Also, petition of Calisher & Co. of New York City, protesting against House bill 8887; to the Committee on Ways and Means.

Also, petition of Postmaster John L. Chatfield and others, of Painted Post, N. Y., in favor of bill introduced by Mr. MANN for the closing of post offices on Sundays; to the Committee on the Post Office and Post Roads.

Also, petition of the Niagara Alkali Co., praying for a change in present tariff on potash so as to make the duty of 1 cent per pound apply to all caustic potash, no matter in what form of package it may be contained, when the content of total alkali exceeds 85 per cent; to the Committee on Ways and Means.

Also, petition of New York State Pharmaceutical Association in opposition to House bill 8887; to the Committee on Ways and Means.

By Mr. WOOD: Resolution adopted by Local Union No. 26, International Union of United Brewery Workmen of America, of Trenton, N. J., urging immediate action by the House of Representatives on the resolution of investigation of the lawlessness of the acts of the arrest of John J. McNamara; to the Committee on Rules.

Also, petition of Frank N. Cole, of Readington, N. J., asking for a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions adopted by Division No. 540, Amalgamated Association of Street and Electric Railway Employees of America, of Trenton, N. J., urging immediate action by the House of Representatives on the resolution of investigation of the lawlessness of the acts of arrest of John J. McNamara; to the Committee on Rules.

SENATE.

THURSDAY, *June 1, 1911.*

The Senate met at 12 o'clock m.

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

The Secretary proceeded to read the Journal of the proceedings of Monday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of the Territory of Hawaii relative to the modification of the boundaries of the proposed Kilauea National Park in that Territory, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Whereas a bill has been introduced into the Congress of the United States to authorize the establishing of a national park in the region of the active crater of Kilauea, in the island and county of Hawaii, of this Territory, to the end that the scenic wonders and volcanic phenomena of that region may be henceforth maintained as a public reservation for the benefit of all people and the enabling of scientific research of volcanic phenomena; and

Whereas in the message of the governor of the Territory to the present session of the legislature an expression of opinion by the legislature is suggested upon this important subject; and

Whereas it is further considered by the property owners and leaseholders that will be affected by the creation of this proposed park, as well as by the public at large, a laudable and praiseworthy purpose; and

Whereas it appears that the only opposition to the project is due to the boundaries of the park as in said bill described, which, it is claimed by the parties affected, are of greater magnitude than necessary for the object sought and unnecessarily take in large tracts of timber and grazing lands not essential to the creation of a "volcano park"; and

Whereas in order to allay any and all opposition to the general plan for a national park at Kilauea it is desirable to modify the boundaries defined in the bill introduced into the Congress of the United States for the creation of said park on lines that will retain within the boundaries of the proposed national park the whole of the crater of Kilauea and of Kilauea-iki and other volcanic phenomena in the vicinity, together with a right of way from said park lines to the crater of Mokuaweoweo, on the summit of Mauna Loa: Therefore be it

Resolved by the House of Representatives of the Territory of Hawaii (the Senate concurring), That the Congress of the United States be, and is hereby, petitioned and requested to create the said park on the lines or boundaries indicated on the memorandum and on the map attached, modifying, as shown thereon, the excessive area provided for in the original plan, it being evident that all opposition to the project will be then dissipated, and that the interests of all concerned, both public and private, will be the better subserved; and be it further

Resolved, That a copy of this resolution, with said technical description, be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and also to the Delegate to Congress of this Territory.

PROPOSED BOUNDARIES OF THE KILAUEA NATIONAL PARK, HAWAII.

Beginning at a point on the west edge of the Keamoku Aa flow (lava flow of 1823), from which point the true azimuth and distance to Government survey trig. station "Ohaikea" is 166 degrees 20 minutes, 6,850 feet, and running by true azimuths:

1. Along the west edge of the Keamoku lava flow in a northeasterly and northwesterly direction, the direct azimuth and distance being 194 degrees 45 minutes, 15,118 feet.
2. Two hundred and fifty-six degrees 15 minutes, 23,000 feet, more or less, across the lands of Kapapala and Keauhou to the southwest boundary of the land of Olaa.
3. Three hundred and twenty-nine degrees 31 minutes, 16,200 feet, more or less, along the land of Olaa.
4. Three hundred and sixty degrees, 3,500 feet, more or less, along the land of Keaau.
5. Three hundred and thirty-four degrees, 7,000 feet, along the land of Kahaualea.
6. Two hundred and eighty-one degrees, 30,455 feet, more or less, across the land of Kahaualea, passing through the north corner of the land of Panaunui to the north corner of the land of Laeapuki.
7. Thirty-one degrees 30 minutes, 13,200 feet, more or less, along the land of Laeapuki and across the land of Panaunui.
8. Eighty-nine degrees 40 minutes, 32,225 feet, more or less, across the lands of Panaunui, Apua, and Keauhou to "Pali-lele-o-Kalihipaa," the boundary point of the Keauhou-Kapapala boundary.
9. Sixty-two degrees 50 minutes, 6,200 feet, across the land of Kapapala.
10. One hundred and one degrees, 17,700 feet, across the land of Kapapala to a small cone about 1,500 feet southwest of "Puu Koae" trig. station.
11. One hundred and sixty-six degrees 20 minutes, 21,000 feet, across the land of Kapapala to the point of beginning.

Area, 38,275 acres.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 22, 1911.

We hereby certify that the foregoing concurrent resolution was adopted in the House of Representatives of the Territory of Hawaii on the 22d day of April, A. D. 1911.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

THE SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 26, 1911.

We hereby certify that the foregoing concurrent resolution was adopted in the Senate of the Territory of Hawaii on the 26th day of April, A. D. 1911.

ERIC A. KNUDSEN,
President of the Senate.
JOHN H. WISE,
Clerk of the Senate.

The VICE PRESIDENT presented petitions of the congregations of the Churches of the Brethren of Enterprise, Mont., Berthold, N. Dak., and Kenmare, N. Dak., praying for the enactment of legislation for the suppression of the opium evil, which were referred to the Committee on Foreign Relations.

Mr. SHIVELY presented a memorial of Local Branch, American Federation of Catholic Societies, of Muncie, Ind., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a petition of Cigar Makers' Local Union, No. 33, of Indianapolis, Ind., and a petition of the local Socialist Party, of South Bend, Ind., praying that an investigation be made into the alleged abduction of John J. McNamara from Indianapolis, Ind., which were referred to the Committee on the Judiciary.

He also presented the petition of C. T. Davis and 23 other citizens of Brooklyn, N. Y., praying for the enactment of legislation for the control and preservation of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Local Division No. 2, Ancient Order of Hibernians, of Lake County, Ind., and a memorial of Local Division No. 6, Ancient Order of Hibernians, of Indianapolis, Ind., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. CULLOM presented memorials of sundry business men of Lakewood, Ill., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of the Buffalo Methodist Preachers' Meeting; of the Peace and Arbitration Society of Buffalo; of the Men's Club of the First Presbyterion Church of Poughkeepsie, in the State of New York; of the Woman's Christian Temperance Union of Fort Collins, Colo.; of the congregation of the Methodist Episcopal Church of Worcester, Mass.; of the Woman's Christian Temperance Union of Worcester, Mass.; of the James W. Houston Co., of Pittsburg; of Robert S. Glass, of Pittsburg; and of M. J. Scott, of Pittsburg, in the State of Pennsylvania, praying for the ratification of the proposed treaty of arbitration between the United States and

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Central Labor Union of the District of Columbia, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of the New Hampshire Sunday School Association, and a petition of Oliver S. Baketel, of New York City, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented memorials of Local Grange No. 47, Patrons of Husbandry, of Deerfield; of Sunapee Lake Grange, No. 112, Patrons of Husbandry, of South Newbury; of John Hancock Grange, No. 33, Patrons of Husbandry, of Hancock; and of Rockwell Clough, of Alton, all in the State of New Hampshire, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of the Pastors' Federation, of Rev. C. H. Butler, of Edward Tarring, of Joseph F. Bixler, of Mrs. J. T. Humphreys, of Bessie L. Humphreys, of Marie G. Humphreys, and of John T. Humphreys, of Washington, D. C., praying for the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of the Northeast Washington Citizens' Association, of the District of Columbia, remonstrating against conferring upon the District Commissioners the duties of a public-utilities commission, which was referred to the Committee on the District of Columbia.

He also presented the petition of Louis P. Shoemaker, of Washington, D. C., praying for the extension of New Hampshire Avenue in a straight line, which was referred to the Committee on the District of Columbia.

Mr. BURNHAM presented a petition of the First Baptist Bible School of Concord, N. H., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of John Hancock Grange, No. 33, Patrons of Husbandry, of Hancock, N. H., and a memorial of Sunapee Lake Grange, No. 112, Patrons of Husbandry, of South Newbury, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. WATSON presented memorials of C. B. Disque, druggist, of Sistersville, of Grant Graham, druggist, of Belington, and of the McNutt Pharmacy, of Princeton, all in the State of West Virginia, remonstrating against the imposition of a stamp tax on proprietary medicines, which were referred to the Committee on Finance.

Mr. BRANDEGEE presented a memorial of Local Division No. 1, Ancient Order of Hibernians, of Mount Carmel, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. KERN presented memorials of Local Division No. 2, of Whiting, of Local Division No. 6, of Indianapolis, and of Local Division No. 7, of Indianapolis, all of the Ancient Order of Hibernians, in the State of Indiana, remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Young Men's Bible Class of the First Presbyterian Church, of Goshen, Ind., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. FLETCHER presented a petition of the Housekeepers' Club, of Cocoanut Grove, Fla., praying for the enactment of legislation for the preservation and control of the waters of Niagara Falls, which was referred to the Committee on Foreign Relations.

Mr. BURTON presented memorials of sundry citizens of West Carrollton, Miamisburg, and Germantown, all in the State of Ohio, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BRISTOW presented memorials of sundry citizens of Kansas, remonstrating against the establishment of a parcels-post system, which were referred to the Committee on Post Offices and Post Roads.

Mr. DU PONT presented a memorial of Harmony Grange, No. 12, Patrons of Husbandry, of Marshallton, Del., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of sundry members of the Friends' Meeting and First-Day School, of Wilmington, Del., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on Interstate Commerce.

Mr. BRADLEY presented a memorial of sundry druggists of Henderson, Ky., remonstrating against the imposition of a stamp tax on proprietary medicines, which was referred to the Committee on Finance.

Mr. JONES presented a memorial of the county board of the Ancient Order of Hibernians of King County, Wash., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. CLARK of Wyoming presented memorials of sundry citizens of the Territory of Arizona, remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. ROOT presented a memorial of Elk Creek Grange, No. 506, Patrons of Husbandry, of Elk Creek, N. Y., and a memorial of Floyd Grange, No. 665, Patrons of Husbandry, of Stittville, N. Y., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. WETMORE presented a memorial of the Sarsfield Literary Association, of Woonsocket, R. I., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. FOSTER, from the Committee on Military Affairs, to which was referred the bill (S. 897) for the relief of Alfred L. Dutton, reported it without amendment and submitted a report (No. 49) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 116) to maintain at the United States Military Academy an engineer detachment, reported it without amendment and submitted a report (No. 48) thereon.

