concealment about the object sought to be attained. It was to obstruct the exercise of negro suffrage to the point where it would not be a menace to the government. That object was avowed. Say, by the supreme court of Mississippi in the following significant language quoted by the Supreme Court of the United States in the Williams case: The supreme court of the State of Mississippi, in Ratcliffe *v.* Beale (26 Sou., 865), said:

> Within the field of permissible action under the limitations imposed by the Federal Constitution the convention swept the field of expedience to obstruct the exercise of suffrage by the negro race.

Again—

> Restrained by the Federal Constitution from discriminating against the negro race, the convention discriminates against its characteristics and the offenses to which its members are prone.

Says the Supreme Court of the United States:

> But nothing tangible can be deduced from this. If weakness were to be taken advantage of, it was to be done within the field of permissible action under the limitations imposed by the Federal Constitution, and the means of it were the alleged characteristics of the negro race, not the administration of the law by officers of the State. Besides, the operation of the constitution and laws is not limited by their language or effects to one race. They reach weak and vicious white men as well as weak and vicious black men, and whatever is sinister in their intention, if anything, can be prevented by both races by the exertion of that duty which voluntarily pays taxes and refrains from crime.

That was the idea of the convention. It was understood by the Supreme Court, and it was understood by the humblest citizen in the land. The Senator from New York [Mr. DEPEW], in his speech the other day related an anecdote more amusing than instructive, of a negro preacher, the graduate of a college, who sought to register in Mississippi, but having read the constitution failed to interpret it to the satisfaction of the registrar. Such an incident could never have occurred, because when the constitution is read, no interpretation of it is required; but this incident would illustrate just as well as the one given by the Senator from New York the point which he had in view. An ignorant negro presented himself to register and said to the registrar: "I can neither read nor write, but I want to be tried on the understanding clause." The officer, turning over the constitution to find some clause to question him on, said: "Bill, what are constitutions made for anyway?" The answer, cheerful and immediate, was: "Why, boss, they's made to keep negroes from voting." [Laughter.] That was the understanding of the object of this convention and the object of this constitution both by the learned and by the unlettered and humble.

By what provisions, however, was that object sought to be accomplished? By expedients which seemed simple almost to the point of childishness; but they were directed by those who understood the negro character to the racial characteristics of that race. There is no grandfather clause in the Mississippi constitution; there is nothing difficult of construction in the language of that constitution. The provisions which are relied upon, and which have proven most effective, are, first, that the party seeking to vote shall register, and the registration closes four months prior to the election; that in order to register he must be able to either read the constitution or to interpret it when read to him; and third, that he must pay the taxes in the year in which he offers to vote on or before the 1st day of February in that year for the preceding two years. Those are almost the sole requisites necessitated by the Mississippi constitution, and yet under those provisions, administered fairly and honestly, there has been an almost absolute elimination of the negro vote.

You have heard much of the interpretation clause. There have not been, since the constitution of 1890, 100 men in the State of Mississippi disqualified from registering because of failure to understand the constitution. These simple provisions have proven absolutely effective.

The voter is required to register, and the opportunity is given him. He is required to pay his taxes, and the oppor-

tunity is given him to pay them. He is required to either read or to understand the constitution, and public schools dot the entire land, open to both races separately.

To the aid of these constitutional provisions has come the primary election system. Nominations are made by primary elections, and the same qualifications are applied to primary elections as are applied to general elections. In the Democratic primary only white men are allowed to participate. The result is that the white vote is cast for the nominee of the Democratic primary and that owing to the small number of negroes who have qualified themselves as electors they hold no primary, make no nomination, and cast no vote. The provisions of the constitution disfranchise 80 per cent of the negro race and the other 20 per cent do not hold a primary election because they are in a hopeless minority. They have not that earnest wish, that stern resolve, to exercise the right of suffrage which characterizes our race. They have to be stimulated by the immediate hope of victory or they have to be aroused by the appeal of the white man before they take any interest in exercising the right of suffrage. The negro has never sought to exercise the right of suffrage except where the white man has appealed to his passion or to his cupidity.

The same law which disqualifies 80 per cent of the negroes disqualifies nearly 20 per cent of the white men of Mississippi. I have in my pocket now a decision rendered within the past week by the attorney general of Mississippi construing the suffrage provisions of the constitution and the laws passed thereunder and construing them in regard to the primary election to be held by the white people of Mississippi. Those provisions disqualify nearly 20 per cent, about 20,000 white men, in Mississippi from participating in the election. That is one of the costs that we pay in order to disfranchise a large proportion of the negroes.

There is another and a greater cost paid by the white men of Mississippi for the right of a white man's government there, and that is that all political discussion of the issues of the day which would tend to split the white men of the State is eliminated. However great may be the differences of opinion, however intense may be the partisan feeling, all that is subordinated to a solid white vote; however great may be the ambition that prompts men to struggle for influence, place, and position, that must be smothered in order that the white vote shall remain intact. Is that no price for men of our race to pay in order to control their government? It shows that the danger is great and overshadowing that would drive the Anglo-Saxon people, with their aggressive individuality, with their proneness to struggle for power and leadership, into solid ranks where all differences are buried.

No higher proof could be given of the intelligence, the patriotism, the capacity for government of the white men of Mississippi than their course in handling this problem. The intelligence with which they grasped the full significance of the danger confronting them, the dauntless courage and the wisdom with which they grappled with the difficulties of the situation, the constitution which they framed—the model followed by nearly every other Southern State—the self-sacrificing patriotism they have evinced in making the provisions of that constitution effective, all bear witness to the possession of those high qualities of statesmanship and leadership which have made the Anglo-Saxon people the conquering race of the world.

Under this constitution, administered by the State officers without discrimination, administered in honesty and in justice, there has been unparalleled prosperity for both races; there has been an era of good feeling and an absence of friction; the white man controls the government and the black man acquiesces in that control. That condition is liable to be disturbed in one of two ways—by the demagogue at home or by interference from abroad.

The demagogue at home addresses himself to whatever will forward his own political ambition. He preaches the repeal of the fifteenth amendment as being the dominant issue of the South, overshadowing everything else, and, in seeking to arouse interest in that behalf, he appeals to race passion and race hatred, and creates bitterness and discord between the races; and with equal ability, earnestness, and plausibility he would advocate the extermination of the inferior race if he thought such advocacy a surer road to political preferment. With him the conservative, intelligent people in the various Southern States can be left to deal, knowing that in the final outcome they will control their government and control it with firmness, yet in justice and in kindness to the inferior race. But that condition at last depends upon the solidarity of the white race and upon the patriotism of the white man. If into that delicately adjusted condition we project an intervention by a hostile power—because whenever the intervention comes it comes as a hostile intervention; it comes because Congress believes that the white men in the South are unable to control and direct their own government, and because Congress believes that the rights of the black man have been disregarded by the dominant power in the South—so it comes as a hostile power, and, coming in that way, it operates to arouse anger and antagonism among the white people, and it operates as an appeal and an invitation to the black people of the South. It is saying to them "your rights have been disregarded heretofore and trampled upon, but now we are going to control these elections. Go register and vote with the guaranty that your votes will be counted." It furnishes an incentive—yes, a command—for them to exercise that power in regard to which they are absolutely indifferent, and it furnishes the golden opportunity for race agitators of both races to come in and appeal to the lawless element of each race. Such intervention by the Federal Government would say to the white people, "from your hands has been wrested the control of your own elections. Your own Government holds you to be incapable of self-government, unfit to administer your own laws, and proposes, by its officers, to take charge of your elections and by military force, if need be, give to the negro the right to vote, even if such right results in placing him in control of your government." Thus you would arouse race passion and race feeling to the point where the conservative, the intelligent, Christian, and God-fearing white people of the South would no longer be able to control and administer their own laws.

After that era of intervention should have passed away, an era bound to be marked by the paralysis of prosperity and a chaotic condition of government, there would remain, it is true, the white man's government intact because of the indomitable courage and because of the virus of dominion in the blood of the white man; but there would also remain two races estranged and embittered toward each other, and the control of the affairs of the South would have been by this ill-timed, ill-advised, unwise, and vicious intervention wrested from the hands of the conservative people of the South.

While Congress in the exercise of such power could, if it saw fit, give an opportunity for the exercise of the right of suffrage by the negro, it has no power to protect him in his life, liberty, property, and pursuit of happiness. If that intervention came as the result of an appeal from the black race, when the intervention ceased the black men would find that they had in fact bartered their birthright for a mess of pottage; that they had, in order to secure the right of suffrage, robbed the intelligent white men of the South of the ability to protect them in their property, in their lives, and in the pursuit of happiness by them.

So, Mr. President, I am unwilling to vote for the joint resolution with the vital, substantive extension of power to the Federal Government carried in it. I am unwilling further, if the proposition to intervene by the Federal Government should ever arise, to make the chances of intervention greater by making the stake played for greater, by giving the right to intervene, not only as to Members of Congress, but as to Members of the United States Senate. It would be an additional argument, an additional incentive, if that intervention were prompted by political motive for the intervention itself. In my opinion, to extend this power would be unwise from the standpoint of any section of the country; to extend the power so as to regulate senatorial elections from the standpoint of the South would be one of those blunders so egregious as to constitute a crime.

It is suggested, why not vote for the resolution and leave it to the legislatures of the States as to whether they will ratify it?

Mr. President, if the ratification was to be submitted to the Legislature of the State of Mississippi, I would unhesitatingly pursue this course, but however strongly opposed to the ratification of the resolution in its present form the Legislature of Mississippi might be, the legislatures of 12 other States would have to stand with her in order to defeat the resolution. Deeply sensible as I am of the great danger to the South in the adoption of the resolution, I will cheerfully submit the question to the wisdom of my own legislature, but I am unwilling to submit to the legislatures of 47 other States, in no one of which the danger to be guarded against is as great as it is in Mississippi, the determination of a question so fraught with danger to the people of Mississippi.

Mr. JONES obtained the floor.

Mr. DAVIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES. I understand the Senator from Arkansas desires two or three minutes. I am perfectly willing to yield to him.

Mr. DAVIS. Mr. President, it is not my purpose to discuss the pending joint resolution. I had the honor to do that on the 30th of January, but I rise for the purpose of explaining my

attitude on the matter since the adoption of the Sutherland amendment, and I will avail myself of the few moments given so kindly by the Senator from Washington having yielded the floor to me.

I have stated, Mr. President, to some of my colleagues, and also in the Democratic caucus, that if the so-called Sutherland amendment were adopted as a part of the joint resolution, I would not support the joint resolution. I feared at that time, and I fear now, that the adoption of that amendment has cut the very life out of the original proposition.

But, sir, I am willing to trust the legislature of my State and the legislatures of the various States that are to be called upon to adopt this resolution should it finally pass. I believe in their wisdom, and I shall trust their judgment. Knowing that my people are very anxious that the people of the country should have the right to elect their Senators by the direct vote, I shall yield my fears along this line to their better judgment and leave it to them for their final decision, and shall vote for the joint resolution even with the Sutherland amendment attached.

Mr. JONES. Mr. President, I do not intend to discuss the legal phases of this proposition that have been raised and that have largely occupied the time of the Senate in the debate on this joint resolution. I simply want to present a few of the reasons why I am in favor of the adoption of this resolution as amended. For a great many years I have been in favor of the election of Senators by the direct vote of the people, and in the Fifty-sixth Congress, while a Member of the House of Representatives, I voted for a resolution similar to this one, and also in subsequent Congresses I voted for a resolution of the same character. The resolution which has been presented here and which was submitted to the Senate by the Judiciary Committee provided that in lieu of the first paragraph of section 3, Article I, of the Constitution, as it now stands, and which reads as follows:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

And in lieu of so much of paragraph 2 as relates to filling vacancies which reads as follows:

And if vacancies happen by resignation or otherwise during the recess of the legislature of any State the executive thereof may make temporary appointments until the next meeting of the legislature which shall then fill such vacancies.

And in lieu of all of paragraph 1 of section 4, which reads as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The following be submitted:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

When vacancies happen in the representation of any State in the Senate the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

That is the resolution as it was reported from the committee.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Washington yield to the Senator from Kansas?

Mr. JONES. Certainly.

Mr. BRISTOW. I suggest the absence of a quorum.

Mr. JONES. I did not really yield for that purpose, but I do not understand that I have any right to say with reference to that. Personally, I would prefer to go on.

The PRESIDING OFFICER. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Bacon	Clark, Wyo.	Heyburn	Root
Bailey	Clarke, Ark.	Johnston	Shively
Bankhead	Crane	Jones	Simmons
Bourne	Crawford	Kean	Smith, Md.
Bradley	Cummins	Lorimer	Smoot
Brandegee	Curtis	McCumber	Stephenson
Briggs	Davis	Martin	Stone
Bristow	Depew	Nixon	Swanson
Brown	Dick	Oliver	Thornton
Bulkeley	Dillingham	Owen	Warner
Burnham	Dixon	Page	Watson
Burrows	Flint	Paynter	Wetmore
Burton	Foster	Penrose	Young
Carter	Gallinger	Percy	
Chamberlain	Gamble	Perkins	
Clapp	Guggenheim	Piles	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. JONES. Under the Constitution as it is now Senators are elected by the legislature. This the people desire to change, and this resolution proposes an amendment under which they shall be elected by the people. This is one simple and distinct proposition.

The Constitution also provides now that the times, places, and manner of electing Senators are to be prescribed by the State legislatures, but the right and power is reserved to Congress to make and alter such regulations.

Under the proposed amendment, as reported by the Committee on the Judiciary, this power of Congress was taken away and the same was given entirely and exclusively to the State legislatures by the following provision:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

This is another distinct proposition. This provision the Senator from Utah [Mr. SUTHERLAND] moved to strike out. This motion has been agreed to by the Senate, this provision has been eliminated and the resolution now reads as follows:

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

That is the resolution as it will be voted upon by the Senate. It contains but one simple, distinct proposition, and that is the proposition to elect Senators by direct vote of the people.

I consider it very unfortunate that it was deemed necessary to report the two distinct propositions to the Senate, because it has led to a controversy here that should not have arisen.

The people of the country have long been asking for the one simple proposition to elect Senators by a direct vote. It is not fair to the people to grant their petition coupled with another proposition that they have not considered, one over which a great deal of controversy may arise, and has arisen already in this body; and if it arises here, it would certainly arise in the legislatures of the various States. It is not fair to say to the people that in order to secure what they desire, what they have asked for, what they have petitioned for, they must take something that they have not asked for, that they have not sought, and to which possibly they may very seriously object. So we have stricken out the second proposition, and it will be wise, reasonable, and patriotic for all of us who honestly believe in the election of Senators by direct vote of the people to accept this resolution, vote for it, and submit this specific proposition to the people of the country, or, rather, to the legislatures of the various States, for their adoption or rejection.

Those who object to the election of Senators by the people will then be compelled to oppose it upon its merits, and instead of our placing a club in their hands by which they can defeat it in the various legislatures they will have to stand before those legislatures and discuss it upon its merits. The issue will be plain and clear cut.

This debate has proceeded much as if we were to determine the merits of the proposition here. We are not. The only question for us to decide is whether or not we shall give the people, through their legislatures, the opportunity to say whether this change in the Constitution should be made.

It is well, of course, for us to discuss here the merits of the election of Senators by direct vote of the people, and yet, that, to my mind, so far as this body is concerned, is not the real question. The question is whether we will submit this proposed amendment to the legislatures, and let it be discussed upon its merits. And it seems to me that it would be the proper course for those who are opposed to the election of Senators by the people, who think that it would be unwise to adopt the amendment, to go to the State legislatures and say to them: "We have been willing to submit this proposition to you. We do not believe in it. We do not believe you should adopt it." And then point out to the legislatures the reasons why it should not be adopted.

I have confidence in the intelligence of our legislatures. I have confidence in their patriotism and their desire to amend the Constitution of the United States only in such ways as will be for the best interests of the people of this country, and I believe that they can be safely trusted to pass upon this proposition. They can be safely trusted to weigh the objections,

if there are any, that may be made and to reach a wise conclusion thereon.

Mr. President, in my judgment, it is our duty to submit this amendment. We are untrue to the people and the States we represent if we do not. Who are we that we should deny their repeated requests? Are we their masters or their servants? Are we their rulers or their representatives? Again and again they have asked the privilege of passing on this question. Year after year they have besought us to submit this amendment. They have done it by letters, petitions, and conventions. The Democratic Party has declared for it in its national platform, and the candidate for President on the Republican ticket declared for it in the last campaign. The House of Representatives, chosen directly by the people and representing their will, has time and again sent its petition to this body in the shape of resolutions passed by overwhelming votes. Away back in 1892 they passed one. Then in the Fifty-third Congress, by a vote of 141 to 50, they passed this resolution; then in the Fifty-fifth Congress, by a vote of 185 to 11, they passed this resolution and sent it to this body, respectfully requesting us to submit it to the legislatures of the States; and in the Fifty-sixth Congress, by a vote of 242 to 15.

Some claim that we are not accountable to the people; that we are the agents of the legislature as representing the States. Very well. Legislature after legislature has petitioned us to submit this amendment. We have refused. We have defied not only the petitions of the people, but we have defied the commands of our sovereign States. We have denied our very creators. Is it any wonder that the people are beginning to wonder, "Upon what meat doth this our Cæsar feed that he is grown so great?" It is said that 37 State legislatures, the creators of 74 members of this body, have asked by solemn memorial, in one form or another, its representatives to submit this amendment. It has never yet even reached a vote in this body. This is arrogance gone mad. We profess great regard for the State legislatures, and yet the only attention or respect we pay to their memorials is to ask that they be printed in the RECORD. We have no right to refuse the demand of the people; we have no right to refuse the demands of the legislatures in this matter, a matter which touches their capacity and intelligence. I have some pride of opinion. I am willing to assume responsibiliy for action here. I am willing to assume that I am better able to decide upon legislation proposed here than the people whom I represent, because of information not available to them and because of my better knowledge of the situation here, but I do not believe I have the right, whatever may be my personal views, to deny a request of my people, expressed by conventions and through legally constituted legislatures. When I do that I assume the position of master and despot instead of servant and representative.

Mr. President, this Senate, in refusing to submit this question, is defying the people and the States, and the longer we deny their petitions the stronger will grow their determination to have this change made in the Constitution. We best feed the flames of their desire by repeated denials, and give color to the claim that we are the bulwark of the "interests" and the enemy of the people's rights and weal. We may refuse their petition again, but the time is coming and right soon when their will can no longer be resisted. Senator Hoar was right when he said, in that powerful argument he made against this proposition, which has been the basis for all the argument made against it in this debate:

> But whenever the American people has made up its mind, when its judgment is formed, when its will is determined, that will is sure to be carried into effect. Whether through Senates or over Senates, through courts or over courts, through Presidents or over Presidents, through Constitutions or over Constitutions, the irresistible current will make its way.

The Senator from New York [Mr. ROOT] says there "is not a very active or violent feeling for this change." This same view was expressed more than 14 years ago by Senator Chandler in this body. He said, in replying to an able argument by the honored senior Senator from California in favor of direct election of Senators:

> I do not, myself, believe with the Senator from California, that the desire for the proposed change is strengthening in the minds of the people of the country. On the contrary, I believe it is a craze, a Populistic notion, which has not really taken hold of the members of either of the two great political parties, but is only a hobby or a fad of the Populistic Party, which, if it is not adopted within a few years, will never be heard of again.

He was mistaken. The Populistic Party has passed away, but this "fad" or "craze" is stronger than ever, and, judging from the rather radical utterances that I see in the press from this honorable gentleman now, I am rather inclined to think that he has been inoculated with this craze or this "Populistic fad" that he thought was likely to pass away very soon.

The declarations of conventions, the announcements of candidates for high offices, and the solemn memorials passed by State legislatures all refute the contention of the Senator from New York that there is not an "active" demand for this change. And let me suggest to those who are opposed to this demand, the sooner you grant it the easier it will be for you to defeat it with the people. If this question had been submitted years ago it would probably have been defeated. We want that which is denied us either as individuals or as a people, and if you would preserve the Constitution as it is, submit this to the people and go before them and tell them they are not capable of choosing their agents directly; tell them that they lack the intelligence and stability to be trusted with the choosing of the members of this body; and show them that by adopting the amendment our constitutional government will be destroyed and the equality of the States threatened. Our people are intelligent, they revere the traditions of the Fathers, they prize our Constitution and are jealous of its perfection. They will weigh your arguments, they will consider the dangers pointed out and the effects to be feared, and if you are right they will sustain you by electing legislatures that will reject the amendment. But if you refuse you exhibit your distrust of the people and want of confidence in the legislatures.

They say this proposition creates a distrust of representative government. The persistent denial of the petitions of the people has already created in their minds a distrust in their representatives, and to continue this denial will intensify this distrust.

They say we would rob the legislatures of power, dignity, and consequence, and yet we mock their power, insult their dignity, and minimize their consequence by habitually spurning their memorials, and discredit and insult them by denying their petitions.

Mr. President, the Senator from New York is concerned about the stability and conservatism of the Senate. So am I. It has been a stable and conservative body and yet safely responsible to the people's needs. Its stability and conservatism does not depend upon the manner of electing its members. These come from its small numbers, its secure tenure, its great responsibilities, and varied duties. Election by the people would not shorten its tenure, would not make more single its power, would not deprive it of any of its legislative, executive, or judicial functions, would not deprive it of any of its control over the raising and expenditure of revenue by lessening its power of amendment, would not deprive it of its appointive power resulting from the necessity of its confirmation, would not lessen its control over foreign affairs because it does not take away its consent to the ratification of treaties, would not lessen its power in impeachment trials; and the same inducements that have caused the Senate of the United States to perform "its duty loyally, faithfully, and competently, and has furnished to the history of its country a line of illustrious names and a record of great achievement which furnish one of the most convincing proofs the world has yet had that popular government through representative institutions is a possibility among men" will continue to impel the representatives of the people's will to show themselves worthy of the traditions of the past and of the people who may honor them by selecting them to continue to discharge the high duties of this great office with an eye single to the people's good and the glory of their great country.

It is said that this will interfere with one of the great compromises of the Constitution, and we are warned not to put the great industrial communities in an attitude where they can say that the honorable compromise of the Constitution has been taken away and that they should be allowed a greater representation in this body than the smaller States. I do not believe this fear is well founded. I can find nothing in the proceedings of the Constitutional Convention indicating that the manner of choosing the Senators was anything more than a mere difference of opinion and did not go to the fundamentals. No State threatened to remain out of the Union because this or that method was used in selecting Senators. Representation in this body by two Senators from each State, large and small, was a fundamental compromise without which it is probable, yea certain, that the Union would not have been perfected. This it is not proposed to interfere with in any way. This provision was adopted in the convention as a separate and distinct proposition and independent of the provision as to manner of election. It was no more a part of the compromise than the length of term. The Constitution itself clearly indicates what the compromise was when it expressly provides "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." This means equal representation in the Senate, and if the manner of

selecting that suffrage had been in mind the framers of that immortal document would have left nothing in such an important matter to intendment.

We are told that to make this change would reflect upon the makers of the Constitution. They were not perfect. They did not consider their work perfect. This provision was not their unanimous wisdom. The master minds of that convention—Madison, Hamilton, and Wilson—were even then in favor of the election of Senators by the people and of building our Government upon the broad base of the people rather than on the props of the legislatures. It was adopted by force of numbers rather than by the judgment of master intellects. At any rate, they did not disregard public opinion in determining the method to be adopted. It was, as Hamilton or Madison said, "probably the most congenial with public opinion."

In other words, the men who framed the Constitution were governed and influenced by the state of public opinion at that time in determining how the Senators should be elected.

Mr. BORAH. Mr. President——

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

Mr. JONES. I do.

Mr. BORAH. I wish to ask a question for information. The statement of the Senator is very interesting. I understood the Senator from Washington to say that Madison was in favor of the election of Senators by popular vote.

Mr. JONES. I so infer from the proceedings of the convention. He probably did not declare distinctly for it, but in the argument submitted by him then and subsequently he indicated very clearly that he preferred that method of election.

The reasons for its adoption then would hardly appeal to us now or be "congenial with public opinion." I do not find many of the arguments for this method advanced now that were advanced then. The Senator from New York [Mr. ROOT] does not say that "the people should have as little to do as may be about the Government." The Senator from Massachusetts [Mr. LODGE] does not insist that "the Senate should bear as strong a likeness to the British House of Lords as possible." The Senator from New York [Mr. DEPEW] does not dare to advocate this method, "because it would be most likely to provide some check in favor of commercial interests against the landed." No one says that our evils "flow from the excess of democracy." No one advocates this method, because "the commercial and moneyed interests would be more secure," or because "the people are for paper money and the legislatures are against it," and yet these seemed to be the controlling reasons in selecting this method. We do not discredit the fathers when we say these reasons do not apply now; the conditions existing then are not the same as now. We do them honor by showing our advancement in wealth, commerce, education, art, science, and not the least in our improvement in government. The method adopted served its purpose, but conditions now warrant the conclusion that the master minds of that convention were right.

Mr. President, why do the people desire this change? Not because corrupt men have often been elected to this body, not because men lacking in ability have been placed here. The most illustrious in our Nation's annals have dignified and exalted this body. It has not failed to meet the expectations of the founders of the Republic in discharging the functions of government. As Senator HOAR said:

> It has responded quite as speedily and quite as directly to the sober conclusion of the popular judgment and to the settled desires of the popular heart as has the other House or has any State legislature.

I can also agree with him when he says:

> It has originated far more than its proportion of the great measures in our legislative history for the benefit of the people which are found in our statute books.

What he said then is true to-day, and since that was stated the Senate has fully sustained its reputation for adopting, originating, and promoting legislation in the interest of the people. Some of the most important laws that are upon the statute books to-day were placed there since Senator HOAR uttered these words. They were enacted at the instance of the Senate itself. No; it is not because corrupt men have been sent to the Senate; it is not because weak and selfish men have been sent to this body that the people desire this change.

This desire originated from causes outside of the Senate. During the last 40 years we have experienced a growth in material development that is amazing and surpasses the possibility of tongue or pen to depict. Population has increased by millions. Settlers have pushed from sea to sea, have cleared lands, have bridged rivers, have scaled mountains, have established cities, and builded States. Manufacturing has expanded by leaps and bounds and the air has become vibrant with whirling wheels and black with the smoke of thousands of furnaces. Great transportation lines have been established, iron tracks have been laid and places, communities, and industries have been brought in close proximity which before had been almost isolated. Telegraph and telephone lines have annihilated distance and great inventions have revolutionized industries and the whole commercial world. Great corporations were formed in every line of business activity. Great and undreamed-of fortunes were amassed by individuals as well as corporations and all these developments have led to new and undreamed-of activities in political lines. These great industrial powers began to be affected by legislation and began to take an interest in the doings of State legislatures because their interests were affected by legislation. Their influence in politics and legislation was insidious but rapid. Through the manipulations of party machinery they exerted a greater or less influence on legislation. Then the political boss developed and members of the legislatures went to the legislatures not to represent the people, but to do the will of the boss. It was only a step to attempt to control and dominate the election of United States Senators either in the interest of some great industry or in the interest of some political faction or both. Members of the legislature have acted according to their own sweet will and for their own individual interests, politically and otherwise. Parties have been divided over individual senatorial aspirants. The interests of the people and the State have been disregarded and individual gain and interests preferred. Public offices have been openly bartered for political support. The whole time of legislatures has been spent in futile efforts to elect a Senator, the people have been humiliated, the States have gone on unrepresented and legislation for the people has been neglected or dominated by the senatorial contest. The people have seen plainly the perversion of the system of electing Senators. It did not elect, but it did corrupt legislators and foster a traffic in public offices and pervert legislation. The maneuvers and intrigues of ambitious men and political bosses caused senatorial elections to become a stench in the nostrils of all decent and patriotic people. Five States at one time were deprived of one-half of their representation in this body and it is no wonder that the demand for a change in the method of election began to grow stronger and stronger.

To-day four State legislatures are tied up over the election of Senators. Very likely after the 4th of March four of the great States of this Union will be represented only by one-half of the delegation they are entitled to upon this floor.

In addition to this and as really fundamental, the everlasting impulse for self-government asserted itself. The people have begun to feel that they could and should select their agents. They are the State. Their interests are the interests of the State. Mills, factories, houses, lands, railroads, towns, cities, and all are nothing without them. Legislation, government, is of the people, for the people, and by the people. They have felt and they feel now that they are as competent to choose their representatives in this body as they are to choose delegates to choose those representatives, and this really rests at the basis of this demand on the part of the people. It will grow stronger and stronger, and each denial by us will but add to its intensity.

In time the people of this country, if they find that this body will not heed their request and answer their petition and grant them the right to say whether the Constitution shall be amended or not, will take the other method of securing an amendment to the Constitution: They will have a convention called, and when the Constitution comes out of that convention its best friends will not recognize it.

The Senator from New York [Mr. ROOT] says the change would take away our direct responsibility to the legislatures who elect us, and transfer it to the people at the polls. Under the present system of electing do we feel any special responsibility to the legislature? We may feel an obligation to some individual member of it or some special faction of our party which has given us material assistance in our election, or it may be inspired it, but I venture to say not even the Senator from New York is thinking of making any special reports to the legislature of his State. The legislature that elects soon passes away; it can not remove us. We even now look to the people for approval of our course and account to them for our stewardship.

But, they say, this is a Government of checks and balances. True; and we must and will maintain these checks and balances not only in the very framework, but we will add another check by the proposed method of selecting our Senators. There is now no check on the legislature. Its election is final, unless bribery and corruption are shown. The man selected may be distasteful to the people, may be distasteful even to the masses of the party to which he belongs; but neither the people nor the party has any recourse. Members of the legislature are too

often influenced by reasons other than a desire merely to elect the best man to this high office.

Why is it that the legislatures in four States to-day are tied up over the election of United States Senators? Is it because the members of each legislature are seeking to find the best man for the place? No; it is because of the rivalry of individual candidates and the influences that are exerted in behalf of these particular candidates; and in some of the legislatures the people believe, whether it is true or not, that one man, not a member of the legislature, is really preventing the election of a United States Senator, holding the majority of that legislature in his hand for some particular individual, and that he will not give his permission for these men to exercise their free will and vote as representatives of the people.

Senators, these are some of the reasons why the people are demanding a change in the method of electing Senators. It is not because, as I have said, Senators who have been elected are not able men; it is not because they are not honest men; but it is because the people see that in the State legislatures men are selected not so much for their personal ability, honesty, and capacity to be Members of this great body, but in order to carry out the will of some particular individual or some particular faction or clique.

Personal appeals, personal relations, personal obligations, combinations and trades on local and personal interests, and legislation, now control these elections. Many members of the legislature do not care or expect to be reelected and their responsibility to the people rests lightly on them. Under the proposed method the people will have the final word. If the man nominated is distasteful, or if the methods pursued are not satisfactory, the people can reject. This will not only be a good thing for the people, but it will have a good effect on the candidates and their methods.

It is urged that we should have good, honest men in the legislatures. True, but nothing has done more to demoralize our legislatures than these senatorial contests, and nothing more deters the best men from going there than their dislike to be participants in these contests, and this change will go a long way to improve and strengthen the personnel of our legislatures.

I will not discuss further the merits of the proposition. It is for us simply to say whether or not we will deny again the petition of the people and the States and of the legislatures of the States and refuse to allow them to pass upon the merits of this proposition. Submit this question and, after considering all the reasons for and against, after listening to the Members of this body who may be opposed to the election of Senators by the people and weighing their reasons why the Constitution should not be amended, the legislatures will, in my opinion, say, "The time has come to amend the Constitution in this particular." It is for us to say whether we will deny the petitions and memorials of the legislatures that have elected us, whose dignity and power and consequence some are so desirous of upholding and yet treat with apparent contempt their respectful petitions. Let us show the people that we are their servants and not their masters; their representatives and not their rulers. Let us show them that we believe in their honesty, integrity, intelligence, and capacity for self-government, and that in the last analysis a free and enlightened representative government rests on the "consent of the governed."

Mr. SIMMONS. Mr. President, I do not desire to discuss the Sutherland amendment or the joint resolution introduced by the Senator from Idaho [Mr. BORAH]. I simply wish for a few moments to state the grounds upon which I shall base the vote which I intend to cast upon the resolution.

Mr. President, the question before Congress is not whether Congress shall amend the Constitution so as to provide for the election of Senators by the people—Congress has not the power to do that—but whether we shall submit to the legislatures of the several States a proposition to so amend the Constitution.

The people of this country of both parties and all parties have unmistakably demanded that this question be submitted to them by Congress.

I was opposed to the Sutherland amendment, and I voted against it, but it has been adopted by a decisive majority, and we have got to submit the proposition qualified by that amendment or not submit it at all.

This amendment does not interfere with the constitutional right of Congress to regulate the time, place, and manner of holding elections for Members of the House of Representatives. It simply provides that if Senators are to be elected by the people the Congress shall have the same right of regulation over elections for that purpose as it now has, and always has had, over elections for Members of the House.

The question we have to decide is whether we will take the responsibility of determining this question or submit it to the people for them to determine. I think this is a question which the people should decide through their legislatures, and that a vote against submitting it to them might be misconstrued, and, having gotten the amendment in the best shape we can get it, I for one shall vote to send it to them for such disposition as they see fit to make of it.

I have given very mature consideration to the effect of this amendment, and I am convinced that it will not affect the right of the States to regulate the qualification of voters, and hence will in no way imperil the amendments which have been adopted in the South defining the qualifications of the suffrage.

I do not believe Congress has the power, if it had the disposition, to overthrow these amendments. So far these amendments have been sustained by the Supreme Court of the United States whenever they have been challenged before that body, and this amendment does not add to the powers of the Federal Government with respect to the question of suffrage.

The Sutherland amendment addresses itself not to the question of the qualification of voters but solely to the question of regulating the time, place, and manner of holding the election of Senators, if that office is made elective by the people, and it would give the Government no greater power in this regard over the election of Senators than it now has and always has had and will continue to have, whether this resolution is adopted or rejected, over the election of Members of the House of Representatives.

The right of the Government to interfere by way of regulation and supervision of election in the States is derived from three distinct provisions of the Constitution:

First. The one which reserves to Congress the right to regulate the time, place, and manner of election of Members of the House of Representatives, and so forth.

Second. The fifteenth amendment, which prohibits the States in general terms from abridging the right of suffrage on account of race, color, or previous condition of servitude.

Third. The right to throw around the election of Federal officials the safeguards of the Constitution and the law.

It may be, and probably is, true that the Government derives its greatest power of control and regulation over these elections from its right to regulate the "time, place, and manner" of holding them, but it is certain that even in the absence of this specific power and right it would have the right to pass any legislation that it may deem necessary and appropriate to prevent discrimination against the voters by State legislation or administration on account of race, color, or previous condition of servitude or to prevent fraud, intimidation, or coercion in the election of Members of the House of Representatives, and of Senators if they are to be elected by popular vote.

If the Congress is disposed to obnoxiously interfere in elections in the States the Sutherland amendment will not change the right in any particular as it affects the election of Members of the House of Representatives and will not deprive it of the right to safeguard the election of Senators by the people against fraud, intimidation, or coercion.

During the more than 40 years that have elapsed since the war and reconstruction Congress has had all the powers over the election of Members of the House of Representatives which the Sutherland amendment now proposes to give it over the election of Senators by the people. During this time sectional and partisan feeling, growing out of the question of Negro enfranchisement and the effect of legislation and administration in restricting Negro suffrage, has run high, and various efforts have been made to put through Congress legislation, such as the force bill, to take over the control of Federal elections in the South; but they have failed, and only that class of legislation has passed which the Government had the power to enact under the fifteenth amendment and under its general powers over the election of its own officials.

No effort to enact legislation of such a sweeping character as it is claimed that Congress has under the fourth article of section 1 as now written has been successful.

During all this while the sentiment against this kind of legislation has been growing stronger, and it is tenfold stronger today than it was when these efforts were made and failed.

I do not believe that Congress will in the future, however broad its powers, likely pass any coercive or restrictive legislation upon this subject more obnoxious to the South than to other sections of the country. Certainly the danger, if any, is remote and speculative.

For one I do not feel willing, because of a vague apprehension of such legislation, justified in voting against this proposition, and thereby denying the people an opportunity to decide for themselves whether they want the proposed amendment in its

present form; and I shall therefore vote to leave with them the decision of that question.

Again, it would seem extremely doubtful, from the discussion we have had here, whether the North, East, and West will consent to any amendment looking to the election of Senators by popular vote which does not reserve to the Federal Government the same right of regulation over the election of Senators as obtains over the election of Members of the House; and it would seem that if the people want to obtain the right to elect Senators, it would be under the same condition as obtains under the Constitution as to Members of the House. This situation furnishes another reason why this question should be submitted to the people rather than assume its settlement ourselves, especially as our power is one of submission, while theirs is one of ultimate and final determination.

Mr. BOURNE obtained the floor.

Mr. OWENS. Mr. President, before the Senator proceeds——

The PRESIDING OFFICER. The Senator from Oregon is entitled to the floor. Does he yield to the Senator from Oklahoma?

Mr. OWEN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. OWEN. Before the Senator from Oregon begins, I think it would be advisable to have Senators who are available present. A good many of them are in the cloakrooms.

Mr. BOURNE. I hope the Senator will not press that.

Mr. HALE. I think, Mr. President, it is rather a melancholy spectacle that with such important matters pending as there are here there is nothing but full galleries. Of course we might summon in supernumeraries, but the rules of the Senate do not permit that. Even the press gallery has been abandoned, and I think the Senator is quite right in making his point that there is no quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

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

Bailey	Clapp	Kean	Root
Bankhead	Clark, Wyo.	Lorimer	Shively
Beveridge	Crane	McCumber	Smith, Md.
Bourne	Curtis	Martin	Stephenson
Bradley	Depew	Nelson	Stone
Brandegee	Dillingham	Nixon	Sutherland
Briggs	Fletcher	Oliver	Swanson
Brown	Flint	Overman	Warner
Burkett	Foster	Owen	Warren
Burnham	Gallinger	Page	Watson
Burrows	Gamble	Paynter	Wetmore
Burton	Hale	Penrose	Young
Carter	Heyburn	Perkins	
Chamberlain	Jones	Piles	

The PRESIDING OFFICER (Mr. CURTIS in the chair). Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. BOURNE. Mr. President, on the 5th of last May I delivered in this body a speech entitled "Popular *v.* Delegated Government," in which I asserted that Oregon has the best system of government in the world to-day. The Australian ballot, registration of voters, initiative and referendum, direct primary, corrupt-practices act, and recall, an absolute government by the people.

The interest the Oregon story has created is demonstrated by the fact that already applications have been received for over 2,700,000 copies for the United States, over 10,000 copies in Canada, and several hundred copies for foreign countries.

It is not my intention to take the time of the Senate in giving a repetition of the subject matter contained in the speech referred to, but rather to show that recent and further demonstrations on the part of the electorate of Oregon corroborate the assertions and deductions made in that address.

The issue before the country is whether popular government, with general welfare its vitalizing force, shall save and develop this Nation, or delegated government, with selfishness the destroying force, shall bring the Nation to inevitable anarchy.

For decades we have directed our efforts toward improving the shingles on the roof of our national superstructure without realizing that the foundation is absolutely rotten because its cementation is one of selfishness instead of general welfare, legislation and public servants being directed by and accountable to the political boss and through him to his principal, the largest campaign contributor.

Thus selfishness instead of general welfare becomes the motive power of government. Subservience rather than independence is the doctrine taught by the political boss and temporary leaders. Party platforms are adroitly drawn for the purpose of catching votes rather than for the purpose of development and improvement of government and the conditions of humanity.

The country is to be congratulated upon the awakening it is now undergoing, and, from my viewpoint, the more general and greater the tumult now, the more honest and specific the discussion, the higher the plane of the new departure, and the longer the period of peace hereafter.

The day of party and individual platforms made up of verbal souffle is passing, and the people will elect, whenever they have opportunity, individuals who stand for concrete improvements and remedies and will hold them rigidly responsible for specific performance of their pledges.

PUBLIC SERVANTS SHOULD BE ACCOUNTABLE DIRECTLY TO THE PEOPLE.

The success and duration of representative government depend upon responsibility and accountability—the responsibility of the people for their laws and selection of their public servants and the accountability of the public servant directly to the people.

To insure good service, responsibility and accountability must go together. Whatever an individual is responsible for he should to the same degree be accountable for. Under delegated government he is accountable to the political boss, who in most cases is but the agent of the largest campaign contributor, at best a shifting accountability, because of the relative fluctuations of contributions and contributors. Under popular government like the Oregon system, the accountability is always to the composite citizen—individual unknown—always permanent, never changing, the necessitated result being that the public servant must serve the composite citizen who represents general welfare or be recalled, where the recall exists, or fail of reelection where an efficient direct primary exists.

The greater the centralization of power the wider should be the distribution of accountability. Where accountability is to the individual, payment will be personal, meaning, necessarily, special privilege or serving a selfish interest. Where accountability in government is to the composite citizen—that is to say, the electorate or in corporate business to all the stockholders—the inevitable result is necessitated service for the general welfare of all, or the earliest possible elimination of the servant, whether public or corporate.

WHAT CONSTITUTES POPULAR GOVERNMENT.

These conditions can be established and perpetuated only through popular government, meaning, in its present evolution, the establishment in the several States of our Union, through the utilization of the State machinery, of the initiative and referendum, an efficient direct primary, the corrupt-practices act, and the recall, and providing nationally for the popular selection of candidates for President and Vice President and United States Senators, thus making general welfare the basis of every law and the goal of every public servant.

Popular government insures equal opportunity. It furnishes the same tools to every individual. The progress, advance, or success of the individual depends entirely on his limitations and not on special privilege. Realization of these conditions must stimulate and develop in humanity the innate desire for improvement.

Under delegated government, still in vogue in most States and in practice nationally, the people have no voice in their legislation, thus preventing the development of the electorate; nor have they any voice in the selection of their public servants, thus debauching public service, because of the direct accountability of the public servant to the delegates nominating him and through the delegates to the political boss and through the political boss to the real principal, the greatest campaign contributor.

This is a condition which must result almost necessarily in service by the public servant to the selfish interest governing the campaign contributor, who certainly is not actuated by patriotic motives, but dominated by expectation of receiving in return for his large contribution some special privilege against the general welfare.

In theory we have a Government in which certain public officials represent the wishes and promote the welfare of their States and districts. In reality, we have a Government in which many public officials secure their positions, always by consent and generally through the selection of a party boss, who maintains a political machine with funds contributed by individuals or corporations having selfish interests to protect or promote.

The widespread interest in the Oregon laws proves conclusively that the people of the entire country are awake to conditions that exist and are determined to improve their system of government, not by changing the existing form of government, but by making their representatives solely accountable to the

people and by guaranteeing to public servants that demonstration of good service rather than subservience to a political boss, temporary leader, or special interests assures election or retention.

Citizens determined to substitute general welfare and equal opportunity for selfish interest and special privilege are fighting for the adoption of these reforms throughout the country. There may be delays, temporary failures, and disappointments, but the ultimate accomplishment is certain, and the onward sweep of the movement for the full measure of human liberty can not long be stayed.

VALUE OF THE INITIATIVE AND REFERENDUM.