BILLS INTRODUCED.

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

By Mr. BRISTOW:

A bill (S. 2561) granting a pension to Elizabeth Teel (with accompanying papers); to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 2562) granting an increase of pension to Joseph Rever (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 2563) granting an increase of pension to Charles W. Morgan; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 2564) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications; to the Committee on Printing.

A bill (S. 2565) granting a pension to Matilda L. Lyman; and

A bill (S. 2566) granting an increase of pension to Joseph Goddard; to the Committee on Pensions.

By Mr. TAYLOR:

A bill (S. 2567) granting an increase of pension to Benjamin A. Yates:

A bill (S. 2568) granting an increase of pension to Sarah S. Conway (with accompanying paper); and

A bill (S. 2569) granting an increase of pension to Mirusa Rutherford (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 2570) for the relief of E. J. Finch, heir of Patrick D. Gilchrist, deceased; to the Committee on Claims.

By Mr. STEPHENSON:

A bill (S. 2571) granting an increase of pension to Henry J. Hallowell (with accompanying papers);

A bill (S. 2572) granting an increase of pension to Charles E. Tennant (with accompanying papers); and

A bill (S. 2573) granting an increase of pension to Ziba O. Hamilton; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 2574) granting an increase of pension to Annie G. Hawkins (with accompanying paper); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 2575) granting an increase of pension to Robert Paisley; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2576) for the relief of S. S. Somerville (with accompanying paper); to the Committee on Claims.

A bill (S. 2577) authorizing the lease of school lands for public-park purposes by the State of Washington for a longer period than five years (with accompanying papers); to the Committee on Public Lands.

By Mr. BRANDEGEE:

A bill (S. 2578) granting an increase of pension to Lafayette H. Bevans; and

A bill (S. 2579) granting an increase of pension to John W. Ayer; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 2580) granting an increase of pension to Heloise Gano; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 2581) granting an increase of pension to Lafayette Hall (with accompanying papers);

A bill (S. 2582) granting an increase of pension to Ambrose Roan (with accompanying papers);

A bill (S. 2583) granting a pension to Nelson Ponyard (with accompanying papers);

A bill (S. 2584) granting a pension to Elizabeth Teeple;

A bill (S. 2585) granting an increase of pension to Daniel H. McAbee; and

A bill (S. 2586) granting a pension to Henry Koehler; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 2587) granting an increase of pension to Charles D. Butler (with accompanying papers);

A bill (S. 2588) granting an increase of pension to Jared M. Keith (with accompanying papers);

A bill (S. 2589) granting an increase of pension to George W. Shreeve (with accompanying papers);

A bill (S. 2590) granting an increase of pension to Manuel Jay (with accompanying papers); and

A bill (S. 2591) granting an increase of pension to Thomas B. Prather (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 2592) granting an increase of pension to Albert P. Odell; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 2593) granting an increase of pension to Abraham Neidigh (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 2594) for the relief of Anthony, Eubanks & Co.; to the Committee on Claims;

A bill (S. 2595) granting an increase of pension to Henry G. Trimble; to the Committee on Pensions.

By Mr. GUGGENHEIM (by request):

A bill (S. 2596) for the relief of Baer, Senior & Co.'s successors and C. Ingenohl; to the Committee on Claims.

RECIPROCITY WITH CANADA.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

PULP AND NEWS-PRINT-PAPER INDUSTRY.

On motion of Mr. SMOOT, it was—

Ordered, That 2,000 copies of Senate Document No. 31, Sixty-second Congress, first session, "Pulp and news-print-paper industry," be printed with accompanying illustrations for the use of the Senate document room.

THE AMERICAN TOBACCO CO. ET AL. V. UNITED STATES (S. DOC. NO. 40).

On motion of Mr. OVERMAN, it was—

Ordered, That the opinion of the Supreme Court of the United States in the case of the American Tobacco Co. et al., appellants, *v.* The United States, with the dissenting opinion of Justice Harlan, be printed as a Senate document.

THE STANDARD OIL AND AMERICAN TOBACCO COS.

Mr. POMERENE. Mr. President, I submit a concurrent resolution and ask that it may lie on the table. I give notice to the Senate that I shall desire to say something on the subject of the resolution, perhaps on Monday next.

The concurrent resolution (S. Con. Res. 4) was read, as follows:

Whereas the Supreme Court of the United States, in the case of The Standard Oil Co. of New Jersey et al. *v.* The United States, decreed, in effect, the Standard Oil Co. of New Jersey and 33 other constituent organizations and 7 individual defendants have united together to form and effect a combination, and as such conspired to monopolize and have monopolized and are continuing to monopolize a substantial part of the commerce among the States, in the Territories, and with foreign nations in restraint of interstate trade and commerce in violation of sections 1 and 2 of the Sherman antitrust law; and

Whereas the Supreme Court of the United States, in the case of The United States of America *v.* The American Tobacco Co. et al., and in the case of The American Tobacco Co. et al. *v.* The United States, in effect, decreed that the said the American Tobacco Co. and its codefendants, corporate and individual, had formed and maintained a combination in restraint of trade and that they were engaged in an attempt to monopolize and in a monopolization within the first and second sections of the Sherman antitrust law; and

Whereas under the provisions of said act if the said parties or persons, or any of them, or anyone for them, or anyone aiding or abetting them, have entered into or continued any contract, combination in the form of trust or otherwise or conspiracy in restraint of trade or commerce among the several States, in the Territories, or with foreign nations, or have monopolized or attempted to monopolize or combine or conspire with any person or persons to monopolize any part of the trade or commerce as aforesaid, they are amenable to criminal prosecution; and

Whereas no criminal prosecutions have been begun against any of the said parties or persons: Therefore be it

Resolved by the Senate (the House of Representatives concurring)—

(1) That it is the sense of the Senate and of the House of Representatives that criminal prosecutions shall be begun against any or all of said parties or persons who shall have, in the opinion of the Attorney General, violated the criminal provisions of said statute.

(2) That the Attorney General of the United States be, and he is hereby, instructed to institute criminal prosecutions against said parties or persons for said violations, if any, where the evidence in the opinion of the Attorney General shall justify such proceedings.

The VICE PRESIDENT. The concurrent resolution will lie on the table, if there be no objection.

REESTABLISHMENT OF DIVISION HEADQUARTERS.

Mr. HITCHCOCK. I submit a resolution and ask that it be read.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 55), as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with a statement of the reasons for the proposed reestablishment of division headquarters in the Army, together with a description of the proposed divisions, and a statement of the number of officers and civilian employees to be stationed at each division headquarters, and the number of officers and civilian employees that it is proposed to withdraw from each of the department headquarters as now organized; also what effect, if any, the proposed return to the system of division headquarters will have on Army expenditures, and whether this was taken into account in making up the estimates for the next fiscal year; and if so, in what total amount?

Mr. HITCHCOCK. I ask unanimous consent for the present consideration of the resolution.

Mr. CULLOM. I think the resolution ought to go to the Committee on Military Affairs.

Mr. HITCHCOCK. I should like to ask the chairman of the Committee on Military Affairs whether he has any objection to the present consideration of the resolution.

Mr. DU PONT. I have no objection to the present consideration of the resolution so far as I am concerned.

Mr. SMOOT. Let it be read again, Mr. President.

The Secretary again read the resolution.

The VICE PRESIDENT. A request has been made for the reference of the resolution to the Committee on Military Affairs, which is equivalent to an objection.

Mr. HITCHCOCK. I should like to inquire of the Senator——

Mr. CULLOM. The chairman of the Committee on Military Affairs is present. I did not know that he was here. I withdraw my objection.

The resolution was considered by unanimous consent and agreed to.

THE POSTAL SYSTEM.

Mr. BOURNE submitted the following resolution (S. Res. 56), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Post Offices and Post Roads is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the postal system of the United States or in laws relating to the postal service and particularly with reference to the establishment of a parcels post, and for this purpose they are authorized to sit during the sessions or recesses of Congress at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings, and have reports of same printed for use, and to employ such clerks, experts, counsel, stenographers, messengers, and other assistants as shall be necessary, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

SENATOR FROM ILLINOIS.

Mr. BROWN. I offer a resolution which I ask to have read.

The resolution (S. Res. 57) was read 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. BROWN. Mr. President, I ask that the resolution be printed and lie on the table.

The VICE PRESIDENT. Without objection, that course will be followed.

THE CALENDAR.

The VICE PRESIDENT. The morning business is closed and the calendar is in order under Rule VIII.

The joint resolution (H. J. Res. 1) to correct errors in the enrollment of certain appropriation acts, approved March 4, 1911, was announced as the first business on the calendar.

Mr. HEYBURN. I ask that the joint resolution may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 20) directing the Secretary of War to convey the outstanding legal title of the United States to sublots Nos. 31, 32, and 33 of original lot No. 3, square No. 80, in the city of Washington, D. C., was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

The bill (S. 23) to authorize the extension of Underwood Street NW. was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 237) for the proper observance of Sunday as a day of rest in the District of Columbia was announced as next in order.

The VICE PRESIDENT. The bill has been read. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. HEYBURN], which will be read.

The SECRETARY. On page 1, beginning with line 8, after the word "charity," strike out the comma and the remainder of the section in the following words——

Mr. HEYBURN. I ask that the bill may go over.

Mr. JOHNSTON of Alabama. I wish to know if the Senator has concluded, or will he conclude his argument on the bill now?

Mr. HEYBURN. On an early occasion I would submit whatever remarks I might have to make. I had not anticipated that the bill would come up this morning.

Mr. JOHNSTON of Alabama. Does the Senator think he will be prepared at the next session to do that?

Mr. HEYBURN. I can not tell just when the next session will be. At the next session of Congress I would be prepared.

Mr. JOHNSTON of Alabama. No, sir; I mean the next session of the Senate.

Mr. HEYBURN. I can not tell just when that will be. I ask that the bill may go over.

The VICE PRESIDENT. The bill will go over.

The bill (S. 291) providing for the retirement of petty officers and enlisted men of the United States Navy and Marine Corps, and for the efficiency of the enlisted personnel, was announced as next in order.

Mr. PERKINS. At the request of the senior Senator from Ohio [Mr. BURTON], I ask that the bill may go over without prejudice.

The VICE PRESIDENT. The bill will go over.

JOSEPH A. O'CONNOR.

The bill (S. 1237) for the promotion of Joseph A. O'Connor, carpenter in the United States Navy, to the rank of chief carpenter, and place him on the retired list, was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to promote Carpenter Joseph A. O'Connor, United States Navy, retired, to the grade of chief carpenter on the retired list.

The amendment was agreed to.

Mr. GORE. Mr. President, I object to the further consideration of the bill.

The VICE PRESIDENT. Objection is made, and the bill goes over on the request of the Senator from Oklahoma. That concludes the calendar.

SENATOR FROM ILLINOIS.

Mr. LA FOLLETTE. Mr. President, I call up Senate resolution No. 6.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the resolution, which will be stated.

The SECRETARY. Table Calendar 4, Senate resolution 6, by Mr. LA FOLLETTE. A resolution to appoint a special committee to investigate certain charges relative to the electon of WILLIAM LORIMER.

The VICE PRESIDENT. The queston is on agreeing to the substitute offered by the Senator from Virginia [Mr. MARTIN].

Mr. OWEN. Mr. President, I favor the resolution introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] as modified by him.

Mr. LA FOLLETTE. I ask the Senator from Oklahoma to yield to me while I offer the modification to the resolution which I introduced.

Mr. OWEN. I yield to the Senator from Wisconsin for that purpose.

The VICE PRESIDENT. The Senator from Oklahoma *yields* to the Senator from Wisconsin to modify his resolution in the manner which will be stated by the Secretary.

The SECRETARY. It is proposed to modify the resolution by striking out all after the word "*Resolved*," in line 1, page 2, down to and including the word "hereby," in line 4, and inserting the following in lieu thereof:

That a committee composed of five Members of the Senate, three of whom shall be of the majority and two of the minority party, shall be elected in the open session by roll call, and when so elected said committee be, and it is hereby.

Also by inserting, before the word "investigate," in line 2, page 2, the word "promptly."

Also to add at the end of the resolution the following:

In electing said committee a majority of those present and voting shall be required to elect. Each Senator may vote for five upon the first roll call, and thereafter for such number as have not received the requisite majority. No Senator who was a Member of the Senate on the 3d day of March, 1911, shall be eligible to a place upon such committee, and any votes cast for such a Senator shall be void.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution in the form that it is now presented.

The Secretary read the resolution as modified, as follows:

Whereas the Senate, by resolution adopted on the 20th day of June, 1910, authorized and directed the Committee on Privileges and Elections to investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate whether, in the election of said LORIMER as a Senator of the United States from said State of Illinois, there were used and employed corrupt methods and practices; and

Whereas said committee, pursuant to said resolution, took the testimony of a large number of witnesses, reduced the testimony to printed form, and reported the same to the Senate, which was thereafter considered and acted upon by the Senate; and

Whereas the Illinois State senate thereafter appointed a committee to investigate like charges against WILLIAM LORIMER and to report to said State senate whether in the election of said LORIMER to the United States Senate corrupt methods and practices were employed and used; and

Whereas as it appears from the published reports of the proceedings of the said Illinois State senate committee that witnesses who were not called and sworn by the committee of this Senate appointed to investigate said charges have appeared before the said committee of the Illinois State senate, and upon being interrogated have given important material testimony tending to prove that $100,000 was corruptly expended to secure the election of WILLIAM LORIMER to the United States Senate: Therefore be it

Resolved, That a committee composed of five members of the Senate, three of whom shall be of the majority and two of the minority party, shall be elected in the open session by roll call, and when so elected said committee be, and it is hereby, authorized and directed to promptly investigate and report to the Senate whether in the election of WILLIAM LORIMER as a Senator of the United States from the State of Illinois there were used and employed corrupt methods and practices; that said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress, to hold sessions at such place or places as it shall deem most convenient for the purposes of the investigation, to employ stenographers, to send for persons and papers, to administer oaths, and to report the results of its investigation, including all testimony taken by it; and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

In electing said committee a majority of those present and voting shall be required to elect. Each Senator may vote for five upon the first roll call, and thereafter for such number as have not received the requisite majority. No Senator who was a Member of the Senate on the 3d day of March, 1911, shall be eligible to a place upon such committee, and any votes cast for such a Senator shall be void.

Mr. LA FOLLETTE. Mr. President, I ask unanimous consent to have printed as a Senate document the testimony taken by the senate committee of the Illinois Legislature in the senate bribery investigation of the Forty-seventh General Assembly of the State of Illinois.

I wish to say, Mr. President, in making this request, that the testimony is complete, as I believe, excepting that it does not begin with the first session of that committee. My attention was attracted to the investigation by the published statement that Mr. Kohlsaat had been subpœnaed before the committee and had refused to answer certain questions. The committee, as announced in the newspapers, adjourned for something like a week. I then requested that a certified copy of the testimony taken by the committee be transmitted to me. Thereafter I received in sections, at the conclusion of each sitting of the com-

mittee, the testimony, which I have before me here. Each section of the testimony as transmitted to me has attached to it the following:

STATE OF ILLINOIS, *County of Sangamon, ss:*

Charles L. Binns, being first duly sworn, deposes and says that he is a shorthand reporter, residing at Chicago, Ill.; that he is the official reporter for a committee appointed under senate resolution No. 17 for the purpose of investigating alleged acts of bribery and official misconduct of members of the Forty-seventh and Forty-sixth General Assemblies of the State of Illinois; that on the 28th day of March, 1911, he made shorthand notes of the testimony given by Edward Hines before said committee; that on April 5, 1911, he made shorthand notes of testimony given by H. H. Kohlsaat and Clarence S. Funk; that he subsequently transcribed said shorthand notes, and that the foregoing is a full, true, and correct transcript of said shorthand notes.

CHARLES L. BINNS.

Sworn to and subscribed before me this 5th day of April, A. D. 1911.

WILLIAM O. HOLMBERG,
Notary Public.

A similar affidavit or verification is attached to each one of the sections of testimony as I received it.

Mr. BROWN. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. LA FOLLETTE. In just a moment. I shall endeavor, Mr. President, to procure the testimony taken prior to that which I first received. The first section of the testimony which I received is marked page 22. I think there was one session, perhaps two sessions, of this senate investigating committee held prior to the date covered by the first section of testimony which I received. I shall endeavor to make that complete, although I think this covers all the testimony which is of any materiality or importance taken by this committee, and covers, I believe, all the testimony taken by this committee on and after the 5th day of April. I ask to have it printed as a Senate document for the information of the Senate.

The VICE PRESIDENT. Is there objection?

Mr. BROWN. I desire to ask the Senator a question, if he will permit. I do not know whether I understood the Senator clearly, but I ask, does the man who authenticates the correctness of the transcript of the testimony say that he is the official reporter of the committee?

Mr. LA FOLLETTE. He so states. I quote from the verification, which reads:

Charles L. Binns, being first duly sworn, deposes and says that he is a shorthand reporter, residing at Chicago, Ill; that he is the official reporter for a committee appointed under senate resolution No. 17, and so forth.

That is the resolution, I will say to the Senator, under which this investigation was conducted.

Mr. SMOOT. Mr. President, I notice that the resolution of the Illinois Legislature, as published in the papers, provides—

That the secretary of this senate be,—

That is the senate of the Illinois Legislature—

and he is hereby, authorized and directed to transmit to the Senate of the United States a copy of the evidence taken by the said committee, together with the report and findings of that committee, and a copy of this resolution for such action as the Senate of the United States may deem proper.

I should like to inquire, Mr. President, if that official document has been received by the Senate?

Mr. LA FOLLETTE. Mr. President, I will state that I am informed at the desk that it has not been received, and that was one reason for asking to have this testimony printed, because Senators had requested the opportunity to examine the testimony in full. I made as faithful and complete an abstract of the testimony as I could, and presented it to the Senate in the remarks which I submitted several days ago and which will appear in the RECORD in a day or two.

Mr. SMOOT. Mr. President, I think that the official report ought to be printed. If there is an official report of the proceedings of the committee of the senate of the Illinois Legislature, and if it is to be presented to the Senate, then it would of necessity be printed, but I can not see why there should be two prints of those proceedings.

Mr. LA FOLLETTE. Well, Mr. President, I will say that I have no information whatever as to the occasion of the delay, if it may be called delay, in transmitting to the Senate the resolution adopted by the Illinois senate, together with the testimony taken and reported by the committee of that body; but it is not here. In the course of my remarks upon this case I said I should ask to have this testimony printed in full; but before I concluded I received a certified copy of the resolution adopted by the Illinois senate, and I apprehended each day that the testimony would reach the Senate. That was one of the reasons I did not ask to have this testimony printed as a Senate document earlier. The other was that I retained it to compare it, as I found time to look over the reporters' notes, with the excerpts of testimony which I had taken from this record and used on the floor of the Senate.

Mr. CULLOM. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. I do.

Mr. CULLOM. When the Senator from Wisconsin first addressed the Senate on this subject I listened to hear him state whether he had a certified copy of that record. I did not understand that he had. Some days ago I wrote to one of the members of the committee of the Illinois Legislature who made the investigation and inquired whether it had been sent. I have not heard from him. I advised him that the full testimony, the whole record, ought to be sent, so that the Senate might have it before it. I hope that it will be received very soon.

Mr. LA FOLLETTE. Mr. President, I want to say, in reply to the Senator from Illinois, that I have a verified copy of the testimony, which covers, I am confident, the full testimony of every important witness called before that committee; otherwise I would not ask, Mr. President, to have it printed as a Senate document. Because of the delay in the arrival of the official record, and because Senators have asked me to give them the opportunity to see this testimony, it seemed to me that I ought to ask to have it printed as a Senate document.

Mr. CULLOM. I understand from the remarks of the Senator this morning that there is perhaps one chapter of the testimony not here.

Mr. LA FOLLETTE. I know there is, Mr. President, but, judging from the press reports made of the hearings before the committee, I do not think that was an important session of the committee. I believe it was the session of the committee at which Mr. Kohlsaat refused to answer. Then the committee took an adjournment of about a week to give him an opportunity to reflect and consider whether he would answer, and at the next hearing, I think, the real testimony taken by this committee began.

Mr. CULLOM. I remember the story as to the testimony of Mr. Kohlsaat, but I do not know whether or not anything occurred at that session of the committee that we ought to have before us. I think myself that the whole record of the proceedings of the legislative session, so far at least as the senate is concerned, ought to be before us.

Mr. LA FOLLETTE. Let me say, Mr. President, that I do not offer this to supplant or take the place of the official testimony, which will later be received, but I offer it to have it printed for the present information of the Senate, because I have been requested so to do, and while it may duplicate some printing by the Senate, I believe in this important case that I am warranted in asking for it.

Mr. CULLOM. I have no objection to having it all printed.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New York?

Mr. LA FOLLETTE. I do.

Mr. ROOT. I make this suggestion, that we order this printing now, with the understanding that if, before the final striking off of the copies, the official document is received from the secretary of the Illinois senate, that the print be corrected so as to be made a print of the official document.

Mr. LA FOLLETTE. I think that, Mr. President, is a very good suggestion.

Mr. ROOT. It is very probable that this is a matter of a few days, and, of course, it is rather desirable to avoid the confusion of having two documents, but I would not postpone the printing of this substantial matter very long on account of it. If the order can be made with that understanding, it may help us out of the difficulty.

Mr. LA FOLLETTE. Well, Mr. President, if I understand aright, the Senator from New York does not suggest that the printing of this testimony be delayed.

Mr. ROOT. No.

Mr. LA FOLLETTE. But that if, while it is being put in type and before it is printed, the official record is received, then the comparison be made, and the official record be made to take the place of the printing done under the unanimous-consent agreement, which I now request.

Mr. ROOT. That is my suggestion.

Mr. LA FOLLETTE. In that way the Senate will receive it quicker. I submit the request in that form.