The initiative and referendum give the people the opportunity of securing and retaining such legislation as they desire. The initiative provides a limitless field for individual development, elevates the electorate, minimizes discontent, and destroys anarchy. The referendum permits popular defeat of unwise laws and absolutely insures retention of laws the people desire, for, without the referendum, the best and most efficient laws ever evolved might be repealed by a legislature actuated by selfish interest or influenced by beneficiaries of special privilege.

The referendum also develops and protects the legislative branch of government through the realization of the legislator that his action will be scrutinized by the people; and, if against general welfare, he will be censured by them and either recalled or defeated for reelection. Under the referendum corruption of members of the legislature is practically eliminated because of the knowledge on the part of the persons desiring special legislation that even though enacted by the legislature, defeat of such laws is within the power of the people.

Until the initiative and referendum amendment has been made a part of every State constitution, its adoption should be the chief issue in every compaign, for other issues sink into insignificance when compared with this.

The initiative and referendum does not destroy, but, on the contrary, insures truly representative government. Where the people of a State enjoy the sovereignty resultant from possession of this legislative power, they will rapidly secure enactment and insure retention of efficient direct primary and corrupt-practices acts and the recall. The legislature still retains and exercises its power, subject, however, to the control of the people, whose servant the legislature should be.

PLACE LEGISLATIVE CANDIDATES ON RECORD.

Because of the fundamental importance of the initiative and referendum, I have urged that in all States direct-legislation leagues be organized and that all candidates for nomination or election to the legislature be compelled to declare unequivocally their attitude upon this subject.

Voters who value their sovereign citizenship and who have confidence in their own intelligence and their own capacity to think and act for themselves should take up the cause aggressively and let no candidate evade the issue. Voters should notify all candidates that they will support for legislative offices only those who pledge themselves to vote for the submission of an initiative and referendum amendment; and legislators in the several States should be notified that they will never again be supported for any office if they fail or refuse to vote for the submission of the initiative and referendum to the people for their adoption.

During the recent campaign I was asked to suggest a form of letter which voters might address to candidates for the legislature, and I suggested the following:

To ——— ———,
Member of ——— Legislature.

If elected a member of the ——— Legislature, will you pledge your honor not only to the people of your legislative district but to the people of the entire State to work and vote for the submission to the electorate of the State of an initiative and referendum amendment similar to the Oregon law? My vote goes only to the candidate replying in the affirmative. In my opinion, this issue overshadows all others.

(Signature of voter.) ——— ———,
(Address.) ———, ———.

In several States where the initiative and referendum was not made an issue in the last campaign, but where it is an issue before the legislature this winter, I have suggested that voters who advocate popular government address a letter in the following form to their State senators and representatives:

Hon. ——— ———,
——— *Legislature,* ———.

DEAR SIR: In my opinion, the submission of the initiative and referendum is the most important question now before the legislature of the State of ———. A resolution has been introduced proposing the submission of the amendment in the form in which it is now in force in the State of Oregon. I believe that form is best, because the Oregon law has stood the test of practical operation and litigation in the courts. If submitted to popular vote in this State the initiative and referendum will be adopted by an overwhelming majority, for, by adoption of this amendment the people will gain power to control legislation by enacting desirable laws the legislature refuses to enact, and by defeating unwise laws passed by the legislature.

I therefore urge immediate adoption of the initiative and referendum resolution in its original form and will regard any attempted change therein, or delay in adoption, as an indirect effort to defeat the measure.

Believing this issue to be the most important now before the legislature, I shall watch the vote thereon with personal interest and hereby give notice that regardless of party lines, I shall never support or vote for any man for any office if he has failed or refused as a member of the legislature of this State to vote for the submission of the initiative and referendum in the Oregon form.

(Signature of voter.) ——— ———

PEOPLE VOTE WITH DISCRIMINATION.

In my address to the Senate on May 5, I submitted a list of 32 measures which had been voted upon by the people of Oregon, showing that the people had voted honestly and intelligently, had made no mistakes, but had secured desired legislation which they could not secure from the legislature and had defeated unwise laws passed by the legislature.

At the recent election the people of Oregon voted upon 32 measures and the manner in which they did so corroborates the previous evidence that they can and will vote upon these measures with discrimination and with due regard to the merits.

Certain it is that the people of Oregon are thoroughly satisfied with what is known as the "Oregon system," comprising the initiative and referendum, direct primary, corrupt-practices act, and recall, for by a vote of 23,000 for to 60,000 against they defeated a measure submitted by the legislature calling a constitutional convention. There was no general desire that a constitutional convention be held, but enemies of popular government, hoping by this means to eliminate the initiative and referendum from our constitution, secured the legislative passage of this act. Under our constitution no such convention can be held until the act authorizing it has been submitted to and approved by the people. This safeguard enabled the people to defeat the call of a constitutional convention, thus overcoming in its incipiency the effort to eliminate the initiative and referendum from our system of government.

Enemies of popular government criticize the Oregon system because the people of the entire State were compelled to vote upon eight bills creating new counties or changing county boundaries, these questions being only of local interest. These critics lose sight of the fact that submission of these measures to the State at large was due to repeated failures of legislatures to enact laws prescribing the manner in which these questions may be voted upon locally. Some Oregon counties are larger than entire States of the East, and, with our rapidly increasing population, creation of new counties is necessary. However, the people defeated all of the eight county boundary bills, thus showing their disapproval of the submission of local questions to State-wide vote, and their purpose to vote in the negative when not entirely convinced of the desirability of a proposed law.

Of the 32 measures submitted, 9 were approved and 23 rejected. Seven measures were proposed by the legislature and six of these were defeated. I shall not undertake to discuss each of the measures submitted, but for the purpose of showing in briefest possible form the character of measures voted upon by the people of Oregon at the recent election, and the vote upon each, I ask permission to insert in the RECORD the following table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Popular vote on measures submitted to the people of Oregon Nov. 8, 1910.

	Yes.	No.
Amendment permitting female taxpayers to vote [a]	35,270	59,065
Act establishing branch insane asylum in eastern Oregon [b]	50,134	41,504
Act calling convention to revise State constitution [b]	23,143	59,974
Amendment providing separate district for election of each State senator and representative [b]	24,000	54,252
Amendment repealing requirement that all taxes shall be equal and uniform [b]	37,619	40,172
Amendment permitting organized districts to vote bonds for construction of railroads by such districts [b]	32,844	46,070
Amendment authorizing collection of State and county taxes on separate classes of property [b]	31,629	41,692
Act requiring Baker County to pay $1,000 a year to circuit judge in addition to his State salary [c]	13,161	71,503
Bill creating Nesmith County from parts of Lane and Douglas [a]	22,866	60,591
Bill to establish a State normal school at Monmouth [a]	50,191	40,044
Bill creating Otis County from parts of Harney, Malheur, and Grant [a]	17,426	62,016
Bill annexing part of Clackamas County to Multnomah [a]	16,250	69,002

[a] Submitted under the initiative.
[b] Submitted to the people by the legislature.
[c] Submitted under the referendum upon legislative act.

Popular vote on measures submitted to the people of Oregon Nov. 8, 1910—Continued.

	Yes.	No.
Bill creating Williams County from parts of Lane and Douglas [a]	14,508	64,090
Amendment permitting people of each county to regulate taxation for county purposes, and abolishing poll taxes [a]	44,171	42,127
Amendment giving cities and towns exclusive power to regulate liquor traffic within their limits [a]	53,321	50,779
Bill for protection of laborers in hazardous employment, fixing employers' liability, etc. [a]	56,258	33,943
Bill creating Orchard County from part of Umatilla [a]	15,664	62,712
Bill creating Clark County from part of Grant [a]	15,613	61,704
Bill to establish State normal school at Weston [a]	40,898	46,201
Bill to annex part of Washington County to Multnomah [a]	14,047	68,221
Bill to establish State normal school at Ashland [a]	38,473	48,655
Amendment prohibiting liquor traffic [a]	43,540	61,221
Bill prohibiting sale of liquor, providing for search for liquors, and regulating shipments of same [a]	42,651	63,564
Bill creating board to draft employers' liability law for submission to legislature [a]	32,224	51,719
Bill prohibiting taking of fish in Rogue River except with hook and line [a]	49,712	33,397
Bill creating Deschutes County out of part of Crook [a]	17,592	60,486
Bill for general law under which new counties may be created or boundaries changed [a]	37,129	42,327
Amendment permitting counties to vote bonds for permanent road improvement [a]	51,275	32,906
Bill permitting voters in direct primaries to express choice for President and Vice President, to select delegates national conventions, and nominate candidates for presidential electors [a]	43,353	41,624
Bill creating board of people's inspectors of government, providing for reports of board in Official State Gazette to be mailed to all registered voters bimonthly [a]	29,955	52,538
Amendment extending initiative and referendum, making terms of members of legislature six years, increasing salaries, requiring proportional representation in legislature, election of speaker of house and president of senate outside of members, etc. [a]	37,031	44,366
Amendment permitting three-fourths verdict in civil cases [a]	44,538	89,399

[a] Submitted under the initiative.

Mr. BOURNE. For further illumination of the subject and to refute the misrepresentation regarding the size of the ballot and length of time consumed in voting under the Oregon system, I have here a reprint of the official ballot in Multnomah County, Oreg. The city of Portland, with a population of 207,000, is in Multnomah County, and this is the largest ballot in the State. It is 18 by 24 inches. The time required for the elector to vote this ballot varied from 2½ to 6 minutes.

PRESIDENTIAL PREFERENCE LAW.

Mr. President, the most important measure enacted or adopted by the people of Oregon at the recent election, and, in fact, next to the initiative and referendum the most important law enacted by any State in recent years, is the law permitting voters in party primaries to elect their delegates to national conventions and to instruct them through popular expression of choice for President and Vice President. This law, when enacted in all States, will absolutely destroy the power of a Federal machine to renominate a President or determine his successor. The "steam roller" will be relegated to the political scrap heap and its operators to the shadow of things forgotten, while fourth-class postmasters will, as they should, cease to be a political asset for anybody or any party.

In the light of past experience it seems to me this plan should appeal to all patriotic citizens as well as to conscientious partisans. It is a well-recognized fact that nominations by national conventions are the exclusive work of politicians, which the electorate of the whole United States is permitted only to witness in gaping expectancy and to ratify at the polls in the succeeding November. As unrepresentative as this feature of the national convention is, its flagrancy pales into insignificance in the presence of that other abuse against partisan conscience and outrage upon the representative system, which is wrought by the Republican politician in hopelessly Democratic States, and by the Democratic politician in hopelessly Republican States in dominating the national conventions with the presence of these unrepresentative delegations that represent neither party, people, nor principle.

With the presidential preference law in force throughout the United States the southern Republican delegations will no longer be the vest-pocket trading material of Republican bosses, nor will Democratic delegations from solid Republican States in the North be subject to the will of Democratic bosses. The voice of the people will be heard in the selection of candidates, and delegates will be made, as they should be, mere messengers, conveying the expressed wish of the people whom they profess to represent.

MEANS GREAT INDUSTRIAL SAVING.

Popular selection of candidates for President and Vice President would mean the saving of hundreds of millions of dollars, now wasted through industrial inactivity due to unsettled conditions incident to a change of administration.

In every presidential campaign there is a long period of waste or diminution of full efficiency of brains, muscle, and money due to the uncertainty as to who the presidential nominees will be, then who will be elected, and, last, what the policies of the successful candidate will be after election.

Under the general adoption of my presidential preference bill the people will select in both the great parties the men who by public and private life have demonstrated themselves as best qualified for the highest office in our Nation. Generally, I believe the selections will be from governors of States who have made good executives. Occasionally some man may arise who solves some great problem or originates some new idea improving general welfare, in which event he would be selected and elected. The party electorates would select for their nominees the individuals possessing the confidence of the greatest number, and the general electorate would elect the man in whom they had the greatest confidence. Confidence in our Government is a prerequisite for full business efficiency.

PRESIDENT HAS POWER TO NOMINATE SUCCESSOR.

Three years ago we had a convincing exhibition of the power of a President to dictate the selection of his successor. At that time three-fourths of the Republican voters of my State were in favor of the renomination of Mr. Roosevelt, and, believing that their wishes should be observed, I endeavored to secure a delegation from that State favorable to his nomination for a second elective term. But through the tremendous power of the Chief Executive and of the Federal machine the delegates selected by our State convention were instructed for Mr. Taft. After the delegates were elected and instructed a poll was taken by one of the leading newspapers in Portland, which city contains nearly one-third of the entire population of the State. The result indicated that the preference of the people of the State was 11 to 1 in favor of Mr. Roosevelt as against Mr. Taft.

Impressed by this demonstration of the power of the President to thwart the will of the people, I realized that such power in the hands of any man is a serious menace to a truly representative government. Consequently, I tried to evolve a plan to destroy such power, and after much thought conceived the idea of enlarging our direct-primary law so that each voter may directly express his choice for President and Vice President. Accordingly I had a bill for such a law prepared and submitted to the people under the initiative. In order to make the system complete, the bill also provided for direct election of delegates to national conventions and direct nomination of candidates for presidential electors. It provided that the State shall pay the actual traveling expenses of delegates to national conventions, not exceeding $200 for each delegate, thus removing the handicap which practically permits only men of wealth or leisure to attend national conventions.

The initiative bill, incorporating these provisions, was opposed by almost every prominent newspaper in the State and by all the machine politicians. In order to deceive the people and prejudice them against the bill, one of the papers of largest circulation represented that its chief purpose was to compel the State to pay the traveling expenses of delegates to national conventions. This feature and the idea of needless expense was kept before the voters, and the real issue, extension of popular government, was concealed. Nevertheless, the measure was adopted by the people, and since its adoption it has been praised by some of those who fought it during the campaign. This law is not long, and because of its importance in national affairs I ask permission to insert it in the RECORD.

Mr. HALE. Mr. President——

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

Mr. BOURNE. I will say to the Senator I prefer not to yield until I finish my speech. When I get through I shall be very glad, to the best of my ability, to answer any question.

Mr. HALE. The Senator is presenting a program, a very large and desirable one, which will almost bring about a political millenium. I wish he would explain the provisions of this scheme of his that will prevent, in the national convention, representatives of the administration, whichever it may be, Democratic or Republican, who represent no electoral votes but are counted whether in one convention of the Republicans or in the other convention of the Democrats—delegates who represent nobody, and yet who may control the choice.

Mr. BOURNE. I will say to the Senator from Maine that if he will be patient I hope to demonstrate to him not a scheme but a plan by which the desideratum he mentions will be accomplished.

Mr. HALE. Mr. President——

Mr. BOURNE. Mr. President, I shall decline to be interrupted any further until I finish my remarks.

Mr. HALE. I wish that that brief statute may be read. Let the Secretary read it.

Mr. BOURNE. Mr. President, I decline to be interrupted. I will be glad, at the conclusion of my remarks, as I stated before, to answer any question to the best of my ability, and I should like to have the courtesy of the Senate extended to me to go on until I complete them.

The PRESIDING OFFICER. The Senator from Oregon has the floor and can only be interrupted by his consent.

Mr. HALE. Does the Senator decline to have read for the benefit of the Senate what he says is a brief statute that will cover this whole question? If he declines to have it read for the benefit of the Senate, the responsibility is with him, not with me. All I ask is that it shall be read.

Mr. BOURNE. Of course, I am perfectly willing to have it read.

Mr. HALE. The Senator need not read it.

Mr. BOURNE. I have no intention of reading it.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

PRESIDENTIAL PREFERENCE LAW.

A bill for a law to amend section 2 of the direct primary nominating elections law which was proposed by initiative petition and approved by the people of Oregon at the general election in June, 1904, and printed in the volume of the General Laws of Oregon for the year 1905 at pages 7 to 50 thereof; to provide for the expression by the qualified voters of the several political parties subject to the said direct primary law of their choice for nomination by their party for President and Vice President of the United States; to provide for and regulate direct primary nominating elections for the election of said political parties' delegates to their respective national conventions, and for the payment of such delegates' necessary expenses, not exceeding $200 for any delegate; for the nomination of party candidates for the office of presidential elector; for space in the party and State campaign books to set forth the merits of aspirants for election and for nomination, and of candidates for the offices of President and Vice President of the United States, of candidates for offices to be voted for in the State at large, and of candidates for United States Senators and Representatives in Congress.

Be it enacted by the people of the State of Oregon:

SECTION 1. That section 2 of the direct primary nominating elections law, which was proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1904, as the same is printed in the volume of the General Laws of Oregon for the year 1905, at pages 7 to 50 thereof, be, and the same is hereby, amended to read as follows:

SEC. 2. On the forty-fifth day preceding any election (except special elections to fill vacancies, presidential elections, municipal elections in towns or cities having a population of less than 2,000, and school elections) at which public officers in this State and in any district or county, and in any city having a population of 2,000 or more at which public officers are to be elected, except as provided in section 6 of this law as to time in certain cities and towns, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for Senator in Congress and all other elective State, district, county, precinct, city, ward, and all other officers and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen at the ensuing election wholly by electors within this State or any subdivision of this State, and also for choosing and electing the county central committeemen by the several parties subject to the provisions of this law:

Provided, (*a*) In the years when a President and Vice President of the United States are to be elected, said primary nominating election shall be held on the forty-fifth day before the first Monday in June of said year; and all laws pertaining to the nomination of candidates, registration of voters, and all other things incident and pertaining to the holding of the regular biennial nominating election, shall be enforced and effected the same number of days before the first Monday in June that they were under the said nominating-election law immediately before the change in the date of the regular election from the first Monday in June to the first Tuesday after the first Monday in November.

(*b*) When candidates for the offices of President and Vice President of the United States are to be nominated, every qualified elector of a political party subject to this law shall have opportunity to vote his preference, on his party nominating ballot, for his choice for one person to be the candidate of his political party for President, and one person to be the candidate of his political party for Vice President of the United States, either by writing the names of such persons in blank spaces to be left on said ballot for that purpose, or by marking with a cross before the printed names of the persons of his choice, as in the case of other nominations. The names of any persons shall be so printed on said ballots solely on the petition of their political supporters in Oregon, without such persons themselves signing any petition, signature, or acceptance. The names of persons in such political party who shall be presented by petition of their supporters for nomination to be party candidates for the office of President or Vice President of the United States shall be printed on the nominating official ballot, and the ballots shall be marked, and the votes shall be counted, convassed, and returned in like manner and under the same conditions as to names, petitions, and other matters, as far as the same are applicable, as the names and petitions of aspirants for the party nominations for the office of governor and for United States Senator in Congress are or may be by law required to be marked, filed, counted, canvassed, and returned.

(*c*) The members of the political parties subject to this law shall elect their party delegates to their national conventions for the nomination of their party candidates for President and Vice President of the United States, and shall nominate candidates for their party presidential electors at such nominating election. The governor shall grant a certificate of election to each of the delegates so elected, which certificates shall show the number of votes received in the State by each person of such delegate's political party for nomination as its candidate for President and Vice President. Nominating petitions for the office of delegate to the respective party national conventions, to be chosen and elected at said nominating election, shall be sufficient if they contain a number of signatures of the members of the party equal to 1 per cent of the party vote in the State at the last preceding election for Representative in Congress; provided that not more than 500 signatures shall be required on any such petition. Every qualified voter shall have the right at such nominating election to vote for the election of one person and no more to the office of national delegate for his party, and to vote for the nomination of one aspirant and no more for the office of presidential elector as the candidate of his party. A number of such candidates equal to the number of delegates to be elected by each party which is subject to the provisions of this law, receiving, respectively, each for himself, the highest number of votes for such office, shall be thereby elected. Every political party subject to the provisions of this law shall be entitled to nominate, at said nominating election, as many candidates for the office of presidential elector as there are such officers to be elected; that number of aspirants in every such party who shall receive, respectively, each for himself, the highest number of votes of his party for that nomination, shall be thereby nominated as a candidate of his political party for the office of presidential elector.

(*d*) Every delegate to a national convention of a political party recognized as such organization by the laws of Oregon shall receive from the State treasury the amount of his traveling expenses necessarily spent in actual attendance upon said convention, as his account may be audited and allowed by the secretary of state, but in no case to exceed $200 for each delegate: *Provided*, That such expenses shall never be paid to any greater number of delegates of any political party than would be allowed such party under the plan by which the number of delegates to the Republican national convention was fixed for the Republican Party of Oregon in the year 1908. The election of such national delegates for political parties not subject to the direct primary nominating elections law shall be certified in like manner as nominations of candidates of such political parties for elective public offices. Every such delegate to a national convention to nominate candidates for President and Vice President shall subscribe an oath of office that he will uphold the Constitution and laws of the United States and of the State of Oregon, and that he will, as such officer and delegate, to the best of his judgment and ability, faithfully carry out the wishes of his political party as expressed by its voters at the time of his election.

(*e*) The committee or organization which shall file a petition to place the name of any person on the nominating ballot of their political party to be voted for by its members for expression of their choice for nomination as the candidate of such party for President or Vice President of the United States shall have the right, upon payment therefor, to four pages of printed space in the campaign books of such political party provided for by sections 4 and 5 of the law proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1908, entitled "A bill to propose by initiative petition a law to limit candidates' election expenses; to define, prevent, and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to amend section 2775 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases," as printed on pages 15 to 38 of the General Laws of Oregon for the year 1909. In this space said committee shall set forth their statement of the reasons why such person should be voted for and chosen by the members of their party in Oregon and in the Nation as its candidate. Any qualified elector of any such political party who favors or opposes the nomination of any person by his own political party as its candidate for President or Vice President of the United States may have not exceeding four pages of space in his aforesaid party nominating campaign book, at a cost of $100 per printed page, to set forth his reasons therefor.

(*f*) Every person regularly nominated by a political party, recognized as such by the laws of Oregon, for President or Vice President of the United States, or for any office to be voted for by the electors of the State at large, or for Senator or Representative in Congress, shall be entitled to use four pages of printed space in the State campaign book provided for by sections 6 and 7 of the above-entitled "Law to limit candidates' election expenses; to define, prevent, and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to amend section 2775 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases," as printed on pages 15 to 38 of the volume of the General Laws of Oregon for 1909. In this space the candidate or his supporters, with his written permission filed with the secretary of state, may set forth the reasons why he should be elected. No charge shall be made against candidates for President and Vice President of the United States for this printed space. The other candidates above named shall pay at the rate of $100 per printed page for said space, and said payment shall not be counted as a part of the 10 per cent of one year's salary that each candidate is allowed to spend for campaign purposes. If this bill shall be approved by the people, the title of the bill shall stand as the title of the law.

DESTROYS POWER OF FEDERAL MACHINE.

Mr. BOURNE. Mr. President, as previously indicated, whenever this law becomes nation-wide in its application it will absolutely destroy the power of the Federal machine; prevent a President renominating himself, except by demonstration of good service; destroy the possibility of any President naming his successor, and relieve him of any obligations to political bosses, campaign contributors, national committeemen, or national delegates, thus transferring the obligation from any known individual to the composite citizen, where it belongs.

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stroy the possibility of any President naming his successor, and relieve him of any obligations to political bosses, campaign contributors, national committeemen, or national delegates, thus transferring the obligation from any known individual to the composite citizen, where it belongs.

Mr. President, the charge that the President of the United States has used his appointing power to coerce Members of Congress is the most serious of all attacks made by the press. The accusation was made in recent months that in an effort to dictate to Members of Congress in what manner they should exercise their legislative power, the President had granted them the privilege of recommending persons for Federal appointment in their respective States, if the Members voted in Congress as he desired, and had refused them this privilege if they voted upon measures in such a manner as to displease him. In other words, it was charged that the President of the United States engaged in a systematic trading of patronage for votes in Congress.

Reduced to its simple element, the charge was, in effect, bribery or intimidation—bribery if patronage was extended as a reward for voting in accordance with the wishes of the Executive, and intimidation if patronage was withheld as punishment for refusal to yield unwilling obedience. The charge was a direct attack upon the honesty of the Executive, and indirectly a reflection upon the intelligence, independence, and courage of Members of Congress. It would be difficult to believe such a charge without positive proof.

EVIDENCE OF MISUSE OF PATRONAGE.

According to the New York Evening Post of September 15, 1910, the following letter was sent by Secretary Norton to a Republican leader in Iowa whose name was not disclosed:

BEVERLY, MASS., *September 15, 1910.*

Your letters of the 9th are at hand, and I have delayed replying until after the primary elections. The President directs me to express to you and to your friends his deep appreciation of the work which you have done, and the powerful assistance which you have extended to the administration from the beginning—an assistance that has contributed much to the legislative and other successes which have been secured. The President recognizes that your efforts have been wholly disinterested, that you have fought sturdily and generously for what you believed to be his interest and the welfare and success of the party.

While Republican legislation pending in Congress was opposed by certain Republicans, the President felt it to be his duty to the party and to the country to withhold Federal patronage from certain Senators and Congressmen who seemed to be in opposition to the administration's efforts to carry out the promises of the party platform. That attitude, however, ended with the primary elections and nominating conventions, which have now been held, and in which the voters have had opportunity to declare themselves. The people have spoken, and, as the party faces the fall elections, the question must be settled by Republicans of every shade of opinion, whether the differences of the last session shall be perpetuated or shall be forgotten.

He recognizes the danger that in certain cases expressions of feeling were so intense as to make it difficult in some instances for factions to come together and work loyally for the party; but, as he stated in his letter to the Republican congressional committee, he believes it can be done and should be done. The President is confident that you will yourselves meet your local and State situation in this spirit, and that you will write to your friends and ask them to do likewise.

The President feels that the value of Federal patronage has been greatly exaggerated, and that the refusal to grant it has probably been more useful to the men affected than the appointments would have been. In the preliminary skirmishes in certain States, like Wisconsin and Iowa and elsewhere, he was willing, in the interests of what the leaders believed would lead to party success, to make certain discriminations, but the President has concluded that it is his duty now to treat all Republican Congressmen and Senators alike, without any distinction. He will now follow the usual rule in Republican congressional districts and States, and follow the recommendations made by Republican Congressmen and Senators of whatever shade of political opinion, only requiring that the men recommended shall be good men, the most competent, and the best fitted for the particular office.

Sincerely, yours, CHARLES D. NORTON,
Secretary to the President.

Since this letter was signed by the Private Secretary to the President, purports to have been written by his direction, and, although five months have elapsed, has not been repudiated, must it not be accepted as stating the facts?

LEGISLATIVE POWER VESTED IN CONGRESS.

Before entering upon the duties of his office, the President of the United States took an oath, pledging himself to preserve, protect, and defend the Constitution of the United States. Section 1, Article I, of that Constitution declares:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Yet we have the charge that the President exercised legislative power by coercing Members of Congress through distribution of patronage.

The entire spirit and letter of the Constitution shows clear intention that Congress shall be free from intimidation—that it was the purpose that Congress should make the laws and that the President should execute them. Indeed, section 6 of Article I declares that for any speech or debate in Congress Members shall not be questioned in any other place. While it is not permitted that Members be punished by fine or imprisonment for speech or debate in Congress, it has been charged that the President of the United States rewarded them or punished them through the distribution of patronage.

VIOLATION OF SPIRIT OF BRIBERY STATUTE.

I have said that the charge against the President is, in effect, either bribery or intimidation. I would not be understood as saying that it is a charge of technical violation of the bribery statute, but rather a violation of its spirit. In order that this phase of the subject may be clear, I wish to quote the section of the Revised Statutes upon the subject of bribery of Members of Congress. It is section 5450, and reads as follows:

SEC. 5450. Every person who promises, offers, gives, or causes or procures to be promised, offered, or given, any money or any other thing of value, or makes or tenders any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any Member of either House of Congress, either before or after such Member has been qualified or has taken his seat, with intent to influence his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House of Congress, or before any committee thereof, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and shall be, moreover, imprisoned not more than three years.

You will observe, Mr. President, that bribery consists in the delivery of "anything of value" and "with intent to influence his vote." Skilled lawyers, trained to "divide a hair twixt south and southwest side," would find no difficulty in proving by unquestionable logic that Federal patronage is not a thing of value, notwithstanding it is so highly prized by operators in commercial politics. What Members of this body may think of the question whether Federal patronage is a thing of value is perhaps beside the question, for they will not be called upon to decide it unless the House should some time exercise its power to impeach a President for delivering patronage with intent to influence the action of Members of Congress.

The natural inference from the Norton letter is that the President of the United States used Federal patronage to influence the action of Members of Congress. This is a charge which no citizen can discuss without regret, yet the whole subject is of such vital importance in the preservation of representative government that I would feel remiss in my duty if I failed to call it to the attention of the country and place in available form such information relating thereto as may have come to my attention. The undenied statement indicates a deplorable and despicable subservience upon the part of the legislative branch and a dangerous and demoralizing usurpation upon the part of the Executive.

If democratic government in the United States is yielding place to dictatorship, then the people should be informed of the transition and aroused to the necessity for prompt exercise of that eternal vigilance and courageous self-assertion which are the price of continued liberty.

The manner in which Federal patronage shall be used is of greatest concern not to Members of Congress but to the people of the United States, whose Government this is. Senators and Representatives come and go. It is of comparatively little importance whether any one of us shall be here six years hence or two years hence. Individuals are of little consequence. But fundamental principles of justice and equality under law are of utmost importance. Disregard and defiance of law is the beginning of anarchy, and the law-respecting, liberty-loving people of this country will not tolerate it.

EQUALITY BEFORE THE LAW.

Our Government was founded upon the proposition that all men are equal before the law, civil or criminal. I would have as much respect for a common ward heeler who buys votes at the polls as for a President of the United States who uses his appointing power as a means of forcing or persuading Members of Congress to determine or change their course of action. One transaction is as dishonest, as corrupt, and as depraving as the other, but the latter is more dangerous, more insidious, more pernicious than the former, because it strikes at the very foundation of free institutions, sets a precedent for corrupt methods in all official life, and marks the beginning of dictatorship and decadence of the Nation.

It is interesting to note that the truth of the charge of corruption, in high places as well as low, has been established not so much by external proof as by the confessions of parties thereto. The purchase of votes in the Illinois Legislature was not proven by testimony of outside parties, but by confessions of bribe givers and bribe takers. In Ohio, where thousands of voters have been punished for selling their votes, and where punishment of vote buyers will doubtless follow in due time, convictions have been based almost entirely upon confessions. And the same is true with regard to the charge of purchase of votes in Congress through distribution of patronage. The

charge was practically unproven, whatever the general understanding may have been, until the issuance of the famous Beverly letter, in which, if authentic, it is confessed that the President had given the privilege of controlling patronage to those Members of Congress who voted upon legislation in accordance with his wishes and has withheld it from those who did not.

PRESIDENTIAL OATH FORBIDS COERCION.

Legislative power is vested in a Senate and House of Representatives, and if that power is to be exercised honestly and intelligently the members of the two Houses must be free to vote in accordance with their own best judgment, being held accountable only to the people of their own States. Any interference with the free expression of the opinions of Members of Congress by their votes upon measures is a direct attack upon that section of the Constitution which declares that—

All legislative powers herein granted shall be vested in a Congress which shall consist of a Senate and House of Representatives.

This quotation is part of that Constitution which every President of the United States has taken an oath to "preserve, protect, and defend." No President can interfere with the exercise of legislative power by Congress without violating his oath of office, a violation as direct and as complete as any other unlawful act by any other officer of the Government. To bribe a Member of Congress by means of Federal patronage is not different in principle from bribery by means of cash or other valuable consideration. Intimidation by threats of loss of prestige incident to withdrawal of patronage is not different in principle from intimidation by threats of violence or business injury. But this species of bribery and intimidation is more vicious than any other, because it assumes a character of gentility, due to the patriotic reverence for the office of President, not enjoyed by the common ward heeler when he indulges in similar practices. It is too base to be called a crime. It is so far below the conception of lawmakers that no statute has been enacted directly prohibiting it. Nothing in our Constitution or laws expressly prohibits the President from trading Federal appointments for votes in Congress. The special-privilege seeker trying to influence legislation by offers of reward to Members of Congress must be fined or imprisoned. The bribe giver is the greatest enemy of good government, and experience has so strongly demonstrated the need for untrammeled official action that many of the States are regulating the activities of paid lobbyists. An honest ballot, whether at the polls or in State legislatures or in the Halls of Congress, is absolutely necessary to free government.

The possible corruption of Congress through the misuse of the presidential nominating power was never contemplated by the framers of the Constitution nor national legislators. It would indeed be a most humiliating admission of the weakness of representative government if disclosures necessitate legislative action to prevent a repetition of such an evil.

One remedy would be the enactment of a Federal corrupt-practices act, punishing by forfeiture of office and imprisonment any Federal official who promises or bestows patronage for votes or support in either legislation, primaries, conventions, or elections.

CREATES MACHINE FOR SELF-PERPETUATION.

But, Mr. President, the use of the appointing power to influence the action of Members of Congress is only one means by which this power may be abused. Federal patronage is also an effective and dangerous power when wielded for the creation or maintenance of a political machine with the purpose of forcing renomination of an Executive or the nomination of a man of his choice.

The President of the United States, through his power of nominating Federal appointees, is the head of the greatest political machine the world has ever seen. Whether the President be a shrewd politician directing the machine himself or entirely ignorant of politics and delegating the power to another, the system is most pernicious.

GOVERNMENTAL AND CORPORATE EFFICIENCY.

Actuated by a desire to submit to the country authoritative figures showing the number of Federal officeholders and employees subject to the nominating and removal powers of the President of the United States, I introduced in the Senate, on December 21, 1910, a resolution which was adopted by the Senate and which reads as follows (S. Res. 312):

Resolved, That the President of the United States is hereby requested to furnish to the Senate for its use, if he does not deem it incompatible with public interest, the following information, with departmental classifications of the same:

First. The total number of appointments which are made by the President upon nomination to and confirmation by the Senate.

Second. The total number of appointments which are made by the President, but which do not require nomination to and confirmation by the Senate.

Third. The total number of officers and employees of the Government subject to civil-service regulations, specifying classification and number of postmasters.

Fourth. The total number of officers and employees subject to removal by the President without action on the part of Congress.

Fifth. The total number of officers and employees of the United States Government, exclusive of enlisted men and officers of the Army and Navy.

I assumed that the governmental system of accounts would make this information readily obtainable, but 65 days elapsed before the information was transmitted to the Senate, being received the evening of February 24, 1911, after I had prepared this address.

On February 9, desiring to ascertain from some of the largest business organizations in this country the length of time necessary to secure information of this nature for the purpose of comparison with governmental efficiency, I sent the following letter to Mr. John D. Archbold, of the Standard Oil; Mr. Elbert H. Gary, of the United States Steel; and Mr. Robert C. Clowry, of the Western Union Telegraph Co.

DEAR SIR: Some time ago I introduced in the Senate, and the Senate adopted, a resolution requesting the President to furnish to the Senate the following information, with departmental classifications of the same:

First. The total number of appointments which are made by the President upon nomination to and confirmation by the Senate.

Second. The total number of appointments which are made by the President, but which do not require nomination to and confirmation by the Senate.

Third. The total number of officers and employees of the Government subject to civil-service regulations, specifying classification and number of postmasters.

Fourth. The total number of officers and employees subject to removal by the President without action on the part of Congress.

Fifth. Total number of officers and employees of the United States Government exclusive of enlisted men and officers of the Army and Navy.

The President referred this request to the head of each department with a request that the information be supplied.

I think that in number of employees one of the departments would correspond very closely to your company. In order to determine the relative efficiency in organization, I would like to ask you how long it would take you to supply similar information regarding persons employed by your company.

You will note that the resolution does not call for information regarding compensation, but merely the number and classification.

I shall thank you for your kindness in giving this information.

Very sincerely, yours, JONATHAN BOURNE, Jr.

CORPORATIONS REPLY.

On February 14 Mr. Archbold replied as follows:

I have your favor of the 9th. Answering your query as nearly as I can: If it means our force of officers, managers, and clerks—the force receiving not less than $50 per month—it could be supplied in three days. If it means the entire list of employees down to the laboring men, it might take three weeks, owing to the Standard's world-wide foreign branches.

On February 17 Mr. Newcomb Carlton, vice president of the Western Union Telegraph Company, replied as follows:

Replying to your inquiry of the 9th instant, addressed to Mr. Robert C. Clowry, the former president of this company, I beg to say that the time required for supplying information of the character mentioned respecting Western Union employees of various grades, would depend entirely upon whether the classifications under which the information was called for agreed with the classifications under which our record of employees is kept.

We keep at division headquarters (each division corresponding to one of the Federal departments in so far as organization is concerned), a classified list of all employees, and each divisional chief officer could supply the information required in a few minutes if the classification fitted. If, however, the classification contemplated in the inquiry were different from our record, making it necessary to go down the line of our 23,000 offices to get at the information, I should judge that in an ordinary case it would take several weeks to collect and arrange the information if the mails were used. If the inquiry were conducted by telegraph it could, of course, be done in a few days at the outside.

As yet I have received no reply from Mr. Gary.

In view of the ability of the Standard Oil and the Western Union to furnish promptly statistics regarding their organizations, the failure of the administrative branch of the Government to earlier furnish the requested information indicates that the Government's departments were either unwilling to give the Senate the statistics desired or their organization must be inefficient.

It is hardly conceivable that the administrative branch of our Government would refuse or delay compliance with this request coming from the United States Senate, hence the deduction that some of the large business corporations of the country enjoy far greater efficiency than the administrative branch of our Government.

I take this opportunity of publicly expressing to Mr. John D. Archbold and his company, the Standard Oil, and to Mr. Newcomb Carlton and his company, the Western Union Telegraph, my appreciation of their courtesy in so promptly replying to my letter of inquiry. I also commend the efficient and intelligent method under which their business is conducted, as evidenced by their ability to ascertain so quickly facts similar to those the administration was so long in securing or in imparting to the Senate.

Mr. President, my inability to earlier obtain through the President the information requested in the Senate resolution previously quoted prevents my giving the clear presentation I had hoped to do on the subject. However, by next session of Congress I expect, judging from present indications, that the country itself will have far more data, and I shall then probably take opportunity to make further remarks on this subject.

MAGNITUDE OF THE MACHINE.

Statistics compiled by the Civil Service Commission, but acknowledged to be incomplete, show that on June 30, 1910, the number of employees in the executive civil service was 384,088. This does not include officers or enlisted men of the Army or Navy, nor clerks in fourth-class post offices, the latter numbering about 64,000.

Although approximately 222,000 of this number are on the classified list under civil-service regulations, yet the presidential power of nomination or direct or indirect appointment of nearly 68,000 not on the classified list under the civil-service regulations, and his power of promotion, demotion, or removal, either of minor employees or the heads or subheads of departments makes the whole number of 384,000 directly or indirectly responsive to his will. While authentic information is not at hand, I believe the average wage in the Government service is at least $900 per annum, making a total Government pay roll of more than $345,000,000.

The utilization of this force along selfish lines would be most dangerous, pernicious, and demoralizing. An Executive desiring to misuse this power would, in effect, start with a campaign contribution of $345,000,000 per annum and an organization of 384,000 individuals, all directed toward selfish interest, namely, perpetuation of the power of the Executive and of the individuals owing their position and advancement to this power.

While the President is the actual head of the Federal machine, the chairman of the national committee or a Cabinet officer, or both in one, is usually his chief agent for its operation. Backed by the presidential power to distribute Federal patronage, he starts his organization with the committeemen from Districts and Territories having no votes and from those Southern States that always deliver delegates but never deliver electoral votes to the Republican Party. In fact, under the operation of this machine electoral votes are not desired, because if obtained and Republican Senators and Congressmen were elected from Southern States these Members of Congress would apparently have to be consulted regarding the distribution of Federal patronage in their respective States, and the "referees" in those States would lose their power.

INEQUALITY IN NATIONAL COMMITTEE.

The Republican national committee consists of 53 members, one from each State, Territory, District, and island possession. The Territory of Alaska, with no electoral vote and but two delegates in the convention, has the same representation and power in the national committee as the great State of New York, with 39 electoral votes and 78 delegates. The committee elects its own chairman and perfects its organization. It decides on place and time of convention. It recommends how many delegates shall be admitted from each State and Territory, how the delegates and alternates shall be chosen in the various States, how the delegates from Territories shall be selected, and recommends who shall serve as temporary chairman of the national convention. The chairman of the national committee calls the convention to order and generally directs the campaign.

In the Republican national convention committees on credentials, permanent organization, and resolutions are composed of one delegate from each State and Territory. Each State selects its own representative on these committees and offers them to the convention. The committee on permanent organization recommends the permanent chairman and confirms the other officers who are recommended by the national committee. Control of the national committee by the administration gives tremendous power, which is made absolute if combined with control of the committee on credentials. If the operators of the machine find that, even with the advantage of control of delegations from the Democratic States and the Territories, they will not have enough votes in the convention to control its action, contesting delegations will appear from a number of States, by seating some of which the necessary additional strength may be secured.

CONVENTIONS NOT TRULY REPRESENTATIVE.

National conventions are not representative of the wishes of the members of the party who are depended upon to cast the votes to elect the ticket. In the 1908 Republican national convention 980 delegates were admitted under the terms of the national committee's call; 491, or a majority, were necessary for a nomination. The Southern States and Territories, giving no electoral votes, with the exception of Maryland, which gave Taft and Sherman 2 out of 8, had 338 votes, leaving 153 to be secured to give a majority. Thus, it will be seen that under such circumstances any candidate controlling the delegations from Southern Democratic States and the Territories would have to secure only 153 votes, while any other candidate would have to secure 491 votes from those States which give electoral votes as well as delegates.

Under the referee system in the South and the patronage system in the Territories and insular possessions a President, through his nominating power and the Federal machine, can, if he desires, practically control the votes of these delegations in a convention. Then with his power in other States, and the tremendous influence of the Federal machine, it requires but little other influence to give him the 153 additional votes necessary for his renomination or the nomination of the man he selects. The Southern States and Territories, giving no electoral votes to the Republican Party, are under the domination of the machine through the referee system, and have greater influence in naming the Republican nominees for President and Vice President than have the combined States of New York, Pennsylvania, Illinois, Ohio, Massachusetts, Indiana, and Iowa, which collectively have 334 delegates.

EXISTENCE OF THIS POWER IS UNDEMOCRATIC.

Possession of such power as I have outlined (the existence of which can not be disputed) violates the fundamental principles of a Government established and maintained by all the people. Avoidance of dictatorial power was the chief purpose of division of the Government into three branches. Yet men who profess reverence for the founders of the Government give silent or express consent to usurpation and misuse of that power for self-perpetuation.

It was the intention of the framers of the Constitution that Congress, within the limitations of that instrument, should represent the will of the people; that the Supreme Court, taking the Federal Constitution as the standard, should determine the validity and meaning of laws enacted by Congress, and that the President should be the instrument to carry out the will of the people as expressed through Congress.

Though the power of each branch was defined and Congress was declared the lawmaking body, yet for years we have seen the power of the Executive steadily increasing and the power of Congress correspondingly diminishing. The means by which this has been accomplished is the nominating power of the President of the United States. This steadily increasing power of the Executive and decreasing power of Congress is the greatest menace to the perpetuation of free government and general welfare of our people.

Extension of the power of the Executive is the beginning of dictatorship. The remedy is to make Presidents directly accountable to party and general electorates by enacting laws for presidential primary votes, thereby destroying the power of political bosses and their backers, the campaign contributors. The people can be trusted. The composite citizen knows more and acts from higher motives than any single individual, however great, experienced, or well developed. While selfishness is usually dominant in the individual, it is minimized in the composite citizen.