Mr. SMOOT. I would like to have it distinctly understood that in printing the report it is printed as an unofficial report, and then when the official report is received print it in full as the official report. If the Senator from Wisconsin has no

objection to that understanding, I will not object to the printing of the report.

Mr. LA FOLLETTE. If before this can be printed and returned by the Public Printer the official record is received, as I understood the suggestion of the Senator from New York—and it seemed to me a very excellent one—it was this: That upon the official record being received a comparison be made while this was still in proof and any corrections necessary be made, so as to conform to the official record. Then it might be printed as the official record and save duplication.

Mr. SMOOT. That is perfectly satisfactory to me; but if the official record does not come before that document is issued from the Printing Office I would like to have it designated as the unofficial report, and when the official report arrives have it printed as the official report.

Mr. LA FOLLETTE. Let it be printed if it can be——

Mr. HEYBURN. Mr. President——

Mr. LA FOLLETTE. Just a moment. Let me respond to the suggestion of the Senator from Utah. Let it be printed as upon my request, and it will show upon the certificate or verification of the official reporter just how much importance should be attached to it. It would not be called, of course, the official record, because it is not transmitted here by the secretary of state or by the secretary of the senate of the State of Illinois, from one or the other of which officials, I presume, the official record will be received by the Senate in due course.

Mr. HEYBURN. Mr. President, I should object to printing an unofficial record of a matter so important. It does not purport to be a complete record, and if I correctly heard the reading of the certificate of the stenographer, he does not say that no other or further testimony was introduced or received before that committee. He merely certifies that that to which he places his certificate is correct.

The Senate will doubtless want to know all that occurred before that committee, and it should not come under the certificate of the stenographer. The certificate of the stenographer is all right if it is full enough, but the record should come to us, coming, as it does, pursuant to the resolution of the Legislature of Illinois, with the certificate of the secretary of state. If this which is admitted not to be a complete report goes out, those who receive it will doubtless never receive the official report, and they may or may not get wrong impressions as to what occurred.

I had supposed that the official report was here. I would have no objections, of course, to printing it; think it should be printed immediately; and if there is delay it can readily be remedied through the officers of this body by a telegram to know whether it has been sent.

Should we commence printing so large a document and one that might be so misleading—I do not attach any personal question to that—as to make it necessary for a part of the people to examine the record twice and compare them one with the other? There should be but one record of a matter of this importance. It should be the official record. And, of course, I imagine there will be no objection whatever, when it comes in, to printing it. We are all very much interested in that record, but we want to know that it is the record of all the proceedings.

I shall be constrained, not from any personal motives, but in the interest of having but one record and having that a correct record, to object, and I do object, to the printing.

The VICE PRESIDENT. Objection is made.

Mr. LA FOLLETTE. I may take occasion to put this matter into the CONGRESSIONAL RECORD before the debate closes if the other testimony does not arrive.

Mr. BROWN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. OWEN. I yield.

Mr. BROWN. I should like to inquire of the Senator from Wisconsin if the testimony he has asked to have printed to-day for the information of the Senate is not the same testimony that he discussed in his remarks last week on this question?

Mr. LA FOLLETTE. It is, Mr. President.

Mr. BROWN. It does seem to me that the Senator from Idaho ought to allow, for the convenience and information of Senators, this to be printed as a public document. Nobody here denies that, so far as it goes, this transcript is correct. If this is a correct transcript of the testimony of these important witnesses, I want to know how a Senator can justify an objection to allowing it to be printed, so that the Senators may have it for their own information.

Mr. HEYBURN. Mr. President——

Mr. BROWN. I will not yield for a moment. We are discussing here now a very important question, and one which necessarily involves what happened before this committee of the Illinois senate. We have it undisputed here that that senate, by a vote, instructed one of its administrative officers to communicate that testimony to this body. That report has not arrived here yet, but we do have in lieu of it a volume of testimony from witnesses who were heard by that committee; the correctness of the testimony is unquestioned; and I appeal to the Senate to allow the Senators to have that in print for our guidance, for our information, and that we may consider these resolutions with some intelligence.

Mr. CURTIS and Mr. LODGE addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Oklahoma yield, or does he yield the floor?

Mr. OWEN. I yield to the Senator from Massachusetts.

The VICE PRESIDENT. The Senator from Oklahoma yields to the Senator from Massachusetts.

Mr. LODGE. I was merely going to say, in connection with the matter we have just been discussing, I hope the Senator from Idaho [Mr. HEYBURN] will be willing to withdraw his objection. It really seems to me not very important whether we print an incomplete record now and a full record a little later, and it is very desirable that this mass of testimony which we have here should be printed without unreasonable delay. The full record will undoubtedly come, and can then be printed, and if we should have two documents I do not see what great harm is done. We occasionally duplicate in our printing. I sincerely hope that the request of the Senator from Wisconsin [Mr. LA FOLLETTE] will be granted and that this testimony will be printed.

Mr. CURTIS and Mr. BAILEY addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Oklahoma [Mr. OWEN] yield?

Mr. BAILEY. I should like to ask the Senator from Wisconsin if he has——

The VICE PRESIDENT. Does the Senator from Oklahoma surrender the floor?

Mr. OWEN. I surrender the floor.

The VICE PRESIDENT. The Senator from Kansas [Mr. CURTIS] has been demanding the floor for some little time before the Senator from Texas rose.

Mr. CURTIS. I yield to the Senator from Texas.

Mr. BAILEY. I will wait my order. What I wanted to know was if any Senator had any information which explains or excuses the delay of the Illinois senate in forwarding this testimony.

Mr. CURTIS. I was going to suggest that the Secretary of the Senate or the chairman of the committee be authorized to wire the secretary of state of Illinois. Perhaps in that way we could find out something about this testimony and obtain some information as to about when it will be sent to the Senate.

Mr. CULLOM. Will the Senator allow me to make one remark?

Mr. CURTIS. Yes.

Mr. CULLOM. I wrote two or three days ago to one of the members of the committee, asking why this record has not been received and telling him it ought to be here.

Mr. BAILEY. This all illustrates the difficulties into which we fall when we depart from the orderly procedure of the Senate. Had we waited until this matter had come and referred it you would not have had this altercation. The committee has not forwarded the testimony, and so far as I know has never forwarded an engrossed copy of the resolutions which were adopted by the senate of Illinois. Yet they have advertised that fact to the country, and I think we are entitled, in the absence of the official proceedings of the committee, to print what we have; and I myself hope the Senator from Idaho will withdraw his objection.

Mr. CULLOM. So do I.

Mr. BAILEY. It can do no harm, because at last this will be printed at the request of the Senator from Wisconsin [Mr. LA FOLLETTE], and when the matter comes in the due course of affairs from the committee of the Illinois senate or from the senate itself, it will be printed as another document, a separate document, and any discrepancies that may exist between the two reports will be discovered. I can not see any possible harm that it can do to print it, and I can see a good deal of good because in the meantime Senators who are interested in this matter can advise themselves.

Mr. HEYBURN. I want Senators to advise themselves; but I want them to advise themselves from a record in proper form. I agree with the Senator from Texas that it is always better to adhere to regularity of procedure, and that this matter should come from the proper certifying officers of the State of Illinois or it should not come at all.

The Senator from Wisconsin does not contend that this is a complete record. He admits that two sessions of the committee are not included in the record. What Senator familiar with proceedings in court would permit one party on appeal to file a record that was not in conformity with procedure and then say, "If this is not correct, you can discover the discrepancies by a subsequent comparison"?

Mr. SMOOT. Mr. President——

Mr. HEYBURN. Just a moment. This record will be printed, and it will be immediately available to the outside world. This case has become sensational, and it is being tried everywhere else quite as much as in the Senate. A record goes out that perhaps may not contain some matters of grave importance. Parties who receive it will never know at all that they are being misled.

Mr. BAILEY. But, Mr. President, I understand the Senator from Wisconsin has the certificate that this part of the record which he presents is correct, and I understand the Senator from Wisconsin to say—and I am perfectly willing to accept his statement on that point—that the sessions of the committee not reported are not important. It matters not whether important or unimportant; when the whole record is made up the Senate will judge for itself.

Now, I want to say to the Senator from Idaho [Mr. HEYBURN] that while I am not indifferent to the trial of this case, which seems to be in progress throughout the land, I am not to be influenced by it one way or the other, and I assume that I am not different from other Senators. We will at last, no matter what our feelings may be, no matter what our prejudices may be, if we have any, decide this case upon the law and the evidence.

I think the Senator from Idaho would not object, if he were trying a case, to print the record from day to day, so that he would have the evidence before him.

We are having hearings before the Finance Committee, and for the convenience of the committee we have been printing the record from day to day, so that members of the committee may keep themselves advised as the hearing proceeds. I have no hesitation in saying that if this matter had been before the Senate, or a committee of the Senate, I would be glad to have the evidence printed from day to day, so that at the beginning of each session of the committee we would have before us the testimony of the preceding session.

Mr. SMOOT. Mr. President——

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

Mr. HEYBURN. I yield.

Mr. SMOOT. Perhaps I can offer a suggestion to the Senator from Wisconsin which, if he would accept it, would obviate the objection the Senator from Idaho has. Would the Senator from Wisconsin make a request that the report be printed for the use of the committee instead of as a public document? Then it would be confined to the use of Senators, and it would not go to all the depository libraries in the country. If published as a public document the Senate would get only 150 copies, and a given number would go to the House, some to every depository library in the United States, and a few copies to every one of the departments; whereas if he requests that it be printed for the use of the committee, every Senator can secure it for his use, and it would not become a public document. Then when the official report arrives let the Senator from Wisconsin ask that the official report be printed as a public document, and there will be no question about the Senate agreeing to same.

If the Senator would accept the suggestion I believe that it would meet the objection of the Senator from Idaho.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I can not accept the suggestion of the Senator from Utah. I sincerely hope this resolution will never go to the Committee on Privileges and Elections. It is a matter of utter indifference to me whether the Senate prints this testimony or not. I have had the opportunity to examine it, and as it was being taken I became convinced that it was my duty as a Senator to offer the resolution which I offered, whether it was regular or not. I think it was regular. If other Senators are to be put on trial here in this case I am entirely willing to come to the bar of this Senate, along with the committee that had charge of this case. I withdraw the request which I made for the printing of this document.

The VICE PRESIDENT. The Senator from Wisconsin withdraws his request.

Mr. BAILEY. Will the Senator from Wisconsin be good enough to tell me——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. I yield.

Mr. BAILEY. The date of the first session of that committee? My impression is it is some time——

Mr. LA FOLLETTE. I have the date of verification to this first section of the testimony which I have received. It is the 5th day of April. The stenographer swears that he is the official stenographer; says that "the foregoing is a full, true, and correct transcript of his shorthand notes made of the hearing had upon that day." That was the day the testimony of H. H. Kohlsaat, Clarence Funk, and Edward Hines was taken.