COMPOSITE CITIZEN IS UNSELFISH.

The composite citizen is made up of millions of individuals, each dominated in most cases by selfish interest. But because of the difference in the personal equations of the individual units making up the composite citizen, there is a corresponding difference in the interests dominating said units, and while composite action is taking place, friction is developed, attrition results, selfishness is worn away, and general welfare is substituted before action is accomplished.

I therefore assert that it is of greatest importance to this Government and Nation that Congress, made up of hundreds of different individuals representing different sections of our great country, especially when made responsible under the general establishment of popular government laws to the party and general electorates of their districts and States, knowing no single individual or interest to whom they owe their selection or election, should be the untrammeled legislative branch of our Government, as most responsive to the composite citizen and possessing collectively more knowledge, experience, reason, and unselfishness than any single individual.

CONCRETE REMEDIES SUGGESTED.

The presidential preference law, generally enacted, will destroy the power of the President to build a Federal machine.

The misuse of Federal patronage in coercing Congress can be prevented by an efficient national corrupt-practices act, which I expect to introduce in the next Congress, or by constitutional amendment transferring the presidential power of nomination

to a permanent nonpartisan commission to be created, or putting the responsibility for such selections upon Senators and Congressmen. Until legislative action be taken or a constitutional amendment be adopted, my own idea would be for the Senate to decline to confirm presidential nominations in any State if unsatisfactory to Senators from the State in which the appointment is made. This action by the Senate would absolutely destroy the existing referee system in the South, for the delegates to national conventions from Southern States would realize that the referee's promises of patronage in return for their votes for the administration's candidate for President could not be fulfilled without the Senate's assent and cooperation.

As long as I remain in the Senate I shall never vote for the confirmation of any executive nominee who is objectionable to the Senators in the State where the nominee is to serve.

PRESIDENTIAL CANDIDATES SHOULD DECLARE ATTITUDE.

Mr. President, I hope the crystallization of public opinion against the misuse of this power will force presidential candidates in both parties to publicly announce, prior to their nomination or election, that if elected they will place upon Senators and Congressmen the responsibility for making selections of all Federal appointees in their respective States. Such a plan would be based on the assumption that Senators and Congressmen are better qualified to judge as to the efficiency and fitness of citizens in their States than the President himself or any delegated agent could possibly be. This arrangement, from every viewpoint, would give better service. The possibility of the Senators and Congressmen misusing such a power would be minimized by the realization that they would be held more strictly accountable by their constituents, in case of making poor selections, than would the President. If this nominating power is to be misused, it is infinitely less menace to the country to have it divided among 92 Senators and 391 Congressmen than to have it centralized in one man, as it now is in the President, or delegated by him to a member of his cabinet or the chairman of the national committee, or both in one.

THE SYSTEM, NOT AN INDIVIDUAL, CRITICIZED.

Mr. President, in view of my well-known advocacy of the largest possible power in the hands of the people and in view of the manner in which I have discussed this subject, it seems hardly necessary to assert that my criticism is aimed not at an individual, but at a system, the existence of which is heralded by an individual's proclamation. I care not who is the originator or promulgator of an idea, a fundamental, or a law, or who its opponents, if, upon mature deliberation, it appears to be for the general welfare, I shall support it, while if it seems to be against the general welfare I shall oppose it.

Due respect for the high office of President of the United States is becoming to every citizen, but higher than that office and vastly higher than any temporary incumbent is the Constitution of the United States, and above and beyond that the eternal principles of human liberty and justice. I am no worshiper of men or offices, nor do I believe constitutions can not be improved. If men interrupt the progress of society, their sphere of activity must be changed; if offices become an injury rather than a help to government, the powers incident thereto must be altered; if constitutions fail in their purpose to promote the general welfare, new provisions must be written therein. All these are but temporary and shifting instruments, no more fit for human worship than the penates of ancient Rome.

PEOPLE WILL SOLVE PROBLEM.

Proud of American institutions and of every page of history that records their progress, I have been loth to point to evils that exist. Preferring peace to controversy, I have long delayed public utterance of views frequently expressed to Members of this body. But putting aside personal inclinations and placing public welfare above all else, I have endeavored to present what appear to be facts regarding gross abuse of the presidential appointing power.

I have confidence in the intelligence and honesty and resourcefulness of the American people. They have capacity to judge whether trading of Federal patronage for votes in Congress or in convention is either constitutional or wise. They have the honesty and the courage to make their opinions known, and they have the resourcefulness to find means to express their views. We will leave the subject to the judgment and conscience of the American people, knowing that in their own time and in their own way they will voice their desire and enforce their will.

Mr. CRAWFORD and Mr. SMITH of South Carolina addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. CRAWFORD. Mr. President, I desire to resume the remarks I was making this afternoon when I yielded the floor to the Senator from Georgia [Mr. BACON].

Mr. SMITH of South Carolina. I merely desire to say that I gave notice on Saturday last that I would address some remarks to the Senate this morning on the question of reciprocity.

Mr. BEVERIDGE. On what?

Mr. SMITH of South Carolina. On the proposed reciprocity agreement with Canada.

Mr. CRAWFORD. I yield to the Senator.

Mr. SMITH of South Carolina. Mr. President, before I make my remarks on this subject I think a few words of explanation from my standpoint are necessary. I do not propose in what I am going to give to the Senate of my views on this question to enter into any of the details. What I desire in my remarks to the Senate, as I have written them, is to give what I conceive to be the proper attitude of each and every one here relative to this subject, and particularly of Democrats, in reference to any measure coming from any source that is moving in the proper direction in so far as we construe the proper attitude of the Government toward the governed. I shall not question the motives of Mr. Taft in attempting to bring about this relation between the United States and Canada. All that I propose to do is to address myself to what I actually find expressed by him. If that expression is in accord with what I believe to be correct Democratic principles and correct rules of government, I shall support it; if it does not go far enough, I will go with him just as far as I believe that it is proper and correct according to Democratic standards for me to go. Because I certainly can fear nothing from a right direction of right forces, no matter whether or not the one who inaugurated them has an ultimately sinister purpose.

Therefore I shall take what the President has transmitted and the reasons he has given therefor as being sincere, coming from the Chief Executive, and for a few minutes I ask the indulgence of the Senate and beg their pardon for reading it. I have tried, however, to boil it down to where the logic of the situation, from the Democratic standpoint, seems to me to be unavoidable and from which there is no escape.

I want each and every one to understand that in the discussion of this question there may be a tendency on the part of some to say that because Canada is so small a part of our great foreign relations, therefore, no matter what arrangements we might make with her, it would not amount to a great deal and might disappoint some. The minutest application of a principle necessarily must be as proper as the greatest application of that principle. My truthful dealing with the child is as essential and necessary as my truthful relation with the adult.

It is hard for me to understand, as a Democrat, how any man who believes in the principles of Democracy can afford to vote against this proposed treaty, for the reason that Democracy stands for the freest possible access to all the markets of the world, both as to buying and to selling, with the simple limitation of enough duty on importation, plus other sources of revenue, to supply the needs of the Government. A tax for any other purpose, from the standpoint of a Democrat, becomes a tax for a special privilege, obnoxious to the very fundamental doctrine that we profess.

It is no argument worthy of a Democrat to say that because for so many years the Republicans have committed the Government to a doctrine of protection that, therefore, so long as one article is protected all others should be likewise protected.

From a Republican standpoint this would be, and is, a consistent argument. But from a Democratic standpoint it is totally untenable.

In the practical application of this argument, as brought about by this proposed treaty, only two sides of the question seem to be considered—the producer of the raw material and the producer of the manufactured article.

There seems to be a tendency to totally ignore that great class who do not own the farm or ranch to produce the raw material, or the factories to produce the finished product—that vast army of wage earners who are consumers. These seem, and are, left out of the count. And, according to the contention of those who oppose this treaty, they are the ones—this great class—upon whom it is sought to impose the entire burden of this tax.

It is argued that it is unjust and unfair to the cattle raiser to bring him in competition with the cattle raisers of Canada, while the man who butchers the cattle—the great slaughterhouse and packinghouse king—is protected in the sale of his meat; that it is unjust and unfair to bring the wheat growers of

America into competition with the wheat growers of the Dominion and protect the manufacturer of flour.

And when I use the word "Canada" I mean the principle applied to every wheat-growing country on the globe. And so on through the whole list of field and ranch and factory. Is it not true that if the raiser of cattle is protected equally with the one that produces the meat, that the consumer of that meat must inevitably pay a double tax? Is it not true that the consumer of flour, if the wheat grower is protected equally with the manufacturer of that flour, must pay a double tax on the bread he eats? Is it not true that if a tax is put upon rough lumber equal to the tax placed upon the planed and manufactured article, that the consumer of lumber, the home builder, and those who consume it in our domestic relations must pay a double tax?

Therefore the correct position of the true Democrat is not to contend that so long as the manufactured article is protected the raw material shall be protected likewise, but that, in addition to an open market for the raw material, there shall be an open market for the manufactured product as well. And that, though the Government is committed to the doctrine of protection, and though it has iniquitously discriminated in favor of the manufacturer as against the raw material and the vast army of consumers of the finished article, we, as Democrats, can not afford to say that the raw material shall also be protected until such time as the manufactured article is unprotected. In a word, we can not afford to assume the attitude that while the "good stealing is going on we are entitled to our share." The test—the real test—of one's loyalty to a principle is one's willingness to make a sacrifice for that principle. If I, the producer of the raw material, contend that I be protected in what I produce because the manufacturer is protected in what he produces out of what I produce, I am simply giving up the principle for which I contend.

The proper attitude for me to assume, as a Democrat, toward this principle of government is to stand fast to my doctrine; to insist that no unjust law shall burden the people for my benefit, and that I, the producer of the raw material, am willing, in attestation of my loyalty to this principle, to see that it goes without protection, even at a loss to myself, while, in justice to all, I fight for a reduction, or, rather, a removal of all protection for protection's sake on the manufactured article—standing to my doctrine, yielding not one jot or tittle, and insisting that if the other man does injustice that I be not placed in his class.

It is almost a parallel case to say that because I happen to be in a community, or amongst a class of men where lying and cheating are permitted and the profits of business depend upon lying and cheating, that I myself must lie and cheat until such time as I can get public opinion educated to where they will stop it or a law that will forbid it. What time would I bring it about if I practiced that which I condemn in others? If in my heart of hearts I believe that it is destructive to moral character and manhood to lie and cheat, I will neither lie nor cheat, though I lose every dollar I own. If I believe that the principle of protection is wrong, I will not vote for protection to protect me, even though the other man profits by protection at my expense.

Hancock said that protection was a local issue. That is, that as long as it profited a section at the expense of another section or other people to advocate and to put into operation the law of protection, that that community would be protectionists. But where a community could not profit by it, but suffered for the profit of another, they were antiprotectionists and that, therefore, it was a local issue, involving no principle. According to this theory, there is no principle in the world, in fact. They could all be reduced to local issues. According to his doctrine, if it was profitable in Washington to be honest and truthful, I would advocate and practice honor and truth in Washington. If, in Baltimore, it was unprofitable, I would be dishonest and untruthful there. In a word, in this great theory of government, according to him, there was no real principle involved; no sense of equity, justice, and right. But simply what is profitable to me or my community in dollars and cents, regardless of how this profit comes.

Every real advance of the human family has been based upon an unswerving conviction as to principle, and a loyal adherence to that principle at any cost and any sacrifice. And this is as true of parties as individuals.

It is interesting to note how some men will grow eloquent in their plea that men shall be honest with themselves, stand by their conviction of what is right, pleading for each and every one to stand by his principles of honor and integrity, regardless of whether they stand alone or go with the mass. They boast of their delight in standing by their principles in other matters affecting their individual character and their personal or individual relation to others, and yet these same men will discard this loyalty to principle, this loyalty to conviction, in reference to governmental affairs, as to what is right and proper and advocate that because the other man is doing wrong and profiting out of me by so doing that I must retaliate by doing wrong also and profiting out of him.

I feel like congratulating the President for coming to a Democratic viewpoint.

A great writer has said, "A false principle wrought into real life will always work itself out in disaster," and the present condition of the Republican Party stands as a startling illustration of that truth. The doctrine of protection, as taught and developed by them, has resulted in the practical disruption, temporarily at least, and from all indications permanently as well, of the Republican Party. It is instructive to the people at large to compare what the President says in his message accompanying the proposed treaty, in reference to the tariff, and what the leaders of his party said during the debates on the tariff in the last Congress. He says:

> We have reached a stage in our own development that calls for a statesmanlike and broad view of our future economic status and its requirements. We have drawn upon our natural resources in such a way as to invite attention to their necessary limit. This has properly aroused our effort to conserve them, to avoid their waste, and to restrict their use to our necessities. We have so increased in population and in our consumption of food products and the other necessities of life, hitherto supplied largely from our own country, that unless we materially increase our production we can see before us a change in our economic position from that of a country selling to the world food and natural products of the farm and forest to one consuming and importing them. * * * Ought we not, then, to arrange a commercial agreement with Canada, if we can, by which we shall have direct access to her great supply of natural products without an obstructing or prohibitory tariff?

The high cost of living and the very necessities of the case, and over and above all the result of the November election, have caused the head of the Republican Party to see sufficient light to begin, even in the minute corner of the Northwest, to deal fairly with the people on these great questions.

The contention of the Democratic Party has always been, in reference to farm products, that the tariff did not and could not materially benefit them, for the reason that the surplus fixes the price, as sold in the foreign markets, for the domestic market.

There has been a delusion amongst the farmers who produce the raw material. There has been held out to them the false promise, the empty promise, that if they would vote for protection it would mean the protection of their product as well, while even last year, with the greatest of home consumption of American wheat and the least exportation of the same, we exported 92,000,000 bushels.

During the tariff debate of last year there was an investigation as to the cost of living. According to the report of the majority the tariff was exonerated from any part in this burdensome increase.

I happened to be a member of that committee. The wholesaler, retailer—the numerous class of middlemen—who distributed these articles of necessity were the ones guilty of burdening the American people with this extraordinary cost of living. Now, therefore, when the President proposes an agreement with another country, lowering the tariff on some and removing it entirely on other articles, there is a cry to the effect that if this be done, the producers of these articles in this country stand face to face with bankruptcy for the benefit of those who eat the food.

So long as the investigation had no power to enforce a law, such as is proposed in this treaty, it seemed to be a problem as to what was the real cause. Mr. Taft, in one proposition, has uncovered to the American people the real cause in half the time and at infinitely less expense than all of the investigation of the committee on the cost of living.

What is this reciprocity that he proposes? He has put cattle, horses, hogs, sheep, poultry, alive and dead; cereals of all kinds, hay, fruits, and vegetables on the free list, together with a lot of other articles, amongst them wood pulp and rough lumber. The primary and secondary stages of all food products have in the first instance been put on the free list, and in the second instance the duty has been lowered materially.

As to the percentage of reduction on manufactured articles, fresh meats have been lowered 16 per cent; bacon and hams, 67 per cent; meats of all kinds, dried and smoked, 66 per cent; flour, 60 per cent. In a word, throughout the whole list secondary articles have been materially reduced, so that the Canadian markets, in all the articles specified, are open to a greater American trade, while the American markets have likewise been open to Canadian trade, guaranteeing a greater market for such things as we can produce more cheaply than Canada and a greater market in America for such things as Canada

can produce more cheaply than we. Embodying the very principles for which the Democratic Party has always stood, this question of reciprocity may not have gone far enough, but as far as it has gone it certainly has gone in the direction of Democratic doctrine.

Some of the opponents of this measure were those who clamored for free lumber, because they happened to be in those States where there was a scarcity of lumber, and which States were nearer to Canada than they were to those States in the United States where there was an abundance of lumber.

To-day, when the circumstances are changed, these very men are clamoring for protected wheat against free wheat, yet when free lumber promised to benefit them they wanted free lumber, but when free wheat promises to injure them they want protected wheat. They were perfectly willing to give the people of the United States free lumber if in so doing they could benefit themselves, regardless of whether it benefited or injured the balance of the country. But they are not willing to give free wheat if by so doing the balance of the country will be benefited.

One of the leading Republican Senators, during the tariff debate of last session, declared that the duty on California lemons was high enough or perhaps too high, and stated, as his reason for this seeming Republican inconsistency, that New York could import lemons cheaper from elsewhere than they could from California.

I can not understand the attitude of some of the so-called insurgents on this question. During the discussion on the Payne-Aldrich bill there were no more stalwart champions of a reduction of the tariff downward than they. The cotton schedule, the woolen schedule, the iron and steel schedule, the meat trust, all these were attacked with a comprehensiveness and vigor that endeared them mightily to Democratic hearts. And profound was their seeming disgust when at last the bill was passed and the President affixed his signature thereto. But now that the President seems to have seen the error of his way and has discovered one of the factors at least of the high cost of living, and is honestly endeavoring to relieve the condition as far as he may, these champions of a tariff reduction seem loath to follow their own Republican President when he, partially at least, accedes to their strenuous clamor of a year ago. For what reason, they doubtless will explain in the course of this debate. Let us hope that it is not because most of the articles affected are produced in their States.

We have no right to denounce the selfish, heartless, greedy trusts and combinations of wealth in this country because they have practically monopolized some of the great necessities of life and distressed the people by putting an unjust price upon these articles if we, the representatives of the people, clamor for a protection for those things which we or our localities are interested in. We have no right to denounce in another that which we are practicing ourselves. If, because of the scarcity of lumber in America, because I own lumber or my community owns lumber, I become a party to exacting from the balance of America a price far beyond that which they could obtain in the open markets of the world, I have simply placed myself in the same category with the much denounced and despised protected trusts and combines, for the principle is identically the same. The man who clamors for a protection on wheat because it will benefit his community and the wheat growers in his section, at the expense of the balance of the American people, when the American people could buy this wheat at a cheaper rate if allowed the open markets of the world, is putting himself in identically the same category with the so-called iniquitous trusts and combinations.

When I demand that the article in which I and my community are interested shall be protected because the article that we produce or manufacture can be purchased cheaper elsewhere, I have arrayed myself under the same flag under which the Oil Trust, Beef Trust, Steel Trust, and all the other protected combinations that are fleecing the people are fighting

In conclusion, Mr. President, I wish to say that President Taft, in his proposed treaty with Canada, has challenged the pluck of every Democrat, of every insurgent Republican, of every party or individual who have stood for a lowering of duties, of the widening of the market, who believe in equal rights to all and special privileges to none under the law. And I for one shall vote for and uphold this measure, imperfect though it may be, as a step in the right direction, which, taken advantage of and followed up, may ultimately lead to the liberation of the oppressed.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of the following resolution submitted by Mr. BEVERIDGE January 9, 1911:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The question is on agreeing to the resolution.

Mr. BAILEY. On that I demand the yeas and nays.

The PRESIDING OFFICER. Is there a second to the demand?

Mr. CRAWFORD. Mr. President I desire to be heard——

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. In the opinion of the Chair a sufficient number have seconded the demand, and the yeas and nays are ordered.

Mr. OWEN. Before that was put by the Chair recognition was demanded of the Chair.

The PRESIDING OFFICER. The Chair recognized the Senator from Texas.

Mr. HALE (at 10 o'clock p. m.). I make the privileged motion that the Senate do now adjourn.

Mr. STONE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Missouri will state his point of order.

Mr. STONE. I wish it to appear in the RECORD that the Chair can not put the question on ordering the yeas and nays when Senators are addressing the Chair.

Mr. PENROSE and others. Regular order!

Mr. BAILEY. In reply to that I want to say to the Senator from Missouri that by demanding the yeas and nays I had no purpose to prevent him or any other Senator from addressing the Senate, but I was recognized and made a privileged demand. The matter is still open for debate.

Mr. STONE. I understand, and I had no thought of this immediate question before the Senate, but this same thing has been done on one or two previous rather noted occasions. I think it is an abuse of the power and right of the Chair. I wish to make a point of order.

Mr. PENROSE and others. Regular order!

Mr. HALE. I insist on my motion.

Mr. BAILEY. The yeas and nays have been ordered, I understand.

The PRESIDING OFFICER. So the Chair understands, and he has so ruled.

Mr. BAILEY. The yeas and nays on the pending resolution have been ordered.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from South Dakota?

Mr. HALE. I do not understand that the yeas and nays have been ordered.

Mr. PENROSE. They have been ordered.

The PRESIDING OFFICER. They have been ordered on the pending resolution. The pending question is the motion of the Senator from Maine. The Senator from South Dakota asks the Senator from Maine if he will yield.

Mr. HALE. I will not yield for any further debate.

Mr. GALLINGER, Mr. PENROSE, and others. Regular order!

Mr. OWEN. I ask the Senator from Maine to yield until the opinion of the Senate may be taken upon the ruling of the Chair, from which I appeal.

Mr. BAILEY. There is no decision of the Chair. I demanded the yeas and nays.

Mr. CRAWFORD. I rise to a parliamentary inquiry.

Mr. BAILEY. The Chair asked if the demand was seconded, and enough Senators seconded the demand to order the yeas and nays. Now, Senators who did not want to order the yeas and nays might have called for the other side, but they did not, and there is no question before the Senate.

The PRESIDING OFFICER. The Chair so understands.

Mr. CRAWFORD. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota rises to a parliamentary inquiry. The Senator will state it.

Mr. CRAWFORD. Do I understand that the ordering of the yeas and nays shuts off absolutely further discussion on the resolution?

Mr. BAILEY. Oh, no.

The PRESIDING OFFICER. It does not.

Mr. CRAWFORD. I desire to address the Senate on the resolution.

The PRESIDING OFFICER. But the Senator from Maine has moved that the Senate adjourn, and that motion is not debatable.

Mr. STONE. There is a question of order pending. The Chair had no right, under the parliamentary usage of the Senate and its rules, to take the question on ordering the yeas and nays when a Senator is addressing the Chair before the question was put.

Mr. OWEN. That was the point I raised.

Mr. STONE. There is a question on the right of the Chair to do that, and if the Chair overrules the point of order I desire to appeal from it.

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. STONE. Then I appeal from the ruling of the Chair.

Mr. HALE. Pending that——

Mr. BAILEY. Oh, no; let us dispose of this.

Mr. HALE. Evidently, nothing further can be done; but I leave it to the Senate. I move that the Senate now adjourn.

The PRESIDING OFFICER. The question is the motion of the Senator from Maine that the Senate do now adjourn.

The motion was not agreed to.

Mr. OWEN. Mr. President, I made a point of order which the Chair overruled. My point of order was that the Chair could not determine the question and submit the ordering of the yeas and nays when the Chair was being addressed.

Mr. STONE. Before it was submitted.

Mr. OWEN. The Chair was addressed before the question was submitted to the Senate.

Mr. BAILEY. That question is not debatable, and consequently no Senator could address the Chair on ordering the yeas and nays. But if the Senate desires to settle it I hope the Chair will submit the appeal taken by the Senator from Missouri from the decision of the Chair.

Mr. HALE. That is right.

The PRESIDING OFFICER. The Chair will submit the appeal, of course. The Chair recognized the Senator from Texas, who demanded the yeas and nays. The Chair asked if there was a second, and, in the opinion of the Chair, there was, and the Chair declared that the yeas and nays were ordered. The Chair could not recognize Senators at that time, as he had recognized the Senator from Texas. The Chair understands now that the Senator from Missouri appeals from the ruling of the Chair. On that the question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. OWEN. Mr. President, I desire the parliamentary question of order to be submitted formally to the Senate, so that everyone may clearly understand what the point of order is.

The PRESIDING OFFICER. As the Chair understands the question, it is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. OWEN. What is the ruling of the Chair on the parliamentary point of order?

The PRESIDING OFFICER. The ruling of the Chair was that the yeas and nays had been ordered. The Chair understood the Senator from Missouri to claim that the Chair could not declare that the yeas and nays were ordered, although the required number had asked for them.

Mr. OWEN. The point was that the Chair submitted to the Senate the question on the yeas and nays when the Chair was being addressed and before it was submitted to the Senate.

The PRESIDING OFFICER. The Chair overruled that point of order.

Mr. STONE. The point, Mr. President, I raised is not that the Chair had wrongly decided that a sufficient number had seconded the demand for the yeas and nays, but that when the Senator from Texas was recognized and demanded the yeas and nays, before the Chair submitted it both the Senator from Oklahoma and the Senator from South Dakota rose and addressed the Chair, and the Chair refused to recognize them, and persisted in submitting the question of ordering the yeas and nays to the Senate, and decided, so far as that goes, very properly, that the yeas and nays had been ordered. The Senator from Texas says the question on ordering the yeas and nays is not debatable. That is true, but the yeas and nays can not be properly ordered, nor a vote taken, nor any step of that kind undertaken until the debate itself has been terminated.

Mr. PENROSE. This debate is out of order, Mr. President.

Mr. STONE. I do not know whether it is out of order.

The PRESIDING OFFICER. The Senator from Missouri rose to a question of order.

Mr. STONE. It is not out of order. I should like to have the Senator from Pennsylvania furnish any authority upon which he states that this is out of order.

Mr. PENROSE. I call the attention of the Senator to Rule XX, page 20, of the Manual:

> And every appeal therefrom shall be decided at once and without debate.

That is, an appeal from the decision of the Chair.

Mr. STONE. But the question of order is unquestionably debatable. Still I have no wish to protract the debate or consume the time of the Senate. I want to say to the Senate, however, that this is a bad precedent for us to establish by a deliberate vote of the Senate, for it may be a black chicken that will come home to roost on some other occasion.

Mr. GALLINGER, Mr. PENROSE, and others. Regular order!

Mr. STONE. I am proceeding in the regular order. If the Senator from New Hampshire does not think so, then his suggestion is proper. Otherwise, it is exceedingly improper. If the Senator desires to say anything, he had better rise and address the Chair.

Mr. GALLINGER. I will answer the Senator by saying that if he will read Rule XX he will find that an appeal is not debatable; and if the Chair will enforce that rule the Senator will not take any longer time on this question.

Mr. STONE. I am through, anyhow.

The PRESIDING OFFICER. The Chair will state to the Senator from Missouri that if he had risen to a question of order and so stated he would have been recognized by the Chair. He did not rise to a question of order. The Chair was putting the demand of the Senator from Texas, and during that he could not recognize anybody else. The Chair understands that the Senator from Missouri appeals from the ruling of the Chair.

Mr. STONE. I did rise to a question of order.

The PRESIDING OFFICER. The Senator did not state it.

Mr. STONE. How could the Chair know for what purpose I rose unless the Chair recognized me?

The PRESIDING OFFICER. The Senator did not state that he rose to a question of order.

Mr. OWEN. Mr. President, I rose to address myself to the question of order, and the Chair did not recognize me, but insisted upon putting the demand for the yeas and nays.

The PRESIDING OFFICER. Does the Senator now rise to that question?

Mr. BAILEY. But one question of order can be entertained at one time, I submit to the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. OWEN. On that I ask for a division.

There were, on a division—ayes 45, noes 11.

The PRESIDING OFFICER. The decision of the Chair is sustained by the Senate.

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

The PRESIDING OFFICER. On what question?

Mr. OWEN. On the question just announced by the Chair that the decision of the Chair is sustained.

The PRESIDING OFFICER. On this question the Senator from Oklahoma demands the yeas and nays.

Mr. SMITH of Michigan. What is the question before the Senate?

The PRESIDING OFFICER. The question before the Senate is the demand of the Senator from Oklahoma for the yeas and nays upon the decision of the Chair standing as the judgment of the Senate. Is there a second?

Mr. STONE. Pending that, I move that the Senate adjourn until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Pending the demand for the yeas and nays, the Senator from Missouri moves that the Senate now adjourn until 11 o'clock to-morrow morning.

The motion was not agreed to.

The PRESIDING OFFICER. Is there a second for the demand for the yeas and nays made by the Senator from Oklahoma?

Mr. BEVERIDGE. What is the question?

The PRESIDING OFFICER. The Chair has already stated the question.

Mr. BEVERIDGE. I beg the Chair's pardon, but I was called out of the Chamber.

The PRESIDING OFFICER. The Senator from Oklahoma has demanded the yeas and nays on sustaining the ruling of the Chair upon the question of order raised by the Senator from Missouri.

Mr. BEVERIDGE. A parliamentary inquiry. What did the Chair rule?

Mr. KEAN. If the Senator had been here, he would have heard it.

The PRESIDING OFFICER. The Chair will state for the information of the Senator from Indiana that the Senator from Texas [Mr. BAILEY] demanded that the question on the pending resolution be taken by yeas and nays, whereupon the Senator from Missouri rose. The Chair asked if there was a second to the demand of the Senator from Texas, and, in the opinion of the Chair, there was a second to the demand. The Senator from Missouri appealed from the ruling of the Chair, and stated that he should have been recognized, as the Chair understands.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. The Chair would prefer not to be interrupted during the statement of his understanding of the parliamentary situation.

Mr. OWEN. I should be delighted to have the Chair conclude.

The PRESIDING OFFICER. The Senator from Oklahoma has demanded the yeas and nays upon the appeal from the decision of the Chair, which was lost on a rising vote.

Mr. BEVERIDGE. On what point did the Senator from Missouri rise to address the Chair?

The PRESIDING OFFICER. The Senator from Missouri rose and addressed the Chair and made a point of order. The Chair overruled the point of order, and the Senator from Missouri appealed from the ruling of the Chair.

Mr. BEVERIDGE. What was the Senator's point of order?

The PRESIDING OFFICER. The point of order was that he ought to have been recognized when the Chair was putting the demand of the Senator from Texas for the yeas and nays.

Mr. BEVERIDGE. I think it is very clear.

Mr. PENROSE and others. Regular order!

The PRESIDING OFFICER. The question is on ordering the yeas and nays, demanded by the Senator from Oklahoma. Is there a second to the demand?

The yeas and nays were not ordered.

Mr. GALLINGER and Mr. PENROSE. Regular order!

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. CRAWFORD. Mr. President, I desire to address the Senate.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for that purpose.

Mr. CRAWFORD resumed his speech. After having spoken, with interruptions, for 2 hours and 20 minutes,

Mr. OWEN. I rise to a question of order, Mr. President——

Mr. CRAWFORD. Oh, my good friend——

The VICE PRESIDENT. One moment. The Senator from Oklahoma rises to a question of order. The Senator will state it.

Mr. OWEN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Oklahoma suggests the absence of a quorum. The Secretary will call the roll.

Mr. CRAWFORD. My time is being wasted recklessly, because it is going to take me some time to conclude my argument.

Mr. KEAN. The Senator said it would not take him more than 15 minutes.

Mr. CRAWFORD. I did; and I said it in good faith.

The VICE PRESIDENT. The Secretary will call the roll.

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

Bacon	Crawford	Heyburn	Rayner
Bailey	Culberson	Johnston	Richardson
Bankhead	Cullom	Jones	Root
Beveridge	Cummins	Kean	Scott
Bourne	Curtis	La Follette	Shively
Bradley	Davis	Lorimer	Simmons
Brandegee	Depew	McCumber	Smith, Md.
Briggs	Dick	Martin	Smith, Mich.
Bristow	Dillingham	Nixon	Smith, S. C.
Brown	Dixon	Oliver	Smoot
Bulkeley	du Pont	Overman	Stephenson
Burnham	Fletcher	Owen	Stone
Burrows	Flint	Page	Swanson
Carter	Foster	Paynter	Thornton
Chamberlain	Gallinger	Penrose	Warner
Clapp	Gamble	Percy	Watson
Clark, Wyo.	Gronna	Perkins	Wetmore
Crane	Guggenheim	Piles	Young

The VICE PRESIDENT. Seventy-two Senators have answered to the roll call. A quorum of the Senate is present. The Senator from South Dakota will proceed.

Mr. CRAWFORD resumed his speech. After having spoken about half an hour he yielded to Mr. OWEN.

Mr. OWEN. I raise the point of order that there is no quorum.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. The Chair overrules the point of order.

Mr. BAILEY. I was just going to suggest that no business has intervened since the last call.

Mr. OWEN. I call attention to the precedents in this case. In a similar case the Senate has heretofore held, as will be found in Gilfrey's Precedents, that discussion comprises business.

The VICE PRESIDENT. The Senate has repeatedly held that discussion is not business, but the present occupant of the chair, regardless of that rule, at any time when a reasonable length of time has been consumed in discussion and it was reasonably apparent that a quorum was not present, should entertain the demand for a roll call. But where, as in the present case, a roll call has twice been demanded within the last 40 minutes and each time upward of 70 Senators have answered to their names, there having been no intermediate business save discussion, the Chair sustains the point of order made—that a Senator can not raise the point that there is no quorum present.

Mr. OWEN. Mr. President, I call attention of the Chair to the empty seats, now obvious, which show plainly there is no quorum present.

Mr. BEVERIDGE. I suggest that the Senator withdraw his suggestion of the absence of a quorum for the present, in view of the fact that the Chair has held that if a reasonable time has elapsed, in the opinion of the Chair, a Senator has his rights under the rules, and that until the Chair thinks a reasonable time has elapsed, no point of this kind be made. If at that time the same point is made, of course there will be discussion upon that ruling. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded, which is the speech of the Senator from South Dakota.

Mr. BACON. Mr. President——

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

Mr. CRAWFORD. I do.

Mr. BACON. I want to make a remark upon the point of order. I am unwilling that the ruling of the Chair, which he has just made as to the question of the right to call for a quorum, shall pass with the apparent acquiescence of the Senate.

Mr. BEVERIDGE. It did not.

Mr. BACON. I shall not now at this late hour of the night endeavor to appeal from the ruling of the Chair, but I am unwilling for it to pass without an expression of my dissent. I do not think that there is anything in the rules of the Senate or in the general principles of parliamentary law which will sustain the ruling, with all deference to the Chair. Of course the Chair will not misunderstand me.

The VICE PRESIDENT. Certainly not.

Mr. BACON. I make the suggestion simply with the view that whenever the question comes up hereafter it will not appear to have been made with the acquiescence of the Senate.

Mr. BAILEY. Mr. President, I may be mistaken, but I am under the impression that many times in the House and also in the Senate this precise question has arisen, though on a different motion. My impression is that where motions to adjourn were repeated the Speaker of the House has held over and over again that mere discussion was not intervening business. I have sent for the Precedents of the House. If I am mistaken about that, I was mistaken about the point of order; but I think it will be found that without distinction of politics the Speakers of the House have held that it was not competent to repeat motions to adjourn with nothing but discussion intervening between them. If I am not mistaken, one of the most distinguished Speakers which the State of Georgia ever furnished to the House of Representatives during my membership of that body held that precise question.

Mr. BACON. Mr. President, I do not wish in any manner to take issue with the learned Senator as to what may have been done in the other House. I simply wish to remark that the methods in the House are altogether and fundamentally different from the methods in the Senate.

Mr. BAILEY. That is true, but on the particular question as to whether discussion is intervening business or not, I take it the rule would be the same in both bodies.

Mr. BACON. No; Mr. President, not the same, for the fundamental reason that the House proceeds upon the assumption of the presiding officer to exercise a discretion which is not allowed to a presiding officer in this body. The distinguished Senator from Texas himself said a few weeks ago that the Presiding Officer of the Senate occupies a very different relation to this body from that which the presiding officer of the House occupies to that body. The presiding officer of the House is a Member of the House; he is elected by the House; he is the representative of the dominant party of the House, whereas in the Senate it is altogether different.

The Presiding Officer of this body is not a Member of this body; he is not elected by this body; he is not the representative of this body; he is not responsible to this body. This body controls itself and is not to be controlled by its Presiding Officer, except so far as he is called upon to administer the rules of this body.

There is a vast distinction between the two. In the one case the presiding officer of the House is a Member of that body, chosen by that body, responsible to that body, and the representative of the dominant party in that body is clothed with power to exercise a discretion as to whether or not he will recognize a Member, whether or not he will entertain a motion, because if he decides wrong it is always within the discretion

and power of that body, if necessary, to depose him from his office. That is not the case here. This Senate is a self-governing body, and the only power that the Presiding Officer has is to administer the rules of this body. He has no other.

Mr. President, if the Senator will permit me to proceed, I desire to state again—with all deference to the Presiding Officer and with no disposition to criticize in any way, but simply to express an honest difference of opinion in this matter—the ruling of the Chair necessarily assumes to the Chair the exercise of a discretion to determine when the matter shall have progressed to a stage where the Presiding Officer will recognize it as intervening business, recognizing that in some instances it will be intervening and in other instances not intervening business. I respectfully submit that the Presiding Officer of the Senate has no such power, because he is not a Member of this body, he is not responsible to this body, and he can not, in case he rules wrongly, be called to account by this body.

The VICE PRESIDENT. May the Chair call to the attention of the Senator from Georgia a ruling made in the Fifty-fourth Congress, and may the Chair read it?

Mr. Hill raised a question of order, viz, that when the presence of a quorum was determined by the last roll call a Senator can not immediately thereafter suggest the absence of a quorum, no business having intervened; and

The Presiding Officer (Mr. BACON) sustained the point of order.

[Laughter.]

Mr. BACON. I am entirely familiar with that case.

The VICE PRESIDENT. In the last Congress it was repeatedly held by the Chair, and the Chair was repeatedly sustained by the Senate, that debate was not intervening business.

Mr. BACON. Mr. President, I may be permitted to rejoin to the precedent cited by the Chair at the time I had the honor to occupy it, that it does not correspond with the question which is now before the Senate. I recollect the occasion distinctly. I then had the honor to be in the chair when the then Senator from Pennsylvania, Mr. Quay, called for a quorum, and the roll was called. Immediately thereafter, not after debate, but before there had been any debate, he called again for a roll call on the ground that there was no quorum. There had been literally nothing done. It is not a case, Mr. President, where it had been ruled that the roll having been called and debate having proceeded with, when the roll was again called that was not intervening business. It was a case where the roll was called and a quorum disclosed by a call of the roll, and immediately thereafter the Senator from Pennsylvania again demanded a roll call, alleging that there was no quorum present. I think the then occupant of the chair, who happened to be my own unimportant self, correctly ruled, there having been no debate, no question, no proceeding of any kind, that there had been no intervening business. If the occasion was one in which there had been debate, and the occupant of the chair at that time had ruled that there had been no intervening business, and for that reason no roll could have been called, I would certainly stand confounded by my own decision at that time; but that was not the case.

I want to submit to the Chair this proposition: If you will leave out of question for the present the exercise of discretion by the Chair, it amounts to this: That a Senator can take the floor and he can announce to his party, "I am going to speak for the next five hours, and you all can go off and go to bed and go to sleep; there can be no call for a quorum during that time, because I will not yield the floor, and the fact that there has been no business, except debate, will be recognized as a conclusion that there has been no intervening business, and consequently no roll can be called. On the contrary, our opponents will have to stay here, because they do not know what minute I may stop or what minute I may demand a vote. Therefore you can take your ease. I can hold my political opponents here indefinitely; they can not call and bring you back, but they can not leave, because I have got the floor and they do not dare to leave while I have it." Of course, Mr. President, that is a reductio ad absurdum. The only alternative to that is that the Presiding Officer of this body shall exercise a discretion to determine when a sufficient amount of debate has been had to justify his decision that it is an intervention of other business.

Mr. SCOTT. Regular order!

Mr. BEVERIDGE. That is just what the Chair assumed to do.

The VICE PRESIDENT. The regular order is demanded.

Mr. BEVERIDGE. This is the regular order.

The VICE PRESIDENT. The regular order is the speech of the Senator from South Dakota [Mr. CRAWFORD].

Mr. BAILEY. Will the Senator from South Dakota yield to me for a moment?

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Texas?

Mr. CRAWFORD. I yield.

Mr. BAILEY. I simply want to say, in reply to the statement of the Senator from Georgia, that I recently called attention to the fact that the Presiding Officer of this body was not chosen by it, but the Senator omits to say that I made that statement merely for the purpose of insisting that the Presiding Officer must administer the rules of the Senate in the light of the precedents of the Senate.

I did not mean to say then, and I would not say now, that the circumstance that the Vice President of the United States is made by the Constitution the presiding officer of the Senate takes from him the power to construe the rules of the Senate.

Mr. BACON. I know, Mr. President——

Mr. BAILEY. Or the power to enforce those rules according to general parliamentary law. That is the whole of the suggestion. I repeat, though I repeat it with no great degree of confidence, but I repeat that my impression is that the Speakers of the House of Representatives have for many years held that a motion to adjourn could not be repeated as discussion proceeds, because they have held that debate is not intervening business. I may be mistaken about that, but if I am, then I misunderstand the Precedents. I do not think I do.

Mr. BACON. The Senator can not state it more strongly than I would do.

Mr. SCOTT. I ask for the regular order. We are staying here——

The VICE PRESIDENT. The Senator from West Virginia demands the regular order.

Mr. SCOTT. To hear the Senator from South Dakota. I want him to go on with his speech.

The VICE PRESIDENT. The regular order is the speech of the Senator from South Dakota.

Mr. BEVERIDGE. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. One moment, until the Chair gets through making the statement. The Senator from South Dakota has the floor. He can continue, but he can not yield to another in the face of an objection, and a demand for the regular order is an objection. So the Senator from South Dakota must proceed or yield the floor.

Mr. CRAWFORD. I am perfectly willing to proceed.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator rise to a point of order?

Mr. CULBERSON. I rise to ask the Senator from South Dakota to yield to me for a moment.

The VICE PRESIDENT. The Senator from West Virginia [Mr. SCOTT] has demanded the regular order, which precludes the Senator from South Dakota yielding, the Chair regrets to say.

Mr. SCOTT. I object. I demand the regular order.

Mr. CULBERSON. Mr. President, I rise for the purpose of reading——

Mr. SCOTT. I object.

The VICE PRESIDENT. The Senator from Texas can not do that in the face of the objection of the Senator from West Virginia. The only thing in order is the speech of the Senator from South Dakota.

Mr. CULBERSON. I appeal from the decision of the Chair.

The VICE PRESIDENT. The Chair has made no decision.

Mr. CULBERSON. The Chair has ruled that there was no intervening business, although half an hour had elapsed since the previous roll call.

The VICE PRESIDENT. That was half an hour ago.

Mr. BEVERIDGE. Nothing has occurred since——

The VICE PRESIDENT. That was half an hour ago, and the Senator from South Dakota has proceeded since.

Mr. CULBERSON. Now, I suggest the absence of a quorum.

The VICE PRESIDENT. The Chair has four times counted those present in the Senate during this discussion, and 46 is the least number of Senators who have been present here at any time during this discussion.

Mr. BEVERIDGE. A parliamentary inquiry, Mr. President.

Mr. SCOTT. I demand the regular order.

The VICE PRESIDENT. Four times——

Mr. BACON. I rise to a point of order.

The VICE PRESIDENT. The Chair will recognize the Senator from Indiana, not as a matter of right, but the Chair will recognize the Senator from Indiana to make a parliamentary inquiry.

Mr. BEVERIDGE. The parliamentary inquiry is this: Does the Chair assume the right to count a quorum? The Chair has just stated——

The VICE PRESIDENT. Under certain circumstances the Chair does; under existing circumstances the Chair does.

Mr. SCOTT. I call for the regular order.

Mr. BEVERIDGE. I appeal from that ruling.

Mr. CULBERSON. I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. CULBERSON. I make the point of order, Mr. President, that there is no quorum present, and that the Chair is in error in attempting to count a quorum.