I am certain, Mr. President, that that was the first time Edward Hines had been called before the committee, the first time Mr. Funk had been called before the committee, and the second time Mr. Kohlsaat had been called before the committee. The first time the examination was very brief, as indicated at least by the press report, he refusing to answer. The Senator from Texas may remember having seen some account of it. It was the press report that first attracted my attention to it. Then I asked to have a certified copy of the notes taken sent to me. I made the request to have this transcript printed because Senators have asked me to make it, and I am sorry to have taken up the time of the Senate.

Mr. BAILEY. I was one of the Senators who asked the Senator from Wisconsin to have it printed, and I am of opinion that it ought to be printed.

Mr. HEYBURN. I had in mind when a request was made to print it as a Senate document the result which would flow from that action on the part of the Senate. Senate documents are distributed under the law to the public libraries and distributed throughout many sources as public information reliably stamped with the Senate's guaranty.

Now, I shall not object to the printing of that testimony for the use of a committee, but I object to its being and purporting to be a record in the public libraries throughout the country of the testimony taken. I shall not object to the printing of the testimony of persons before that committee to be deposited anywhere in the world when it is certified in a proper manner. The Senator from Wisconsin admits that sessions of the Senate are not included in it.

The people reached by a Senate document should be accurately and fully informed. I had it in my mind when I rose to send it over until to-morrow; and, I presume, by to-morrow morning the same Senator, or more, perhaps, will have accurate information as to the stage of the work necessary to carry out the instructions of the legislature to this Senate, by furnishing with a certified copy of the resolution of the senate of Illinois, a certified copy of all the proceedings. Is not that an orderly way to proceed?

Mr. SMOOT. Mr. President, I ask unanimous consent that 200 copies of the testimony be printed for the use of the Senate.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that 200 copies of the document which the Senator from Wisconsin has upon his desk be printed for the use of the Senate. Is there objection?

Mr. JONES. I object.

The VICE PRESIDENT. Objection is made.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma [Mr. OWEN] is entitled to the floor. Will he yield to the Senator from New York?

Mr. OWEN. Certainly.

Mr. ROOT. I ask unanimous consent to introduce the following resolution.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 58), as follows:

Resolved, That the testimony before the committee of the Illinois senate presented by the Senator from Wisconsin [Mr. LA FOLLETTE] be printed as a public document.

Mr. HEYBURN. I ask that the resolution may lie over one day.

Mr. ROOT. We can deal with it then by a vote.

The VICE PRESIDENT. Objection is made, and the resolution will lie over.

Mr. ROOT. I ask unanimous consent, with the courtesy of the Senator from Oklahoma, to introduce the following resolution, and I ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 59), as follows:

Resolved, That the Secretary of the Senate be, and he is, instructed to inform the secretary of the Illinois senate that the resolutions of the Illinois senate of May 18, 1911, have been informally brought to the notice of the Senate of the United States, and that possession of an

official copy of the evidence and record therein referred to would facilitate the action of the Senate of the United States in regard to the subject matter of the resolutions.

Mr. CULBERSON. I suggest to the Senator from New York that communication be made by wire.

The VICE PRESIDENT. The Chair assumes that the Secretary of the Senate would so communicate.

Mr. CULBERSON. There is nothing in the resolution to cover it.

The VICE PRESIDENT. Will the Senator from New York modify the resolution so as to provide that the communication shall be by wire?

Mr. ROOT. I will do so, by inserting the words "by wire" after the words "secretary of the Illinois senate."

The VICE PRESIDENT. The resolution will be so modified. Is there objection to the present consideration of the resolution? The Chair hears none.

The resolution was agreed to.

The VICE PRESIDENT. The Senator from Oklahoma will proceed.

Mr. OWEN. Mr. President, there are two resolutions before the Senate proposing a reinvestigation of the Lorimer case. First, the one introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] proposes that a committee shall be appointed by this body of Members who took no part in determining the previous controversy of the Lorimer case. The second resolution, offered as a substitute for the resolution of the Senator from Wisconsin and presented by the Senator from Virginia [Mr. MARTIN], refers this matter to the Committee on Privileges and Elections of 16 members, providing that they shall sit en banc. Of these two resolutions, I prefer that of the Senator from Wisconsin, for the reason that I believe this investigation should be conducted by a committee which took no part in the previous decision. There are 20 new Senators, I believe, from whom such an independent committee could be chosen.

I do not think that this question should be referred to a committee composed entirely of those who supported Mr. LORIMER in the previous investigation and determination of this case. I do not think it would be just under the circumstances to have a committee composed entirely of those who voted against Mr. LORIMER. I should prefer a committee of Members who took no part for or against Mr. LORIMER in the previous judgment on his case. I can see no good reason why the Senate should not select a committee which has taken no part in this matter.

I think, moreover, it would have an unfavorable effect upon the standing of the Senate itself before the people of the United States to refer this question now to the Committee on Privileges and Elections for the very reason that seven of the members of that committee made speeches in favor of Mr. LORIMER, and nine of them voted for Mr. LORIMER upon the previous record. There are only three new members of that committee and only three members of the committee who voted against Mr. LORIMER on the previous record.

Even if it were otherwise justified to select a committee overwhelmingly composed of those who supported LORIMER on the previous bad record, it will not look right to the public, and I believe the United States Senate should not only avoid evil, but should avoid the appearance of evil.

It is all very well to say that the members of this committee will discharge their proper function without bias, without being influenced by what they have heretofore said on this record; without being influenced by any prejudice in their point of view, but if that be true, and if it prove true, it will be contrary to the law of psychology, which ordinarily influences the minds of men.

In this connection I want to call the attention of the Senate to the remarkable record of the electoral commission of 1877. That commission was composed of five Justices of the Supreme Court of the United States—Hon. Joseph P. Bradley, Hon. Nathan Clifford, Hon. Samuel F. Miller, Hon. Stephen J. Field, and Hon. W. Strong; five distinguished United States Senators—Edmunds, Morton, Frelinghuysen, Thurman, and Bayard; and five great leaders of the House of Representatives—Mr. Payne, Mr. Hunton, Mr. Abbott, Mr. Garfield, and Mr. Hoar. This distinguished commission passed upon four contested-electoral cases involving the electoral vote of Oregon, of South Carolina, of Louisiana, and of Florida, a voluminous record, involving many difficult questions, and the remarkable result followed that every one of the 15 followed his previous political predilection, and by a decision of 8 to 7 decided every point of importance in that case and decided the result in each of the four cases in the strictest accord with the previous political opinion of each of these 15 judges sitting upon that electoral commission to determine the Presidency of the United States in the Tilden and Hayes controversy.

It is not necessary to question the integrity of purpose or the sincerity of judgment of any one of the seven great Democrats who sat on that electoral commission nor of the eight distinguished Republicans who sat on it, but it taught a lesson to this country that men are profoundly influenced by their previous judgment. In this case it is, I believe, the open purpose, not expressed in the record, but understood, I think, that this reference to the Committee on Privileges and Elections really means that the Committee on Privileges and Elections will report back for confirmation a new special committee of eight members and that four Senators who supported LORIMER shall be put upon the new special committee to be named by the Senate, one Senator who voted against him, and three Senators who took no part in it. That is to be, as I understand, the construction of this proposed committee. I see no sound reason why the Senate should abdicate its powers and delegate the selection of this special committee to a committee whose membership overwhelmingly supported LORIMER on the previous gross record of fraud. I do not think the people of the United States will approve the reference to the Committee on Privileges and Elections, and yet, Mr. President, I am willing to believe that if it is so referred that committee will discharge its duty. But we must always remember it will discharge its duty as the committee sees that duty. Four members of the proposed special committee (comprising half of the proposed special committee) have heretofore expressed views which are greatly at variance with my opinion as to what is the law and as to what are the facts developed by the record in the Lorimer case.

The action taken by the committee in its previous report to the Senate I did not criticize in discussing the Lorimer case any further than I could possibly help, but I thought the committee was in grave error in a number of important particulars.

In the first place, I do not think the committee followed out the scope of the resolution of June 20, 1910, under which they were instructed by the Senate to report to this body. The resolution of June 20, 1910, under which the committee was to report, reads as follows:

Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and **to report to the Senate whether, in the election of said William Lorimer as a Senator of the United States from the State of Illinois, there were used or employed corrupt methods or practices.**

The committee, in its official report, failed to quote the resolution under which they acted. On the contrary, they quoted the resolution of May 28, 1910, submitted by Mr. LORIMER, and the committee abstracted the resolution of June 20, 1910, as follows:

On the 20th day of June, 1910, the Senate adopted a resolution authorizing and directing said committee, or any subcommittee thereof, *to investigate said charges.*

It says nothing about the further instruction to report to the Senate whether or not "*there were any corrupt methods and practices employed*," and the committee did not report whether, in their opinion, there were corrupt methods and practices employed. They reported, on the contrary, that according to the precedents the law of the case is this—it must be made to appear in order to invalidate a seat:

(1) That the person elected participated in one or more acts of bribery or attempted bribery, or sanctioned or encouraged the same; or
(2) That by bribery or corrupt practices enough votes were obtained for him to change the result of the election.

This report was not responsive to the instruction of the Senate, but that was the basis of law upon which the committee based its report. The question as to these corrupt practices, the extent of the corrupt methods and practices, was not reported on and presented to the Senate as a guide to its action, except, perhaps, as the volume of 700 pages of evidence might disclose. On the contrary, the committee found that in their opinion, upon the evidence and under this statement of the law, the validity of the seat of the Senator from Illinois had not been successfully assailed. This attitude of the committee was and is indefensible and should not be confirmed by this committee nor by the Senate.

In the second place, the committee instructed to prosecute the inquiry put their own duty of conducting the inquiry on a Mr. Austrian, an attorney who appeared to have been employed by a newspaper—the Chicago Tribune. Upon him was put the burden of conducting this inquiry. I think this was a serious error, which I should not like to see repeated in kind.

In the third place, the committee seemed to think they were sitting as judges on a controversy between private citizens assailing the right of Mr. LORIMER to retain his seat, instead of being charged by the Senate with the grave duty of determining whether or not there had been used corrupt practices in obtain-

ing a seat on the floor of the most important legislative body in the world.

In the fourth place, the committee not only did not pursue, obtain, and compel evidence in the line of this investigation, as directed by the Senate, but permitted witnesses to avoid giving evidence which might have led to a proper development of the truth.

In the fifth place, the committee failed to summon the most important witnesses and compel their testimony.

They did not summon Mr. Edward C. Hines, although Mr. Hines was recognized in his activity in this matter and had been charged in the public press previously with having had an active hand in the Lorimer election. Mr. Hines was constantly in the galleries and reception room of this body taking an active part in conducting a lobby in this behalf, as I am informed and believe.

Mr. LORIMER himself was not required to give testimony, which I thought a very grave omission, and the 30, 40, or 50 members of the bipartisan jack-pot combination in the Illinois Legislature were not summoned before the committee. The committee actually declined to pursue this inquiry, even after evidence had been submitted showing that the jack-pot money was used in obtaining the election of Mr. LORIMER.

In the sixth place, the committee permitted the counsel of Mr. LORIMER and of the Chicago Tribune to fill the record and consume the time of the committee in immaterial and irrelevant discussion as to whether or not certain testimony was material, relevant, or admissible before an investigating committee, applying the highly technical rules of law that would be invoked in a criminal trial, and which had no proper place before a committee of investigation charged with inquisitorial powers and duties.

In the seventh place, the committee made arguments in favor of Mr. LORIMER that I think utterly unsound, the most egregious of which, perhaps, was that even if 7 votes had been corrupted, these 7 votes would have to be deducted, not only from the number of those who voted for LORIMER, 108, but also from the total vote, 202, on the theory that if a majority of the honest, uncorrupted votes, or votes not proved to have been corrupted, should elect a Senator to the United States Senate it would give him valid title.

If the Lumber Trust had desired to buy a seat for Mr. Hopkins, this doctrine would have permitted the Lumber Trust to have bought 24 votes that were cast for Stringer and 39 votes that were cast for LORIMER, and paid them a thousand dollars each to absent themselves, and having thus bought 63 votes, and each bribe taker having confessed in open court, they could have thus procured the election of Mr. Hopkins, who would have had 70 honest votes under this proposal, leaving Mr. LORIMER or any other candidate with 69 honest votes, and thus seat Mr. Hopkins and give him a good title to a seat on the floor of the United States Senate that could not be assailed, although 63 men had confessed their bribery before the Committee on Privileges and Elections of the United States Senate.

What kind of doctrine is this? I am not willing to submit this case to a committee entertaining such views or defending such views on the floor of the Senate, and I do not believe the people of the United States will approve it. Why should a committee which asserts such a doctrine have control over a further inquiry into the same case?

Under the doctrine of a "majority of the honest votes" being sufficient, the Lumber Trust could have openly bribed 100 votes of the Illinois Legislature to absent themselves and have thus elected Mr. LORIMER a United States Senator by the votes of the 52 Democrats who voted for him in the Illinois Legislature, whose corruption was not established. What kind of doctrine is this, and why should we place in the hands of a committee that entertains such a view and defends it on the floor of the Senate the control of this investigation?

I can not consent to nor will I be placed in the attitude of unfriendliness to this committee. I am personally friendly to it. I sincerely respect the committee, but the views of the committee do not commend themselves to me. I am not willing to have a new special committee, with one-half of its members committed to a doctrine of such character, make another report to the Senate of the United States that shall confirm the same views. I should hope that, upon reflection and consideration, every member of that committee would realize that this doctrine is unsound. When applied to one or two votes or even to 7 votes it does not seem to be so egregious, but when you apply it, the principle asserted, to half of a legislature, leaving only a quorum present, it becomes so shocking as to be revolting.

Mr. President, the doctrine of a mere majority of the uncorrupted votes giving a valid title to a seat on the floor of the United States Senate is untenable, is unsound, and full of dangerous and mischievous consequences. It might easily lead to the corruption of other legislatures and the election of other Senators by the sinister forces of this Republic. It might lead to wholesale bribery and corruption.

Eighth. Mr. President, I think the committee assumed the attitude of a partisan defense of Mr. LORIMER. They condemned officials of the State of Illinois who prosecuted crimes in connection with this election and in effect suggested the subornation of perjury by such State officials. The committee evidently regarded the witnessess who testified, against their own interest, to having received bribes in this matter, as unworthy of belief, which, I think, was not justified, since a man who gives testimony against his own personal interest, who gives testimony that disgraces him before the community, who gives testimony that wounds the feelings of his family and friends, would not do so except by the compelling power of conscience which alone could drive him to make such a shameful confession.

The larger part of the report of the committee was devoted to an attempt to show that the State's attorneys had compelled witnesses to falsely confess bribery in order to escape the charge of perjury, a view which I could not approve and do not wish confirmed.

Ninth. I was not content with the doctrine laid down as the law of the case, that the election would only be invalid in case:

(1) That the person elected participated in one or more acts of bribery or attempted bribery or sanctioned or encouraged the same; or
(2) That by bribery or corrupt practices enough votes were obtained for him to change the result of the election.

I believe the time has come in this country to set a better precedent and adopt a higher moral and ethical standard. I believe that the Senate should set the precedent for all future time, that where a Senator's seat has been procured by the bribery of members of the legislature, such an election should be held void.

The English people were compelled to adopt this rule, and I put in the CONGRESSIONAL RECORD, in discussing the Lorimer case March 2, 1911, the English corrupt-practices act, with its plain, simple, common-sense rules, that has put an end to corrupt practices in Great Britain.

The Senate has the power to make the precedent for the election of its own Members. I want a sound rule and a rule that will terminate, not condone or encourage, bribery and corruption.

In my previous remarks I pointed out testimony, which I found convincing, of 10 men whose corrupt practices had been established by the evidence and 3 more to whom corrupt proposals had been made.

The committee paid no attention to the point-blank testimony of Henry A. Shephard that Mr. LORIMER made him a personal promise, in violation of the law of the State of Illinois (the law against bribery), which forbids the making of a promise in order to obtain a vote. No weight was paid to that testimony of Mr. Shephard that Mr. LORIMER made him a personal promise to use his power as a Senator, if elected, to prevent Mr. Richards, the postmaster of Jerseyville, Ill., or his assistant, Mr. Becker, from being appointed as postmaster of that city if Shephard would vote for Mr. LORIMER. Yet Shephard makes the flat proposition in his testimony that he got this promise from Mr. LORIMER in exchange for his vote, and that he would not have given his vote to Mr. LORIMER unless he had gotten the promise, and Mr. LORIMER did not contradict and no man denied this open charge of personal bribery made against Mr. LORIMER.

This was a plain violation of the law of bribery of the State of Illinois, and it stands uncontradicted. The committee ignored the fact in its report.

I submit, for reference to the committee, whoever the committee may be, three affidavits. I do not care to have them go into the CONGRESSIONAL RECORD, but I submit for reference to the Committee on Privileges and Elections copies of the affidavits of Joseph M. Goodbrake, J. A. Hutchinson, and George D. Steinhauer, to the effect that Joseph S. Clark had made the statement that Mr. LORIMER had promised him the privilege of naming the postmaster at Vandalia, Ill., in consideration for his (Clark's) vote. These affidavits were sent me by William P. Welker, State's attorney. I did not present these affidavits to the Senate for the reason that cross-examination had not been provided, but I think they should now be before any committee which examines into this matter. This is another charge of personal bribery by Mr. LORIMER.

Mr. President, I do not wish to detain the Senate with any discussion of this matter. I understand perfectly well that the time for discussion has ended. We are arguing now to deter-

mine the personnel of the new and special committee. I believe the country will disapprove of the Senate of the United States if the Senate of the United States puts the naming of this special committee in the hands of the Committee on Privileges and Elections, nine of whom voted for Mr. LORIMER; and I am not willing to take any part in doing that which I believe will result unfavorably, even temporarily, to the high standing of this body before the American people.

PUBLIC OPINION.

Mr. President, I have a profound respect for public opinion, the opinion of the body of the American people. We have the most intelligent Nation in the world. Our people read more, think more, are more active intellectually than any people on earth. They are advised every day—morning, noon, and night—by our splendid American press of what occurs in Congress and in the Senate. With all due respect to the Senate, I believe they know more than the Senate, and this may account for the retirement of so many of our distinguished colleagues on March 4 last and should admonish those who remain not to express too great contempt for the opinions of the people nor to forget that public opinion is the ruling sovereign in this country.

Public opinion made a tremendous inroad on the Senate in the last Congress. It retired 20 Senators last March. It will retire 20 more in 1913 if it be not appeased. The American people have been very patient and long-suffering, but the limit of their patience has been reached by the subservience of the United States Senate to the selfish commercial interests of this country and the indifference of the Senate to public opinion.

For the reasons which I have set forth I shall support the resolution of the Senator from Wisconsin, and I do so in a spirit of friendly and cordial amity toward the committee which has heretofore passed upon this matter. I am not willing to believe that they were less sincere than I, and I am not willing to be denied my right and my duty to express my sentiments by any fear that I may not meet the approval of any Senator who thinks differently from me.

Mr. WORKS. Mr. President, I feel myself free from any embarrassment in speaking upon this question since the Senator from Wisconsin [Mr. LA FOLLETTE] has modified his original resolution by striking out that portion of it which provided for the appointment of a special committee of which I was one.

The Senator from Virginia [Mr. MARTIN] has discussed this question, apparently, upon the theory that it was solely a question as to the personnel of the committee. In my estimation that is far from the truth. It is not so much a question as to who shall conduct this investigation as it is a question as to how it shall be conducted. It is important, vastly important, to the Senate and to the country that this investigation, when made, shall be made fully, fairly, and without prejudice, bias, or the appearance of indifference on the part of the investigators. The Senate desires it, the country demands it, and the Senator from Illinois, if he is worthy to occupy a seat in this body under any circumstances, should demand it in his own interest.

When the previous investigation took place I was a private citizen. I had no more interest in the outcome of the investigation than any other private citizen had in the welfare and honor of his country. I was greatly surprised, when the investigation commenced, to see that a committee of the Senate of the United States, charged with the duty of ascertaining the facts with reference to the use of corrupt means in electing one of its Members, should practically place itself in the hands of the attorney of a newspaper and allow that attorney to control the progress and course of the investigation that was to be made. Right at the beginning an admission was made by the attorney who was conducting the examination that prevented the presentation of the evidence that we are confronting to-day, namely, that the Senator himself had been a party to the corruption that resulted in his election. It was broadly stated by the attorney, who was acting in that matter at the time in the interest of the newspaper, that there was no evidence of the fact that the Senator himself had been a party to corruption or that he had any knowledge whatever on that subject.

There was another thing that created surprise in my mind, and that was the fact that the Senator whose seat was in controversy here was never at any time, either voluntarily or by action of the committee, brought before the committee for the purpose of stating his side of the controversy. It is impossible for me to conceive that any man charged with the offenses that were charged in this instance should hesitate for one moment to demand of a committee called upon to investigate a question of that kind, he be heard, and heard under oath. The very fact that he did not make that demand, the very fact that he did not voluntarily present himself before the committee, in order to justify himself with respect to it, is the strongest possible ground for suspicion that he was guilty of partaking in the corruption that took place or that was alleged to have taken place in the legislature. If the committee desired to reach the bottom of this transaction, how did it happen that during all of this investigation no effort was made to require the testimony of the Senator from Illinois upon a question of this kind, involving not only the honor of the Senate, but the honor of the Senator himself, who might have been expected to appear before the committee for the purpose of making his own defense?

It is not a question, Mr. President, as to the personnel of the Committee on Privileges and Elections or the standing of any member of that committee. No Senator here would contend for a moment that any member of that committee is not as well fitted on account of his ability, his integrity, and his conscientious desire to do his duty as any other committeeman who might be selected by the Senate, but they have committed themselves to a certain line of conduct in the investigation of this matter, so far as the gathering together of the evidence is concerned; they have committed themselves to one line, so far as the law of the case is concerned; and I imagine, Mr. President, that a large majority of the Members upon this floor are not satisfied either with the manner in which the testimony in that investigation was taken and the investigation made, or with the law as it was laid down and contended for by the committee.