The VICE PRESIDENT. At the present time the Chair will order the Secretary to call the roll.

Mr. CULBERSON. Very well.

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

Bacon	Clark, Wyo.	Johnston	Shively
Bailey	Crane	Jones	Simmons
Beveridge	Crawford	Kean	Smith, Md.
Borah	Culberson	La Follette	Smith, Mich.
Bourne	Cummins	Lorimer	Smith, S. C.
Bradley	Davis	McCumber	Smoot
Brandegee	Depew	Martin	Stephenson
Briggs	Dick	Nixon	Stone
Bristow	Dillingham	Oliver	Swanson
Brown	Dixon	Owen	Thornton
Bulkeley	du Pont	Page	Warner
Burkett	Fletcher	Paynter	Warren
Burnham	Foster	Penrose	Watson
Burrows	Gallinger	Percy	Wetmore
Burton	Gamble	Perkins	Young
Carter	Gronna	Piles	
Chamberlain	Guggenheim	Root	
Clapp	Heyburn	Scott	

The VICE PRESIDENT. Sixty-nine Senators have answered to their names, and a quorum of the Senate is present. The Senator from South Dakota will proceed.

Mr. BAILEY. Mr. President, I have examined the Precedents as well as I could in a hurry, and I find that I was mistaken as to what the Speaker of the House held on the question of intervening business, within the meaning of the rules. I do not find the later decisions which I thought I would find, but I find as early as 1834 the Speaker of the House held debate was intervening business.

I make acknowledgment of my mistake, and I desire to have that acknowledgment appear in the RECORD.

Mr. CRAWFORD resumed his speech. After having spoken for 25 minutes,

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Texas?

Mr. CRAWFORD. I yield.

Mr. CULBERSON. In order to keep the matter along systematically I desire to read the first paragraph from the Precedents on the page from which the Chair read a few moments ago.

The bill (H. R. 174) repealing the duty on tea and coffee being under consideration, a call of the Senate was had, followed by a motion to adjourn, which was not agreed to. Without debate, another motion to adjourn was made, which the Presiding Officer [Mr. Ferry of Michigan] ruled out of order, "no business having intervened."

Discussion having taken place, a third motion to adjourn was made, to which an objection was made. The Presiding Officer [Mr. Ferry of Michigan] said "there was discussion that intervened, and therefore business of the Senate." (See Cong. Globe, p. 2627.)

I want to insert this in the RECORD in connection with what was said by the Chair.

The VICE PRESIDENT. The Chair calls the attention of the Senator from Texas to the fact that all that took place in the Forty-second Congress, and the ruling to which the Chair referred took place in the Fifty-fourth Congress and subsequently in the Sixtieth Congress; the Senate twice voted that debate was not intervening business, once upon the direct question submitted by Vice President Fairbanks and, second, upon a motion made by the Senator from Rhode Island [Mr. ALDRICH] to lay an appeal on the table.

Mr. CULBERSON. Upon all of which protests were entered.

Mr. BEVERIDGE. Which later was reversed.

Mr. CULBERSON. The Chair to-night read only the ruling made by the Senator from Georgia [Mr. BACON].

The VICE PRESIDENT. That is quite right. That is all the Chair read.

Mr. CULBERSON. The Senator from Georgia explained that by showing that the demand for a roll call was immediately after a roll call had disclosed the presence of a quorum.

The VICE PRESIDENT. Yes.

Mr. BEVERIDGE. Mr. President——

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

Mr. CRAWFORD. I do.

Mr. BEVERIDGE. I do not want to prolong the discussion of this most important matter at this late hour. I rose only in view of what the senior Senator from Texas has just said to us, to say that when this matter comes up at a more convenient time, if it should be insisted by anyone that a quorum may not be suggested, intervening debate having taken place, a question will be raised in the opinion of Senators on both sides of the Chamber quite as important as the pending question itself, at which time there will be a presentation of the precedents and authorities. Familiar as the Senator from New Hampshire is with the ruling made at the time the emergency currency bill was pending and about to pass, that ruling, as the Senator from Texas has well said, was made under protest, and was, as the records will show, not adhered to at later sessions.

That is all I desire to say at this juncture.

Mr. GALLINGER. Will the Senator from South Dakota yield to me a moment?

Mr. CRAWFORD. Certainly.

Mr. GALLINGER. I simply want to add in this connection—and I thank the Senator from South Dakota for permitting me the privilege at this time—it occurs to me it would be a very unfortunate thing if we broadly decide that debate is business, because a Senator holding the floor can utter one sentence, a point of order can be made that there is not a quorum present, the Senator can utter another sentence and a point of order again and again be made. So I think we ought to guard that matter very carefully, and not upon the broad proposition that debate is business, absolutely put the Senate in an attitude where it could not possibly transact the public business. So we could destroy the Government if we agreed to that proposition.

Mr. BEVERIDGE. Mr. President, will the Senator from South Dakota yield to me for a moment?

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

Mr. CRAWFORD. I yield.

Mr. BEVERIDGE. I do not desire to interrupt the Senator to discuss this question, which is, I repeat, a question as important as the pending one, more than to say now that it will be very fully discussed, and to answer the suggestion of the Senator from New Hampshire.

The Senator suggested what all Senators here know, and especially the Senators on the other side know to be the fact, that this rule once established means possible cloture in this body. The question will be fully presented as to whether we are going to change the constitution of the United States Senate, our rules of procedure; whether we are going to end the practice of a century and a quarter and begin by a series of rules to adopt cloture in this body.

I myself am a Republican and I am from the North; but, as I have stated before in more than one debate in this Senate as against the position of some of my own party, I myself got my first convictions upon this subject from the exhaustive learning and unanswerable arguments of my predecessor in this body—Senator Turpie. I regard it as a question of fundamental importance, and as was stated, and I think the Senator from New Hampshire concurred in that statement about a year and a half ago, rules had been made under the heat of circumstances which, if adhered to, would mean absolute cloture in this body. But this will be gone into quite fully.

Mr. CRAWFORD. Mr. President——

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Washington?

Mr. CRAWFORD. I do.

Mr. JONES. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll, 40 minutes having elapsed since the last roll call.

The Secretary called the roll and the following Senators answered to their names:

Bacon	Crane	Heyburn	Shively
Bailey	Crawford	Johnston	Simmons
Beveridge	Culberson	Jones	Smith, Md.
Bourne	Curtis	Kean	Smith, Mich.
Bradley	Davis	Lorimer	Smith, S. C.
Brandegee	Dick	Martin	Smoot
Briggs	Dillingham	Nixon	Stephenson
Brown	Dixon	Oliver	Stone
Bulkeley	du Pont	Overman	Swanson
Burkett	Fletcher	Page	Taylor
Burnham	Flint	Paynter	Thornton
Burrows	Foster	Penrose	Warner
Carter	Gallinger	Percy	Warren
Chamberlain	Gamble	Perkins	Watson
Clapp	Gronna	Piles	Wetmore
Clark, Wyo.	Guggenheim	Root	Young

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum of the Senate is present. The Senator from South Dakota will proceed.

Mr. BACON. Mr. President——

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

Mr. CRAWFORD. I do.

Mr. BACON. I want to ask the Senator if he will not yield to me in order that I may take a moment of the time of the Senate as to this matter.

I want to say, Mr. President, that I do think, with all deference to the gentlemen who disagree with me on this subject, that a question of the right of a Senator to a seat in this body ought to be discussed fully, and ought to be determined with the utmost candor and care; that it ought to be treated with a dignity that far surpasses any requirement of dignity in any other matter this body can be called on to consider.

I want to ask if Senators, after reserving enough time to fully discuss this question, will not now agree on some day and some hour upon which we may take a vote upon the question whether the Senator from Illinois [Mr. LORIMER] is entitled to a seat in this body. I do think that every consideration of the dignity and the high character of this body and the high character of the question invokes at our hands a proceeding altogether different in its character from any other proceeding I can imagine requiring the consideration of this body. I appeal to Senators to fix a date, whenever they wish; I appeal to them to let us wrangle about other matters, but upon the great question whether a Senator has a right to a seat on this floor let us treat it differently from what we would other matters of contention and let us fix a time when this vote may be taken.

I do not suggest the time myself; I am willing for any time to be adopted that will give the fullest opportunity for every Senator who desires to do so to express himself upon this subject. I say to the Senate very frankly, I will not discuss this question. This is the first time my voice has been raised in the Senate upon this subject. I have, however, made a very careful study of it; I have come to a conclusion in regard to the matter which I am ready to express by my vote. I have no doubt that every other Senator has done the same thing. It does seem to me that we ought to put aside all other considerations, in view of the high character of the question that is involved and the great responsibility which rests upon us. I invoke Senators to the putting aside of all other considerations whatever and coming to a conclusion in regard to this matter. I will fix any date that Senators may suggest as the most remote date which may be needed. We have other matters to contend about; let us contend about other matters; but this is too big a question, too solemn a question, too far-reaching a question, and one too influential in its results, so far as it may affect the future, for us to trifle with it in any way or deal with it in any way except in the most solemn of all our capacities—the capacity of judges. This is not an ordinary question.

Mr. President, I repeat, this is the first time my voice has been raised on the Lorimer case, and whatever may be my judgment as to the vote I shall cast, whatever may be the judgment of any other Senator, I do think the time has come when we should put aside everything else except a recognition of our obligation in the most solemn of all matters, to discharge one of the highest of all obligations. I will ask now if the Senators will agree that we shall take a vote, say, at any hour on Friday next?

Mr. LA FOLLETTE. Mr. President, with the same obligation that the Senator from Georgia expresses, I ask for the regular order.

The VICE PRESIDENT. The regular order is the Senator from South Dakota.

Mr. CRAWFORD. Mr. President, at the time the Senator from Georgia [Mr. BACON] began his address this afternoon, when I gave way to him, I had commenced to make some comment upon some phases of the testimony taken by the Committee on Privileges and Elections. I was referring to a statement made by a partner or quasi partner of Charles A. White. It seems that at one time White was engaged at O'Fallon, Ill., in a sort of real estate and insurance business, and he had a partner there named John W. Dennis. Mr. Dennis was in a position to know something about Mr. White's movements and something about Mr. White's financial condition. Mr. Dennis was called as a witness in this case, and he testified that on about the 15th day of June White, who did not have a dollar on earth according to his testimony, left O'Fallon, Ill., and went to Chicago.

Mr. Dennis says that Mr. White was gone for a day or two and then returned to his home at O'Fallon; that he saw him the next day after his return in his office; that Mr. White had there the sum of $200 in money—currency—he saw it lying on the table and saw him handling the bills—bills of large denomination. That testimony in itself indicates this much: That Mr. White went to Chicago without money and came home with money. Mr. White says that during his visit to Chicago he met Mr. Browne in the Briggs House, and Mr. Browne admits that he met him there; Mr. Browne admits that he gave White some money there, but claims that it was a mere loan, and only a small amount. Mr. Dennis can not be charged with having the slightest interest in the result of this investigation. It does not appear that it makes the slightest difference to him whether Mr. LORIMER remains as a Member of this body or goes out of it. No possible motive has been shown on his part to tell anything except the truth about this matter, which was one of simple observation on his part. No attempt was made to discredit Mr. Dennis; no attempt was made to show that his testimony was in any particular contradictory or unworthy of belief. Not the slightest attempt was made anywhere to show that he is not a reputable citizen, a credible witness in every respect; and he brings his story here under oath and it is put in the record in this case. The fact is that this dissolute man, without a dollar in the world, left his home and went to Chicago; the admission of Browne is that he met him there; that they had some transaction with each other, and that he returned with a considerable sum of money.

I was commenting on the fact, just before I gave up the floor this afternoon, that Mr. White, upon his return from Chicago, went over to a department store in his town late in the afternoon, apparently too late to get into the bank. He knew one of the employees there, Mr. Hollander, as I recollect, and he asked Mr. Hollander if he would not make some arrangement by which he might leave some money he had in his office with the cashier of that department store during the night. Mr. Hollander went to the cashier of the store, Mr. Kirkpatrick, and made the request of Mr. White known to Mr. Kirkpatrick, and brought Mr. White to Mr. Kirkpatrick. Kirkpatrick took an envelope and handed it to Mr. White, who took it, counted out a large amount of money, folded it up, put it into the envelope, sealed it up, wrote the amount of money, $800, on the outside of the envelope, wrote his name on the envelope, and handed it to Mr. Kirkpatrick, who put it into the vault of that department store and kept it over night; that the next morning, along about half past 8 or 9 o'clock, Mr. White called and got his envelope and this money. Mr. Kirkpatrick or Mr. Hollander—I do not recollect at this moment which, but one or the other of them—was called as a witness, put under oath, submitted to examination and cross-examination, and he stated these facts. Nobody has ever attempted in the slightest degree to discredit this witness. There is not a thing in the record to indicate that he is not a perfectly trustworthy reputable citizen of O'Fallon, Ill. Not one thing indicates that his story was not credible and worthy of belief. He could not have the slightest interest in the event of this inquiry. It could mean nothing on earth to him personally. No motive on his part to tell a falsehood or commit perjury has any foundation whatever, and it would be the most unreasonable thing in the world for anyone to conclude that this statement of the employee in the department store of O'Fallon, Ill., is untrue.

So you have Mr. Dennis, of O'Fallon, Ill., an acquaintance of Mr. White, one acquainted with his financial situation, one knowing of his movements, giving testimony that he left O'Fallon on a certain day, went to Chicago, and returned with an unusual sum of money in his possession. You have this testimony of the employee in this department store giving in detail the facts with reference to his having $800 in money and leaving it in that department store. Are Senators to say that this testimony is to be brushed aside; that it is unworthy of any consideration whatever; that it is not entitled to any belief? Upon what ground? Upon what theory? What foundation is there for such a claim as that?

But it does not stop there. Miss Vandeveer, a stenographer, a young lady living at O'Fallon, Ill., had done stenographic work for this man White in his insurance business and in his real-estate business. He was owing this young lady for her services some $50 or more. I think he paid her some $50.50, and he owed her considerably more than that.

After he returned from Chicago upon this occasion—when he went there at the invitation of Mr. Browne, Mr. Browne admitting that he had an interview with him in the Briggs House—when he returned from Chicago to O'Fallon, Miss Vandeveer, his stenographer, says that he called her into his office the next day and there, at his request, they made out a list of his indebtedness to different people in O'Fallon; they made out a list of creditors to whom he was indebted there in that neighborhood; that then they were called in one after another and he made settlements with these creditors of his; that she assisted in the transaction; that they conversed together about it; that she compromised her indebtedness with him, which was something like $80, as I recall, and accepted

fifty dollars and some cents, and gave him a receipt for the money. She says the money lay on the table, that it was a rather unusual sum for White to have, that she noticed the large denominations of the bills, and that it was yellow-backed money—gold certificates and bills of that character. This girl noticed that. She assisted in making up this list; she assisted in the transaction of paying these different creditors of Mr. White; and she went on the stand and gave her testimony to that effect.

I want to ask Senators if there is any reason why the testimony of this girl should not be accepted as testimony worthy of belief—as credible testimony—a most straightforward story told in a natural manner, and so natural in detail that one could not but be impressed by its truthfulness? Why should it be brushed aside? Why should it be disregarded? Why should it be considered as unworthy of any weight as testimony in this case? There is no basis on earth for indulging in any such presumption as that or for drawing any such conclusion as that.

A stenographer, performing the simple services of a stenographer in an office, perhaps working in several other offices performing such service, and witnessing this business transaction, was called by the committee, put under oath, and gave this testimony in that simple, straightforward manner, and was corroborated.

Mr. President, as to the evidence of Mr. White having received money from Mr. Browne on the 16th day of June, after the adjournment of the legislature at Springfield, I have been showing corroborative testimony from a disinterested source and of a disinterested character, because a very savage attack has been made upon Mr. White's statement as coming from a man so degraded that it was unworthy of belief. I am calling attention to testimony that can not be attacked upon grounds of that kind; and I have instanced here the testimony of a former partner of his, Mr. Dennis, of O'Fallon, Ill., a disinterested witness, against whose character not one single charge has been made and against whose testimony not one single inconsistency or contradictory feature has been designated. I have also called attention to the testimony of Mr. Hollander, an employee in a store at O'Fallon, Ill., where Mr. White upon his return from Chicago deposited $800 in cash; and not one single charge against the character of Mr. Hollander or against his testimony has been presented here.

I have also called attention to the testimony of Miss Mollie Vandeveer, the stenographer, who was in Mr. White's office when he counted out the money and made payments to his creditors the next morning after he returned from Chicago. Not one single charge of inconsistency or of contradiction is laid against the testimony of the stenographer, Mollie Vandeveer; not a breath of suspicion against her credibility as a witness has been brought. There you have three—Hollander, in the store, who saw the $800 in cash; Dennis, the former partner, who knew of the visit to Chicago and saw the money in White's possession on his return; and Mollie Vandeveer, the stenographer, who saw it on the office desk and saw him making these payments with it.

And you have something more than that. You have in the record the bills themselves of Mr. White's creditors, at O'Fallon, Ill., with whom he made settlement that next day after his return from Chicago. You have those bills receipted by these creditors and put in the record in this case. Do you want better corroborative testimony than that? If the fact of White having money in his possession after his return from Chicago is not established by that testimony, disinterested, positive, direct, and simple, then you can not prove a fact.

A man can be hanged on the gallows, and would be by the verdict of 12 disinterested jurymen upon testimony as conclusive as that; and how can Senators undertake to say there is no testimony corroborating the statement of Mr. White that he met Mr. Browne in Chicago on the 16th day of June and received this money from him at the hotel in Chicago, the Briggs House, when, under date of June 16, 1909, the date when White says he met Browne there and had this transaction with him? Upon the hotel register in the Briggs House in Chicago is the name of Lee O'Neil Browne, made at that time.

Little circumstances like that are the strongest kind of testimony. The straws for which no particular individual can be responsible, but which are the necessary incidents to all human transactions, are the strongest kind of testimony, stronger by far than mere oral testimony; and there is the name on the hotel register of the Brigg House in Chicago, on June 16, at the time when White says he met Lee O'Neil Browne and got this money from him; there is the signature of Lee O'Neil Browne upon the hotel register. Pretty good testimony; pretty strong corroborative testimony. They fit together like links in a chain. They fit together like pieces of dovetail. John W. Dennis, at O'Fallon, White's partner, saying he went to Chicago on the 15th. He returned on the 17th or the 18th, and he had this money when he came back and did not have it when he went; the admission of Browne that he met him in Chicago on the 16th, Browne's name on the register on that day; the testimony of Hollander, in the department store, that Browne on his return came into the store after banking hours and left $800 in cash; the testimony of Mollie Vandeveer that she helped him to make out a list of the creditors and the amounts and assisted him in paying these bills; the receipted bills themselves—do you want any better corroborative testimony than that?

No one has attempted to overthrow a single one of these corroborative collateral facts. Now, I say that it establishes the fact that Mr. White went over to Chicago a few days after the legislature adjourned, met Browne there, and came back with money which he could have received from no one but Browne. Nothing to indicate that he saw anyone there but Browne, nothing to show that he had any transactions with anybody else there save Browne. Corroborated by all these disinterested witnesses, and you can draw but one conclusion, my fellow Senators, and that is that for some reason or other he met Browne there, and Browne gave him this money.

What did he give it to him for? Has anybody ever offered any explanation except the one that is testified to positively in this record? The Senator from Illinois [Mr. LORIMER] in his statement the other day made no reference to anything of this kind. He left it severely alone. Can you leave it severely alone? Upon what theory? It is corroborated by disinterested witnesses, by record testimony made at the time. There is no escape from it.

So here is one man who got money, got in over in Chicago from Lee O'Neil Browne on the 16th day of June, 1909, after this legislature adjourned. He got $900. He had received $100 down in Springfield before he left there. I have called attention to this one instance to show that the testimony of the receiving of money has the strongest sort of corroboration from disinterested witnesses, from disinterested sources.

Now, we take one of the others. Take Beckemeyer. Beckemeyer was in St. Louis, he says himself, on the 21st day of June, 1909, and on the 15th day of July, 1909. He says that on the 21st day of June, 1909, he went there at the request of Lee O'Neil Browne, from whom he had received a communication of some sort, either by letter or by telegram, requesting him to come, and that he went. He met Lee O'Neil Browne at the Southern Hotel in St. Louis; that he received from Mr. Browne there $1,000, which Mr. Browne told him was Lorimer money; that afterwards, on the 15th of July, he was requested to go there again, and that he went, and there he met at the same hotel Robert E. Wilson, a Democrat from Chicago, who had voted for Mr. LORIMER, and that Robert E. Wilson paid him in cash $900.

You can say: What is the corroboration of that? The record is full of it, and it is that sort of corroboration that is absolutely convincing. For instance, Mr. Beckemeyer went over to the Commercial Trust Co. in St. Louis upon the very day that he met one of these men in St. Louis to deposit $500 in cash. He had to be identified and he called a man with whom he was acquainted, James Gray, who knew the officers of the bank, to go with him and identify him to the officers of the bank. This man was called as a witness. Was he an interested witness? Not at all. Any charge laid against him as being unworthy of belief? None whatever. Any claim that his testimony is improbable and inconsistent and unworthy of belief? None at all. Not a single claim of that kind is made; and this man testifies that he went in and introduced Mr. Beckemeyer to the officers of this bank; saw him count out this money; saw a hundred-dollar bill in the roll; saw him put it in the bank.

Now, that is a circumstance to corroborate Mr. Beckemeyer, who says that on that very day he met Browne or he met Wilson, whichever one he met that particular day, at the Southern Hotel, and he paid him this money, and he had it on his person, and he wanted to do something with it, and he got this friend to identify him over at the Commercial Trust Co., and he made a deposit of this considerable sum there. Is not that corroborative testimony? If not, I do not know what corroborative testimony is. It is a circumstance that fits into and supports and sustains the testimony of Beckemeyer himself.

Beckemeyer testifies that he met Browne in St. Louis upon the 21st day of June, and there upon the register of the Southern Hotel, in St. Louis, under date of June 21, we find the name of Lee O'Neil Browne. Is that corroborative testimony? Certainly it is corroborative testimony and proves conclusively that Lee O'Neil Browne was in St. Louis, was at the Southern Hotel, had engaged a room at the Southern Hotel, just as Becke-

meyer stated he had been there that day, had been at this hotel, had a room in it, and met him in that room; and no concerted arrangement between Beckemeyer and the clerk of the hotel could be presumed by which through some sort of concert they were manufacturing testimony of this kind. Such a conclusion as that would be perfectly wild and ridiculous; and yet here are two independent facts established from two independent sources—the testimony of Mr. Beckemeyer that he met Lee O'Neil Browne on the 21st day of June at the Southern Hotel in St. Louis in his room in that hotel, and the hotel register of the Southern Hotel, under that very date, showing that Lee O'Neil Browne was there; that he had engaged a room there.

Strange coincidence if this is manufactured testimony, a wonderful guess on the part of Beckemeyer if he was making up a false story and happened to guess a day when the register of this hotel showed that Browne was there. That is nonsense, the wildest sort of nonsense. That is the wildest kind of fancy—to undertake to get away from facts that have been established as these have been established by asserting that this is not credible testimony.

He said he went back on the 21st day of July, and at this same hotel he met Robert E. Wilson, and that Robert E. Wilson paid him $900; and when you consult the hotel register of the Southern Hotel at St. Louis under date of July 21, you find there the name of Robert E. Wilson, of Chicago, Ill., and that he had been assigned a room that day at that hotel.

Do you call this manufactured testimony? Do you say that is not worthy of belief; that this man Beckemeyer is manufacturing a story; and yet he fixes upon a day when he met Robert E. Wilson at the Southern Hotel in St. Louis, and the clerk of the hotel produces the register of the hotel and there upon that very date is the name of Robert E. Wilson, assigned a room?

What are you going to do with corroborative proof of that kind? How are you going to get away from it? Try to snuff it out, wipe it out, ignore it by saying it is not worthy of belief? Does the register at the Southern Hotel at St. Louis commit perjury also? Is the register at the Southern Hotel in St. Louis committing perjury, and is it a confessed criminal that you will not believe? Utterly ridiculous! You can not get away from it.

That is not all. Mr. Beckemeyer says that when he met Lee O'Neil Browne at the Southern Hotel in St. Louis on the 21st day of June he also met there in Mr. Browne's room in that hotel Mr. Link, Mr. Luke, Mr. Clark, Mr. Shephard, all of whom were members of the legislature, all of whom were Democrats, all of whom had been in Springfield during the session which closed only a few weeks before at which Mr. LORIMER was elected United States Senator. Is he corroborated in that? Just mark that. He says that on that day in the Southern Hotel he met Mr. Browne and he also met these other members of the legislature—Shephard, Clark, Luke, Link—that they were all there.

Is that corroborated? Yes; it is corroborated by these very men themselves. Browne admits it except that he says his recollection is that Clark was there. But Clark was the only one who says he was not there, and Browne says that since Joe says he was not there it may be that he was mistaken. But Link says Clark was there; Shephard says Clark was there; Beckemeyer says Clark was there; and Browne says he thinks Clark was there; that it is his recollection that Clark was there. Do you want any better corroborative testimony? Each of these men not only admits that he was there himself, all with the exception of Clark, but admits that he saw these others there. If that is not corroborative testimony, then I do not know what corroborative testimony is. It fits together, dovetail fashion. It fits together like the links in a chain.

You are not dependent upon Beckemeyer's statement alone, because you have to support the statement of Browne, the statement of Link, the statement of Shephard, and these other witnesses, and you have the hotel register to go along with the rest. That is pretty good testimony. Men have been hung many times on weaker testimony than that. I would not be afraid to submit that testimony to any 12 honest, fair-minded jurors in any part of the United States, and with absolute confidence I would expect a verdict at their hands that these men were, to say the least, all together in this hotel in St. Louis on this date.

A strange circumstance; a strange incident, unless you find its proper place as a part of the transactions which precede it at Springfield, Ill.

Exactly the same thing is shown with reference to the next meeting, the one at this same hotel in St. Louis on July 15; only at the meeting of July 15 White was there. White was not there at the first meeting, the meeting on the 21st of June; and when you get the history of the facts you see why White was not there. It was not necessary for White to be there. He had met Mr. Browne over at the Briggs House, in Chicago, on the 16th day of June, and he had received his swag—his $1,000 had been paid to him there and at Springfield—and so, when they had the meeting in St. Louis on the 21st day of June it was not necessary for White to be there, and he was not there. They did not even notify him of that meeting, and he did not go; but everyone of the others went, because they had not been paid.

But on the 15th day of July here is a meeting over in St. Louis at which Browne was not present; but Robert E. Wilson, who had been in the legislature and who was one of the Democrats who had voted for Mr. LORIMER, was there in his place; and at that meeting here comes Beckemeyer, here comes Clark, here comes Luke, here comes Link, here comes this whole bunch who had been there and had met Browne there on the 21st day of June. Only the 15th day of July afterwards here they all come back and meet Wilson at this same hotel, and there one after another gets $900 in cash. Link admits that he got $900 in cash; Beckemeyer admits that he got $900 in cash; White admits that he got $900 in cash; Shephard says that he did not, but that statement of Shephard is the only statement as to that fact which is a very improbable one, because Shephard is not able to give any satisfactory reason or explanation of his being there. He can not do it; he can not explain why he was there. He tried to fix up a story as to how he came to be there. He discovered out at his garage that he did not have packing for his auto; that he happened to discover, and it took him over to St. Louis to get new packing just at this time, so that his arrival there would be most timely and would bring him into St. Louis at the very time his confederates arrived there.

It is an invented story indeed, because this man who went over to get some packing for his automobile immediately gravitates over to the Southern Hotel. Immediately after he gets to the Southern Hotel he finds his way up into the room where Lee O'Neil Browne is meeting these other men, or where Robert E. Wilson is meeting these other men. He goes up there, meets these confederates, and is interviewed by Robert E. Wilson in the same bathroom into which Mr. White had been invited, and in which he had been paid, according to his own statement, $900 in cash. He goes into the same bathroom into which on the same day Mr. Link had been invited and in which he had been paid $900 in cash. He goes into the same room into which Mr. Beckemeyer had been invited and in which he had been paid $900 in cash. Mr. Shephard says that he was asked by Mr. Wilson to go into that same bathroom. There was something about that bathroom that seemed to make it a very desirable place in the middle of the day in which these men were not to go there alone, but to be accompanied always by Robert E. Wilson. I do not know in just what condition they could have been, but it was necessary for Robert to go with them.

When Mr. Shephard is asked to explain why he went in there he says, "I am a bachelor, you know, and when I was at Springfield, while the legislature was in session, I had a lady dine with me one day, and when I got up into Mr. Wilson's room in the Southern Hotel, Mr. Wilson took me into the bathroom, and there closed the door, and then in the profound secrecy of that wonderful place he asked me who the lady was that took dinner with me in Springfield." [Laughter.] What do you think of that? Senators who are so incredulous about the statement of these other witnesses, where it is corroborated, as the testimony of White is corroborated by Miss Vandeveer, by John W. Dennis, by Mr. Hollander, who saw the cash when he returned from Chicago, how quickly and readily you believe the statement of Mr. Shephard, that all that was said when they got into that bathroom up there in the Southern Hotel after Mr. Wilson closed the door was that Mr. Wilson asked Mr. Shephard who the lady was he had at dinner with him down at Springfield.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Oklahoma?

Mr. CRAWFORD. I yield.

Mr. OWEN. I should like to ask the Senator from South Dakota whether this record discloses who the mysterious lady was?

Mr. CRAWFORD. He says it was his sister-in-law.

Now, is that an explanation as to why on a certain day in St. Louis Mr. Shephard, who dropped in there and met these old pals of his at Springfield, with whom he had associated the winter before—incidentally dropped in to see his friend Wilson and have this little exchange of pleasantries, with a confidence about the lady who took dinner with him—happened to be in St.

Louis that day? Ah, that will not do. That is, to use common parlance, entirely too "gauzy."

Mr. Beckemeyer says that when Mr. Wilson was paying him he had a $500 bill, and he says, "I was told to give this to Shephard." Oh, no! what a significant remark for Mr. Wilson to make when he was paying off these other men in the bathroom and had a $500 bill there—"I was told to give this to Shephard." Shephard was a banker. How did this man Wilson come to make such a remark as that? Do you mean to tell me that was a pure invention of H. J. Beckemeyer? Upon what ground—upon what theory—has anyone the right to say that this statement which Mr. Beckemeyer says Mr. Wilson made in the bathroom when he paid him and showed that he had a $500 bill there, "I was told to pay this to Shephard," is mere fiction and to believe Shephard? It is an utterly improbable story that he met this man in the bathroom to have a little talk about his sister-in-law having taken dinner with him down at Springfield months before. Ah, that will not do. Reasonable men will never be satisfied with any such explanation as that.

Then let me tell you something else. This man Shephard is a banker. This man Shephard had a safety vault over in the Commercial Trust Building in St. Louis, and that very day when he was in St. Louis he went to that Commercial Trust Bank and he visited his safety vault. What for, do you suppose? He did not want to take that $500 bill that he had just received from Wilson and put it in an open account. He is a pretty shrewd little fellow, a pretty canny bachelor. Although he could hardly expect reasonable people to accept this story about the conversation in the bathroom relating to his sister-in-law, he did not want to take the $500 bill that he had just received from Wilson and put it in the bank and he visited the Commercial Trust Co. where he had a safety vault. Is that corroborative testimony?

Take the story of these witnesses, each telling his own story in his own way, and mark them all down as the blackest scoundrels on the face of the earth, and yet their testimony dovetails together, not in language, but in the events to which each independently refers, and is corroboratetd by testimony which none of them created, but which exists over and beyond their control.

Mr. President, I have now been giving some of the corroborating testimony that establishes conclusively the fact that there were two meetings of these men who are under the charges put upon them by this record of having corruptly bartered away their votes, and showing the improbability of any claim that they did not hold these two meetings at St. Louis and there receive corrupt money. I am not through with that branch of the case. The corroborative testimony is overwhelming.

Mr. President, when men are conscious of the fact that they are guilty, suspicious of the fact that some one is on their trail, criminals generally act in about the same way—that is, they make fools of themselves. These men in that respect were not exceptions at all. What I mean by that is that when they discovered that White had betrayed them, that White and a detective were looking them up, their conduct is not that of innocent men, but their conduct is that of guilty men. Why? Immediately this man Beckemeyer hurries from his home down to Centralia and meets Joe Clark there. They hustle over to Springfield, and they meet Robert Wilson there. They rush back up to Chicago, and they meet Wilson, they meet Holstlaw, they meet "Manny" Abrahams, and they meet their attorneys. Then they go to manufacturing testimony, and they jump from the frying pan into the fire; they get into the mire deeper and deeper, as men are very apt to do who are guilty. An innocent man is never driven to any such expedient as that; an innocent man, conscious of his innocence, is not impelled by fear to do these ridiculous things.

Beckemeyer was over in "Manny" Abrahams's saloon; he had a saloon keeper from his town along with him; and he says, "I don't know where I am at, now that this story of White's is coming out. We have been away on a fishing trip, and we are going again. Don't tell anybody where we are. I don't know where I am at, now that this story of White's is coming out." Is that the talk of an innocent man? Is not that the conduct of a guilty man? They talk about the meeting at St. Louis. First, they decided that they would deny that they had been in St. Louis at all.

They did just as guilty men, ninety-nine times out of a hundred, will do. They will resort to lying, deception, and perjury to cover up their tracks. They had these hurried meetings. I can almost see them fleeing, trying to get away from the eyes of men that they knew were fixed upon them, to escape from themselves, and to get away from their guilty consciences. You see them fleeing from Chicago down to southern Illinois, and back to Chicago again, saying: "We don't know where we are since this story of White's has come out. We are going fishing somewhere; don't tell anybody where we are. We don't know where we are." Is that a guilty man or is that an innocent man?

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. CRAWFORD. I do.

Mr. BEVERIDGE. Mr. President, we are all interested in the Senator's description of the fleeing of these innocent gentlemen with their guilty consciences. May I suggest to the Senator that probably they were not fleeing from a guilty conscience, which at no time appears to have troubled them, but from the Nemesis justice. They were fleeing from the wrath to come and were arranging alibis to protect them when that day arrived. As to any guilty consciences, I do not think they had any consciences.

Mr. CRAWFORD. The Senator is right about that. I think I am called upon to withdraw the statement where I used the term "guilty consciences," because the Senator is certainly right. There is no evidence here of a guilty conscience or of any other kind of conscience. [Laughter.]

Mr. BEVERIDGE. That is true.

Mr. CRAWFORD. But they acted like guilty men. Beckemeyer hastened down to see Joe Clark. Joe Clark was the most hardened old criminal in this gang. I think if you want to find a real thoroughgoing, unadulterated, thick-hided, up-to-date criminal, you may find him in one of these lazy, good for nothing police-court magistrates, or policeman in some little country town. Joe Clark was the one to whom Beckemeyer hastened in his flight. Beckemeyer wanted to know if Joe thought it would be all right to absolutely deny that they were in St. Louis at all, and Joe thought that it would be. He had an interview with Link, and suggested to Link that it would be a good thing to absolutely deny that they had been down there at all. Before they met this ingenious police magistrate, however, who advised this short-cut way of protecting themselves by perjury, they tried to fix up another way of explaining how they came to be in St. Louis.

There were two explanations for these two trips to St. Louis. There was one explanation for the first trip, when they met Mr. Browne at the Southern Hotel. Then there was another explanation for the second trip to St. Louis, when they met Mr. Wilson. Explanation first was this: They claimed that the rendezvous where the politicians of southern Illinois met for consultation was at St. Louis. Lee O'Neil Browne was the minority leader, and it was necessary for him to have conferences with his associaties from southern Illinois. Therefore he appointed this first meeting on the 21st day of June, at which he was to meet his leading political associates from southern Illinois at the Southern Hotel for a conference. Mr. Lee O'Neil Browne says that he went there to talk matters over, to have a political visit, to have a social visit, and to spend several days with his companions looking over that great city, which he had only been in once or twice before in his life.

I want to call the attention of Senators to the fact that the only political leaders whom Mr. Lee O'Neil Browne met at the Southern Hotel at St. Louis on the 21st day of June were the particular individuals with whom he had just been associated in the legislature of Illinois many months, and that legislature had adjourned only about a fortnight before this. They had been together all winter and all spring at Springfield, in daily communication there all this time, had just left and gone to their several homes, and yet Lee found it necessary to call a conference for consultation at the Southern Hotel in St. Louis to talk over the political situation; and the only men invited were the particular individuals with whom he had had some very suspicious transactions at Springfield only a few weeks before.

There are some very, very remarkable things about this political meeting at St. Louis. Lee O'Neil Browne went there for a political interview and to spend several pleasant days looking over the city and indulging in a social visit with these old friends of his. He got there in the morning; he registered at the hotel, and his name is on the register. He got his room, and before evening the business was all done, and he took the train and went back to Chicago. There is not a word in the testimony to show that politics was ever mentioned in any conversation between them, but he talked with Link, I think, about some pacing horses.

The only men he met there were not county committeemen nor State committeemen nor postmasters nor local politicians of the community, except as they were all represented and embodied in the persons of the gentlemen with whom he had had some very suspicious transactions at Springfield only a few weeks before. He went there to have a political conference,

and a strange political conference it was, because he got his room at the Southern Hotel, and these men dropped in and out. They stayed a marvelously short time when they got in his room, but they got the "ready necessary," and then they skipped. And it is very apparent that when they got that, the errand for which they had visited St. Louis was at an end, and each went his way and, like the Arab and his tent, disappeared after this little transaction was settled. It did not take a very extended conversation between them to settle it. It was not necessary to go into any embarrassing details at all. They understood each other perfectly. Mr. Browne knew why they were there, and they knew very well why they were there, and it took only a short time; in fact, Mr. Browne did not find it necessary to stay all night in St. Louis.

This meeting at St. Louis, which was held there between these men and Mr. Browne, lasted only a few hours, and he met each one of them apparently separate from the others. This room he had engaged he did not find it necessary to occupy even one night. He got there in the morning, he met these men, and had a little business with them, a little quiet business, which took only a short time to transact, and then before night took a train and went back to Chicago. He said it was a political trip. When he was asked what they talked about, he said: "We talked about that about which we talked." That is illuminating. He could not give more details about their conversation than that, except that he discussed pacing horses with Link.

Now, Mr. Browne had a marvelous memory in some ways. He went back to a date prior to the election of the Senator on the 25th of May, and they asked him about what occurred in the evening when it is said that he met Charles S. White in his room, when White claims that Browne told him there would be $1,000 in it—in the Lorimer deal—and about the same amount from other sources. When Mr. Browne was on the stand and was giving his testimony in regard to that matter, he went on and with marvelous accuracy he told all about what occurred in the office of the St. Nicholas Hotel, in Springfield, Ill., on the night of the 25th day of May, 1909. He spoke about the Kansas City hummer coming—the K. C. hummer, he called it—and he told the very hour and the very minute that it was due, if it was on time; but he says that night it was late, did not arrive in Springfield until 11.41; that a certain gentleman from Peoria or somewhere came into the office, and before this gentleman had registered he went to him in the hotel office and asked him to go and speak to another gentleman there and convey some request that he wanted that man to receive through this gentleman; that the man attended to this for him; that he then registered; and he told the order in which his name appeared on the hotel register at the St. Nicholas Hotel, and that Charles S. White did not register until after this man registered. He told about this man being assigned to a room, and how long he remained in the office, and when he disappeared, and that White did not go—could not have gone—to his room until after that.

This was May 25, 1909, and Browne was testifying last October; and yet his memory was so clear and so accurate and so marvelous that he could go back over these intervening months, a year and a quarter or a year and a half, and give the exact minute when the Kansas City hummer arrived in St. Louis; but when he was asked what they talked about when they had this meeting down at the Southern Hotel on the 21st day of June, when he met Clark and Beckemeyer and Luke and Link, he could not remember one single thing that was said except that he talked with Mr. Link about pacing horses.

The explanation that this meeting at the St. Nicholas Hotel between Browne and these men was a political meeting was a cooked-up story. That is self-evident.

What about the next meeting? They tried to fix up an explanation for the meeting on the 15th day of July with Robert E. Wilson. What was that? They arranged that Robert E. Wilson should write a letter and send it through the mail or in some fashion to Browne and Beckemeyer and Link, and in this letter say to them that some of the boys wanted them to get up a banquet in honor of Lee O'Neil Browne, and that they desired that they meet in St. Louis on the 15th day of July to talk the matter over.

This letter was written in fact in 1910, after Charles S. White had given this exposure to the public, after they had discovered that White and a detective were looking into these matters. They were frightened; they were on the run; they were in a panic; and they feared that it would leak out and be proven that they met Wilson in St. Louis and that they got this money. So for the purpose of fortifying each of them against the circumstances that they knew might appear to indicate their guilt, they deliberately agreed among themselves to manufacture this testimony by writing a letter in 1910 and dating it back prior to the 15th day of July, 1909, and putting such a letter in the hands of Mr. Link and Mr. Beckemeyer and others. They intended to use this letter and offer it in evidence as an explanation for their meeting in St. Louis. Beckemeyer confessed to this, produced the letter, and the letter is in evidence.

Oh, what a ridiculous piece of manufactured testimony, and how like the action of guilty men fleeing from their shadows in fear!

Doc. Allison was one of these Democrats who voted for Mr. LORIMER, and here is this letter that they made up among themselves:

CHICAGO, *June 26, 1909.*

Hon. H. J. C. BECKEMEYER, *Carlyle, Ill.*

Friend BECKEMEYER: Doc. Allison was speaking to me regarding getting up a banquet for Lee in his home town, Ottawa, and asked that I take matter up with some of the boys. I expect to go to St. Louis in the near future in connection with our submerged-land committee, and will advise you in advance as to when I will be there, and would like for you to meet me. With best wishes, I am,

Very truly, yours, ROBERT E. WILSON.

Beckemeyer destroyed the envelope in which this letter was sent to him, and because he did not want that envelope to be discovered with the postmark on it. This letter, he says, was written in 1910 and dated back in 1909, and sent to these guilty men simply to be used as fake testimony for the purpose of making it appear that they had an innocent reason for meeting in St. Louis. Lee O'Neil Browne's secretary, Mike Giblin, is the man who upon his typewriting machine wrote this letter. It came from him as the result of an intrigue between Beckemeyer and Link and Lee O'Neil Browne to manufacture in cold blood testimony to be used for the purpose of making it appear that their meeting in St. Louis was an innocent one.

Oh, but the chain of guilty circumstance weaves a web about these men, puts them in meshes from which afterwards there is no possible escape.

Mr. President, after they had manufactured this testimony, and after Beckemeyer and Link were in possession of this fake testimony, they got still more under the influence of panic and fear and they went down to see Joe Clark, and he suggested to them that they deny that they were in St. Louis at all. So when they were haled into court and brought before the grand jury and put under solemn oath, Beckemeyer testified that he was not in St. Louis at all; that he had not been there on either the 15th or the 21st at all; and when Mr. Link was brought before the grand jury and interrogated about these transactions he stated under oath that he was not in St. Louis at all.

Both of them were indicted for perjury; both of them were facing a conviction for perjury, because the evidence that they had been in St. Louis was absolutely overwhelming. So they began to squirm. They began to realize that they were dealing with the majesty of the law itself, that they were facing a charge and a trial from which there was no possible escape. At last persuaded, it is true, by the public prosecutor of Cook County, they decided that the best thing they could possibly do was to frankly confess to the truth, and they made their confession. Then this miserable story of corruption and bribery was laid before the world, and these men under oath confessed that they had been in St. Louis and that on the 21st day of June Mr. Browne had paid each of them $1,000, and on the 15th day of July Mr. Wilson had appeared there in Mr. Browne's stead, because Mr. Browne was sick, and had paid each of them $900. Mr. Beckemeyer stated that Mr. Browne told him when he paid his thousand dollars that it was his Lorimer money, and that when he paid this money he told him, "This is coming to you."

Now, Mr. President, the conduct of these men is so inconsistent with any theory of innocence and so perfectly consistent with the theory of guilt that I confess I have regarded it as the most puzzling problem I have ever failed to explain to myself, how Senators whom I know to be absolutely honest and sincere could come to any other conclusion than that these men were guilty of trafficking in legislation and of selling their votes in the senatorial election at Springfield.

What inducement appears in the record from any source as an explanation for the payment of this money? That the money was paid is so thoroughly well established that there is no escape from it. When we look into the motives of men and undertake to find where the reason lies for these transactions, the logic of the testimony points as unerringly as the needle points to the pole to the senatorial election at Springfield. For instance, take Broderick. Mr. LORIMER himself has helped us a little there because he says that Broderick is his friend; that the friendship reached back to a time so far in the past that he can not remember when it began, and that Broderick's relatives lived over in his district and Broderick had been accustomed to use his influence with those friends to vote for

Mr. LORIMER when he was a candidate for Congress over and over again in the years gone by.

Now, we find Mr. Broderick in the State senate at Springfield. We find Mr. Broderick had been in the legislature in Springfield for a number of years, so that Mr. Broderick knew the peculiar ways they have at Springfield for doing things. Mr. Broderick had been there long enough to make, I dare say, a great many observations in regard to the jack pot, in regard to the purchasing of votes, in regard to the suppression of legislation through the use of money, and in regard to the procuring of the passage of bills in the interest of great companies accomplished through the use of money, because everybody seems to admit that that sort of thing had been going on at Springfield for years. I will not give any names here, because I would not betray a confidence, but a very prominent citizen of that State said to me the other day it was in a way known that for years they had been in the habit of making up a purse, amounting to sometimes a hundred thousand dollars, through different interests and had used it there.

I know nothing about it except this sort of conversation and what appears in this record. But it does appear in this record, and appears to be conceded in this record by both sides, that there had been for years at Springfield what they called a jack pot, a corruption fund used for the purpose of influencing legislation. And I have been amazed to hear men say that this condition of things exists in more than one of the capitals of the States of the Union. I refuse to believe it; it is too appalling to believe that this sort of thing exists at the capitals of different States, and has existed there for years. But it appears to be conceded in this case that it had existed for a number of years at Springfield. Mr. John Broderick, who had been a member of the legislature for a number of years, was one of the men very likely to know of it, and he is the senator who had this transaction with his colleague, Senator Holstlaw.

Do you say there is no testimony here to show that this money was to be used for the purpose of influencing the election of a United States Senator? How can anyone possibly make a claim like that in the face of the testimony we have here? The testimony of Holstlaw can not be brushed aside by saying that Holstlaw is a bad man; that he is a confessed bribe-taker and unworthy of belief, because all the circumstances in the case corroborate him.

Mr. Broderick, according to the statement of Mr. LORIMER himself, was an old friend of his, with whom he had been on terms of the closest intimacy politically for many years, and whose relatives and kinsmen lived in his district. Broderick had been accustomed to lend him assistance over and over again. John Broderick had been in the legislature at Springfield for a number of terms. It was a matter of common knowledge that there was in each legislature a corruption fund. John Broderick evidently knew of this corrupt practice. It does not appear here that John Broderick was personally interested in any particular item of legislation in regard to which there was an inducement to him to make an improper use of money, but it does appear that John Broderick, Democratic senator from Chicago, was very deeply interested in the election of Mr. LORIMER to the United States Senate.

I say that because the statement of Mr. LORIMER himself shows it; I say that because the testimony of John Broderick given in this case shows it; I say that because the testimony of Senator Holstlaw, with whom this transaction was had, shows it. It furnishes a very consistent background and setting when we look into the nature of this transaction between Holstlaw and Broderick.

I have said it did not appear that Broderick was interested in any other transaction. That is not correct when I reflect that the agreement made with Holstlaw in regard to the sale of furniture was coupled, so far as Holstlaw's statement is concerned, with a recital of a conversation he had with Mr. Broderick in relation to his vote for Mr. LORIMER.

Now, I have given you the setting and situation from which to judge the motives and the purposes of these men when we look into this transaction in which the $2,500 was paid.

Mr. Holstlaw was brought to book before the grand jury at Springfield, charged with having made a corrupt agreement as a member of a committee to buy furniture for their capitol building, charged along with his associates, Senator Pemberton and this representative, Joe Clark, with having made a corrupt bargain with a company that wanted to get the furniture contract, that if they gave to them this contract they should receive a commission out of it.

Holstlaw was to receive, according to an agreement between him and Mr. Johnson, I think his name was, the sum of $1,500 if he would enter into this corrupt agreement, and Mr. Johnson, if that is his name, said that that was more than they were paying Clark; that they were going to pay Clark only $1,000. Mr. Holstlaw was brought to book in this furniture deal, and the grand jury over at Springfield indicted him. He was confronted with a most serious situation. He realized that there was nothing between him and the door of the penitentiary; and Mr. Holstlaw realized that there was only one escape, and that was to come out and tell the truth in regard to this whole transaction.

You can not overthrow testimony of that kind by saying that it is not to be accepted because the man who gave it was under indictment, for over and over again in the history of the trial of cases that kind of testimony has been found to be satisfactory to reasonable men and convincing to juries, and verdicts have been rendered upon it when corroborated, as this testimony is corroborated, and others have been convicted and sentenced to long terms in the penitentiary upon just such testimony.

Mr. Holstlaw came out and made a statement. In that statement he said that the night before LORIMER was elected John Broderick—this old friend of Senator LORIMER from Chicago, living in the adjoining district, who had been his faithful political supporter for years—came to him and said: "We are going to elect LORIMER to-morrow. And when Mr. Holstlaw replied to that statement in some form he said, "If you vote for him, there is $2,500 in it for you."

I am glad to have this testimony strengthened by what appeared here in the statement of Mr. LORIMER himself; that Broderick was his old friend and between them there was a political friendship extending back for years; that he had been accustomed to help him politically. This is an additional circumstance which makes the testimony of Holstlaw all the stronger.

The next day after that statement of Broderick's, when the roll was called in the legislature, Mr. Holstlaw, a Democrat, voted for Mr. LORIMER, a Republican. The record shows that. Then, on the very same day—remember this—that Charles S. White met Lee O'Neil Browne at the Briggs House in Chicago, and got his $900 for voting for LORIMER, Mr. Senator Holstlaw comes into Chicago from his home, away down in southern Illinois, goes out on to the West Side, where John Broderick's saloon was located, which he had never visited before in his life, is taken into Senator Broderick's office, and is paid by Senator Broderick the sum of $2,500.

No testimony! Is not that a remarkable thing that *on the very same day* two transactions between different men occurred in the city of Chicago in relation to the election of Senator LORIMER—$1,000 or $900 being paid by Browne to White and $2,500 being paid by Broderick to Holstlaw?

I was commenting upon the very remarkable fact that upon identically the same day two circumstances occurred in Chicago between two different men acting independently of each other—in the Briggs House between Browne and White, in which Browne gave White $900; in the saloon, over in West Chicago, between Holstlaw and Broderick, in which Broderick paid Holstlaw $2,500. Is not that remarkable? Ah, there is corroboration in this case! These are remarkable circumstances beyond the power of any mind to create. What makes this testimony convincing? How do you explain circumstances like these?

The Senator from New Jersey [Mr. KEAN], in a sort of ironical way, says that I intimated that my remarks would last only 15 minutes when I began, and that here I am talking into the late hours of night. That is true. I no more expected to go into this extended review of the testimony than I did of leaving the city to-night, and I, in perfect good faith, expected to speak briefly in behalf of Gov. Deneen and stop. But we might just as well understand each other here and now, and it will be profitable to both when Senators like the Senator from New Jersey understand that other Senators can not be trampled down here by a relentless determination that no concessions shall be made; that not even a recess until 8 o'clock shall be taken; and that if we should be diverted for 10 seconds, snap judgment will be entered and a roll call ordered.

It was when that sort of thing was resorted to here that I deliberately determined that it was my duty to enlighten Senators on the other side with reference to what the testimony is in this case, because I am afraid they do not know it.

Here was a most remarkable circumstance—on the very same day two independent transactions between different men relating to the election of this Senator occurred in the city of Chicago. How explain it? You say it is not so; that it did not occur. Mr. White says that on that day he got $900—$50 on the first day and $850 on the next—and awhile ago I reviewed at some length the use he made of the money when he got back to O'Fallon. That is corroborative testimony.

What was the consideration for this thousand dollars that Browne paid to White? It does not appear that White voted for some bill that Browne was interested in, for which he was making this payment. There is nothing in the record showing that. There is nothing in the record showing that there was any other transaction for which he was to receive money from Browne, except a general division of what they called the jack pot and his vote for LORIMER.

The Senator from New Hampshire [Mr. GALLINGER] the other day appeared not to be satisfied with this because he thought it was incumbent upon the Senate to trace this money which Browne paid to White—to trace it back into the pocket of Mr. LORIMER—or else, apparently from his viewpoint, it was valueless.

The moment you trace one single dollar of it to Mr. LORIMER with reference to one single vote, no matter whether that vote was necessary to give him a majority or not, you connect Mr. LORIMER personally with this transaction, and one tainted vote would defeat him. But if you show a sufficient number of tainted votes to reduce his vote below the number necessary to give him a majority of those present and voting it does not make a particle of difference where the money came from—not a particle. You do not need to trace it. But if it was money from some source, corruptly used, which caused a sufficient number of tainted votes, so that he did not have a majority of those present and voting, you do not have to trace it. And the Senator from New Hampshire need borrow no trouble whatever on that point.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. CRAWFORD. I do.

Mr. GALLINGER. Knowing the Senator's anxiety to conclude his speech, I interrupt him with hesitancy; but I will remind the Senator that a little while ago he said it was a common thing to have a jack pot around the Legislature of Illinois—sometimes a hundred thousand dollars. Now, is the Senator from South Dakota sure that jack-pot money did not circulate among this bunch of perjurers and liars that the Senator is dealing with?

Mr. CRAWFORD. No; I am not sure. I am quite suspicious that it did.

Mr. GALLINGER. But that jack pot the Senator said was to influence legislation.

Mr. CRAWFORD. I did not confine it to that.

Mr. GALLINGER. I think the Senator did.

Mr. CRAWFORD. Oh, no.

Mr. GALLINGER. Now, the Senator is talking about this man White, the man who undertook to blackmail Senator LORIMER. Failing to do that, he sold his yarn to the Chicago Tribune for $3,500, $1,000 down and $2,500 contingent. It may have been that this contingent fee figured somewhat in this money that White had to go off on his junkets with.

Mr. CRAWFORD. Let me call the Senator's attention to a little circumstance right there that will relieve all the trouble he is having about that, and that is this: That the agreement between White and the Chicago Tribune and the payment of the $3,500 did not occur until long after the vote for United States Senator; long after the payment of this money in the Briggs House; long after these trips on Lake Michigan to Benton Harbor; long after these great sprees which Mr. Browne refers to when he uses that poetic expression about the flowers; long after that—nearly a year after that. So it could not have been any money received from the Chicago Tribune.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota further yield to the Senator from New Hampshire?

Mr. CRAWFORD. Yes; I yield.

Mr. GALLINGER. It is barely possible that that enterprising paper might have made an advance payment when they set out to destroy Senator LORIMER.

Mr. CRAWFORD. Oh, yes. They had some kind of prescience by which, way back when the Legislature of Illinois was voting for United States Senator, they were foreordaining that on a certain day in June, 1909, Broderick should meet Holstlaw in the saloon over in West Chicago and get $2,500 from him, and that down at the Briggs House Browne should pay White $900. The Chicago Tribune, way back there, was putting up this job, with these subsequent details in it, was it?

Mr. GALLINGER. Possibly.

Mr. CRAWFORD. I can not understand the process by which the Senator arrives at that conclusion, but I can only say it is a very strange one, indeed, when we look at the testimony in this case, because here are separate transactions between men who figured in the testimony. Absolutely nowhere during that period are the transactions which this testimony discloses connected even remotely with the Chicago Tribune or any other newspaper.

I say it makes no difference, in fact, where the money came from. If it was jack-pot money, used to procure votes for Mr. LORIMER, and they procured a sufficient number, without which he would not have been elected, it vitiates the election.

Mr. President, when you look for corroborative testimony of the Holstlaw transaction, how are we to get away from the fact which occurred immediately after the payment of the money? Do Senators arbitrarily, by a sort of forced process of mental exercise, undertake to say that Holstlaw did not go, after he had gotten this money over at Broderick's saloon and put it in the State Bank, and that the certificate of deposit issued in due course of business is only a fiction, and that the testimony of this bank clerk, who comes into court and says:

> This man Holstlaw on that day came into our bank. I had the transaction with him, and he put in this bank $2,500 in cash, and I placed it to the credit of his bank at Iuka, and here is the deposit slip.

Do Senators say: "We will brush that all aside; we refuse to believe this cashier or clerk, whatever he is, although there is not a breath of suspicion against him; we will refuse to accept his testimony, although there is not one contradictory thing about it; we will refuse to accept it, because it appears that Gov. Deneen was a stockholder in that bank?"

I can not understand that method of weighing testimony or that method of arriving at a conclusion or that method of ascertaining facts from testimony. I do not understand it. It is absolutely beyond my comprehension, and I do not believe that many people in this country, reading that testimony with nothing more or less than rational intelligence, will come to any conclusion except that it is true.

Well, what was it paid for—this $2,500? He says that it was paid to him for voting for LORIMER. He was a Democrat. He voted for LORIMER. He had his talk about voting for LORIMER with Broderick. Broderick told him there was $2,500 in it for him, and here he appears and gets his $2,500. Broderick, an old friend of years and years standing, interested in the political success of Mr. LORIMER, had this talk with Holstlaw, made him this promise, and afterwards Holstlaw goes to his place of business and gets this money. What are you going to do with this? Brush it aside; refuse to believe it; say it is not true? Why? Because John Broderick denies it? John Broderick denies some of it, and some of it he does not deny, but dodges. Where he fears that he is running some risk if he does not tell the truth he refuses to say anything. When he was on the witness stand and was asked, "Did you write to Senator Holstlaw to come up there the day you said he appeared there?" he declined to answer.

"I decline to answer." Why? If he had written a letter to Senator Holstlaw, and he said he did not write it, that letter might be produced, and he would be in the same position that Link was in and Beckemeyer was in when they said they did not go to St. Louis and were indicted for perjury. He would have been in the same boat. But he was not truthful enough to say, "I wrote him to come," but he said, "I decline to answer."

Senators may get around that by some process of reasoning that I do not understand, but I say when the ordinarily intelligent people of this country read that man's testimony and find that he declined to answer a question of that kind they will say that man is dishonest; that man is not frank; that man is keeping back the truth, and he acts like a guilty man.

Another question:

> Who was in your saloon that day when he came there?—A. I decline to answer.

He declined to answer. He might name some parties and inquiry might be made of them and he could not sustain his statement. At any rate, he was afraid to make the answer, so he says, "I decline to answer."

Now, you have here first a Democrat, Holstlaw, voting for a Republican, LORIMER. You have preceding it a conversation between this man and this old friend of LORIMER, Broderick, in which he says "there is $2,500 in it if you vote for him." After the legislature adjourned you find this man, Holstlaw, coming from away down in southern Illinois up to Chicago and being there the same day that Lee O'Neil Browne meets White over at the Briggs House, and you find him there getting just exactly the amount that he says Broderick told him he should have for voting for LORIMER. Then you have his testimony corroborated by the officer of that bank, who is absolutely a disinterested witness. How are you going to get away from that? Oh, just simply say I will not believe it. Well, I will believe it. I can not see any escape from accepting it with all the circumstances attending it and accepting it as the truth.

Now, I never yet have understood why when this report was made it left out all reference to the statement of these witnesses that they were not in St. Louis which they made before the grand jury. I do not understand why that occurred. While the committee has been criticized, I never have believed that the committee had anything to do with that trick. But it is there, and my theory of it is that whoever furnished the transcript of that testimony to the committee which they put in their report omitted some very significant testimony. Then counsel who were representing Mr. LORIMER undertook to draw an outrageously unfair conclusion, which could not stand for a moment when that testimony is in there, but which might have a plausible basis with that testimony left out. I never have understood why that was done. But there it is. I refer to the attempt to make out that the testimony of these witnesses is not to be believed because it was obtained under duress. On page 11 of the report of the committee they put in this part of the testimony and left out this other part.

On page 6 of the committee's report they have these questions and answers:

Senator BURROWS. State what you said before the grand jury.—A. Well, I answered questions, but I disremember what all the questions he asked me were.

Senator BURROWS. State those you can remember, and your replies.—A. I denied receiving any money for voting for Senator LORIMER.

By Judge HANECY:

Q. Then did you leave the grand jury room?—A. Yes, sir.

Q. After those different questions were asked you?—A. Yes, sir; at that time I did.

Now, in the record of this testimony here is the part that is left out:

Senator BURROWS. State what you said before the grand jury.—A. Well, I answered questions, but I disremember what all the questions he asked me were.

Senator BURROWS. State those you can remember, and your replies.—A. I denied receiving any money for voting for Senator LORIMER.

Senator BURROWS. What else?—A. Denied meeting parties in St. Louis; I didn't remember of meeting them, that is, at that time.

Why was that left out? For what purpose was that left out? It was left out because it was thought that what is left in there would establish a claim that there was an attempt made to compel these witnesses to testify to a falsehood. That is what it was left out for. It was left out because Judge Hanecy, the attorney trying to make the argument, undertook from this garbled testimony to make the claim that the condition placed before Link and Beckemeyer upon which they might escape conviction was not by telling the truth but by testifying falsely.

And so these excerpts were omitted in the committee report by some trick for which I have never in any sense sought to hold the committee responsible, because I know too well that no member of this committee would intentionally omit that part of the testimony; but whoever furnished that excerpt was seeking to furnish just enough to establish a false charge against the State's attorney of Cook County, else why did he not put it all in? That is only one instance of this attempt to deceive Senators.

At the top of page 9 of this report, between the first and second questions, the following question is omitted:

Q. Do you remember the incident of a young lawyer coming there and saying to you and some officer of the State's attorney's office, "What are you holding this man for?"—A. No; the substance I do; I don't remember the exact language.

Then on page 9 they left out this:

Q. He did stay there until that time?—A. Yes, sir.

First the following question:

Q. Now, was he in the room of the same hotel or place here in Chicago when you and Detective O'Keefe were there, when this young lawyer came in and asked O'Keefe: "Why are you holding him in custody?"—A. He certainly was. I remember the conversation, I think; but I paid no attention to it at that time.

Q. Did the detective threaten that if this lawyer did not go out that he would arrest him and take him before the grand jury?—A. It made him rather spunky; I disremember the exact words, but he said something in that line.

Q. He gave him to understand he would have to keep away?—A. Yes, sir.

On page 9 of the committee report, after the following question and answer:

Q. By the same grand jury you had been before?—A. Yes, sir.

The following question and answer, found on page 295 of the record, have been omitted:

Q. Was it for perjury for not telling them you had received money for voting for LORIMER?—A. That I had not met Robert Wilson——

Robert Wilson was the man he had met in St. Louis.

That I had not met Robert Wilson—no money consideration entered at all—but that I had not met Robert Wilson.

Then on page 11 of the report, after the following question and answer:

Q. That was not true?—A. That was not true; no, sir.

They omitted the following:

Q. And that is what the State's attorney wanted you to tell the grand jury, was it not?—A. I presume just two answers. If I would answer when I went before the grand jury. That is all that Mr. Wayman asked me, was those two questions.

Mr. AUSTRIAN. What were they?

Here Judge Hanecy, an attorney for Mr. LORIMER, who appeared to want to suppress the drawing out of this witness that the reason why he was indicted was because he had said to the grand jury he was not at St. Louis, when Mr. Austrian asked the witness this question, said, "I am examining him." He cut the question off; shut it out, saying, "I am examining him."

Senator BURROWS. We will probably get at that.

Then said Judge Hanecy:

Q. Did Mr. Wayman there tell you at that time that he indicted you; that he was going to take you before the criminal court if you did not tell the grand jury *what he wanted you to tell?*

The manifest purpose of that question is clear: Judge Hanecy wanted to put the words in the mouth of this witness from which he could claim that the State's attorney undertook to make the witness give false testimony, saying, "You must give this as your testimony, or you will go to the penitentiary," because here is his question:

Q. Did Mr. Wayman there tell you at that time that he indicted you, that he was going to take you before the criminal court if you did not tell the grand jury what he wanted you to tell?

What do you think of a bulldozer like that undertaking to compel a witness to testify in a way that he wanted him to testify to make out a certain theory in this case by which he could claim duress?

The committee left that testimony out. The committee did not do it intentionally, I know, but the trickster who furnished this transcript did it designedly, so that as presented by the committee the testimony would give plausible color to this claim that these witnesses were under the influence of duress.

Yet this witness did not answer Judge Hanecy as he wanted him to. This witness said in answer:

I don't quite understand the question.

He did not see what the judge wanted to fish out of him; he did not understand what the judge was driving at. The judge understood it, but the witness did not.

And the committee left that out. That is not in this testimony that is placed under the conclusion of the court that there was duress and that these poor creatures, held in the clutches of a relentless law officer in Chicago, were put in mortal fear of an indictment brought not for the purpose of vindicating the law, but for the purpose of making them the mere tools of the State's attorney, so that he might manufacture, through these tools, testimony upon which to claim that there was duress.

Out upon such a performance as that on the part of Judge Hanecy, or on the part of the stenographer, or attorney, or whoever may be liable for this attempt to mislead the committee into putting into the record these partial excerpts of the testimony for the purpose of leaving a basis by these omissions for making the claim that there was duress!

They tried to put into the mouth of this witness that Mr. Wayman had cooked up a story, and that he must, in order to save his neck with this indictment over him, go before the grand jury and tell the story that Mr. Wayman cooked up. That is what Judge Hanecy is trying to make him say:

Q. Did you tell the grand jury, then, on the questions of Mr. Wayman what Mr. Wayman wanted you to tell?

Senator BURROWS. What did he tell?

Now, that is omitted. Here is still more of it. On page 12 of this committee's report, the testimony which you will find on page 300 in the record here, a part is left out. For instance, after the words "He wouldn't let me answer the question at all," near the bottom of the page, the words which appear on page 300 are omitted, as follows:

Did Mr. Wayman tell you to answer "no" to that question put by the State's attorney and grand jury in Sangamon County?—A. He had a representative, Mr. Reed, the lawyer there at Springfield, that read a great many decisions in relation to incriminating yourself, etc.

Q. Did he send an assistant down there—an assistant attorney—to Sangamon County grand jury with you?—A. Not with me; but there was one there.

Q. He met you there?—A. Yes, sir.

Q. To advise you and represent you there?—A. Yes, sir.

Q. Who was he?—A. An attorney by the name of Reed.

Q. F. F. Reed?—A. I don't know his initials, but his name was Reed; from Aurora, I think.

That is omitted, and an attempt is made to leave the impression by putting in only a part of the testimony that there was some sort of jugglery with these jurisdictions in Chicago and Sangamon County, simply playing through the forces of these grand juries upon these men for the purpose of compelling them by duress to give as their testimony a cooked-up story, false, manufactured, for the purpose of fastening guilt upon innocent men. Material testimony omitted.

Here is some more of it left out on the same point:

At that first interrogation the question of Robert Wilson was discussed, but not the Browne $1,000.

Q. All right, then; the one they first interrogated you about when you went before the grand jury, as to whether or not you had met Wilson in St. Louis?—A. I denied it.

This was the basis for the indictment against this man, and he was asked before the grand jury before which he appeared the first time whether he had met Wilson at St. Louis, and he said, "I denied it."

They left that out in giving the testimony here on which they claim there was duress. They also left out this:

Q. Was that true or a falsehood?—A. I guess it was a falsehood.

Ah, it was this that got the witness into trouble and caused the indictment, and he said, "I guess it was a falsehood." We all know it was a falsehood, because Link was in St. Louis. No one can doubt that, and yet he had gone before this grand jury and denied that he was in St. Louis or that he met Wilson there.

A. I guess it was a falsehood; but I didn't remember of meeting him at that time, or didn't know the date.

The committee left this out when they made their report and put in certain testimony to establish the theory of duress. This did not appear in that testimony.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. CRAWFORD. I yield.

Mr. GALLINGER. Mr. President, the Senator is making what I think is rather a serious accusation against the committee.

Mr. CRAWFORD. No; not against the committee. I have said over and over again that whoever furnished the transcript left this out. Does the Senator question that?

Mr. GALLINGER. The Senator just said the committee left it out.

Mr. CRAWFORD. That is not quite fair. It was left out in the report of the committee, but I would not make that statement that the committee did it knowingly, and I tried to protect my words against a charge like that. It is not possible that the committee did it, but whoever furnished the transcript, I say to the Senator from New Hampshire, left out the very portions which sustain the indictments.

Mr. GALLINGER. Mr. President, here is the testimony. Of course the Senator did not expect the committee would put that all into the report.

Mr. CRAWFORD. Oh, no.

Mr. GALLINGER. The committee reported every word of the testimony, and Senators have it before them to examine for themselves.

Mr. CRAWFORD. Yes.

Mr. GALLINGER. I can not believe that any stenographer or transcriber could have picked out certain portions and omitted them.

Mr. CRAWFORD. Let me ask the Senator from New Hampshire how he satisfies his mind upon the significant fact that here was a most serious charge against the State's attorney of Cook County, a charge that he was using the processes of the court and the machinery of the grand jury to compel witnesses to testify to that which was false, and the committee apparently were led in sincerity to believe that claim and referred to it in the report and then put the testimony in which they considered established that claim, but omitted from that testimony the very testimony given by these men which furnished the basis for their indictment. How does the Senator from New Hampshire explain the omission?

Mr. GALLINGER. I think that might happen without any purpose of misleading anybody. The whole testimony is here.

Mr. CRAWFORD. Yes, but does not the Senator see that upon the face of the report, with only partial testimony, a most unfair thing occurred with reference to the State's attorney of Cook County?

Mr. GALLINGER. That may be so. The committee, of course, were not under any obligations to put a word of that testimony in their report.

Mr. CRAWFORD. Oh, no.

Mr. GALLINGER. No. They might have reported that the charges were not proven and have left it there, but they did put in some portions of the testimony, and I have no doubt that the committee acted in good faith.

Mr. CRAWFORD. I am not gainsaying that——

Mr. GALLINGER. No; I understand.

Mr. CRAWFORD. But if the Senator will permit me, I am saying it is exceedingly unfortunate and it was unfair to the State attorney and it was misleading to Senators to have the very testimony upon which indictments were returned omitted from that part quoted to show that these indictments were wrongfully used for the purpose of compelling witnesses to testify to falsehoods.

Mr. GALLINGER. That may have been an unfortunate omission.

Mr. CRAWFORD. It certainly was.

Mr. GALLINGER. Yet I recur to the fact that here is the testimony, and every word that was uttered is in that volume.

Mr. BRISTOW. Mr. President——

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

Mr. CRAWFORD. I yield to the Senator from Kansas.

Mr. BRISTOW. I should like to inquire, with the permission of the Senator from New Hampshire, whether, if the committee put in any of the testimony, it should not have put in all the testimony that gave the story complete instead of that which just gave one side of it?

Mr. GALLINGER. Of course they ought not to have put in one side of any statement, and I have no idea that was the purpose.

Mr. CRAWFORD. It happened, though, in some manner.

Mr. GALLINGER. There may have been inadvertently an omission of a paragraph, which perhaps justifies the Senator from South Dakota in making the criticism he does. But I can not believe that it was done purposely by anybody.

Mr. CRAWFORD. I am frankly and without reservation glad to say that I am absolutely convinced that it was not done in any manner with the knowledge of the committee. But I can not relieve myself from the feeling that through some source and back of the committee there were interested parties who were furnishing the transcript; that some one who had an interest in having that matter appear plausibly here must have omitted from the testimony those very important parts as they were reported in connection with the conclusion. That is all.

What are you going to do with this charge of duress and this claim that they were using this machinery to make this man tell a cooked-up story, a falsehood, for the purpose of doing an injury to innocent men, when he says here, when pressed by the State's attorney:

A. They didn't ask me to lie.

In this claim that there was duress in this testimony submitted, for the purpose of showing that immediately in connection with the committee's finding, this was not presented:

Q. The perjury charge was correct, was it not?—A. Afterwards it proved it was; yes, sir.

Here is the man who had made these false statements admitting this.

Senator FRAZIER. If it were true that you met Wilson in St. Louis and he paid you $900, and that you met Browne and he paid you $1,000, why didn't you tell that when you came up here before the grand jury and before Mr. Wayman? What were you concealing it for?—A. I didn't want to get myself, perhaps, in trouble and my friends in trouble. I didnt know where the money came from. That was the only reason.

He did not know where the money came from. I insist it makes no difference where the money came from if money was corruptly used and by its corrupt use enough votes were procured for Mr. LORIMER without which votes he would not have been elected; it makes no difference where the money came from, the corrupt use of the money and the resulting election from the corrupt use of the money corrupting enough of them. He was afraid he would get his friends into trouble.

Q. Why didn't you tell it if it were a fact that you got it, and that you met those gentlemen? What were you trying to conceal it for?—A. I didn't know anything what there was about it, and didn't desire to criminate myself for taking this money. I didn't know where it came from.

This question of duress, I think, is an exceedingly important question, because it is the thing upon which those rely who undertake to get around the testimony of these witnesses and make the claim that it is unworthy and should not be considered.

Now, this man Link was asked if it were a present to him, this money, and a fair and honest transaction for campaign purposes or a gift.

Mr. President, Mr. Link was interrogated with reference to the matter of coercion, and I shall call attention to that particular part of his testimony in which the Senator from Tennessee [Mr. FRAZIER] asked him, speaking of this money that had been paid to him in St. Louis:

Q. If it were a present to you, and a fair and honest transaction for campaign purposes, or a gift or otherwise, why were you trying to conceal it?—A. I had no reason at all for concealing it.

Q. Why didn't you tell it?—A. Pardon me, I will correct that. I was afraid of getting somebody into trouble; I didn't know where this money came from.

Q. Who were you afraid of getting into trouble?—A. Friends of mine or myself.

Q. Who were your friends?—A. I had a great many friends on the Republican side and on the Democratic side in the general assembly.

Ah, there he connects the receiving of this money with his friends in the general assembly on both sides, Republicans and Democrats. Why did Mr. Link think that if he stated openly and frankly to the public the fact that he had met Mr. Browne and Mr. Wilson in St. Louis and received this money from them he might get a number of friends of his in the legislature, members of the general assembly, both Republicans and Democrats, into trouble? Can you answer that question? Can Senators answer that question without inferring that the reason he was afraid was that it would get friends of his in the general assembly, both Republicans and Democrats, into trouble, because he knew that this money was being paid to him corruptly, and that friends of his in the general assembly, both Republicans and Democrats, were also implicated in the corrupt receiving of money? That is why he was afraid; is it not? What other explanation can be made for this man's fear? What other reason can even be conjectured why he should be reluctant about frankly admitting that he met these men in St. Louis and received this money?

If you sit down and think about it, think about the manner in which it was done, the circumstances that surrounded it, can any Senator give himself any satisfactory reason why Mr. Link should be afraid that the giving of this information to the public would make trouble for his friends in the legislature, except because it was a corrupt and guilty transaction for which they were all amenable under the law?

Q. Who were your friends?—A. I had a great many friends on the Republican side and on the Democratic side in the general assembly.

Q. How would you get your friends into trouble by telling the truth, if this were a perfectly honest and legitimate transaction?—A. I didn't know how it would get them into trouble, only it struck me I might get them into trouble.

Can any one have an answer for it except that he knew as well as he knew he was in existence that it was a miserable, dirty, criminal transaction, that he was not the only one involved, but that there was a whole brood of them involved in it over at Springfield? Ah, that explains the testimony; and you can not explain it in any other way.

Q. You didn't care to admit that some one had given you $1,000 without any explanation about it?—A. No, sir.

Now, about this question of duress a little further. This does not appear in the testimony in the report, but Beckemeyer was asked—this is on page 254 of the record—

Q. Were there any threats or duress used upon you for the purpose of making you tell anything with reference to the Lorimer payment of money that you have testified to here?—A. There was not.

We are informed here directly by a telegram which the Senator from Indiana [Mr. BEVERIDGE] put in the record, that Mr. Keeler—I think that was his name—who undertook over in Chicago to swear that a third-degree process was used to compel these witnesses to swear falsely, has been convicted of perjury for making such statements.

You can not break this testimony down on the theory that duress was used. That claim is absolutely exploded and absolutely destroyed. I quote from the testimony:

Q. Did you tell the truth then as you have told it now?—A. Yes, sir.

Where is your duress? There is none. You can not get away from the testimony of Link and Beckemeyer and Holstlaw by technicalities. Someone said that they testified that they intended to vote for LORIMER and they would have voted for LORIMER without having this money paid to them. Does anybody for a moment believe that they were at Springfield passing the boodle around in chunks of $1,000 and $900 to men who were going to "deliver the goods" without it? It is absolutely ridiculous. This man Holstlaw says that Broderick told him that if he voted for Mr. LORIMER there was $2,500 in it.

Shephard is a very peculiar man. He talked a good deal when he was on the witness stand, and explained that when Browne came to him and wanted him to vote for LORIMER he told him he could not do it; that he was a dyed-in-the-wool Democrat. But finally he intimated that he might do it if he could get the post-office matter adjusted at Jerseyville. Jerseyville is his town. The postmaster there owned a newspaper and had abused him for a good many years; he did not like that editor and did not like the deputy. He said if he could be assured that neither of these men would be appointed postmaster at Jerseyville he might consider this proposition. Browne said: "We can not do anything with that; that is not in our jurisdiction; that is a Federal matter." Shephard would not give him any encouragement, so he says; but a few days afterwards Mr. Browne came to him again and said: "I have found out that this postmastership is in Congressman RAINEY's district, and RAINEY is a Democrat. RAINEY can not control the appointment of postmasters at Jerseyville, because he is a Democrat, and the Senator will control the appointment of postmasters down there. It is different from what I thought it was the other day when we were talking about it."

I am not quoting that testimony literally, but I am giving the substance of it. Well, Shephard was hopeful at once. He wanted to get the scalps of these newspaper men who had been abusing him down there at Jerseyville, and he wanted a pledge that they should not have the post office. It was not a question of their fitness for the post office; it was not a question with him as to whether they would be excellent servants of the public or of the post office; it was not a question with him of the public service or the public welfare at all; but he wanted to drive a bargain by which, whether it interfered with the public service or injured it, he could keep that newspaper man and his deputy, or whatever he was, out of that post office. Browne said: "I have found out that is different; that is in Congressman RAINEY's district. He is a Democrat. LORIMER can do something about that." So he took him to LORIMER and Shephard laid this situation before him and wanted him to state whether or not he could control the appointment at Jerseyville and keep these men out. "Well," said LORIMER, "I have got my voice in the distribution of patronage as United States Senator, and I do not see why I can not keep them out. I will undertake to do my best to keep them out"—or words to that effect—I am not undertaking to give it literally correct, but I am giving it substantially as it is—and he assured him that he would see that they were not put in. Shephard said, "Well, I will vote for you."

It did not stop there. I do not know what else occurred. That is probably not all that occurred. I would not say but that this is all that occurred between Mr. Shephard and Mr. LORIMER. But Shephard's connection with these deals does not seem to end there, Mr. President. He voted for LORIMER; but he appeared at St. Louis on both occasions when the other boodlers were there. How do you account for that? You can not get away from that. This Henry Shephard was there both times. This was the identical Henry who wanted to settle the postmastership at Jerseyville, and he turned up when there was some feed over at St. Louis to be distributed, apparently to get his share. He says he did not get any money; but it does not look right. I am not satisfied with Henry Shephard's denial. I do not know what he was there for if he was not there to get some money. That is what the other fellows were there for. I do not know what he was there for on both these dates when these other men were there, why he appeared at the hotel where they were, why he went to the same room where they went, and why he went to his vault in the Commercial Trust Co.'s bank, why Mr. Beckemeyer should hear Mr. Wilson say, "I have a $500 bill for Shephard," if Shephard was not mixed up with the distribution of this money, both of what was called the "Lorimer money" and what was called the "jack-pot" money? You can not explain satisfactorily to a reasonable man that Shephard happened over there accidentally both times in that great city of St. Louis, and landed over there at that hotel, where these other fellows met, and went right to the very spot where the corrupt money was being distributed, and got right into the inner circle, into the bathroom where it was being paid, and then undertake to say that Henry Shephard just happened to be over there to get some packing for his automobile. He fixed the date for getting the packing at the identical date that Lee O'Neil Browne was inviting these men to meet him there and later on when Wilson was inviting them to meet him there. Oh, Henry's skirts are not clean; Henry's conduct has a bad odor about it. He made a corrupt agreement about his post office, and after that was made satisfactorily he got into the other deals. He got in them, and he got his pay—his part of the swag.

Beckemeyer, White, Link, Holstlaw, Luke, and Clark are in this so deep that I confess I can not understand how any person on earth can read this testimony and say that those votes were not corrupt votes, absolutely corrupt votes, corrupt as they were cast for Mr. LORIMER, because there was a consideration in money that induced them to go where they did. Lee O'Neil Browne, we were told the other day, did not deliver any votes, but friends of Mr. LORIMER delivered Lee O'Neil Browne and he could not help himself. That is a remarkable condition of things when Mr. Lee O'Neil Browne, who has been heralded here as a wonderful man, and whose testimony has been quoted over and over again as the basis for claiming that White's testimony ought to be disregarded, Link's testimony ought to be disregarded, Beckemeyer's testimony ought to be disregarded; and this man Browne claims that he had 30 votes that were under his leadership and that went where he wanted them to go, and that he in his repeated interveiws with Mr. Shurtleff and Mr. LORIMER insisted that they should not one of them be cast for Mr. LORIMER unless they would elect him, and that after that understanding was reached he went at it himself and his lieutenants and made a canvass to get these 30 men in line. He admits that himself. That very night they met at the St.

Nicholas Hotel. They had conferences. They made reports to Mr. LORIMER and Mr. Shurtleff, and finally reported that the 30 votes could be delivered, and the election came off the next day.

Mr. Lee O'Neil Browne, who had been the choice of these men for minority leader, admits that he had this understanding with Mr. Shurtleff and with Mr. LORIMER himself, and that he had started out to get for him these votes. Mr. LORIMER claims that he himself got only 34; he had to get 19 more; and who got them? John Broderick and Lee O'Neil Browne and their lieutenants got them. And how did they get them? Mr. LORIMER does not claim to have had personal influence enough to get any beyond the 34; and he says his friends got the rest. How did they get them? They got them in the manner that this record discloses. Lee O'Neil Browne's friends delivered him? Well, that is utterly ridiculous in view of Lee O'Neil Browne's testimony as he has given it to us here in the record.

He says on page 665 that these 30 men voted upon a signal, and that signal came in the form of a statement "yea" or "nay" made by Manny Abrahams; that that was the signal upon which they as a faction all decided how they were going to vote, right or wrong.

This man had control of these men, and he wanted all there was in it for his influence and control over them, and he used his power and influence over these men for the purpose of getting money, and he used it in this case for that purpose, and the testimony discloses that he so used it.

Now, I claim that Mr. Shurtleff and Mr. LORIMER and Mr. Lee O'Neil Browne were working together; that these three events which occurred at Springfield—the election of Speaker Shurtleff, the selection of Lee O'Neil Browne as minority leader, and the uniting of interests between LORIMER's friends and those handling the jack-pot money—that these three facts all worked together and resulted in the election of Mr. LORIMER.

My claim, based upon these three facts and what followed them, is denied, and it is attempted to get away from them by undertaking to show that Gov. Deneen was responsible for Mr. Shurtleff's election as speaker because he had abused his authority and his position as governor at Springfield in undertaking to dictate as to the organization of the legislature. I undertook to explain to-day how that claim was absolutely unfounded, because this contest against Gov. Deneen began in the campaign before the election in November. It began immediately after the primaries at which the governor was nominated; and his opponent at the primaries, ex-Gov. Yates, joined forces with Mr. LORIMER, and they practically bolted Mr. Deneen's nomination, and moved heaven and earth to beat him, so that he carried the State by only 20,000 or something like that when President Taft carried it by a very large majority.

When the legislature met at Springfield this opposition to Gov. Deneen, which began in the primary fight and contest and was waged after it and up to the election, went on and on and on, and it was not necessary for LORIMER to be out at Springfield in person, because he had his lieutenants there and everywhere in the State carrying on this contest to overthrow a governor in his own party. They were the men who succeeded in keeping out of the caucus of their own party and going in with the Democrats in electing Shurtleff speaker and securing the control of the legislature.

To show that I am right about that, I will read from a speech made in the Senate in May, 1910, by Mr. LORIMER, giving an account of the enmity toward him on the part of the Chicago Tribune, and in this speech, which I find on page 7294 of the CONGRESSIONAL RECORD, under date of May 28, 1910, this statement:

> After another bitter contest for governor in 1904 the newspapers succeeded, and Deneen became the Republican Party nominee for governor and was elected governor of Illinois. The strife continued in the party during his whole term. During the last year of the governor's term Senator Hopkins urged me to join with other Republicans, with a view to selecting a candidate to oppose Deneen for the Republican nomination for governor in 1908, and promised his support. In March of that year the friends of Gov. Yates urged him to become a candidate, which he did. He had the support of the organization Republicans in Cook County, who had organized the State with the friends of the Yates administration and succeeded in electing Hopkins Senator a few years prior.
>
> It was not until after Yates announced his candidacy that Hopkins went over to the Tribune newspaper combination, made his peace, joined with them and prevented his friends from supporting Yates, and urged them to support Deneen. When I discussed his attitude with Senator Hopkins, and told him that he was the first man to urge me to support a candidate other than Deneen for governor, he admitted the fact, but said he must hold to his present course or Deneen and the newspapers would defeat him for reelection.

Then he goes on to speak about the primary afterwards, as follows:

> But actions speak plainer than words and sentiment. Over 400,000 votes were cast for governor. Deneen was nominated by about 10,000 majority. Yates's friends were overwhelmed with the proof that almost every man with whom Hopkins had influence in the State, at Hopkins's request, had supported Deneen, while the friends of Yates had supported Hopkins and carried the territory for him in which they lived.
>
> After the defeat of Gov. Yates, all of the power of the city, county, State, and Federal administrations, under the leadership of Senator Hopkins, Gov. Deneen, and Mayor Busse, assembled into a misfit organization to make the final assault upon and destroy the last vestige of the Republican organization that had stood as a stone wall against the dictatorship of the Tribune and its newspaper combination for many years past. I was removed from the executive committee of the party.