Does the Senate desire that sort of investigation to be remade in this case? Was the Senate satisfied with the investigation as it was made in the first instance? If so, the country was not satisfied, as was very clearly demonstrated very soon after the final vote was taken. Is there any Member of the Senate who is to-day satisfied with the investigation that was made at that time? Is the Senator from Illinois satisfied that that investigation established his right to a seat in this body and verified and established his own honesty and honor in that transaction? Certainly not.

Now, the question is whether we are going to refer this investigation back to that same committee, with the line of conduct in the investigation and the law as they have laid it down, or is it better, in the interest of the Senate and in the interest of the country, that new men should be selected to make the investigation?

I may say it has been a matter of some surprise to me that the Committee on Privileges and Elections has not itself, under the circumstances, asked that another committee should be appointed. On the contrary, the Senator from Vermont [Mr. DILLINGHAM], the chairman of that committee, has made the statement on the floor of the Senate that some of the members of the committee—I do not know how many—gathered together and determined to introduce the resolution that has been offered here by the Senator from Vermont, revesting the power to make this investigation in the committee of which he is chairman. Do the Senators believe that an investigation made by that committee under all the circumstances will be accepted on the part of the people of the country as conclusive? I do not.

I am not making any objection to this reference on account of the personality of any single member of the committee. I am making it upon the broad ground that they have so conducted this investigation in the past, that they have so contended for the law with respect to it, that it will not be conducted as it should be—in the interest of the Senate and the country. And it is for that reason, and for that reason alone, that I stand here to-day opposing the reference of this matter to the Committee on Privileges and Elections and supporting the resolution of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. BRISTOW. Mr. President, I am going to support the resolution of the Senator from Wisconsin, because I think that the committee in the former investigation did not make a thorough investigation. I think the committee instead of following up all of the trails that were opened leading to evidence avoided them. I had not read a hundred pages of the testimony before I was impressed that at least some members of that committee were trying to prevent a thorough inquiry instead of making one.

The chairman of the committee in his statement made on Monday last said:

> I noticed that when the Senator from Virginia [Mr. MARTIN] submitted his resolution it was very similar to the one which I had presented, and I was very willing that mine should remain on the table and that the resolution of the Senator from Virginia should be adopted, as I hope it will be adopted this afternoon.

Continuing:

> In some respects it is broader than the resolution which I presented, and it was my desire and my purpose, if the investigation were committed to the Committee on Privileges and Elections, to make it as broad and deep and searching and thorough as was possible.

It is to be regretted that such a desire did not take possession of the Committee on Privileges and Elections sooner. If the desire expressed by the chairman of the committee on Monday last had existed in the minds of members of the committee when the former investigation was in progress the Senate would not now be bothered with this question as to whether or not this case should be reopened, for in my judgment there is not a line of testimony or evidence that has been brought out by the committee of the Illinois Senate that was not available to the Committee on Privileges and Elections at the time the investigation was made, if it had looked for it. The reason that the Senate of the United States, in considering this case at the last session, did not have the evidence that has been presented by the Senator from Wisconsin during this debate is because the committee did not go after it. It could have been found by proper inquiry.

Mr. DILLINGHAM. Will the Senator from Kansas permit me?

The PRESIDING OFFICER (Mr. TAYLOR in the chair). Does the Senator from Kansas yield to the Senator from Vermont?

Mr. BRISTOW. I yield.

Mr. DILLINGHAM. I was not a member of the subcommittee that had this investigation in charge. I attended none of their meetings. I was confined to my home by illness at the time, wholly unable to be there.

But, as has been suggested here this morning, that investigation was conducted largely upon lines suggested, as I suppose, by the Chicago Tribune. The committee, I understand, has been criticized for permitting the attorney of that paper to conduct, on the one side or the other, the investigation. Regarding that I express no opinion whatever.

But the information that has been brought out recently by the investigation of the senate of the Illinois Legislature is information which, I understand, was not in the possession of anybody connected with that investigation at that time. If so, it certainly ought to have been brought forward. If it was in the possession of those who are spoken of as having prosecuted that case before the committee, it certainly ought to have been brought forward by them. Unless it appears—and I do not recall the fact that it does—that these matters were in some way called to the attention of the subcommittee which was then investigating the matter I hardly see the justice of the Senator's criticism. If it was within their knowledge, or if it appears that it was within the knowledge of anybody who was connected with that examination, I should quite agree with him that the investigation ought to have gone further.

Mr. BRISTOW. I do not contend that the information which has been brought out by the committee of the senate of Illinois was in possession of any members of the subcommittee at the time that the investigation was in progress, but I do contend, first, that it was the business of the subcommittee to look for evidence and follow up every indication as to where it could find evidence, independent of what the Chicago Tribune's attorney might say or do; and that if it had exercised the diligence it should have, this evidence was available then just as much as it was available to the committee of the State senate of Illinois afterwards.

Mr. DILLINGHAM. Mr. President——

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

Mr. BRISTOW. Yes.

Mr. DILLINGHAM. I have no disposition at all to criticize the statement made by the Senator from Kansas, but I wish to inquire of him whether previous to the publication by one of the Chicago papers, made during the present season, that it was known that $100,000 was spent in this election, it was known to anyone connected either with the committee or the prosecution that such evidence existed?

Mr. NELSON. Will the Senator from Kansas allow me to interrupt him?

Mr. BRISTOW. Certainly.

Mr. NELSON. I take it the Senator wants to be fair in this matter.

Mr. BRISTOW. I certainly do.

Mr. NELSON. As a matter of fact, all this new testimony that has been brought out by the committee came through Mr. Kohlsaat, the editor and publisher of one of the leading Chicago papers. He saw fit, after the former trial, after the case was over, to publish an article in his paper, stating that a fund of $100,000 had been raised. That information Mr. Kohlsaat gave to nobody, and when he was subpœnaed before the senate committee of the Illinois Legislature for the first time he declined to divulge the source of his information and refused to answer the questions until the man who had given him the information released him from the promise of secrecy, and in that way he gave the testimony.

Now, you can readily see, Mr. Kohlsaat was a newspaper man. He did not go and communicate to the committee or anybody else. The first communication he made was in a newspaper article in his own paper quite awhile after we had disposed of the case here in the Senate. As one of the Senators who voted against Mr. LORIMER in this matter, I trust it is safe for me to make this statement here in this body and to call the attention of Senators to the fact that all this subsequent testimony was brought out because of that editorial statement in Mr. Kohlsaat's paper. He might have come out before, but until he did how could the committee know that Mr. Kohlsaat was possessed of that information?

Probably he was actuated by this spirit. The investigation had been started by the Chicago Tribune, a rival newspaper. Probably he felt like this: Let the Tribune go on and see what it can do; and after the Tribune had failed, then Mr. Kohlsaat, as a newspaper man, came forward with his story, and that led to this new testimony that we have before us to-day, which was presented by the Senator from Wisconsin.

There is whence it came, and the committee is not to be blamed for not getting that testimony. If anybody is to blame for it it is Mr. Kohlsaat for not informing the committee when they were sitting in Chicago.

Mr. BRISTOW. I think the Senator from Minnesota is in error in stating that the editorial was printed after the Senate had voted upon the Lorimer case.

Mr. NELSON. I think not. I am quite sure about it.

Mr. BRISTOW. No; it was printed before. It first appeared February 15, 1911.

Mr. NELSON. Will the Senator allow me? Possibly before we had voted, but not until long after the committee had made their investigation in Chicago.

Mr. BRISTOW. Yes; it was printed after the committee had made the investigation in Chicago.

Mr. NELSON. And after they had made their report here.

Mr. BRISTOW. But before the Senate had voted upon the Lorimer case.

Mr. DILLINGHAM. One question further.

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

Mr. BRISTOW. Yes.

Mr. DILLINGHAM. This question was very thoroughly discussed in the Senate. I will inquire of the Senator from Kansas whether this newly discovered evidence was in any way called to the attention of the Senate during the debate and before the action of the Senate.

Mr. BRISTOW. My memory may be in error; I would not state positively, but I think this editorial was made a subject of comment. At least I think it was reproduced in papers before the Lorimer case was disposed of by the Senate.

Mr. DILLINGHAM. If it was, it escaped my attention entirely, and if there is a word in the record of the debate in the Senate that refers to any such thing, I would be glad to have it pointed out.

Mr. BRISTOW. I am confident that Members of the Senate had heard of Mr. Kohlsaat's views upon the matter, and that he had communicated with certain Members of the Senate and given them information in confidential communications bearing upon this subject.

Mr. DILLINGHAM. Then, I would inquire of the Senator from Kansas whether the other Members of the Senate were dealt fairly with in that debate if this information prevailed or was ascertainable and that fact was not disclosed to us?

Mr. BRISTOW. Well, that would be a little difficult to say. Mr. Kohlsaat had talked in confidence to a number of friends in regard to this information; had communicated with a number of friends. Some of them were Members of the Senate, so I have been advised. I have no personal knowledge of this. And they did not feel justified in making public information which they had in confidence. Whether or not any members of the committee were advised as to Mr. Kohlsaat's views, I am not able to say.

Mr. DILLINGHAM. If the Senator will permit me, I should like to say that, so far, certainly, as I am concerned, this information first came to me during the present session and since the matter was made public in the State of Illinois; and I can only repeat that if the knowledge of these circumstances was known on the part of anyone in the Senate at the time, it seems to me it should then be urged as a reason why the case should be reopened.

I want to say again what I said the other day, and I say it in earnest, too, that if this case is reopened, it ought to be

prosecuted with vigor and thoroughness and efficiency, so that every fact shall be known, whether it is done by one committee or another.

Mr. KENYON. May I ask the Senator from Vermont a question for information?

Mr. DILLINGHAM. Certainly.

Mr. KENYON. I have often wondered why Mr. Hines was not called as a witness before that committee. Has the Senator any information on that point?

Mr. DILLINGHAM. I have not. As I have said before, I say again, I was not a member of the subcommittee that had this investigation in charge. I was not present in Chicago. In fact, I was confined to my home in Vermont with illness at the time and I was unable to get in touch with——

Mr. NELSON. Will the Senator from Kansas yield to me?

Mr. BRISTOW. Yes.

Mr. NELSON. I want to say to the Senator from Iowa, who has referred to Mr. Hines, that Hines got into the case because of the information that Mr. Kohlsaat gave, or when he published an article in his paper stating in substance that a hundred thousand dollars corruption fund had been raised. But when he was called before the committee at first he refused to answer, because it was confidential.

The committee adjourned. In the meantime, the man who had given Mr. Kohlsaat the information released him from his promise, and then he came forward and brought Mr. Hines into the case. That is how Hines got into it. He did not get into it before Mr. Kohlsaat's article.

Mr. KENYON. My understanding was that Mr. Hines was very much in the case long before Mr. Kohlsaat's article.

Mr. NELSON. Not in reference to this matter.

Mr. JONES. Mr. President——

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

Mr. BRISTOW. Yes.

Mr. JONES. My recollection of the record is that there is nothing in it anywhere, from beginning to end, that suggests Mr. Hines.

Mr. NELSON. Nothing.

Mr. JONES. I may be mistaken; but I do not remember the name having been suggested, so far as the record goes, until after the case was voted upon.