These were the Lorimer Republicans. Does anybody mean to say that after this long, hard contest between Hopkins and Deneen and LORIMER and Yates, Mr. LORIMER and his friends went down to Springfield, or that Mr. LORIMER's friends—he being here—went down to Springfield and did not undertake to elect some man for speaker of the house whom neither Deneen nor Hopkins could control, elect some man for speaker of the house who would not use the patronage as speaker for either of them? Ah, no; no one can believe that. They went down there to put in for speaker some one who would be absolutely against Gov. Deneen and absolutely independent of Mr. Hopkins, and they were so determined to do that that they would not go into a Republican caucus. They stayed out of a Republican caucus. They would not agree as party men to accept the decision of a caucus in selecting a speaker, but they went over completely and formed an alliance with the Democrats.

Mr. BRISTOW. Formed a new party.

Mr. CRAWFORD. Yes; these regulars, always so regular and always so loyal, who always take their medicine, to hear them tell it, and never falter, and never fail, when they got licked out by Gov. Deneen and Mr. Hopkins at the primaries, bolted. They went against their ticket, moved heaven and earth to defeat their own candidate, and then went down to the legislature and refused to go into a caucus, refused to have anything to do with the caucus, because they were in the minority, and went over openly and made an alliance with the Democrats and selected Shurtleff speaker. Do you tell me that this election of a speaker was not an anti-Deneen and an anti-Hopkins matter, a Lorimer bipartisan Democratic-Republican-alliance victory, and I snap my fingers. I say you have not read this testimony nor studied the logic of it if you do not know that that is what they did, and nothing else. When they got Mr. Shurtleff elected speaker, whether at that particular time Mr. LORIMER was intending to be a candidate for the Senate or not is immaterial, because, as the history afterwards developed, it was one of the powerful occurrences which was necessary to a favorable situation which caused him to be a candidate afterwards.

You say he had nothing to do with the election of Lee O'Neil Browne as minority leader. Perhaps not directly, but the fact that a man of Lee O'Neil Browne's character, corrupt habits, unscrupulous habits, was selected as minority leader and put in control of the minority patronage in the State was a fact which, along with the selection of Shurtleff as speaker, played into the hands of the men who were determined to defeat Mr. Hopkins and to prevent Gov. Deneen from controlling the situation.

Well, when these two steps had occurred, then came the question of making the most of the situation which existed there in which such men as Browne and Holstlaw and Beckemeyer and Link and Luke and Shephard could be brought into line through the influence of this jack pot. That was another related fact, along with the control of the speakership, along with the power which Lee O'Neil Browne had as minority leader, which enabled Mr. LORIMER and his faction to hope that they could control the election of the United States Senator. So after they had got into the saddle in this way, supposing we admit that through the influence and popularity which Mr. LORIMER had built up in the deep-waterway movement, and through his influence as the organization head over there in Chicago, and the favors he had bestowed here and there upon such men as Manny Abrahams, that he could in an emergency secure, say, 34 votes, which he claimed, he did not have enough; there were 19 short; he had to get them somewhere, and the question in this case is, How did he get them? I never have gone to the extent of saying that he personally went out and bought them. Although he seemed to feel that I dealt unfairly with him in regard to it, what I said about that part of it is in the speech which I delivered here January 10, in which I said:

> And one can conclude, after carefully reading all the evidence here, that Mr. LORIMER himself did not know that fraud was being committed. I wish I could believe that he did not, because I bear him no ill will and would not do him the smallest injury or injustice knowingly.

I meant every word of that.

I said this morning, and I say it again, that I can not understand the vindictive man. I do not know how to read the malicious man; he is a mystery to me. I can realize something about a fitful temper; I have a little of that myself; but the man who is vindictive and malicious, and out of malice and in a vindictive spirit would do harm to his fellow man, either to his character or in any other way, I can not understand. I used this language:

I wish I could believe that he did not, because I bear him no ill will and would not do him the smallest injury or injustice knowingly.

Why should I? He never harmed me in the world. If it were a mere personal matter between him and me and not this question, which, to my mind, is the infliction of an awful wound in the heart of the Republic itself, I would be glad to waive it myself.

But I can not overlook the fact that for days and nights immediately preceding the 26th day of May, 1909, when these corrupt and tainted votes were cast for him, he was in Springfield.

He said he had a right to be there. I say he had a right to be there, but I say he was there "directing his own campaign"—he admits that—that he was in almost constant conference with Lee O'Neil Browne. He did not admit that, but that appears—he did not deny it, and the testimony of these other witnesses shows it—that—

he was in almost constant conference with Lee O'Neil Browne, and Speaker Shurtleff reported progress to him, and that he assured Shephard, the Democrat, personally, that he would procure the appointment of his friend as postmaster—

I think that is a little too broad; that he would prevent the appointment of his enemy is more correct—

at Jerseyville if Shephard would vote for him, and that Shephard afterwards turned up with the other boodlers at St. Louis on June 21 and July 15 to get his share of the money reward distributed by Browne and Wilson; and Mr. LORIMER, personally, had a talk with Link before his election and secured Link's promise to vote for him, and that this same Link also appeared with the boodlers at St. Louis and got his reward in cash.

Now, that is absolutely true.

Mr. President—

I said—

that Mr. LORIMER knew enough about what was going on at Springfield to put a reasonably prudent man upon inquiry.

Upon inquiry; that is all.

Now, he perhaps was not a "reasonably prudent man." He may have been overconfident; he may have been led by his friendship for these men to absolutely trust them and innocently believed that they were doing nothing but what was perfectly regular. I do not go to the extent of saying otherwise; but I say that it was a situation which should have put a reasonably prudent man upon inquiry. The courts of equity ever since chancery courts were first established to do what was just and right as between men in equity and in good conscience have held men responsible for what occurred through agencies they put in motion and under circumstances that would put a reasonable man upon inquiry. No one can deny that this is a sound proposition. If I select my agent and send him to do certain things for me, and he is engaged in my presence in using methods and devices that are fraudulent, I may not have actual knowledge of what he is doing; but if the facts and circumstances surrounding his conduct are such as would put a reasonable person upon inquiry and I accept the fruits of his conduct, then I am held responsible for it.

That is as far as I went—that there was enough occurring there to put a reasonable man upon inquiry—

That Shurtleff and Browne were his political agents and that he ratified their acts and accepted the fruits of their corrupt practices, of which he must at least have had some knowledge, and that he was not legally and duly elected.

That is as far as I went, and I think it is a fair and just conclusion from the record and the testimony in this case.

Now, were Mr. Lee O'Neil Browne and Mr. Shurtleff acting as the representatives of Mr. LORIMER or not? What does this testimony show? I will call attention to it.

Mr. Browne says, in his testimony, after this conversation with Mr. Shurtleff, he said Shurtleff had come to him a few days before the election—two or three weeks—and asked him to ascertain how many of his followers would vote for Mr. LORIMER. Now, just think of this. Here was Mr. Shurtleff, a Republican speaker of the house of representatives, elected by Democrats and Lorimer Republicans, who came to Mr. Lee O'Neil Browne and asked him to ascertain how many of his fellows would vote for LORIMER. You will find that on pages 592 and 594 of this record. He asked him how many of his friends would vote for LORIMER. Then he was asked:

Now, after this conversation with Mr. Shurtleff did you consider the proposition which he made or suggested?

Browne says:

I did.

Q. You gave it very serious thought?—A. Yes, sir (p. 594).

Q. Now, after you made up your mind and after your talk with Mr. Shurtleff and weeks or few days of consideration by yourself, did you have any talk with Mr. LORIMER—

Ah, here is Lee ONeil Browne and Mr. LORIMER coming together here—

with reference to his candidacy?—A. Yes, sir.

Q. When, for the first time?—A. I can not tell you.

Q. Can't tell us how soon after you made up your mind to be with him that you had a talk with him?—A. No; because I did not notify him first.

Q. Who did you notify first?—A. My recollection is that I gave Mr. Shurtleff an answer (p. 594).

Q. And you told Mr. LORIMER of that fact?—A. Conditionally.

Q. There was a condition?—A. Yes.

Q. And what was that condition?—A. I stated to Mr. Shurtleff, and I stated afterwards to Mr. LORIMER, that I would not consent to having a single one of the Democrats that I had any influence with cast a vote for Senator LORIMER unless his election was an assured thing; that I would not have those votes cast away absolutely (p. 595).

Why should Lee O'Neil Browne be so insistent that these 30 votes which he claimed he controlled should not be cast for Mr. LORIMER unless they would elect him? What was the reason? If he was a friend who wanted LORIMER elected unselfishly, why not cut loose and give him the benefit of his vote and give him a boom, whatever it is? Oh, no; not one should vote for him unless their votes should elect him. Why was such a condition as that put on? The votes would not be worth anything unless they delivered the goods, would they? They would not have any commercial value unless they were the means of procuring the election. That is what Browne wanted. This man Browne was a sharp bargainer in the political corruption business. He wanted the goods. He wanted the money, and he wanted to have the votes delivered so that they would have a commercial value. That is why this debate the day Mr. LORIMER was elected occurred, when he said on the floor he could not cash dreams, and English said: "Yes, but you can cash votes." English knew him. Mr. English knew what kind of man he was talking with there, who was getting up and saying you can not cash dreams, and it came back like a shot from English, "Yes, but you can cash votes." English knew what had been going on. Rotten things had been going on. This testimony shows that. After Shurtleff and Browne and Mr. LORIMER entered into this cooperation they began to make this canvass to get these 19 votes; Mr. LORIMER with his great personal influence—and I can compliment him on his fascinating victory over great obstacles and in the way he has made his way up in the world. I am glad to see that, but I say there were 19 votes they had to get for him.

Mr. President, I am willing to admit that the Senator from Illinois was in Washington on the 7th of January, as he says, and voted on a motion over in the House of Representatives; but I insist that, following that Yates-Deneen fight in Illinois, the lines were drawn and he had that following intact. When they went to Springfield they knew very well that it was a part of their business to see to it that neither Gov. Deneen nor Mr. Hopkins was permitted to select the speaker or to control the speaker. They were willing to bolt their party, to refuse to go into the caucus, to make an alliance with the Democrats, and do almost anything in order to secure control of the organization of the house and the patronage of the house. There was a Senator to be elected, and there was a $20,000,000 issue of bonds to be made in their deep-waterway project. These forces were contending for the control of both. I say that the election of this speaker was a part of this program, and that in his election they were willing to turn away from and absolutely throw to the winds the wish of that large vote which had been cast for Senator Hopkins.

I do not claim that every man who voted for Mr. Shurtleff knew what this game was, for he did not. Many an honest man undoubtedly, through plausible reasons, voted for him. I suppose they worked the claim that Gov. Deneen was trying to dictate who should be speaker for all there was in it. No doubt they shook that, like a red flag in the face of a bull, for all there was in it, and many a voter may have been misled by it; but the men who were playing that game of politics knew what they were doing. Do not forget that.

Any child in politics can see that there was method in this proceeding. The cry that the governor was undertaking to usurp the legislative function and dictate who should be speaker of the house, was a mere political strategy, according to the ways of machine politicians and their methods. I can see through that. It was a game; and I said when I made my speech on January 10 it was a game. I say here to-night it was a game, and nothing but a game.

The distinguished junior Senator from Iowa [Mr. YOUNG] is known all over the United States for the statement he has made that politics is a great game. That is the way they regard it in Illinois; and this was a game these fellows were playing. They wanted the speaker and in a cold-blooded way they proposed to have him, because they wanted to control the patronage and the issuance of these waterway bonds; they wanted to be in on the ground floor in the selection of a United States Senator, and they wanted to score one against Hopkins and against Deneen, and they did not care how. They went into this deal with the Democrats in cold blood—that is plain enough—for the purpose of preventing them from controlling this legislature and putting their own tools in the saddle. That is plain enough; anybody can see that; and they scored in their game.

I do not claim for a moment—I want to be fair—that the Senator from Illinois had anything to do with this election of Lee O'Neil Browne by the Democrats as minority leader. Lee O'Neil Browne managed that; but when Lee O'Neil Browne became minority leader, knowing the kind of a man Lee O'Neil Browne is, knowing what Lee O'Neil Browne would do if there was something in it, they went into a deal to use him and his 30 robbers—as the Senator from New York [Mr. ROOT] calls them—for all there was in it; and they made a deal with him to deliver just as many of them as he could to Mr. LORIMER. He started out to get them.

Now, I come to the things which happened while he was trying to get them. They wanted votes, and they wanted them badly. They had 34 Democrats, but that was not enough; they had to have 19 more. They went out to get them. This man Groves tells us how they tried to get him. Mr. Groves was a bluff old Democrat, apparently of the old school. I admire him very much from reading the testimony. He was an outspoken, courageous, and honest man, a Democrat of whom the Democrats can be proud. He was asleep in his bed in his room in the hotel after this agreement had been entered into between Shurtleff, Lee O'Neil Browne, and Mr. LORIMER that they should go out and get these votes. Groves was in his bed in the hotel, and Douglas Patterson, an ex-member of the legislature, raps on Groves's door. Mr. Groves gets out of his bed and opens the door, and in comes Douglas. Douglas says, "Mr. Groves, I think it could be made a matter of mutual profit to you and to me for you to vote to-morrow for Mr. LORIMER." Ah, Douglas evidently had lived in this corrupt atmosphere at Springfield, where they had the jack pot and the existence of which he knew, and he thought he could go into bluff old Jacob Groves's room and say to him, "I want you to vote for LORIMER to-morrow, and it will be to the mutual advantage of both of us." So he made that suggestion. Mr. Groves said, "There is not enough money in Springfield to buy my vote for BILL LORIMER." Patterson said, "Put down the transom; you are talking too loud." Groves was an honest man. He blurted out what he thought of this kind of business, "There is not money enough in Springfield, or in Illinois"—whichever it was—"to buy my vote or to cause me to vote for BILL LORIMER." Patterson wanted the transom put down at once, and wanted to make his escape. He saw he had made a mistake.

Is there any testimony in this record to dispute this statement of Jacob Groves? Where is it?

That is the testimony. It is not questioned; it is not disputed. It stands here in the record absolutely uncontradicted from any source.

What does that indicate—this ex-member of the legislature in the dead hours of the night, gently rapping upon the door of Mr. Groves, a member of the legislature, and on being admitted saying to him, "I want you to vote for LORIMER to-morrow"—this man Groves was a Democrat—"and it might be to the mutual advantage of both of us?" When the answer rings out through the transom, "There is not money enough in Springfield to buy my vote for BILL LORIMER," the reply is, "Please put down the transom."

Draw your own conclusions, Senators, as to that transaction. I think you know what it meant.

I come now to Henry Terrill. Henry Terrill was a Republican, and he was a Hopkins man. Terrill evidently believed that he was bound by the expression given by the voters of his State. He met Mr. John Griffin, the man whose vote Hinky Dink, I think it was, assured Mr. LORIMER that he would get if he was a candidate for Senator. Hinky Dink got Griffin to vote for LORIMER, and Griffin met Terrill when they were out ransacking for Democratic votes, and asked him to vote for LORIMER. Terrill asked Griffin what there would be in it. Terrill was trying to find out. I suppose he had heard some rumors around town that money was being used to get votes; so he asked this question.

What was Griffin's answer? "Why," Griffin said, "a thousand dollars, anyway." What do you think of that? When you stop to consider that that is the exact amount paid to White, to Beckemeyer, to Link—a thousand dollars—when you stop to think that was the going price for members of the house (in the senate they got a little more because they did not have to have so many of them over there, and Holstlaw got twenty-five hundred), but in the house the regular catalogue price appears to have been $1,000.

Terrill voted for Hopkins. There is no testimony indicating that he was committing perjury when he made this statement. He could not be bought. Terrill is not discredited. There is nothing here upon which men are justified in putting aside his statement.

Ah, this was a nasty, rotten, corrupt arrangement at Springfield, and why can not Senators see it? I do not know. It surpasses my comprehension. It is so plain to me that I am amazed there should be any question about it.

Here is still another circumstance. George W. Meyers. I know what has been said about this, but George W. Meyers was a Democrat, a member of the house of representatives; and this record shows that so far as he is concerned he could not be bought. The Senator from New Hampshire [Mr. GALLINGER] says he ought to have struck the man who said what he did to him. I do not think he ought to have committed a crime like that, and if what they say is true, that this jack pot had been in existence at Springfield for years, and that everybody knew it was there; that they had been buying legislation with it or suppressing legislation with it and dividing the boodle at the end of the session for years; and it was so well known that even counsel in this case on both sides accepted it as a matter of common knowledge, I do not know why Mr. Meyers should be so terribly surprised and why his virtuous indignation should work him up to the point where he ought to commit the crime of assault and battery on the floor of the senate because this man Browne said to him there is plenty of the "ready necessary."

I know that the Senator from New Hampshire, with all of the indignation of an honest man, would resent such a suggestion as that if made to him, and I do not know but that he might strike such a man, but the Senator from New Hampshire is not Representative Meyers, and he has not lived in an atmosphere like that of Springfield. He has not lived in a community that has become so benumbed apparently that a matter of a jack pot used for the purpose of buying legislation and selling it is accepted as a matter of course. So the way he would look at it and the way Mr. Meyers, who I believe is an honest man, looked at it, are two different things entirely. Mr. Meyers is not impeached. No one attacks his testimony on the ground that he is an unworthy man; not at all.

But what does Mr. Meyers say? He says that on the day of this election he was in his seat; he got a note or a summons from Mr. Browne to come over to his seat, and he went over and Mr. Browne asked him to vote for Mr. LORIMER. Both these men were Democrats, remember. Mr. Meyers, a Democrat; Mr. Browne, a Democrat; and yet Mr. Browne, a Democrat, was asking Mr. Meyers, a Democrat, to vote for a Republican. He said to him he would like to have Mr. Meyers go with him, because they were going to elect Mr. LORIMER, and that there were plenty of good jobs and the ready necessary, and that Mr. Meyers says, "Lee, I can not do it."

Then the Senator from Texas [Mr. BAILEY] and the Senator from New Hampshire [Mr. GALLINGER] would lead us to believe because he protested he could not do it, but did not commit a crime by assaulting this man, that it is evident he is an untruthful witness. I think that is an unwarranted conclusion. I do not think it is reasonable. I do not think it is natural. I do not think it is justified. I think the answer that Mr. Meyers made, considering the time, the conditions surrounding it, was just about the answer that the average honest member of the legislature would make.

Senators refuse to be surprised at the testimony of these other witnesses in relation to what occurred at St. Louis and in Chicago, but when it comes to this incident connected with Mr. Meyers they throw up their hands in horror and say it could not have occurred, because Mr. Meyers would have immediately reported this man and prosecuted him or beaten him.

Mr. Meyers makes the statement that Mr. Browne said to him that they had good State jobs to give away and "the ready necessary." Some one says, "Why, the idea of Mr. Meyers going over to Mr. Browne's desk in the open session upon the floor of the assembly hall and such a conversation occurring there in the open session is absolutely preposterous." How many Senators make note of what happens between two Senators if one goes over to the seat of another and exchanges quietly, perhaps

in whispered conversation, a few words with that other Senator? They do not notice what is said once in a hundred times, because they are not eavesdroppers meddling with the affairs of other Senators. There was no occasion for them to make note of what occurred, and it is absolutely absurd for men to say that this could not occur without everybody knowing it.

There is not a Senator on this floor who could not go to another Senator and, in an undertone, carry on a conversation about some matter and go back again and not another soul in the Senate except those two men know what they said to each other. Now, you all know that. I do not think this is an extraordinary thing at all, or an unnatural thing under the circumstances which prevailed at Springfield.

Mr. Meyers said that this occurred. Mr. Browne denies it; but Mr. Browne is a scoundrel, and everybody knows it, and Mr. Meyers is a reputable man, against whom not one word can be said except what may be claimed from these circumstances. He did not sell his vote.

They tried to show by a page that the page did not see him go over to Browne's seat. There is nothing in that. Would what a page might say with reference to an event that occurred 14 months ago, that he did not see a Senator from this side of the Chamber go over to exchange a word or two with the Senator from New Hampshire [Mr. GALLINGER], be considered as evidence against the fact that he did go? It is not worthy of consideration at all. It has absolutely no value.

George Alschuler—I have heard nothing said against him as a man; I do not know anything about him—sat back two or three seats behind Browne, and he said he did not see this, but it might easily occur and Mr. Alschuler not see it or hear what was said. He was in no position to deny it a year and a half afterwards.

But Mr. Meyers, who did know, who was the one to whom the remarks were addressed, the one to whom the appeal was made, who was the one whose vote was sought, said it did occur and that this man did solicit his vote and tell him they had the good State jobs and the "ready necessary."

I can not refuse to believe the statement of Mr. Meyers. He is unimpeached. He is not discredited. He is not attacked by any testimony that appeals to me, and his statement fits in with the statement of Henry Terrill, which shows what was going on. It fits in with the statement of Jacob Groves, which shows what was going on. It harmonizes with the admitted fact that there was a corruption fund there. Then, in the same connection, about the same time, is this Holstlaw transaction that I have reviewed over and over again. I can not drive my mind and coerce my faculties into any process of reasoning by which I can get away from the compelling force of all this testimony. I can not get away from it.

Senators must not expect me to get away from it. I can not. I have no prejudice in this case, but I have got to be governed by my judgment and my convictions, and I can not get away from it.

I am a country lawyer and I have tried a good many cases, some of them involving a good many thousand dollars, some of them involving human life and sacred personal rights, and I have had some experience in weighing testimony.

I can not get away from the compelling force of this testimony nor throw it aside nor reject it nor escape the logical conclusion that it forces upon me that this transaction between Holstlaw and Broderick was a corrupt transaction and a crime. Then there is De Wolf. They said "poor old Jacob De Wolf," whom I have abused. Jacob appeared to be around hunting for some Republican to deliver his vote to from the time the thing started almost. Jacob wanted to deliver his vote to Hopkins and tried to go and organize the Democrats for the purpose of delivering them to a Republican, and I see in this record that Jacob over and over again during the various roll calls voted for Lee O'Neil Browne for Senator.

What do you think of the purity of motive and disinterestedness of De Wolf when he was a blind follower of Lee O'Neil Browne, voted for Lee O'Neil Browne for Senator, and followed Manny Abrahams as his bellwether? In August, just after these transactions occurred in St. Louis, where money was paid, Jacob makes a payment on his real-estate transaction of $600. I do not like the looks of that myself.

Joe Clark, outside of Lee O'Neil Browne, was one of the smoothest villains of them all, but he left behind him a trail of the most suspicious circumstances all the way through. He happened over here at St. Louis on both occasions. He tells White, so White says, that if it had not been for him Link, I think it was, would have delivered his vote for less than what he did, but that he induced him to hold out and got his thousand dollars.

Oh, these votes were not honest votes. These Democratic votes cast for a Republican, with all these circumstances so well established about them, were tainted votes, corrupt votes. To use not elegant English but truthful English, the transaction was rotten.

Beckemeyer, White, Holstlaw, Link, Luke, Wilson, Browne, and Broderick, everyone of them Democrats who voted for Lee O'Neil Browne and by this testimony so clearly established that I can not escape it, voted for him for a consideration in money. This can not be set aside as a trifling matter, not to be seriously considered. The personal equation, the kindly feeling toward the sitting Member, the reluctance about putting him to any inconvenience and having him go out of here with this history of these transactions connected with him, are expected to overbalance and put away from consideration these tremendously serious facts in regard to fraud and corruption in connection with the votes cast for the sitting Member.

Mr. President, if the elections in the United States are to be the subject of cold-blooded purchase, what does this Government amount to? You arraign these poor people over in Adams County, Ohio, because they sold their votes, but you never hear a word said about the men who bought their votes. In this day and generation, where poor people are struggling for an existence in this world, and where in some localities they are pressed by hunger and by want, I can see some excuse for them. I say that there is some excuse for the poor man driven by hunger and by want and by privation, if they yield to the temptation and sell their votes, because they need the money to buy bread. But I ask, where is the excuse for the man who has the money and who seeks to use it by corrupting the ballot box, who goes out and holds this gold up in the face of these poor people and tempts them by that gold to sell their honor and to corruptly deliver their votes?

If that sort of thing is to go unchallenged and be accepted as a matter of course, the American Republic is fast approaching its end. What are we to think or contemplate if in this day of which we speak so often, when great fortunes have been amassed, where the holdings of one man may mount up until they are counted not by millions, but by billions, if this wealth is to be used among the poor for the purpose of buying from them their honor? What is to become of the American Republic?

It will not last long. And yet a situation like this we view apparently with indifference, and look at it, not from the standpoint of the public welfare, not from the standpoint of the preservation of purity in our national life; all that is treated as too far way, and the whole issue narrows down to a feeling that the purpose of the investigation is the protection of the good name of the sitting Member. To my mind this matter is so fundamentally serious; it reaches so deep; its consequences are such a menace to our national life, to the public welfare, to the existence of the Government itself, that I can not think of the incumbent of the office except as a mere incident of secondary consideration and that the integrity of the election, the integrity of our political institutions, are vastly more important.

We live in an atmosphere of indifference, of self-satisfied existence. We do not borrow trouble on account of to-morrow; we are living for to-day. We are absolutely drunk with power. The great corporation or the political machine which has power gets drunk with power. It exercises it for the very love of exercising it, and feels a delight in crushing with a steam roller, or some other process, every helpless individual who stands in its way, and gloats in it and glories in it. There is too much of that. It becomes unscrupulous. If you can not win one way, win another, because the only thing in the world is success, no matter how you get it. All you are asked to do is to win, no matter how. Power without scruple is what counts. Results are what tell. If you have money, use it. If you need votes and do not know any other way to get them, buy them—just so you get them. This is the creed of wealth and power with its boss and its machine.

I am not overdrawing this picture. So help me, God, I am telling the truth about it. Make a great big purse, and each man put, and each company put up, and go to Springfield with it; go to some other town with it, and use it and get results; that is what you are asked to do. What is going to become of the integrity of our political life if we are to treat with callous indifference a situation like this?

Throw it to one side and say that the man who is trying to stand for honesty in these things is playing to the galleries; that he is simply bidding for the support of the muckraking magazines to make himself prominent; that he is not sincere; he is a reformer. Ah, it will not do to treat a question like this by dismissing it with such talk as that. You can not get away from it with such talk as that. I will tell you what you are going to do now, and I am not indulging in any idle prophecy: We are going to have more honesty. We are going

to set our faces more sternly against situations like this at Springfield. We are going to hold men who are the beneficiaries of these transactions to a strict accountability, and if they are not here on the square we are going to turn them out or else we are going to have a revolution. I do not mean a revolution of bloodshed; no; not at all; but, whether it is wise or unwise, whether it is sound or unsound, you are going to have a revolution in our form of Government, and you will have a democracy, and a pure democracy because of the distrust that situations like this create among the people of this country.

Oh, men will just simply say that is the talk of a demagogue. It is not. These situations can be avoided if we deal with them with courage and insist upon honest elections and do not shrink from our duty when the evidence shows that there has been corruption. That is absolutely true. You can not get away from it.

I do not know, I am puzzled somewhat to conjecture, what kind of government we will have here in another generation in the United States. I do not know. The conservative does not know. The ultraconservative does not know. The radical does not know. The Democrat does not know. The ultraradical does not know. The Socialist does not know. But we all do know that changes are at work everywhere of one form and another, and we all do know that protests are coming up in one form and another, and changes are insisted upon of one kind and another. Whenever your people lose confidence in the Senate of the United States because they are convinced that men get into this body by the unlawful use of money, whether it is by themselves or without their knowledge by those who are working for them, whenever that conviction fastens itself generally throughout the United States, do you know what may happen? I do not; only I am sure something very radical will happen.

You can not dismiss this situation lightly with the charge that it is the result of demagogic attacks or of attempts to destroy character. It is too serious for that. Here are Browne, Holstlaw, Broderick, Wilson, Link, Luke, Beckemeyer, Shephard, this bunch of fellows appearing in Chicago and St. Louis getting this boodle, voting corruptly, dishonestly, and induced to do so by money, for a candidate for the United States Senate who would not be here but for those votes.

This is the testimony, testimony that ought to be considered; testimony that is read everywhere by intelligent men and honest men, just the same as we read it. They have an absolute conviction in regard to it. Is this testimony overthrown? By whom? I think it is a rule recognized everywhere that a statement made by a criminal against his own interest is good testimony. His own statement in his favor is not good. Self-serving declarations are not good; but admissions of guilt, admissions against himself are regarded as credible testimony. This testimony, especially the testimony of a man who, like White, was often found to be under the influence of drink, his discretion gone, his caution gone, giving expression, without realizing its consequences, to his thoughts; what he said under such circumstances is the most valuable kind of testimony, in my opinion, no matter how black you paint him. It is the most important kind of testimony because it is testimony where under the circumstances you can not charge him with making a statement from any selfish motive, but involuntarily he is expressing his innermost thoughts. When we find him talking with the cigar girl at O'Fallon, and down at Springfield practically offering his vote for a corrupt consideration, the man was giving expression of himself against his own interest; and, to my mind, for that very reason, his testimony is corroborative instead of self-destructive.

Last year, when Mr. LORIMER made his address, he paid a very high compliment to Lee O'Neil Browne. He could not conceive of the possibility of any person ever approaching Browne with a corrupt proposal. He said he recollected a circumstance several years ago, when he was having a pleasant chat with Mr. Browne, and Browne told him that he believed the Bible from cover to cover, that he was an exemplary Christian man. Well, Lee does not appear to be that kind of a man.

Mr. GALLINGER. He fell from grace.

Mr. CRAWFORD. He did fall with a vengeance. He fell a long way. We have painted White about as black as a man can be painted here—I think deservedly; we have made him out a dissolute wretch and a scoundrel, and yet Lee O'Neil Browne called him his "dear old pal." Lee O'Neil Browne, after this swag was distributed, set apart a time when he and his "dear old pal," White, could go off on a bumming trip and enjoy the fruits of the boodle that the one had paid to the other. The letters disclose that. They go up and down, across the Lakes, in their bacchanalian celebration. Lee O'Neil Browne—this Christian gentleman, who believes his Bible from cover to cover—is the man who finds in Mr. Charles White his choice, favorite companion. Mr. LORIMER is too trusting altogether. His confidence in men is entirely too implicit when he is led to form this opinion of Lee O'Neil Browne, who enjoyed these relations with Charles S. White. These telegrams and letters all through this record passing back and forth between Lee O'Neil Browne and White and Beckemeyer and Link unite these men together with testimony that is not dependent upon oral utterances of any of them. How are you going to get away from that? It is there; it is in the record; it can not be overthrown; it can not be successfully impeached.

Scheming interests get together over in Chicago, or somewhere else, before the legislature meets down at Springfield and each contributes a certain amount to make up a corruption fund with which to buy men, with which to buy legislation, with which to kill legislation. Is not that a fine spectacle?

Yet men look upon that as something that should be tolerated. There are not many of them who look upon it in that way, but a few do, I suppose, but not many, thank God. But there it is. Everybody seems to admit that something of that kind exists to buy men, buy legislation and suppress legislation for whom? The big interests. That is not the talk of a demagogue. It is fact which appears here, and is accepted without question. A small matter, is it? If we have grown into a state of mind where we look upon that as a small matter in this country and in the greatest legislative tribunal in the world, how much longer have we to live? A small matter, a mere trifle, a little thing not to be considered in determining the personal claim of an individual to a seat in this body, because his desire is vastly more important. Is that right? Is that the way to look at this? Is that a fair measure of the importance of this question?

The jack pot was there. Lee O'Neil Browne was next to it—mighty close to it. Beckemeyer knew about it. They all had hungry stomachs for it; they were greedy to get it, and they did get it, and, as a result of their getting it, the sitting Member got votes that he would not have gotten otherwise, and without which he would not have been elected. That is what this testimony shows. Fairly construed and fairly weighed, I do not know how you can escape the conclusion, because it is in the record.

Mr. President, if we are to consider the statement made by the sitting Member as testimony it undertakes to account for some of these Democratic votes, but it comes far short of accounting for all of them.

He gave the circumstances under which he got the vote of State Senator Hearn, a Democrat, and Mr. Gorman, a Democrat. He claimed he got Gorman through the deep waterway proposition; that Mr. Gorman lives at Peoria, and that influential people in his town, without regard to party, were in favor of Mr. LORIMER on that account, and they came up and asked that he be elected. He goes into an explanation of the vote of Gorman. He also undertakes to explain the vote of Mr. Riley on account of the deep waterway; that that was a hobby of Mr. Riley, and Mr. LORIMER had given a great deal of time and magnificent service to that; and, as an appreciation, he got the vote of Mr. Riley.

He undertakes to account for the vote of Mr. Cermak, a Democrat. He says he was honest; that he got his vote in connection with the proposed amendment to the constitution for the sale of $20,000,000 of bonds.

He says he got Henry Shephard's vote—and this is the explanation he gives for that vote:

> Then we come to Henry Shephard; and what about Henry Shephard?
>
> Well, I think there is a good deal about him—
>
> When the congressional party came back from New Orleans to Washington at the opening of Congress, I called a meeting of the men that had made the trip and we organized among the Members of Congress an association. When I notified Mr. RAINEY, he told me he could not attend that night because his friend Henry Shephard was in town. I invited Henry Shephard to come to that little dinner that we organized, and it was there that I first met Henry Shephard. It was there that he first became interested in this work. It was at that time that a friendship grew up between him and me that lasted until to-day. Henry Shephard was a member of the legislature, and he was for this proposition all the way through.

That is all he says about Henry; but that is not sufficient. Henry says he would not vote for LORIMER; that he was a rock-ribbed Democrat; and he would not vote for him under any circumstance, unless it was one. That was that post-office deal. Mr. LORIMER did not mention that. That is, if Shephard could prevent the appointment of his enemies down there to the post office he might vote for Mr. LORIMER, but nothing else could possibly fetch him. Mr. LORIMER said nothing about that. Henry does. He got a promise because they had a Democratic Congressman down there, and he got a promise that he accepted as a condi-

tion of his support. He got a promise from Mr. LORIMER, upon which he said he voted for LORIMER. It was a corrupt promise, too.

But that is not all connected about Henry Shephard. Henry appears in several other acts in this play. The curtain does not drop there, so far as Henry is concerned; but Henry turns up in St. Louis when the boodle is being divided. Henry gets there and lands in the Southern Hotel at a very propitious time for Henry. Henry is not in the habit of missing things like that. There was some intuition that led Henry to believe that it would be a good thing for him to go to St. Louis and be down at the Southern Hotel on a certain day, and Henry was there. So was Lee O'Neil Browne; so was the whole gang of them—Clark, Luke, Link, Beckemeyer. The whole crowd was there, and Henry was there. I think Henry got some of the swag. I do not think it was an accident. I think he knew that the money was to be divided, and he considered that he was entitled to his share, and he went there, and I would have no doubt that he got it.

Henry went home, and on the 15th of July, when these noble heroes met there again to exchange felicities, Henry was there also. Oh, yes; he went there this time to get some packing for his auto. He was there. Henry never missed a good thing. Henry's intuitions were simply remarkable, because he knew when there was to be a meeting where swag was to be divided in St. Louis, on the other side of the Mississippi River. Henry's automobile needed packing just at that time. Henry went.

Of course, Henry found it necessary for reason on the same day to visit the bank where he had a safety vault, and to visit the Southern Hotel on the same day, and to meet his old friends, whose acquaintance he had made at Springfield during the winter before, and so he appeared there.

I do not think there is any doubt that Henry got his part of the jack pot—the $900—because Beckemeyer says that when he got his Wilson says "I have this $500 for Shephard." He went over to the bank.

Mr. LORIMER goes on, after he gets through with his little statement in reference to Shephard, to explain about George Alschuler. George was a bitter enemy of Hopkins. Of course, George was a Democrat, and he could be a bitter enemy of Hopkins, and he could be a consistent Democrat by voting for a Democrat, but he was a bitter enemy of Hopkins, lived in Hopkins's town, and the fact that he was an enemy of Hopkins was used as an explanation of his vote for Mr. LORIMER. And then he was in favor of this deep-waterway movement. Suppose we accept that; do not question it at all, and pass on to the next. That is not enough.

We come then to Charles Luke, and he undertakes to explain why Charles Luke, a Democrat, voted for him by saying that Hopkins was a bitter partisan; that he had made campaign speeches over in Luke's district and had abused the Democrats, and so Luke had it in for him; and he gives that as an explanation of why Luke voted for him—LORIMER. I am not satisfied with that, because there is a whole lot more testimony here about Mr. Luke that Mr. LORIMER does not appear to know anything about.

Charles Luke seemed to have that intuition with which Henry Shephard was gifted, and when they met over in St. Louis on the 21st of June and on the 15th of July to divide the swag, Charles Luke was there both times. He was invited up into the room with the rest of them, and a great deal remains in the record identifying him with these corrupt transactions. Mrs. Luke, it is true, says the time when she saw him have $950 was before he got this telegram to meet Wilson in St. Louis on July 15. But it was some time after the legislature had adjourned, and she says he was out of town somewhere, she does not know just where, and came back with this money. The testimony indicates he went about the time these other men went to St. Louis—the first time June 21. She saw him have $950 in bills. After that she knows he got a telegram calling him to St. Louis, and he went, and the other witnesses say he was there both times.

Now that is very much more testimony than Mr. LORIMER was able to give us; and it shows that Mr. Charles Luke, who put the Democratic candidate for Senator, Mr. Stringer, in nomination, was his supporter until the 26th of May, when he flops over and votes for Mr. LORIMER.

That looks bad. It fits in with the rest of this record. It dovetails with the rest of this testimony. It indicates guilt on his part in common with that of Link and Beckemeyer.

Mr. President, this is not all imagination. This is not all manufactured story. It is preposterous, absolutely preposterous, to try to dismiss this closely connected chain of circumstances and facts and incidents, so many of them not within the control of the men who were playing their parts, by saying it is manufactured and untrustworthy. You can not get rid of it that way. It will haunt you forever afterwards, when you reflect upon it and undertake to dismiss it on the theory that it is all manufactured and untrustworthy. It is not.

There is no way to establish such a preposterous claim as that. These are established facts, from which there is no escape, and it puts a taint of corruption upon from 7 to 11 votes, and the question is, Without them would Mr. LORIMER have been elected, and would he occupy a seat here without them? He certainly would not; and if without them he would not be here, would not hold his certificate, how are we going to permit him to remain here?

If we weigh this testimony, weigh it conscientiously, and weigh it as jurors would weigh facts and testimony in the ordinary affairs of life, it seems to me there is no escape from the conclusion that there was not a valid election. I have never attempted to discuss the law of this case. It is not necessary now; it never was necessary for me to discuss it. It has never been anything but an application of a simple rule, and that is this: If this Senator would not have been elected except by receiving these tainted votes, then his certificate is invalid, although he knew nothing about it. There can be no question about that.

What I insist upon is that this testimony shows at least that much, and I insist that it also shows, not that he willfully knew and connived and participated in the fraud—I never have made that claim—but that he was present and had his agents at work, and there was enough going on during his stay there to put a reasonable man upon inquiry.

That being true, by the most simple rule of equity and chancery he is bound by what followed, and he can not accept the fruit; he can not be the recipient of the fruits of these fraudulent transactions carried on under these circumstances by these men who were going to and fro among these purchasable Democrats and using somebody's money to secure their votes for him. He can not escape personal responsibility for the acts of these men.

Mr. President, I have no doubt but that every Member of this Senate will agree with me, and agree with me without any reservation whatever, that the very existence, indeed the right to exist as a nation and as a government, depends upon the simple question whether we are honest and faithful to the underlying principles upon which this great fabric of government rests. If honor has departed and money has taken its place, if integrity has lost its force and control and commercialism has been installed in its stead, if seats in this body, representative as it is of the national life and national existence, are to be a matter of barter and sale and a mere question of purchase, we have no right to exist; we are unworthy, and the sooner we go out of business the better.

Legislators, of course, will make mistakes. It is to be expected that they will make mistakes; but if they are honest and true to their trust the mistakes are not serious. The mistakes are easily corrected, but if we are going back to the days of Robert Walpole and Lord Holland, when it is a question of buying place and corrupting voters, we had better stop that clock and turn it back and turn our faces to the rear instead of forward, because we have reached the acme, and from this time on we are going down.

No; what we must insist on here is honesty and sincerity and loyalty to conviction, and absolute loyalty to the people who sent us here.

TARIFF AND RECIPROCITY.

Mr. President, by way of digression, I wish to say that two years ago, just after I had been elected to the Senate, I came to Washington to attend an extra session of Congress. I had been in Washington but twice before in my life. I had never seen a national legislature in action but as a visitor in the gallery once or twice in the long years that preceded my election as Senator. On one of my visits Grover Cleveland was President of the United States and on the other Theodore Roosevelt. My whole experience in life had been confined largely to the great West, in the heart of which I first saw daylight on my father's farm up among the Mississippi River hills in northeastern Iowa, in an old farmhouse out in the woods, away from the roadside, in that pioneer stage of early life of Iowa when they were just opening up in the woodlands her first settlements. My father and mother were of the old stock of Scotch-Irish Presbyterians, who believed in the Westminster Catechism and practiced the Ten Commandments.

There were 12 children in the family—9 boys and 3 girls—and each one had his little Testament. The family prayer that was offered every morning was a prayer for the President of the United States and for the preservation of our Constitution and

for a blessing upon the rulers of this Republic. In the convention at which I became a candidate for this office, a Republican convention, we declared for the protective tariff, but we made two or three exceptions. We wanted free coal, Mr. President, and free lumber, and free iron ore, and if there was a monopoly producing a manufactured article we wanted the tariff upon it reduced to a point which would permit importations sufficient to create competition. That was a very nice theory and it was a fine declaration to put in our platform.

We based our belief in this doctrine of free lumber and free coal and free iron ore upon the claim that it rested upon a proper conservation of our natural resources, and would promote the preservation of these resources. When we were making up the tariff bill, the question came up with reference to putting certain articles on the free list. I was for free lumber and free coal and free iron ore.

The Democratic Party in its national convention at Denver had declared for the same things, and while I had some doubt about the support of eastern Democrats or eastern Republicans from manufacturing districts for this proposition, I had no doubt but what the Democratic Party would be largely united upon the proposition that we should have in this new tariff law free lumber, free coal, and free iron ore.

I made a speech in favor of it, and I remember that in a few days afterwards a member of the Senate, whom I learned to love, because he was a true gentleman, one of nature's noblemen, a gentleman of the old school, and always kind to me—a Democrat—who sat here or near here—Senator Daniel, of Virginia—stood up here and made an address, in which he opposed putting lumber on the free list, and he opposed putting coal on the free list, and he told us in an inimitable way why he objected to removing the tariff from lumber and from iron ore. He went on to tell how in Virginia thousands of laboring men were dependent upon their labor in the iron mines for the support of their families, and how they went down into the poison-laden vapors of those mines and took their lives in their hands for the purpose of earning a wage there that would enable them to support their families. He protested against permitting iron ore to come into this country from Cuba free, which might interfere with the opportunity of those laboring men in Virginia to earn their living.

He opposed for the same reason largely the removal of the tariff from lumber, and I remember how he stood up behind his desk here and put his crutches over against it and looked with a sort of proud and haughty air over the Senate Chamber and said:

> I do not care what you call this; you may call it a tariff for revenue, or you may call it a tariff for protection, but it is a good thing for Virginia, and I am for it.

So I discovered that my dear old friend, Senator Daniel, in the making up of this tariff, felt that he was obliged to represent what he considered the best interests of the people in Virginia, the State which he represented; and while I, a Republican from a Republican State, was advocating the placing of lumber upon the free list and iron ore upon the free list and coal upon the free list, notwithstanding the Democratic platform at Denver had declared for the same things, this doughty old Democratic warrior from the grand old Commonwealth of Virginia, the mother of Presidents, was arguing for a substantially protective tariff upon lumber and coal and iron ore.

I remember also that during that debate the distinguished Senator from North Carolina [Mr. SIMMONS], who so ably represents his State here, with his associate, made a speech in which he defended a tariff upon lumber, and made what it seemed to me was a very good Republican protective tariff speech.

I remember that when we passed over into the State of Georgia, one of the Democratic Senators from that State voted for keeping a tariff on lumber and the other voted to take it off, and both represented what he believed was the best interest of his State and voted according to what he believed was a loyal expression of his view as a member of the Democratic Party.

I remember that when we came over into the State of Mississippi, the very able and distinguished senior Senator from that State [Mr. MONEY] declared in favor of the tariff upon lumber as a tariff for revenue. His position was that it was an article of commerce and that it ought to pay its share of the revenue; that it was a mere detail and that it ought not to be specifically mentioned in the party-platform matter, which he maintained should declare general party principles without committing itself to details.

I remember also that when we were making up that tariff something of a contest arose between the Senators from Florida and the Senators from Maryland. The Senators from Florida wanted the tariff on pineapples increased quite materially, because they said that Cuba had the advantage over Florida in the raising of pineapples; that their season was earlier, and they could get their fruit on the market sooner; there was an advantage in favor of the Cubans in the labor cost, and they said unless the tariff was increased upon pineapples they could not compete with Cuba; so they asked for an increase of the tariff, as I recall it, of over 100 per cent.

Immediately there was a very sharp difference of opinion between the Senators from Florida and the Senators from Maryland in regard to the tariff on pineapples. Maryland, it would seem from the speeches at that time, cans pineapples in large quantities, and wants to get them from Cuba without any tariff. So we had here a difference of opinion between our good friends from Florida, who wanted the tariff on pineapples increased, and our good friends from Maryland, who wanted it taken off entirely. That was all right; it was consistent enough; but it showed that as representatives of their respective States these able and distinguished and honorable Senators were doing the best they could, in a give-and-take policy, to represent their constituents in establishing schedules that would be as fair under the circumstances as could be secured.

The situation was very similar in many other things. The Senators from Colorado and Idaho wanted the tariff upon lead ores increased. The Senators from the Northwestern States wanted the tariff retained upon lumber and upon shingles. The distinguished Senators from California wanted an increase on lemons. By great ability and diplomacy and most excellent management they succeeded in securing what they wanted; but then I am told the Union Pacific Railroad Co. increased the transportation charge on lemons by just the amount which they succeeded in having the tariff upon lemons increased, and they lost the benefit of it.

So I discovered, Mr. President, that under the old method of making tariffs it was a sort of a grab game, in which each community was seeking to get all that it could out of it and to make the best bargain with its neighbors that was possible, and that the result was not satisfactory. The result under such circumstances could not be expected to be satisfactory.

I discovered that this old method of making a tariff was the same which had been followed in making tariff laws for generations, and that in the absence of some better way each Senator considered himself as a trade ambassador to represent his State in driving the best bargain for its people that he could drive.

The State I represent in part was no exception. Our people had some sheep out on its western ranges. They were producing wool, and they thought the tariff should remain on that commodity. The legislature that sent me to that extra session passed a resolution through both houses almost unanimously protesting against the reduction of the tariff on wool—the very legislature that gave me my commission made that sort of a declaration. I could not escape from it, no matter if I thought the tariff on wool ought to be reduced. The people to whom I was indebted for my commission and who sent me here expressed their wish in regard to it, and I felt bound by their instructions and voted against changes in the woolen schedule. This shows the condition of things under the old method of making a tariff. Selfishness, local interests, rise above every other consideration and it was a sort of grab-bag method. The East was trying to get all it could get.

Mr. GALLINGER. And it did.

Mr. CRAWFORD. And it did. The West was doing the best it could; and it did. California did magnificent work, but got cheated out of it afterwards. The Pacific States certainly put up a magnificent fight to retain the tariff on lumber. Our southern brethren wanted free cotton bagging; and I always thought they ought to have it; but they did not get it, though they got free sulphate of ammonia.

A TARIFF COMMISSION.

I do not believe in this reciprocity pact which my friend, for whom I have very great admiration, the Senator from Indiana [Mr. BEVERIDGE], advocates, because I think it is a one-sided affair; but, Mr. President, I do believe in a tariff commission. If President Taft were to call this Sixty-first Congress back into an extraordinary session again, and we should go out as we went out in 1909 to revise the tariff, and should proceed according to the old method of revising, with no testimony, everyone acting for his locality, by the old grab-bag process, I do not believe, after the severe drubbing we have received, after the lesson which experience has taught us, if we should follow the old method that we could make any better tariff bill again than the Payne tariff law of 1909. I think we would get about the same result if we went at it in the old way, because we have no testimony. We were told that over in the other House the

Committee on Ways and Means sat for a number of months and took a lot of testimony, but what was it worth? Who gave that testimony? What kind of people gave it? On one side the importer, who is dealing in imported articles and wanted to get the tariff off entirely. He testified in his own interest, and his wish was to cut it as low as he could possibly cut it. He was an interested party. On the other side was the manufacturer, who wanted to make money in a protected market and wanted to shut out foreign competition, so that he might personally profit by its exclusion. He testified in opposition to the importer and allowed his imagination to carry him to any extent which he thought was necessary to maintain his theory. The testimony came from men governed by the same motives—testimony ex parte, hearsay, and prompted by supreme selfishness. Such testimony is not worth a pinch of snuff. I would not give a penny for a bushel of it.

I remember one day we were working upon the tariff schedules, when all at once a sharp debate arose as to whether the tariff should be increased or reduced on quebracho. I said to myself, "What is quebracho?"

It was a new word to me. I had never heard of it. Whether it was a mineral or a tanning extract I did not know. None of it is produced in my State. I discovered, however, that the two Senators from Virginia were very much in favor of keeping the tariff on quebracho, while the distinguished Senator from Wisconsin wanted it materially reduced. I found out in a little while that it was a tanning extract. I think they get it down in South America somewhere, and the tanners wanted the tariff on it removed. But an equivalent or a substitute for it is made out of chestnut bark from the chestnut trees they grow in the Allegheny and Blue Ridge Mountains, and men in the mountains are earning a living for their families by stripping and selling this chestnut bark for an extract which comes into competition with quebracho. So the Senators representing the Appalachian region were insistent that the tariff should be kept and even increased on quebracho, while the States where great tanneries exist wanted quebracho to come in free.

There you are—a conflict of interest and no testimony. There was absolutely no testimony from which I could ascertain how much less it costs to produce this tanning extract called quebracho than it does to produce the extract from the chestnut bark. I knew nothing as to what the difference is in labor cost, or in transportation or in production. Did anybody else know? Mighty few. Almost everybody was situated just as I was. What could you do with it but make a guess—a guess in the dark, a guess without testimony? It was just so with reference to one item after another. We had no testimony.

Mr. President, my contention is that the only way out of this tariff wilderness is for us—and we would like to preserve some protection for our home market place—to have an efficient and nonpartisan tariff board or commission, with power to investigate each item of the tariff, to put people under oath if necessary; make them produce their books and papers, get to the facts, report the facts to Congress, and make up a book after the style of the Pharmacopœia, which the druggist uses, which will enable us, when an article like quebracho is being considered, to turn over its leaves and find the name of the article and ascertain from experts who have investigated the subject where it is produced, how much it costs to produce it, what is its substitute in the United States, how much it costs to produce that, what the difference is, and what is a reasonable margin to protect our home market.

Reliable and ready information like that furnished when the next revision is made will enable us to vote intelligently in fixing a duty on quebracho and all other articles.

I am in favor of a tariff commission, and we ought to pass the bill now before the Senate; take this bill and put it through here to-night.

Mr. GALLINGER. Let us pass the Lorimer resolution first.

Mr. CRAWFORD. Put them both through if you want to and if you have the votes. I do not know whether you have the votes. I will not vote for your Lorimer resolution, but let us put the tariff commission through. I am satisfied the American people want it.

Some try to make out that the result of the last election was a Democratic victory. I do not believe that, because it was simply due to the dissatisfaction of Republicans over the tariff; yet they believe in protecting our home market. I want to see the tariff-commission bill go through. It will make our party stronger than ever. It will put us on a sounder basis than we have ever been upon before. I wish the Senator from Indiana, instead of chasing after this will o' the wisp, Canadian reciprocity, would remain true and steadfast to his first love and stand by the tariff-commission proposition.

Mr. BEVERIDGE. Mr. President——

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

Mr. CRAWFORD. I do.

Mr. BEVERIDGE. I want to relieve the anxiety of my friend from South Dakota. My being in favor of Canadian reciprocity did not make me abate one iota of the passion I have for the tariff commission, to which I am willing to give all my strength and every effort I can. I should like to see it passed this morning, and would fight to do so.

RECIPROCITY.

Mr. CRAWFORD. Mr. President, I take no stock in this sort of false god they are putting up here for us to worship, called reciprocity, when it is not reciprocity. I think that it is really the worst and most one-sided and unfair proposition that has ever been presented to our people. I will tell you why.

The American farmer is not yet an extinct specimen of the human race. The American farmer is a positive force in the life of this Nation. Every farm home in the woodlands or on the prairies is a recruiting station that is furnishing blood and strength and sinew for all the walks of life and maintaining that stability which is absolutely necessary to keep alive the civilization that we enjoy.

The American farmer raises wheat out in the Northwest. They say that the tariff on wheat does not amount to anything, because we export wheat. It amounts to something in that zone along the border, greater or less in area; it amounts to a great deal there and always has; and we are just approaching a period when it will amount to something all over the United States; and then here comes a proposition to do what? Put it on the free list. For what purpose, pray tell me? They say to make bread cheaper. They keep the tariff on flour, and bread is made out of flour. They take the tariff off of wheat. Who is that going to help? It will not make your loaf of bread a particle cheaper, but it will help the millers over in Minneapolis, in Buffalo, and in the cities along the border, because they will get wheat from Ontario and Winnipeg and Assiniboine and Saskatchewan and British Columbia, and Mr. Hill, with his Great Northern Railroad, will haul it and get the profit out of hauling it, and the millers will grind it. But the Canadian flour can not get in at all. That is a one-sided affair; that is not in the interest of cheaper living at all; it is in the interest of your Millers' Trust and in the interest of your railroads.

Look at this reciprocity schedule, and you will find that biscuits and crackers, sweetened and unsweetened, are on the protected list—articles that are made out of this flour, are secondary products or third-stage products, or whatever they may be. They are on the protected list. The things that your hungry people, your poor people, must buy in these congested centers that are protesting against the high cost of living are put on the protected list. The tariff remains upon their biscuits and their crackers, and yet it is taken off the wheat for the millers. That is not fair.

Take breakfast foods—oatmeal, Cornflakes, Force, Grape Nuts—if there is a monopoly in the United States, it is the monopoly which has control over those breakfast foods which are sold in packages. The manufacture of them is controlled, and a trust dictates the price to the retailer, below which he does not dare to sell, for if he does they take the trade in them away from him.

That is the poor man's food—those breakfast foods—oatmeal and Cornflakes and Force and Grape Nuts. It is the poor man's breakfast, and yet it is left on the protected list, while wheat is put on the free list. Can anyone explain to me why any such a one-sided bill was negotiated; why these people who make Cornflakes and oatmeal and Force and Grape Nuts that the poor man has on his breakfast table should be protected while the wheat and oats that are turned into the flour out of which these articles are manufactured is to come in from Canada free and go into competition with the American farmer? I will not stand for a one-sided bill like that.

There is no justification for it. It can not be successfully defended. It is unfair. Oh, but they say, and no one says it better, more eloquently, than my friend from Indiana [Mr. BEVERIDGE], "We must look at it in a larger relation; we must look at it as the great cementing influence between two nations that speak the same language and as opening up a field for the enlargement of our trade." That is fine talk to indulge in when you are trying to make the American farmer think you have not swindled him, but it is an argument that is never made when they are raising the tariff upon the articles of the manufacturer. They do not indulge in these fine sentiments about extending American trade.

I think it is an absolutely unfair, one-sided proposition, and it is not going to promote this extension of trade and good feel-

ing between our Canadian brethren on the north to make the American farmer absolutely resentful in his heart against a proposal like this.

The other day I had a letter from an old farmer up in my State. In fact, Mr. President, since this so-called reciprocity trade compact has been negotiated I have received letters from a class of my constituents that I never had heard from before. They have not been in the habit of writing letters to Congressmen and Senators. They are not politicians. They do not care who is postmaster or register and receiver of a land office. They are not interested in that. During all the time we were framing up the Payne tariff law these men sent no letters here, but I tell you, Mr. President, that when this Canadian trade pact was put through these men began to write letters. One sturdy old farmer in one of the northern counties in my State wrote me and said, "Who got up this trade pact? Was it an immigration society out in western Canada?"

It seems to me it must have been, because there is one thing dead sure. It will promote emigration into western Canada. It will increase the price of lands in western Canada and it will depress the value of my land and the lands of these pioneers out on the South Dakota prairies, and I do not think it is fair to the men who have opened up this Commonwealth and toiled and sacrificed and made it a success to now depress their values and establish an immigration bureau for western Canada.

Oh, the Senator from South Carolina [Mr. SMITH] made a most stanch and patriotic defense of our great Republican President the other day by saying this was the finest act he ever did. I admire the President and am very fond of him, and I think this is the only real mistake he has made. It is not fair. You let the cattle come in from all over this north country, trooping down across the lines free, and yet these packing products of all kinds are on your protected list. That is not fair. Who gets the benefit of it? The Packers' Trust, the Meat Trust, the Millers' Trust, the Breakfast-food Trust, the Lumber Trust, and the railroads, and the farmer gets the worst of it. The consumer receives no benefit from it. That is my opinion of this trade compact with Canada.

Talk about lumber. We would like to have free lumber in South Dakota. What does this give us? It puts rough boards on the free list. Who buys rough boards? The farmers do not buy them. They buy finished lumber. They buy lumber planed not simply on one side, but on both sides, and grooved, and scantlings and studdings. They are planed or finished. They do not buy rough boards. Who will use rough boards? If any one will use them it will be the mills on this side of the line. They will get the rough boards across the line and finish them. Then the Lumber Trust will sell them to our farmers. Who gets the benefit of this kind of free lumber? It is a fake! The American farmer will not get any benefit, and I do not believe in it. It is a one-sided arrangement. It is not fair or just to the American farmer and it will bring no relief to the man who is complaining about the high cost of living. It may aid the trusts who want to extend their trade and commerce.

They do not even put agricultural implements on the free list. I have offered an amendment, in which I have proposed to put everything that comes in from Canada that is mentioned in the trade compact on the free list. Will you Democrats vote for that? That is fair. If we are going to put the farmers' products on the free list, Canada is not going to complain if we put all the other articles named in the pact that come in from Canada on the free list. Let them send in plows and harrows and agricultural implements from Canada free.

Mr. SMITH of South Carolina. Did not Canada complain?

Mr. CRAWFORD. I do not understand so. Is it not fair to let these things come in here free? Why not have full reciprocity with Canada? I am inclined to think that would be a good thing. At any rate it is wholly unjustifiable to give us this one-sided, unjust pact, in which our farmers are subjected to competition from the farmers in Ontario, and Saskatchewan, and Winnipeg, and Manitoba, and Alberta.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. BRIGGS in the chair). Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. CRAWFORD. Yes.

Mr. SMITH of South Carolina. I am sure the Senator from South Dakota wants to be fair, and I have been informed by pretty good authority that those who formed this compact wanted to put all the secondary articles, such as meat and flour, and so forth, on the free list—the manufactured as well as the raw material—and Canada balked at it. Now, he says he thinks it would be a pretty good thing to have them all on the free list. I think our commissioners offered to put them on the free list and Canada balked.

Mr. CRAWFORD. I do not think Canada objected to having the United States Government remove the tariff on products coming in from Canada to us, but she would not abate the tariff upon articles going from the United States into Canada. We do not ask that. Let us take it off on this side of the line.

You certainly can do that here. If it results, under the favored-nation clause, in having these agricultural implements come in free from all nations, will the Senator from South Carolina complain?

Mr. SMITH of South Carolina. No.

Mr. CRAWFORD. No; certainly not. But if they are going to discriminate against the American farmer and make him go into the protected market to buy his plows, his harrows, his hay rakes, his reapers, and his mowing machines, and everything of the manufactured kind that he has to buy and put everying that he raises and puts on the market on the free list, I will advocate putting these imports from Canada which the farmer uses on the free list.

Mr. GALLINGER. I take the liberty of inquiring of the Senator how much longer he thinks it will take him to complete this interesting speech, which in the beginning he thought he could deliver in 15 minutes?

Mr. CRAWFORD. What time does the Senator from New Hampshire usually get his breakfast?

Mr. GALLINGER. I am thinking of it now.

Mr. CRAWFORD. This early?

Mr. GALLINGER. Yes.

Mr. CRAWFORD. It is pretty early for breakfast.

Mr. BAILEY. I suggest to the Senator from South Dakota that there is a special order for to-day immediately after the Journal is read.

Mr. GALLINGER. That is right.

Mr. BAILEY. If the Senate should continue in session it would not be possible to execute that special order. I do not myself desire that that shall be interfered with, and if the Senator from South Dakota has no objection, I will move that the Senate adjourn.

Mr. CRAWFORD. When am I going to have an opportunity to conclude my remarks?

Mr. BAILEY. If the Senator wants to conclude them, I certainly shall not make a motion to adjourn.

Mr. BEVERIDGE. The Senator would have that opportunity after we vote on the special order if he got the floor.

Mr. BAILEY. If he wants to go on——

Mr. BULKELEY. Let him go on.

Mr. BAILEY. I withdraw the motion, and the Senate will stay here after 12 o'clock.

Mr. CRAWFORD. Until after 12 o'clock?

The VICE PRESIDENT. The Senator from South Dakota has the floor.

Mr. CRAWFORD. I do not understand what negotiations are going on. I have been confined to the floor.

Mr. KEAN. Regular order!

Mr. CRAWFORD. But I want to——

Mr. BULKELEY. Regular order!

The VICE PRESIDENT. The Senator from South Dakota has the floor.

Mr. CRAWFORD. I will yield.

Mr. BAILEY. I insist that the Senator shall complete his address now.

Mr. CRAWFORD. All right.

Mr. President, in reference to barley. Here is barley malt made over in Canada, brought into this country with a duty of 45 cents on every hundred pounds. Barley malt is protected but the barley of the farmers in North and South Dakota and Minnesota and Wisconsin is put on the free list. Can anybody tell me why? Why not bring the barley malt in free?

Oh, they say that it is not fair; that we are asking protection in the Dakotas against New York. Well, have we not a right to something out of this protection business? If we have not, let us do away with it. Here are these hardy pioneers, who went out among the blizzards, upon those prairies, and struggled with bunch grass, breaking up the tough sod, living in sod houses, and plowing up a few acres each year and planting out their little crop of flax and taxing themselves to build schoolhouses and pay teachers' salaries and educate their children in the country schools, and I have seen them during the last 30 years in the Dakotas build magnificent States; they have done it and they have done it in the States all around us.

One of our most important crops in North Dakota and in a large number of counties in South Dakota is barley. We raise

it. The Minneapolis brewers buy it. The Milwaukee brewers buy it. The Buffalo brewers have to buy it because there is a tariff upon the barley that comes in from the other side of the Niagara River, and they have to buy our barley. They tried two years ago to have the tariff taken off of it so that they could buy their barley from Ontario farmers. They did not succeed.

Now, they want this 30 cents a bushel taken off, and then your brewers and maltsters in Buffalo and in Rochester and in the other cities of western New York will buy their barley from the farmers in Canada because they are nearer the barley fields of Ontario, and they will not buy the barley from Dakota farmers.

They have a right to continue in the business and not be subjected to this competition just as much as these factories, these paper mills, these woolen mills, these cotton mills. All the manufacturers on this side of the line are claiming protection for the purpose of paying better wages, and all that sort of thing, and they are going to have it. Now, they take the tariff off from barley to help these brewers, and they leave it on barley malt because they do not want that product to come from Canada over here to compete with them. So you have your brewer trust, your lumber trust, your packers' trust, your breakfast-food trust, your millers' trust, and your railroad interest that wants to haul these cereals. You have got them all into a combination here to do what? To enrich themselves at the expense of the American farmer and give the benefit to them, but not to reduce the prices one single penny to the American farmer on the things which he must buy.

I say I have here letters from my constituents, men who have not been in the habit of writing upon this subject before. Here is one from Mr. G. B. Walters, a farmer at Selby, S. Dak.

He goes on to say that he wonders if an immigration bureau in western Canada did not propose this trade agreement.

Another letter is from W. R. Eastman, of Chamberlain, in my State, who says:

I am opposed to the Canadian reciprocity treaty. It does not deal fairly by all classes.

Here is another from a farmer in my State, Mr. H. P. Walsh, of Sioux Falls, S. Dak., who says:

In regard to the treaty with Canada I think it is very bad for the farmers. In Mr. Hill's speech in Chicago he says that the treaty with Canada would not and could not affect the price of wheat, as we have to compete with the markets of the world. Mr. Hill—does he forget the speeches that he has been making for the last two years, where he says that the farmers of the Northwest would have to improve their method of farming, or they would not be able to feed the people of the United States at the rate they are increasing? In other words, just at the moment that the farmers of the United States could derive some benefit from the existing tariff Mr. Taft would have it removed. This would be an insult to the farmers; still, would make Mr. Hill millions could the tariff be removed by hauling Canadian wheat into Minneapolis.

Now, that is a good honest farmer who is living next to the soil, who has opened up his farm and is raising crops upon it. Men like that are entitled to consideration when we are proposing, at the suggestion of Mr. Hill, to take the tariff off of his product and put him in competition with the farmers of Canada.

Here is another. This is from Hamburg, S. Dak., February 9, addressed to me:

Allow us to make this statement in regard to proposed reciprocity: Seemingly we all like to be protected, though only our own production. The other party's industry may see how it comes along. High living prices without doubt point to speculative manipulation in farm products, as far as they are concerned. Our wheat and barley products, which are marketed two-thirds to three-fourths in September to November around 50 cents and 70 cents, later in the season when on the other side of the mill and big elevator, get well up, but have passed the producer. Beef sold in cities averaging twelve and fifteen is sold by the producer here at two and a half and three and a half. Pork is up until we have a new supply. Butter and eggs product down one-half. Reason evident. While labor, tax, mode of production, supplies keep fairly pace with principle of protection, though for the sake of that principle we are asked to let our protection drop.

Now, is there anything in the line of tariff protection from the soft warm wool to the hard cold steel that the farmer, living as he does in this latitude, could get along without and so shirk his end of the burden?

And now only one season with only local drought has swept these States, and another more general, and where is our imaginary prosperity? To reason, luxury and exaggerated high fly are poor signs of prosperity. Deterioration by either crop failure or legislation for this country spells exodus, impetus to the city and to Canada.

Yours, truly, JOHN MOES.

That is a good substantial farmer, a Scandinavian, a respected citizen in my State.

Here is another, a friend of mine, an actual farmer, Mr. Edward F. Beganelka. He says:

I come to you in an humble way and ask you to try and put your power against the reciprocity treaty between the United States and Canada, for it would fail to do any good to the farmers of the Northwest.

That is all about that. The rest of the letter is about something else.

Here is another from Mr. N. H. Kent, a farmer in my State, who says to me:

How do you like the President's position on Canadian reciprocity bill? He thinks all cereals should be admitted free of duty, but holds that manufactures should have duty about as high as they now enjoy. I suppose he is influenced somewhat, because his own State is more interested in manufactories than it is in agriculture. If it is good to help the Canadian farmer by admitting his wheat and other products free of duty, why not give their manufacturers the same good?

The motive back of the whole thing is the interest of our manufacturers. They want cheaper food for their labor and conclude the way to get it is to admit Canada's agricultural products free. It is shown by a careful investigation of the cost of production that the average price of wheat is not equal to the cost of producing it.

Now, on this showing is it right or just to force the American farmer to a lower price? Again, see what an impetus the additional price would be to the Canadians. Their wheat lands are very much cheaper than ours are. Hence the very material difference in the cost of production to them. There may come a time in the distant future when the difference in the cost of production will not be so great as now. It will then be soon enough to come to their rescue by lowering the duties on their cereals.

This notion of sympathy—

Will the Senator from Indiana take notice of this? It is a farmer writing this letter—

This notion of sympathy that the manufacturers are trying to work up as between the two countries is all nonsense.

This is a plain substantial honest tiller of the soil, who has opened up his home and is living upon his farm and raising products, and he says it is nonsense.

These farmers of the Northwest who are writing in their simple, honest, homely fashion here protesting against this trade compact, which means so much to them, have a right to be heard; and in their way they can state it as effectively and as eloquently as it can possibly be presented, and I am going to give them a hearing. This old friend of mine says:

This notion of sympathy that the manufacturers are trying to make up as between the two countries is all nonsense. We have our own interests to care for just as Canada has, and let us see that they are cared for. We have succeeded as a Nation by keeping up our own interests and letting other people do the same. Why not continue in the good work? The farmers are not ready to take the duty off their products yet.

Why should they not be permited to choose the time of the removal of the duty and not permit the manufacturers to choose for them? Treat all interests alike.

Yours, N. H. KENT.

Mr. President, I shall have something further to say upon the subject of reciprocity and in behalf of these farmers, and in connection with this resolution possibly, but I understand that the Senator from Kansas [Mr. BRISTOW] desires to be heard, and as the Senate has patiently indulged me for several hours I will yield the floor to the Senator from Kansas.

Mr. BRISTOW. Mr. President, I have refrained from any extensive discussion of this case because it has been very elaborately and ably discussed; but it seems that further discussion has become necessary.

I was very much interested in the address of the junior Senator from South Dakota [Mr. CRAWFORD], but I noticed that there were some of the witnesses upon whose testimony he did not elaborately comment. That being the case, I feel that since I am to discuss it I possibly should take up the part of the evidence which it seems to me he has not dealt with as extensively as he might.

I will begin with commenting upon the testimony of Mr. White, and in order that the Senate may understand the full nature of it I shall read extracts from it and comment on the extracts. White has been depicted here as a very bad man. The character of White seems to be one subject in this controversy upon which there is no difference of opinion. He has not found any defender, and all have universally condemned him. His defense has been lacking; his evidence has been questioned and declared worthless by some Senators who have discussed the subject; others have pronounced it as strong and conclusive, because of the corroborating evidence which supports it. Since he was the leading witness, it seems to me White's testimony should be incorporated, or at least a large part of it should be incorporated, in the record. Mr. Austrian seemed to be an attorney who represented the Chicago Tribune, and was a very important factor in this case; indeed, I think more important than he should have been. Without desiring in any way to criticize any members of the committee, I would differ with them somewhat as to the methods of investigation that I should have favored had I been a member of the committee. I would not presume to say that the methods which I would have suggested or endeavored to have followed would have been better, but they would have been more in harmony with my judgment; and since I am to discuss the case I feel that the Senate ought to have the benefit of my judgment, of little value as it may be.

Instead of Mr. Austrian having charge practically of this investigation, it seems to me that the committee should have

utilized him to the best advantage that they could and taken a more aggressive part in seeking the evidence themselves. It seems to me that instead of depending upon the attorney for the Chicago Tribune, who was one of the agencies in securing information here, as much as they did, it would have contributed more to the satisfactory investigation of the case if the committee had itself followed up all of the leads, had taken charge of Mr. Austrian and directed him more, and left him to direct the committee less as to the character of the investigation.

Mr. White was sworn, and the first question put to him was this:

Q. Mr. White, will you state to the committee your name, age, residence, and occupation?—A. My name is Charles A. White; my residence O'Fallon, Ill.; my age is 29 years.

That was the first interesting thing to me that I observed in this testimony; that this man White, who has created such a furor in the politics of Illinois and of the Nation, should have been so young a man—but 29 years old. I expected from what I had heard of White before I had read the testimony that he was a man of mature years, but it seems he was young. That may account to some extent for his character. He came into this whirlpool of political corruption which seems to infest the Illinois Legislature at somewhat tender years, and as a result to have imbibed all the vices with which he came in contact, and he seems to have retained none of the virtues that he certainly must have had in his youth. So he starts out on this political career, which has been somewhat spectacular and not altogether commendable, at the age of 29.

Q. What is your business?—A. I am not occupied at anything at the present time.

Q. Are you a member of the Forty-sixth General Assembly of the State of Illinois?—A. Yes, sir.

Q. When were you elected?—A. November 3, 1908.

Q. Prior to your election what was your business?—A. I was conductor on the street railway—interurban railway.

Senator BURROWS. Speak a little louder, please.

That is another thing that attracted my attention. I would like if some member of the committee, if he can, would give me some information in regard to that feature of this testimony. Senators who have read it will observe that on almost every page of the testimony of every witness Senator BURROWS, or some other Senator who was on this committee, continually called upon the witness to speak louder.

Why was it, let me inquire of some member of the subcommittee—and I see that I am honored with the presence of one of them to-night—why was it that the committee had to continually urge the witness to speak louder?

Mr. BULKELEY. Their voices seemed to be lacking; that is all.

Mr. BRISTOW. That was a very interesting feature of this investigation, and I observe it was true all the way through. I wondered if it was the qualities of the voices of these witnesses or whether it was the acoustic properties of the building in which the investigation was held.

Mr. BULKELEY. Mr. President——

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

Mr. BRISTOW. Certainly.

Mr. BULKELEY. The Senator asks a question, and I will say to him that it was a very general habit of the witnesses that were questioned in the first place by the attorney to whom the Senator refers to address their remarks to the questioner rather than to the committee, and consequently they were often reminded by the chairman of the committee that it was desirable that they should speak a little louder, so that the committee could hear as well as the attorney.

Mr. BRISTOW. Of course, I can realize that it is quite important that the committee should hear the witnesses. I thought possibly that the habit that these men—not all of them—the witnesses against Mr. LORIMER and for Mr. LORIMER, were afflicted with the same undertone in their testimony——

Mr. BULKELEY. I do not think there was any witness for Mr. LORIMER introduced at all. I think they were all introduced, if I remember correctly, by Mr. Austrian.

Mr. BRISTOW. Yes; that may be true; but, in fact, there were a number of witnesses who were very decidedly for Mr. LORIMER in their testimony.

Mr. BULKELEY. Yes; the testimony might have been in his favor; that is very true.

Mr. BRISTOW. Their bent and tone and the character and nature of the testimony was such that it was clearly manifest that they were really Lorimer witnesses, although they may have been called by the Chicago Tribune's attorney.

Mr. BULKELEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas further yield?

Mr. BRISTOW. Oh, certainly.

Mr. BULKELEY. I would like to state, in connection with the first remarks of the Senator rather criticizing the committee for the course of their investigation and allowing this attorney to take so active a part in it, that this matter was called to the attention of the Senate by a memorial from the Voters' League, and, as I recollect, almost the first request before the committee was a request from the representatives of the Voters' League, who stated that they had no attorney, for the committee to allow Mr. Austrian to represent them. That is the way he happened to be conducting the investigation.

Mr. BRISTOW. I am very much obliged to the Senator, and am glad to have the information.

Mr. BULKELEY. I think the Senator will find that to be true if he will read the report of the committee in the early part of it.

Mr. BRISTOW. Yes; I have read it.

Mr. BULKELEY. But the Senator neglected to state that, and rather represented that the committee did it.

Mr. BRISTOW. The beginning of this investigation, as I remember, was a statement of a gentleman by the name of Barnes, who, I think, through the senior Senator from Illinois [Mr. CULLOM], filed in this Senate a very voluminous document. That was the origin of this investigation, and that is incorporated in the report, with some very extensive addresses from the attorneys as to what scope the investigation should take.

Mr. BULKELEY. I think the Senator will find, also, in the early part of the report a request of this same representative of the Voters' League that this attorney should be allowed to represent them as the original suggestor of this investigation.

Mr. BRISTOW. That is true. I remember that very distinctly.

Now, to get back to the matter of the frequent requests of the committee to witnesses to speak louder, I thought it possible that the habits of their lives had been such as caused them to speak in undertones. All of the conversations seemed to be in a low tone of voice, and that of itself is suspicious. From the very beginning of this volume there are suspicions that grow on a man's mind. The fact that the witnesses speak so low and indistinctly that they can not be heard and have to be continually urged to talk louder is significant.

Senator BURROWS. Speak a little louder, please.

A. Yes, sir.

Q. Whereabouts?—A. At East St. Louis, Ill.; I was with the company that operated at East St. Louis.

Q. Any other occupation immediately prior to your election to the forty-sixth general assembly?—A. No, sir.

Q. Were you ever employed by the labor bodies to be at Springfield, Ill.?—A. Yes, sir.

Q. Springfield is the place in Illinois where the legislature meets, is it not?—A. Yes, sir.

Q. What time did you spend in Springfield, Ill., and doing what?—A. I was there during the session of 1907; I was State legislative representative of the Street Electric Railway Employees of Illinois.

Q. After you had been elected, you were elected as a member of the house, were you not?—A. Yes, sir.

Q. There being two bodies, the house and the senate?—A. The house and the senate; yes.

Q. State to the committee how many members there are in the houses—how many in the senate.—A. One hundred and fifty-three members of the house and 51 in the senate.

Q. After you were elected as a member of the house, did you become acquainted with Lee O'Neil Browne?—A. Yes, sir.

If I remember aright, this is the first place that the name of Lee O'Neil Browne appears in the record, and since I will be required to discuss the record at some length it seems to me that it is necessary to explain just who Lee O'Neil Browne is, and to understand the relations between White and Lee O'Neil Browne. I will read on a little through the record, and it will probably disclose the matter more clearly than I could explain it:

Q. Who was Lee O'Neil Browne?—A. He was the minority leader in the forty-sixth general assembly of the house.

And since the Legislature of Illinois is Republican, Mr. Lee O'Neil Browne was the Democratic leader.

Q. On what side?—A. The Democratic side.

Q. Were you a Republican or a Democrat?—A. Democrat.

Q. What, if any, communication did you have with Lee O'Neil Browne immediately after or shortly after your election to the forty-sixth general assembly?—A. Well, there were a number of communications; the first one, I believe, was congratulating me upon my election and notifying me that he was a candidate for minority leader. I think that was the first one, if I am not mistaken.

Q. That was on or about the 7th of November, was it not, 1908?

That was a natural thing, was it not? Here was a Democratic member elect, and the first communication that he had with Lee O'Neil Browne was one conveying congratulations. That is not unusual. Senators here will remember, possibly from experience, that when there is a candidate nominated or elected in the legislative districts, the first communication that they receive from aspirants for legislative honors is a message of congratulation. The purpose of that, I infer, is to put the new member in pleasant and cordial relation by the letter.

If Mr. White was as bright a man as he ought to have been and as he must have been, he should have known when he received the first letter of congratulation that there was something else coming after it, and he should have been put on his guard in regard to Mr. Browne. If he had, it might have saved him a great deal of trouble and the United States Senate a great deal of time.

Q. What, if any, communication did you have with Lee O'Neil Browne immediately after or shortly after your election to the forty-sixth general assembly?—A. Well, there were a number of communications; the first one, I believe, was congratulating me upon my election.

Do you not think that that is a truthful statement? Do you not believe him when he says the first letter he received from Browne was a letter of congratulation, and the next:

And notifying me that he was a candidate for minority leader. I think that was the first one, if I am not mistaken.

Congratulations, and then he noticed that Browne was a candidate for minority leader. I believe that is the truth.

Q. That was on or about the 7th of November, was it not, 1908?—A. Yes, sir; if I remember correctly.

Q. When did the house convene in 1909? The forty-sixth general assembly, as you recall it?—A. On January 6.

Q. (Showing witness paper.) Will you look at the letter which I now hand you and tell me if that is the communication that you refer to?—A. This is one of them; yes, sir. I would not be positive about it being the first; I think it is though.

Mr. AUSTRIAN (handing letter to Judge Hanecy). I will show you these two at the same time.

Judge HANECY. What is this, anything except to show——

Mr. AUSTRIAN. To show his efforts to get his support for minority leader.

Judge HANECY. Nothing special in it.

Mr. AUSTRIAN. That is the same thing.

Judge HANECY. How are those material?

Mr. AUSTRIAN. It would show the relation of the parties.

Judge HANECY. Mr. Browne is not a party here.

Mr. AUSTRIAN. When I said the relation of the parties I referred to the relations of Mr. Browne, the man charged with having bribed this member of the legislature. I want to show the relations of the two members of the house, one a Democratic minority leader and the other a member of the house.

That was a very proper thing to show in the beginning.

Judge HANECY. They are both members of the house.

Mr. AUSTRIAN. We know that.

Judge HANECY. I didn't know, the way you stated it.

Mr. AUSTRIAN. One a Democratic minority leader and the other a member of the house.

Judge HANECY. I do not know what materiality there is in this, Mr. Chairman and gentlemen.

Mr. AUSTRIAN. Simply to show the relations of the parties; that is all.

Now, of course, I am not competent to criticize these attorneys, but it seems to me that these two lawyers took up a good deal of space here and did not give much information. I have been reading this five minutes or more, narrating the efforts that these two distinguished lawyers were making to ascertain whether or not these two men were members of the Illinois Legislature, and all the way through this testimony you will observe that, day after day, these men put in a great deal of superfluous talk in their efforts to establish what everybody knew. That may be the legal method; it may be necessary to do that in order to conform to the legal requirements. But it seems to me the committee ought to have cut out that—to use a familiar phrase—to have required them to talk less at random and more to the point. Indeed, that is a suggestion which possibly the Senate itself might profit somewhat by and possibly will in the years to come.

Continue the testimony:

Mr. AUSTRIAN. Simply to show the relations of the parties, that is all.

Senator BURROWS. Between whom?

Mr. AUSTRIAN. Between Mr. Browne and Mr. White. The Senate Committee on Privileges and Elections have held that it is perfectly competent, that you can even show bribery in the caucus.

Judge HANECY. That is not the question I am raising. When you get to the bribery, that is another question. This is a lot of stuff which, I assume, does not show that nor tend to.

Mr. AUSTRIAN. It tends to show that this man was the minority leader, and the witness in the chair became one of his supporters at that time.

Judge HANECY. He says he was the minority leader; we will admit that, and we will admit that he was a candidate for that position. I have not read the letters, and do not know what is in them. One of them has 3 pages and the other 2 pages each.

I should like to know what was the use of that question. That is another one of those superfluous and useless questions that are injected in here which elicits no information.

Mr. BULKELEY. What was the question?

Mr. BRISTOW. I will read it again:

Judge HANECY. He says he was the minority leader; we will admit that, and we will admit that he was a candidate for that position. I have not read the letters, and do not know what is in them. One of them has 3 pages and the other 2 pages each.

Mr. BULKELEY. There was no question about that.

Mr. BRISTOW. No. I think that was merely a suggestion.

Mr. BULKELEY. That is all.

Mr. BRISTOW. I guess that is right.

Mr. AUSTRIAN. They simply show the solicitation of the witness, White, to support him in his minority leadership candidacy.

Now, you know we have been going through a page, and this is the conclusion of all this stuff, which was clearly manifest in the very first answer of White, that he received these letters. One was a congratulation, followed by solicitation for his support.

Senator BURROWS. Mr. Austrian, the witness has already stated that Mr. Browne was the minority leader. These communications shed no additional light on it.

I think that is a very just rebuke of these lawyers who indulged in a great deal of superfluous talk, and I want to congratulate the committee, because in the reading of this testimony I may not have a great many occasions to congratulate them, and I want to do so when opportunity affords, and I want to commend the chairman of the committee for his efforts to suppress as much of this superfluous conversation as he possibly could.

Mr. AUSTRIAN. I will let the witness state the fact in lieu of the letters if you desire, but counsel may object because it is expressed in the letters.

Judge HANECY. I will admit that Mr. White did not know Mr. Browne, and that Mr. Browne did not know Mr. White, until they were elected to that session of the legislature.

If I remember rightly, he made an admission there that was not justified, for this evidence as it is followed up as I remember does show that they were acquainted, that they had met in the former legislature when White was there as a representative of the labor organization. So that Mr. Hanecy in this case admitted something that was not correct.

Q. Were you solicited by Mr. Browne to support him for minority leader of the house as early as November, 1908?—A. I think I was; yes, sir.

We knew that at the beginning.

Q. Did you have frequent or a number of meetings with Mr. Browne, together with other Democratic members of the house, looking to his election as minority leader?—A. Yes, sir.

Q. In or about the month of January, 1909?—A. Yes, sir.

Q. Were you one of his supporters in that election?—A. Yes, sir.

Q. Or candidacy?—A. Yes, sir.

I can not understand the use of that question, either.

Q. Did you at any time have any talk with Lee O'Neil Browne, the same Browne I heretofore referred to, with reference to voting for WILLIAM LORIMER for the United States Senator?—A. Yes, sir.

Q. When did you have the first talk?—A. On the night of May 24, 1909.

Senator BURROWS. Witness, it is utterly impossible to hear anything you say.

There it is again.

The WITNESS. On the night of May 24, 1909.

Q. Whereabouts?—A. In his room in the St. Nicholas Hotel, Springfield, Ill.

Q. Had you been at Springfield and had Mr. Browne been at Springfield since the opening of that session the greater portion of the time?—A. Yes, sir; on legislative days.

Q. During the days they voted for United States Senator?—A. Yes, sir.

Q. Who was the Democratic candidate for United States Senator?—A. Lawrence B. Stringer.

Q. Prior to your talk with Browne had you or Browne voted for a Republican for United States Senator?—A. I had not; no, sir.

Q. Had Browne, so far as you know?—A. Not to my knowledge.

Q. You say you had a talk with Mr. Browne on the night of the 25th of May?—A. On the night of the 24th of May.

Q. Where and at what time?—A. Well, I couldn't state exactly the time when——

Q. (interrupting). Approximately, in the evening, or night, or in the morning?—A. It was in the night, possibly between 10 and 2; I couldn't state exactly what time.

Q. Between your first acquaintance with Mr. Browne, in November or December, 1908, and this May 24, 1909, had you become well acquainted with Mr. Browne?—A. Yes, sir.

Q. Had you seen him both in and out of the House a great deal?—A. Yes, sir.

Q. Will you tell the committee, if you please, what conversation you had with Mr. Browne on this night of May 24, 1909?—A. Mr. Browne asked me if I could vote for a Republican, and I told him that I could. He asked me if I could vote for Mr. LORIMER, and I told him that I could. He told me that was strictly "under my hat;" to say nothing to anyone about it. I told him all right; I would keep it quiet. I asked Mr. Browne if certain other members were going to vote for him, and he said some would and some would not. Mr. Browne told me he wanted me to keep it strictly "under my hat." He said it would not be any chicken feed, either. That is about the substance of the conversation that night; that is about the substance of the conversation. There might have been something more he said.

That to my mind has evidences of truth in it, because it is the natural form of expression which men of the habits and life of White would use—"keep it under his hat." That is the language of men of his character, and that it would not be chicken feed—that is, would not be any small stuff.

Q. The general assembly had been voting in joint sessions for United States Senator since January 19 or 20, 1909, hadn't they?—A. Yes, sir.

Q. When you asked him whether or not certain Democrat members were going to vote for LORIMER, did you call off the names of the members of the house, or some of the names of the members of the house?—A. I did.

Q. Will you state to the committee what names you called off and what reply Mr. Browne made to your inquiry?—A. I don't know that I can call them all off now exactly, but I remember asking him about some members. The minority was split into two factions at that time, known as the Tibbitt faction and the Browne faction.

I have often wondered, in reading and thinking about this testimony, if the Tibbitt faction was as rotten as the Browne faction, and how many of the votes of the Tibbitt faction did Mr. LORIMER secure? Were any of these alleged bribe votes members of the Tibbitt faction? As I remember, there is no evidence which shows that any financial dealings were had with Tibbitt. But it seems that Browne gathered under his wing the corrupt element of the Democratic side of the legislature, and—possibly I may be mistaken in this—these men who rather revolted against such a leadership as Browne's were attached to the other faction.

Q. Will you state to the committee what names you called off and what reply Mr. Browne made to your inquiry?—A. I don't know that I can call them all off now exactly, but I remember asking him about some members. The minority was split into two factions at that time, known as the Tibbitt faction and the Browne faction.

Q. They were both Democratic factions?—A. Yes, sir.

Q. You called off the names of some members and to some he answered "Yes" and to others "No?"—A. Yes, sir.

Q. Did you have any subsequent talk with him, prior to the time of the election of Mr. LORIMER, on the 26th?—A. I had a talk with him on the afternoon of May 25.

Q. Mr. LORIMER was elected May 26?—A. Yes, sir.

Q. What talk did you have with Mr. Browne on May 25, 1909?—A. I went to his room and asked him—he requested me to come to his room before I went there, and I had sent word—I didn't send word, I spoke to Mr. Giblin, his stenographer, and asked Mr. Giblin what there was in it, and he told me it looked pretty good to him, and he went to Mr. Browne——

Judge HANECY. I object to the conversation with somebody else in relation to this.

Mr. AUSTRIAN. This is not important, this particular conversation. I will withdraw it.

Now, I should like to know what good it does to withdraw it when you still leave it in the book. If all of this testimony that was decided to be useless and which permission was asked to withdraw had been withdrawn, our labors would have been greatly reduced, because the volume would not have been more than two-thirds as large as it is.

So, when he asked to withdraw it, it seems to me that he ought to have done as we do here in the CONGRESSIONAL RECORD—cut it out. But here it is, withdrawn, but not withdrawn, and the reading of this testimony and the studying of it gives one somewhat an insight into the trial of cases. A lawyer will ask a question, which is an improper question. The question attracts the minds of the jury to an idea. The opposing attorney objects, and it is immediately withdrawn. Through the laborious trial the minds of the jurors become somewhat confused, so that they do not discriminate between that which they have heard and that which they have been told not to believe, which is withdrawn, and that which they have heard they are expected to credit:

Judge HANECY. I ask that it be stricken from the record.

Senator BURROWS. It will go out of the record—what Mr. Giblin said.

Q. Mr. White, you remember of seeing Mr. Browne, do you?—A. Yes, sir.

The Senator said it would be cut out of the record, but it was not. It seems to me that this record ought to have been edited. For several minutes I have been reading a lot of stuff here that the chairman of the committee ordered cut out. It was not cut out. It is here. If I may be permitted, I will say that I think a great deal that was ordered cut out was material which ought not to have been cut out; so probably it is better for the illumination of the transactions that occurred at Springfield that this record was left as complete as it is, although it seems to have been contrary to the wishes and purposes of the chairman of the committee in many instances.

Q. Mr. White, you remember of seeing Mr. Browne, do you?—A. Yes, sir.

Q. Where?—A. In his room.

Q. On May 25?—A. Yes, sir.

Q. This was the second talk on this subject you had with them?—A. Yes, sir.

Q. Mr. White, did you vote for Mr. LORIMER on May 25?

Senator BURROWS. Where was his room?—A. At the St. Nicholas Hotel in Springfield.

Q. The conversation was in the St. Nicholas Hotel at Springfield, was it not?—A. Yes, sir.

Q. In Mr. Browne's room?—A. Yes, sir.

Q. Mr. White, when did you first vote for Mr. LORIMER for United States Senator?—A. May 26, 1909.

Q. Was that the only time you ever did vote for Mr. LORIMER?—A. Yes, sir.

Q. And that was the time that Mr. LORIMER received 108 votes, was it not?—A. Yes, sir.

Q. And was declared elected to the United States Senate? [No answer.]

Q. This talk with Mr. Browne on May 25, 1909—will you kindly detail to the committee what that talk was?—A. I asked Mr. Browne what I was to receive for voting for Mr. LORIMER; how much I was to get, and he replied by saying, "You are not afraid to trust that to me, are you, old boy?" I told him that I was not afraid to trust it to him, but I would like to know. He says, "You will get $1,000 and it is ready cash, too." He implored me to keep it quiet. He told me he was damned suspicious (I use his exact language) of a little place above called "Joliet."

Now I wonder what that was. That is one thing I could not understand in this testimony. What was the little place above called Joliet? I know there is a city in Illinois named Joliet; but how could Browne be suspicious of Joliet when he was at Springfield?

Mr. BULKELEY. The State penitentiary is there. That is the reason.

Mr. BRISTOW. Oh, I do not blame Browne. I see now; he had that in mind. That is right. That is a good suggestion. It shows that these visions concerning which the Senator from South Dakota [Mr. CRAWFORD] has been talking to us to-night were pursuing Mr. Browne even then when the negotiations were in progress. He wanted this kept under the hat. He was suspicious of "a little place above called Joliet." He did not want this information to get out, because it might land him in the penitentiary at Joliet. I see now. I am very much obliged to the Senator for the explanation.

I told him I would keep it quiet.

Now, that is one promise he kept for awhile, but he afterwards violated it.

He asked me to talk to no one about it. Then I asked him how much we were to get from the other source, and he says, "You will get about that much or a little more."

He overestimated how much the jack pot would bring in, because, if I remember the testimony aright, he got only about $900 out of the jack pot.

Judge HANECY. I object to that.

Of course, the judge would object to that, because that is very interesting and valuable testimony.

That will be the principal purpose of this prosecution to bring in other matters and slime this proceeding over with something that members of the legislature said in relation to other matters—a jack pot, etc., and I object to their going in and trying the other members of the legislature, or the members of the legislature generally, for misconduct in this proceeding.

I notice all through the testimony that Judge Hanecy tried to keep out of the record all testimony relating to the jack pot. It seemed that the evidence in regard to the jack pot was so conclusive that it could not be disputed, and the connection between the two funds, the jack-pot fund and the Lorimer fund, was so close that I can see the skill of the judge in his efforts to bar all evidence relating to the jack pot, because all through the testimony disclosed that; the one corroborated and supported the other. They were two pillars of an arch, both necessary to support the structure.

I ask the pardon of the Senate for reading so slowly, because I can not comment as I would like to do and make any more rapid progress. While it may take some time to get through the entire testimony, nevertheless I hope to make it as complete as possible, and where any of it appears to be somewhat uncertain or hazy to amplify it and make it plain.

That was the purpose.

Now Mr. Austrian, after Judge Hanecy's objection to this——

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. BRISTOW. I do.

Mr. OWEN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. OWEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oklahoma suggests the absence of a quorum, and the Secretary will call the roll.

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

Bailey	Crane	Kean	Simmons
Bankhead	Curtis	Lorimer	Smith, Md.
Borah	Dick	McCumber	Smith, Mich.
Bradley	Dillingham	Martin	Smoot
Brandegee	Dixon	Nixon	Stephenson
Briggs	du Pont	Oliver	Stone
Bristow	Fletcher	Owen	Swanson
Bulkeley	Flint	Page	Taylor
Burkett	Gallinger	Paynter	Thornton
Burnham	Gamble	Penrose	Warner
Burrows	Guggenheim	Percy	Warren
Carter	Heyburn	Perkins	Wetmore
Chamberlain	Johnston	Piles	Young
Clark, Wyo.	Jones	Shively	

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, a quorum of the Senate is present. The Senator from Kansas will proceed.

Mr. BRISTOW (reading):

Judge HANECY. The purpose is to put it before this committee and it has nothing to do with the Senatorship.

That is, information as to the jack pot.

Mr. AUSTRIAN. If I am permitted to state the purpose I will be pleased to——

Mr. FLINT. I hope the Senator from Kansas will have the attention of the Senate.

The PRESIDING OFFICER. Did the Senator from California desire to ask me a question?

Mr. FLINT. No; I suggested to have order so that we could hear the Senator.

Mr. BRISTOW. I will try to speak loud enough. My complaint of the disorder does not indicate that I had desired that any Senator should leave the room. I would very much prefer, of course, that they stay because I am reading the testimony.

I fear that a great many Senators, busy as they are with the crowding duties in the closing days of the short session, have not had an opportunity to read this testimony. I think that every Senator here ought to hear it if he has not read it before he casts his vote upon this most important question. So I voluntarily hope to relieve——

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

Mr. BRISTOW. Certainly.

Mr. KEAN. The Senator says we ought to read the testimony or hear it read before we cast our votes. At what time would the Senator like to have us vote?

Mr. BRISTOW. Oh, I will leave that to the pleasure of the Senate.

Mr. KEAN. The Senator does not seem to want to give any one an opportunity to vote.

Mr. BRISTOW. But the Senator from New Jersey certainly does not want to vote before he has heard the testimony?

Mr. KEAN. But I have read the testimony.

Mr. BRISTOW. Has the Senator read it all?

Mr. KEAN. Yes; all.

Mr. BRISTOW. I think that it would be profitable to the Senator from New Jersey to hear it a second time.

Mr. KEAN. I shall listen to the Senator.

Mr. BRISTOW. Of course, in reading this testimony, I expect to illuminate some features of it. I hope the Senator from New Jersey will not feel that these efforts of mine are wholly in vain.

Mr. AUSTRIAN. If I am permitted to state the purpose, I will be pleased to. The evidence will disclose that there were certain Democratic members of the house and senate that entered into a combination in respect to this so-called bribery matter, that is the purpose of it. A senate committee held it was proper in the Clark case.

I wondered if there were any Republican members of that legislature who were bribed. As I remember the evidence, all of the members who are alleged to have been influenced in their votes by the promise of money were Democrats. I have wondered if there was any corruption as far as the senatorial election was concerned on the Republican side. It seems to me that the committee—and I do not want to offer this as a criticism, but merely as a suggestion—has failed in its duty in not undertaking to investigate the Republican members of the legislature with that degree of vigilance they seem to have exercised or that seems to have been exercised in bringing out the facts as to the Democratic members.

But that difficulty could not lie with this committee, because the committee was composed of both Democratic and Republican members. Still all the corruption seems to have been developed on the Democratic side, and I wonder if the Democratic members of the committee or the subcommittee were as vigilant as they should have been in the pursuit of the investigation of the members of the opposing party. However, be that as it may, I am digressing, and I think the testimony is more useful than these side observations.

Judge Hanecy must have been a great orator in a way, because he makes the longest speeches in arguing this question as to the purpose of bringing out information as to this jackpot fund. He said:

Judge HANECY. There is no system here, notwithstanding the remarks of brother Austrian about a "jack pot." I submit that it is unnecessary, because a man is charged with taking a bribe of a thousand dollars for voting for another man for United States Senator to prove that the man committed some other offense.

I disagree with him there, for if that man was accustomed to accepting bribes, if it clearly appeared that he did accept a bribe for some other cause or for some other purpose, would not any evidence tending to show that he had accepted a bribe for the purpose of influencing his vote for United States Senator—would not the fact that he had been bribed to vote on other things be material in enabling anyone to weigh the probability of his having accepted that money? So, I think, Judge Hanecy was wrong in that statement.

For instance, that he set fire to somebody's building or his own building for the purpose of defrauding some insurance company or committed murder or some other offense.

That is true, but they were not trying to show that this man had killed anybody or committed any murder. What they were endeavoring to do was to show that he had accepted bribes from the same men during the same time for other purposes as well as for voting for United States Senator.

If that is to be the rule here, then there can be no limit to it. It is not competent, and can not be, that the other matters had to do with the election of a United States Senator, as Mr. Austrian says, because some man got money for doing other things, and the system he says was so that they could get money for other things, and the other things have no relation whatever to the senatorship. The senate, as a whole, is a separate body created by the Congress of the United States under the Federal Constitution. It is not a legislature. They meet in a separate house, and they never meet in joint assembly except for the election of the United States Senator. That was determined in the Davidson and McCall case, where the question was gone into by the best lawyers in the Senate and in this country. Then the law in that question was tested in the matter of the governorship between Charles S. Deneen, Republican candidate, and Mr. Stevenson, the Democratic candidate, and the only body that could decide that contest for the governorship was the legislature, and that is the law. It is made the law by the Federal statute under the Federal Constitution, and there is no other law that can control it. There is not a word in the statutes of Illinois or in the State constitution about the election of United States Senator, and the only body that can elect is the joint assemblage created by the Federal statute of 1866.

It can not be contended that he did. When they meet in joint assembly the Federal statute provides that they must meet at 2 o'clock, meridian time, wherever it may be, fixing the time, and says that they must take at least one vote each legislative day until a Senator is elected.

They took one vote each day. On a few days they took more, but just as soon as they took that vote and adjourned the senate marched out of the joint assembly to their own room, and they separated and transacted business.

Now, I should like to know what that had to do with it? It seems to me that it had nothing whatever. What is this argument—here is a full page of it by this lawyer—instructing this committee of United States Senators how the legislature proceeds to elect United States Senators? Everyone of them was a Senator, and some of them had been for many years. They knew just how the election of a Senator takes place—the formalities that are observed—and still they let this fellow stand there and talk to them for 10 or 15 minutes about a matter that is wholly immaterial and of which they had absolute knowledge. I think I will leave it to the Senate if just criticism does not lodge against the committee for this waste of time, waste of printing matter, waste of public funds, waste of the time of the Senators who are compelled to read it. But listen to it.

They took one vote each day. On a few days they took more but just as soon as they took that vote and adjourned the senate marched out of the joint assembly to their own room, and they separated and transacted business. Now, will it be contended by anybody, much less a lawyer, that what the members of the house and the senate did in passing legislation in relation to Chicago, or Cairo, or Galena, or Waukegan, or some other place during the separate recesses can be grafted onto the proceedings in the general assembly and have the election of a United States Senator and the candidates before that joint assembly who were running for United States Senator charged with what they did? That is just what this means and it does not mean anything else.

Just think of that! I am not sure but here is another half page of this meaningless, pointless stuff incumbering this record.

Now, if we have got to be smirched by that, why then there is no safety for anybody. All they have to do is to say, "We are going to make charges against those men; the man who went to the legislature was a bad man; he divorced his wife, or he murdered his wife or his child or something else." Because that is competent to show what he did—I say, rather, that if that is competent to show what he did in the separate assembly rooms or the separate house, why, then, it is competent to show what he did at the Leland Hotel or to show a consultation that he had at home to show that he took bribes or did other offenses contrary to the criminal law.

Mr. CHAMBERLAIN. Mr. President, I should like to interrupt the Senator.

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

Mr. BRISTOW. Certainly.

Mr. CHAMBERLAIN. Of course, we have heard the testimony, or most of it at least, in the Lorimer case and we are more or less familiar with what has been said by all of the witnesses. Would it not be of more profit to the Senate if the Senator would read something with which we are not familiar, for instance, Elliott's Debates or the Old Testament or the New Testament or anything that the Senate has not before heard?

Mr. BRISTOW. If the Senator from Oregon will provide me with a copy of the New Testament or a copy of the Old Testa-

ment, I shall be very glad to read him a chapter. I think it will be profitable to him, and I shall gladly comply with his request. I do not, however, happen to have with me a copy of the books referred to by the Senator.

Mr. CHAMBERLAIN. I presume that the Presiding Officer can furnish the Senator with any of the books I have mentioned.

Mr. BRISTOW. That is very good. Not having the Bible or the Testament here, I think that I should, until they arrive at least, devote myself to the presentation of the evidence in the case that is now before the Senate. I know that the arguments of these attorneys are very uninteresting and of very little value, but if I omitted the arguments I would be accused of garbling the record, and that is an accusation that has been made against the committee. I do not want to fall into the same fault that the committee is accused of having fallen into.

Mr. CHAMBERLAIN. I submit in perfect good faith, and without any disposition to be frivolous in the matter, that the reading of Elliott's Debates would be very much more interesting to the Senate than the reading of the testimony in this case that was taken in Chicago.

Mr. BRISTOW. Doubtless the reading of some of George Eliot's novels might be more interesting and might be more entertaining. Indeed, I might read the debates of the constitutional convention, but I am presenting to the Senate the evidence directly upon the case that is now under consideration, and I hope I shall not be criticized for reading the very evidence upon which the Senator must base his ultimate decision when he casts his vote upon this case. I appreciate very deeply indeed the kindly suggestions of the Senator, and I would be glad to comply with them if it were convenient, but I regret that it is not.

I do not want to miss any of this:

Because that is competent to show what he did—I say, rather, that if that is competent to show what he did in the separate assembly rooms or the separate house, why then it is competent to show what he did at the Leland Hotel or to show a consultation that he had at home, to show that he took bribes or did other offenses contrary to the criminal law, and that is what this proceeding is for at this time, and I submit nothing else; and therefore I say it should not come in here.

Senator HEYBURN—

This is the first time in this record that the Senator from Idaho [Mr. HEYBURN] has asked a question of the witness White. Further on in the testimony you will observe, as you follow my reading, that he became very active in the discharge of his duty as a member of the committee. I want to pay that compliment to the Senator from Idaho.

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

The PRESIDING OFFICER. The Senator from Oregon suggests the absence of a quorum. The Secretary will call the roll.

Mr. BRISTOW. I am very sorry to have my remarks interrupted by these continued roll calls, but I know of no way of avoiding it.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Bailey	Crane	McCumber	Smoot
Bankhead	Culberson	Martin	Stephenson
Brandegee	Curtis	Nixon	Stone
Briggs	du Pont	Oliver	Swanson
Bristow	Fletcher	Owen	Thornton
Brown	Flint	Page	Warner
Bulkeley	Gallinger	Paynter	Warren
Burkett	Gamble	Penrose	Watson
Burnham	Heyburn	Percy	Wetmore
Burrows	Johnston	Piles	Young
Carter	Jones	Shively	
Chamberlain	Kean	Simmons	
Clark, Wyo.	Lorimer	Smith, Md.	

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. CHAMBERLAIN. Mr. President, I want to say that, acting in the capacity of judges of one of the highest judicial tribunals in the United States, I feel that we ought to give Mr. LORIMER a vote on this question and determine whether or not he is entitled to a seat in the Senate. But I feel and realize that there are some concessions that ought to be made by his friends, and that the matters at issue between the men on both sides of this question in the Senate ought to be determined.

The PRESIDING OFFICER. The Chair understands that the Senator from Kansas has yielded to the Senator from Oregon?

Mr. BRISTOW. Yes.

Mr. CHAMBERLAIN. I am frank to say that I am opposed to the position which the friends of Mr. LORIMER take in the Senate, but yet I feel that, acting as judges, we ought to determine this question and vote for or against him. But whatever else is pending in the Senate, we ought to make some concession, and I think we ought to determine the matter right now.

Mr. BRISTOW. Mr. President, continuing, I am sorry to announce that a great deal of this testimony is taken up with a discussion of the attorneys, which is very dry and uninteresting. The evidence of the witnesses is somewhat different; indeed it was difficult for me, in reading the testimony the first time, to carefully read these long-winded discussions of the attorneys. I could not get much value out of them, but it was necessary to read them in order to understand fully the weight of the testimony that followed that was admitted or to understand the character of the testimony that was to be excluded.

I was starting in with the examination by Senator HEYBURN.

Senator HEYBURN. As I understand it, you urge no objection to that part of the question, that he was to receive a thousand dollars?

Mr. HANECY. I have no objection to that, Senator.

Senator HEYBURN. Well, now, suppose that in the same conversation——

Then he was interrupted by Judge Hanecy. I think the question that was to be propounded by Senator HEYBURN was a very pertinent and proper one. But he is interrupted by Hanecy, and there was a long discussion here that I think was very irritating; it certainly must have been.

Mr. HANECY. If in the same conversation he stated that the consideration he was to receive for his vote—in that conversation he stated he was to receive a certain additional sum or additional amount or percentage. Now, would that be equally a part of the consideration for his vote as the thousand dollars, Mr. Senator? If he says, or if this witness should swear here that it was agreed that he was to be paid a thousand dollars for voting for LORIMER and then was to get a cow or a horse in addition to that, that he was to get some other consideration for doing that thing—not something else—then it is competent here. But unless it is, then it is not competent here, I submit.

Mr. AUSTRIAN. I would just like to answer what counsel has said, if I may.

Now, Austrian comes in with a long argument.

Senator BURROWS. Certainly.

The Senator was very courteous to him.

Mr. AUSTRIAN—

Now, we have an address to the committee by the counsel for the Chicago Tribune.

Mr. AUSTRIAN. Counsel is mistaken in what the law is in this State, as well as in other States. What the law is has been held by the Senate committee of which Chairman BURROWS is a member. The purpose of it is, if you will permit me, Mr. Chairman—and I will not take nearly so long as opposing counsel did—the purpose of it is to show that in that legislative body that there was general corruption.

Mr. BAILEY. Will the Senator from Kansas yield?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BRISTOW. Certainly.

Mr. BAILEY (at 7.45 a. m., Tuesday, Feb. 28, 1911). Acting upon the suggestion of the Senator from Oregon [Mr. CHAMBERLAIN], to which I thoroughly assent, and which I think entirely wise and proper, I am going to ask the Senate to take a recess, if I can have unanimous consent, until half past 11 o'clock, and see if it is not possible to reach some basis of agreement upon which the Senate can proceed to dispose of the matter pending before it, and then proceed to dispose of other matters, so as at least not to render an extraordinary session of Congress absolutely necessary.

I ask the Chair to submit as a request for unanimous consent that the Senate take a recess until 11.30.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the Senate take a recess until 11.30 o'clock this morning.

Mr. McCUMBER. Will not Senators have plenty of time for any possible arrangement that we can make if we take the recess until 10 o'clock? We have not many more days left.

Mr. BAILEY. I will say to the Senator from North Dakota that half past 11 would give Senators but three hours in which to have breakfast, change our linen, and do such other things as are necessary. There are certain groups of Senators who desire to have some conferences, and I think if we were to come back at 11 or half past 10 we would probably find ourselves still not ready to dispose of the matter.

Mr. McCUMBER. If there is any hope of settling the matter that is in controversy and going on with the business of the Senate, of course it would be well for us to adjourn until tomorrow, if it could be done, and get through with this. I have not much hopes of our being able to secure it.

Mr. BAILEY. There is a special order fixed for to-day immediately after the reading of the Journal, if we reach that time, and I hope we will, without any doubt, and I feel that it would be time saved to take a recess until half past 11.

Mr. McCUMBER. I shall not object, if the Senator has any hopes of accomplishing anything.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. HEYBURN. I notice the absence of the chairman of the committee. I think he should be here before unanimous consent is given.

Mr. BAILEY. I will say to the Senator from Idaho that I have consulted—I did not see the chairman—with some other members of the committee, and those that I did happen to see——

Mr. HEYBURN. I say that merely because the chairman requested me to be on guard here, and he might feel that I was not representing him properly if action should be taken in his absence. I should want to know that he had personal knowledge of the proposed proceeding. Otherwise I should feel that I was neglecting a charge that he had requested me to look after.

Mr. BAILEY. I will say to the Senator from Idaho that the chairman of the committee has not been personally consulted because it was not convenient to consult him. I was responding to the suggestion made by the Senator from Oregon [Mr. CHAMBERLAIN] only a moment ago; and in conference with some Senators on both sides who are interested that seemed to me to be about the best course.

Mr. CHAMBERLAIN. Mr. President, of course I feel that I am a new Member in the Senate as compared with some of the distinguished gentlemen who are here to-night, but it seems to me that what has been done here has been merely child's play. To be entirely frank with my distinguished friend, the Senator from Texas, and other friends, I want to say that I am in favor of unseating the gentleman who has been sent to this distinguished body from Illinois, but the condition precedent which has been imposed upon us of deciding that question and deciding the question as to the creating of a tariff board, which has been suggested by the distinguished Senator from Iowa, now confronts us. It seems to me, acting in the capacity of one of the judges on this important question, that the sitting Member is entitled to a vote on his case. He may be dismissed from this body, to which he claims to have been elected. It may be that he will be seated as a Member of this body; but whether that be true or not, it is the duty of the Senate, acting in the highest capacity of any body in this Union, to decide that question first, and then to determine the question whether or not we want a tariff board, as suggested by the President.

I believe, Mr. President, if we will dispose of the first question—whether Mr. LORIMER is entitled to a seat in this body—all else will follow in order, and tying it up with something else that ought not to be linked with the question as to his right to a seat in this body is mere nonsense.

I believe, with the Senator from Texas and others who have spoken here to-night, that if we will wipe out from the consideration of this body the question as to Mr. LORIMER's seat, all else will follow in order. I think we ought to determine that question as one of the highest deliberative bodies in the Union, and I hope the Senate will determine that question first.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas.

Mr. BULKELEY. In view of the suggestion of the Senator from Texas, I should like to ask the question, Suppose the Senate now takes a recess and reassembles at 10 or 11 o'clock and goes on with its proceedings, under some arrangement, on this legislative day, when 12 o'clock comes what becomes of the special order?

Mr. BAILEY. Of course, that is a parliamentary question which might be properly addressed to the Chair, but since the Senator from Connecticut does me the honor to ask me my opinion on it I say to him very frankly that I think that order would be displaced.

Mr. BULKELEY. That is my own view of it.

Mr. BAILEY. In other words, the order is for a vote immediately after the reading of the Journal. If this session of the Senate does not terminate before the next daily session should begin, there would be no Journal to read.

Mr. BULKELEY. That is my view of it.

Mr. BAILEY. But I hope we will not encounter that condition.

Mr. BULKELEY. I suggest the regular order. Let us go on with it.

The PRESIDING OFFICER. The Chair will suggest——

Mr. BAILEY. Of course, I could make a motion, but I did not want to do that. I rather felt as if there was irritation enough already. I do not want to beat anybody again unless it is absolutely necessary. I think we could take the recess without any trouble, but I should like to see it done unanimously.

I think, Mr. President, after what I have witnessed to-night that it will be a long time before I again engage in a filibuster. I am rather inclined to think it may be a useful lesson to me, and hereafter when my part of the debate is over I shall be ready to vote, and certainly when other Senators have concluded their real addresses I think I shall never obstruct unless it be in a matter involving the safety of my own constituents.

I hope there will be no objection now to the recess.

The PRESIDING OFFICER. Displacement of the special order could be avoided by an adjournment after the Senate convenes after the recess.

Mr. BAILEY. I understand that. That could be avoided if we meet at half past 11 and adjourn at 5 minutes to 12; that would save that. There is no question on that.

Mr. STONE. I concur in what the Senator from Oregon said as to the right of Mr. LORIMER to have a vote. I have not sought to prevent a vote being taken, and shall not. I agree with the Senator from Oregon that the question of agreeing upon a time to take that vote should not be coupled with any other controversy, so as to endanger an agreement as to the Lorimer case. I do not care to stand in the way of the progress of the Senate's business if I can avoid it.

I apprehend that the suggestion made by the Senator from Texas [Mr. BAILEY] is predicated upon something that I had said to Senators as well as upon what the Senator from Oregon has said. I think it would be advisable to take the recess as suggested, that there might be some conferences among Senators as to the best course to take, out of the hope that those conferences might lead to some agreement by which the difficulties confronting us could be adjusted.

Nevertheless I think it due to say that I do not wish it understood by anything I have said that I have assumed any responsibility of assuring an agreement. I will be glad to contribute so far as I can to bring it about, but we may come back here at the end of this recess no better off, no further advanced, than we are, and I think it proper that I should make that statement so that we will proceed with a clear understanding, or at least avoid any possible misunderstanding, and that I ought to make this statement, as I do, before any recess is agreed to.

Mr. CHAMBERLAIN. Mr. President, of course we who are here and participate in the ceremonies of this occasion, if I may so say, appreciate to the full the difficulties which confront us. But there is one thing that we are liable to overlook. Our constituents and the public at large are likely to look upon the proceedings of to-night as a wastefulness of effort, and an expenditure of the people's money that is entirely unjustified by anything that has happened here to-night.

As I said awhile ago, I am one of those who differ with my friend the Senator from Texas. I believe that the country expects, and I believe the testimony which has been adduced here to-night justifies, the exclusion of Mr. LORIMER from the Senate. I say that reluctantly, because I have known and respected him for a great many years. I have learned to love him for his many excellent qualities of head and heart, but I believe, Mr. President, that the testimony which has been adduced here warrants us, as it would warrant any jury under the same circumstances, to render a verdict against him.

However, taking all of these things into consideration, there are other matters which the public expects from us. It expects from us that we shall discharge our duties not only with respect to the individual whose fate is in our hands to-night, but it expects us to discharge our duties with reference to the public weal and the public welfare.

So looking upon this question, it is not only one as to our duties with reference to the sitting Member; it is a question with reference to our duties to many pressing public measures which are resting upon us for decision to-day. One of these important measures is the question which the distinguished Senator from Iowa has insisted shall be determined, as well as the decision of the right of Mr. LORIMER to a seat in this body, and that is the proposal which has been submitted to us in regard to the establishment of a tariff board.

That is not all, Mr. President. There are not only these questions, but there is another very important question for us to determine, and that is as to the reciprocal agreement between the United States and Canada.

But not only that. There are many other questions which devolve upon us as representatives of the people of this great country. There is the great question as to whether we shall continue the Government of the United States by the appropriation of sums of money sufficient to carry on the affairs of Government as they have been carried on in the past.

But leaving all of these questions aside, Mr. President, sitting here as a member of one of the greatest tribunals in the

world, realizing my duties and responsibilities, and feeling as I do upon the question now before us it seems to me that no Senator here can refuse to accord to the man who is now on trial not only a prompt but an immediate settlement of his claim to a seat in this body. It may be, Mr. President, that we may determine he is not entitled to a seat in this body. It may be that we may determine that he ought to be excluded from the Senate. But whatever may be the decision of this great tribunal, it is our duty to determine it at once, and then all things which follow may follow in the ordinary sequence of events.

I say, Mr. President, in according to Mr. LORIMER the rights which the Constitution of the United States, which the constitution of every civilized body accords to him, it is our duty in determining that question to say whether these other great questions which come near to the hearts of the American people shall also be determined promptly. In that respect I agree heartily with the contention of the Senator from Iowa; and while I do not insist upon it as a condition precedent, the Senate, as a deliberative body second to none on the face of the globe, ought to determine these questions now in a manner becoming to the dignity of this tribunal.

I was about to ask, Mr. President, that we come to a vote now, first upon the question as to whether Mr. LORIMER is entitled to a seat in this body, and, second, as to whether we shall have a tariff board; but upon the suggestion of my distinguished friend from Texas I simply leave that question open.

Mr. BAILEY. It has been suggested that it would be more agreeable to some Senators to meet at 11 o'clock instead of 11.30, so I modify my request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas that the Senate stand in recess until 11 o'clock? The Chair hears none, and the Senate stands in recess until 11 o'clock.

Accordingly (at 8 o'clock and 10 minutes a. m., Tuesday, Feb. 28) the Senate took a recess until 11 o'clock a. m.

AFTER RECESS.

The Senate reassembled at 11 o'clock a. m., at the expiration of the recess.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution 315, submitted by Mr. BEVERIDGE on January 9, 1911, as follows:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. The Senator from Kansas [Mr. BRISTOW] has the floor.

Mr. BEVERIDGE. I rise to a parliamentary inquiry.

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

Mr. BEVERIDGE. I rise to a parliamentary inquiry in my own right.

The VICE PRESIDENT. The Chair begs to correct the Senator about that.

Mr. BEVERIDGE. I submit to the Chair the question.

The VICE PRESIDENT. Very good; the Chair will listen to the Senator anyhow.

Mr. BEVERIDGE. The parliamentary inquiry, as the Chair will see, is an important one. This is a continuation, as I understand it, of the legislative day. The parliamentary inquiry is that if this legislative day should continue to and past 12 o'clock, will that vitiate the special order for that time?

The VICE PRESIDENT. It certainly will.

Mr. BEVERIDGE. The special order, I understand, is the vote upon Senate joint resolution 134, proposing an amendment of the Constitution providing for the election of Senators by a direct vote of the people.

Mr. President, that being the case, I ask unanimous consent that at 11 o'clock and 55 minutes the Senate shall stand adjourned. In that way we can save the special order.

The VICE PRESIDENT. The Senator from Indiana asks that——

Mr. HEYBURN. Mr. President, I think we need no unanimous consent. The Senate can adjourn without unanimous consent.

The VICE PRESIDENT. Objection is made.

Mr. BEVERIDGE. I merely want, if the Senator will permit me a moment——

The VICE-PRESIDENT. Does the Senator from Kansas yield further to the Senator from Indiana?

Mr. BRISTOW. I yield.

Mr. BEVERIDGE. I merely want to say that I submitted my parliamentary inquiry, thinking that the status was as the Chair ruled, and therefore I call the attention of every Senator present to the predicament in which we may find ourselves that Senators can all have it in mind in case anyone should make a motion to adjourn, which I shall do.

Mr. GALLINGER. We have been thinking of it.

Mr. NELSON. Mr. President——

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

Mr. BRISTOW. I do.

Mr. NELSON. I move that when the Senate adjourns to-day it adjourn to meet at 11.50.

The VICE PRESIDENT. At 11.50 to-day?

Mr. NELSON. Yes.

The VICE PRESIDENT. The Senator from Minnesota moves that when the Senate adjourns to-day it adjourn to meet at 11.50 to-day.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. A motion has been made which is not debatable.

Mr. BEVERIDGE. I am aware of that. I do it only by sufferance. The motion as I understood it——

The VICE PRESIDENT. The Chair thinks it ought not to be done even by sufferance.

Mr. BEVERIDGE. Very well; I think the Chair is right.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota.

Mr. HEYBURN. I should like to make a suggestion.

The VICE PRESIDENT. It is not debatable. An objection, even, is debate.

Mr. HEYBURN. I am not debating it.

The VICE PRESIDENT. The Chair just stopped the Senator from Indiana on the theory that anything is debate.

Mr. HEYBURN. I ask unanimous consent to make a suggestion.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent to make a suggestion. Is there objection?

Mr. BEVERIDGE. I do not want to object to the Senator asking unanimous consent, but it has been ruled against me.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Debate is not in order.

Mr. HEYBURN. I suggest that we are in the legislative day of the 27th day of February, and an adjournment, even if it was taken to a period 15 minutes hence, would be an adjournment to meet on the 28th.

Mr. BEVERIDGE. We understand that.

Mr. HEYBURN. The Senator may understand it, but it was not so expressed. I think if we keep our dates straight we will have no trouble.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota.

Mr. NELSON. I move to amend my motion to make it more definite and clear. It is to adjourn to 11.50 on this calendar day, February 28.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota. [Putting the question.] The ayes appear to have it. The ayes have it, and the motion is carried.

Mr. MONEY. Will the Senator from Kansas yield to me for a moment?

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

Mr. BRISTOW. I do.

Mr. MONEY. Mr. President, yesterday afternoon on the motion for a recess to 8 o'clock I voted for a recess and went away supposing it had carried and feeling quite unwell I went home and went to bed. I did not know of the continuous night session until this morning, when I had notice to come here at 10 o'clock. Having learned the history of last night's transactions briefly from several gentlemen I want to make a little statement.

I do not believe that anybody on the Democratic side of this Chamber wishes to postpone or delay for one moment a vote on the Lorimer case. I believe when I say that I represent every Democrat here. It is certainly my sentiment. On the other hand, when it comes to passing the tariff board bill, which in my opinion should not have been put in here at a short session for the dominant party to deprive Democrats coming in of the instrumentality which they will choose for themselves, I will not consent to take that up at any time.

But I want to say further that there is no disposition on my part, or on the part of any Democrat here, to filibuster on any-

thing. If there shall be an extra session, it will be welcomed by many gentlemen on the Democratic side, but not by me, for I think it will most seriously affect the beginning of what is predicted a prosperous year and very much arrest industrial enterprises and the rising values of the country.

The Republicans are here in a very large majority and can at any moment pass any bill they choose to take up if they can come to an agreement, and it can be voted upon either yea or nay. I do not believe and I certainly would very much dislike to think that any Senator can be influenced by any intimation from the White House as to anything affecting his conscience, but in a matter of expediency and policy we must take note of the utterances of that gentleman by gentlemen who stand or fall with him when he chooses to do so, with or without reason.

It does not seem to me, briefly, that this treaty is of sufficient importance to make this great trouble. It is raising a tempest to waft a feather or drown a fly. I have weighed that treaty as a member of the committee as carefully as I could, and I do not find that taking it altogether its advantages or disadvantages are very great. It will affect a local interest injuriously here and another local interest favorably there.

I announced to that committee distinctly that I would not support the treaty for its commercial advantages but simply because, as there are only three peoples upon this continent, each one extending to either ocean, we must exercise some statesmanship in providing for a friendly mental attitude with our good neighbors north and south that will make them so friendly to us by the close interweaving of commercial, social, and domestic ties that they would be in the future unwilling to furnish on their soil a basis for military operations from either ocean against the United States.

That is what has influenced me. But I was only one of two on that committee who really approved of the bill putting the agreement in operation. I mean on all sides, there are only two members who really at heart favored that reciprocity treaty.

Now, I am not so much wedded to my opinion, nor have I so much of the vanity of consistency as will maintain the record I made in that committee. The consistency which I have always endeavored to maintain here is that of doing what I thought was best under all circumstances, and circumstances frequently make me change my mind.

I am willing now to have that agreement come up and to dispose of it in the interest of the public welfare, to vote to kill it if necessary, but I am informed this morning that the President would not for a moment submit to the defeat of that agreement by an arrangement for its defeat. I can not see the difference between an out-and-out arrangement of the changes of mind in some men to vote for or against the agreement and any other arrangement that is usual in legislation to secure the passage or defeat of a measure.

I regret, Mr. President, that there seems to be engendered somewhat in this attrition of wishes, and that on the floor of the Senate, a little bit of acrimony which has heretofore kept out of the Senate, at least for some time. I heard with great pleasure this morning from the Senator from Vermont [Mr. DILLINGHAM] that the speech of the Senator from Georgia [Mr. BACON] last night rose to a great height in the expression of his sentiment for preserving the peace and good order and dignity of the Senate and acting in good faith toward everyone.

Now, I want to say, I will be here only four days. My public career will close and I will retire to my farm. As Thomas Jefferson said when he was asked to run a third time by the legislature of Vermont, I want to go to my farm with clean and empty hands.

I love peace, and there is nothing on earth that so distresses me as strife and conflict. I am willing to make any sacrifice I can for peace. There has been no reason for any display of feeling that I know of. The Democrats have won a large and, in some measure, an unexpected success at the polls. The Republicans have suffered unexpected reverses in a larger measure than they had expected. But I have heard of no gloating over the Democratic triumph on this side, nor have I noted any particular depression on that side. It is simply one of the vicissitudes of political fortune, and no man need be either unduly elated or depressed or discouraged. The country has not given us the whole legislative branch of the country. The people have given us a large majority in the House. The Republicans will still control the Senate by a working majority. This ought to be a guaranty to the country that there will be neither hasty nor ill-considered legislation. But above all, if it is possible, let us agree to go on with this business in an orderly way without any intention of dilatory motions or anything of that sort.

Of course, if a Senator like my friend from Kansas has something to say on a vital or great question he should say it, and so should everybody else, but nothing for the mere purpose of obstruction.

I look at this situation as a man almost on the outside. Since I have been speaking there has come into my mind a few verses from an old Greek poet, which perhaps the Senate will indulge me in repeating, for I think they are extremely applicable to the situation in hand. It was the invocation or exhortation of an old Greek poet to his own soul. His name is now very rarely ever heard, for his splendid genius is only attested by some magnificent fragments that fortunately for posterity were embedded in the writings of other people. His name was Archilochus, and he and Sappho were adjudged by the Greeks of the classic age of Greece, the age of Pericles, as being the two who were second only to Homer. His lines, if you will allow me, were these:

Tossed on a sea of troubles, soul, my soul,
  Thyself do thou control;
And to the weapons of advancing foes
  A stubborn breast oppose;
Undaunted 'mid the hostile might
Of squadrons burning for the fight,
Thine be no boasting when the victor's crown
  Wins thee deserved renown;
Thine no dejected sorrow, when defeat
  Would urge a base retreat:
Rejoice in joyous things—nor overmuch
  Let grief thy bosom touch
'Midst evil, and still bear in mind
How changeful are the ways of human kind.

Although that was written 700 years before the beginning of the Christian era, yet neither before nor since has there been a sounder philosophy or a manlier sentiment expressed in nobler verse. It is a lesson that we can take each one for himself.

I think I have stated the position of the minority.

Mr. NEWLANDS. Mr. President, I do not understand that the Senator from Mississippi attempted to speak for all upon this side, but lest there should be any misunderstanding I wish to state my personal views briefly upon the matters which he has discussed.

Personally I do not favor postponing or preventing a vote upon any of the questions that are now under consideration; but I could not join with the Senator from Mississippi in an endeavor to prevent a vote regarding the tariff board. I am for a tariff board as an enlightened method of ascertaining facts upon most complicated questions. I do not fear that a tariff board appointed by President Taft will embarrass the Democratic Party in its work regarding the revision of the tariff. I am willing, so far as I am concerned, with reference to the Democratic nominees upon that board to trust a President who appointed upon the Supreme Bench a White, a Lurton, and a Lamar. I do not believe that that board, however appointed, whether partisan or nonpartisan or bipartisan, will fail to discharge its full duty in the ascertainment of facts. I believe that the oath they will take and the quasi-judicial capacity in which they will act will impress their action in ascertaining the facts, and that for the present unscientific method of ascertaining the facts, a method which has been hitherto pursued by both parties and which, in my judgment, has the disapproval of the entire country, we will have substituted a method of careful examination of all the facts relating to foreign commerce, just as we have to-day an examination of the facts relating to interstate commerce; and that a bipartisan board will be as fair, as just, and as true in its ascertainment of all the facts relating to foreign commerce as has been the present Interstate Commerce Commission, a bipartisan commission, with reference to interstate commerce. So, instead of opposing a vote upon the tariff board bill, so far as I am individually concerned, I shall do everything to facilitate it.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. The Senator from Kansas.

Mr. GALLINGER. Mr. President——

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

Mr. BRISTOW. Certainly.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to, and (at 11 o'clock and 21 minutes a. m., Tuesday, February 28, 1911) the Senate adjourned until Tuesday, February 28, 1911, at 11 o'clock and 50 minutes a. m.