Mr. BORAH. That is one complaint we have of the record, that there is nothing in it about Mr. Hines.

Mr. JONES. Nothing appeared anywhere to suggest to the committee that Mr. Hines was connected with it in any way, shape, or form. Of course, I would not excuse the committee if there was anything brought to their attention to indicate that Mr. Hines ought to be called. I would not excuse them at all; but there is nothing that I can see in the record to indicate that Mr. Hines was suggested as having anything to do with it.

I may say that, perhaps, things were brought before the committee upon which they should have acted in a great many ways, but I have not seen anything definite in the record to warrant any censure of the committee for not bringing Mr. Hines into the matter. I think, possibly, if I had been on the committee at the time I should have probably taken an entirely different view of several different propositions from the committee, but I do not believe the committee is subject to censure for not bringing Mr. Hines in during the progress of the testimony.

Mr. NELSON. The Senator from Kansas is a fair man; I have always found him to be so; and I am sure for the sake of truth he will bear with me.

How was this new testimony brought about? It came through the newspaper article of Mr. Kohlsaat, and after he was permitted to state what he knew, the information he divulged was that a certain person had told him that Mr. Hines had said there was a fund raised of $100,000 to elect Mr. LORIMER, and that Mr. Hines was going around trying to get money, and appealed to a certain gentleman—the man who had given the information to Mr. Kohlsaat—asking him to contribute $10,000 to reimburse them; that they were in such a hurry to raise that Lorimer fund of $100,000 a few of them had to put their hands into their own pockets, and then afterwards Mr. Hines was sent around to get contributions, and he passed the plate around to get more money to make up for those few who had put into the fund. Now, that is how Mr. Hines got into the case.

The VICE PRESIDENT. The Senator will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Senator from Kansas will proceed.

Mr. BRISTOW. Mr. President, the criticism that I have been making of the investigation was that the committee seemed to sit there and wait for something to come to it, and if it had not been for the interest of the Chicago Tribune in the matter I do not suppose that there would have been any investigation at all.

Mr. HEYBURN. I wonder if it would interrupt the Senator——

Mr. BRISTOW. Not at all.

Mr. HEYBURN. There seems to be much criticism of the action of the committee in this matter. Unfortunately, the chairman of the committee is no longer a member of this body. All Senators will recognize the functions of the chairman of a committee in presiding over the performance of the duty of a committee. I was only one member of that committee. We may all have had some idea as to how it should proceed, or we may have had different ideas, and the differences were not developed. I think Senators are losing sight of the jurisdiction of the committee as prescribed in the resolution. I think they are losing sight of the origin of the investigation; that they are losing sight of that which the committee was instructed by the Senate to do. The committee did not go out of its own accord with a dragnet in order to find charges against a Member of this body. It acted upon specific charges. It was instructed to investigate those charges and no others by the express language of the resolution, which I have before me.

Mr. BROWN. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. I am speaking only by the courtesy of the Senator from Kansas.

Mr. BROWN. I wish to ask——

The VICE PRESIDENT. Does the Senator from Idaho yield?

Mr. HEYBURN. I do not yield my interruption of the Senator from Kansas. I have no right to yield the floor to the Senator. I was proceeding to make a statement.

The VICE PRESIDENT. The Senator from Idaho declines to yield.

Mr. BROWN. The Senator from Kansas, I understand, yields to me to suggest——

Mr. HEYBURN. If the Senator from Kansas takes me off my feet, then, of course, he can yield to whom he pleases.

The VICE PRESIDENT. The Senator from Idaho will proceed.

Mr. HEYBURN. I am speaking by the courtesy of the Senator from Kansas, in his time, and I did it because I have heard it charged here within the last few minutes that the committee should have done this and that, and we heard one Senator say if he had been a member of the committee he might have done so-and-so.

Now, it would be well enough for us to look to the power and duty that was given that committee. The resolution does not say that they shall go out and hunt up testimony or hunt up a new case on new grounds other than those contained in the charges. It says:

Resolved, That the Committee on Privileges and Elections be directed to examine the allegations recently made in the public press charging that——

No; that is Mr. LORIMER's resolution. I withdraw that from the record. I have the wrong paper. It was the resolution of Mr. LORIMER that I started to read, which was never acted upon. It remains to-day in the hands of the Committee to Audit and Control the Contingent Expenses of the Senate. The resolution under which the committee acted was as follows:

Resolved, That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate whether in the election of said WILLIAM LORIMER as a Senator of the United States from said State of Illinois there were used or employed corrupt methods or practices.

The charges alleged corrupt methods and practices.

Mr. BRISTOW. Oh, if the Senator will permit me, it seems to me that is all the authority any committee ought to want to make the most thorough and searching investigation possible.

Mr. HEYBURN. Well, the charges——

Mr. BRISTOW. The charges were——

Mr. HEYBURN. They are in the RECORD.

Mr. BRISTOW. And also whether corrupt methods——

Mr. HEYBURN. They are in the RECORD.

Mr. BRISTOW. Will the Senator please read the resolution again?

Mr. HEYBURN. The charges are specific. I will read the resolution:

That the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, be authorized and directed to investigate certain charges against WILLIAM LORIMER—

Now, there was only one set of charges made, and that was made by the resolution offered by the Senator from Illinois.

Mr. BRISTOW. But the committee were directed to investigate the charges. What were the charges?

Mr. HEYBURN. "Certain charges."

Mr. BRISTOW. What further direction did the committee receive?

Mr. HEYBURN. Nothing that was entirely in line with the first allegation.

Mr. BRISTOW. If the Senator will continue to read it.

Mr. HEYBURN. I will.

To investigate certain charges against WILLIAM LORIMER, a Senator from the State of Illinois, and to report to the Senate—

That is, upon the investigation of certain charges—

to report to the Senate whether in the election of the said WILLIAM LORIMER as a Senator of the United States from the said State of Illinois there were used or employed corrupt methods or practices.

Under said charges what would the Senator do in court, where the rules of procedure are specific and perfectly established, if he were directed to investigate certain charges? Would he feel that he had a roving commission to go out in the world and see whether or not he could find some charges or some grounds upon which to charge? We were not appointed to perform any such duty.

If Senators who are discussing this question will bear in mind that the committee was investigating specific and not general charges, that the charges were made by Clifford W. Barnes, that they are in this record, that the charges were presented by the Senator from Illinois [Mr. CULLOM] upon the authority of Clifford W. Barnes, they will keep closer to the text. The committee was not a roving committee. It was not sent out to find out something that was not charged. It performed its duty like good lawyers and Senators and not like brigands.

Mr. WORKS. Mr. President——

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

Mr. BRISTOW. In just a moment. I desire to state that the phraseology of the resolution imposed upon that committee the broadest authority and directed it to ascertain whether or not WILLIAM LORIMER was elected by the use of corrupt methods.

Mr. HEYBURN. Now, let us take the Senator's statement, Mr. President. How was the committee to gather information as to the grounds upon which any charges are based except through the ordinary medium, which was the charging party, with those associated with him? The committee was not appointed to go outside of the things charged. If the committee had had it brought to their attention, it would have been authorized and would have investigated any charges. Did the Senator know then of anything the committee should investigate?

Mr. BRISTOW. If the Senator from Kansas had been a member of that committee, I think he would have made a more rigid effort to find information than the committee did.

Mr. HEYBURN. The Senator was a member of that committee, and I made a separate report joining in the general report——

Mr. BRISTOW. The Senator from Kansas I was referring to. The question was directed to me.

Mr. HEYBURN. I beg pardon. The Senator from Kansas, then, means to say had he been a member of the committee he would have performed those duties better. Now, what information did he have upon which he could have based any further investigation? Did the Senator have any information?

Mr. BRISTOW. The Senator from Kansas would not have considered himself limited by the narrow construction which the Senator from Idaho seems to have given to the direction.

Mr. HEYBURN. But, Mr. President, I repeat, did the Senator then or at any time have knowledge upon which he might have acted as a member of that committee had he been a member of it?

Mr. BRISTOW. The Senator from Kansas was not a member of that committee. He did not have the opportunity to investigate these facts, nor was the opportunity offered to him to ascertain whether or not there was additional evidence that would tend to prove that Mr. LORIMER was elected by corrupt methods.

Mr. HEYBURN. How would the Senator obtain that?

Mr. BRISTOW. If the committee had subpœnaed other witnesses.

Mr. HEYBURN. What witnesses?

Mr. BRISTOW. A number of them.

Mr. HEYBURN. Based upon what? What other witnesses? Name one witness the committee should have subpœnaed.

Mr. BRISTOW. I should have subpœnaed Mr. Hines.

Mr. HEYBURN. The committee did not even hear of Mr. Hines in connection with it. Upon what knowledge would the Senator have subpœnaed Mr. Hines?

Mr. BRISTOW. There the Senator explains the weakness of this committee's investigation. They have never heard of Mr. Hines. His connection with the Lorimer case was notorious, and if the committee had not heard of him—— [Manifestations of applause in the galleries.]

The VICE PRESIDENT. Occupants of the galleries must refrain from any demonstration either of approval or disapproval. Any demonstration by the occupants of the galleries is not permitted under the rules of the Senate.

Mr. HEYBURN. Can the Senator refer to any word written, spoken, or printed that connected Mr. Hines with this matter at the time of the hearings? If so, where is it?

Mr. BRISTOW. Oh, well, the Senator can ask questions at random here. I do not remember.

Mr. HEYBURN. There is not much random about it.

Mr. BRISTOW. It is a matter of fact well known.

Mr. HEYBURN. Upon what is the fact based?

Mr. BRISTOW. That Mr. Hines was intimately connected with the election of Mr. LORIMER, and the evidence that has been brought out by the Illinois senate was then available if proper search had been made for it.

Mr. HEYBURN. No; but I want——

Mr. BRISTOW. It was available then if it had been sought for by the Committee on Privileges and Elections.

Mr. HEYBURN. Did the Senator know that Mr. Hines was charged as being connected with the Lorimer election?

Mr. BRISTOW. If the Senator had been a member of the Committee on Privileges and Elections, he thinks he would have known more about it than the Senator from Idaho seems to know now.

Mr. HEYBURN. The Senator would have been wiser had he been a member of the committee than he was as a Senator of the United States?

Mr. BRISTOW. He would have undertaken to have informed himself upon all important matters relating to this case——

Mr. HEYBURN. What steps would the Senator have taken?

Mr. BRISTOW. Many which the Senator from Idaho seems to have neglected to have done.

Mr. HEYBURN. What steps would the Senator from Kansas have taken to inform himself?

Mr. BRISTOW. There are many steps that could have been taken.

Mr. HEYBURN. I should like to know what steps the Senator would take to ascertain something on which he had no lead whatever.

Mr. BRISTOW. I should have subpœnaed a number of witnesses which the committee neglected to subpœna.

Mr. HEYBURN. What witnesses?

Mr. BRISTOW. I should have subpœnaed Mr. LORIMER for one.

Mr. HEYBURN. Mr. LORIMER was in attendance. He could not be compelled to testify. He was given an opportunity to testify.

Mr. BRISTOW. Did he decline to testify?

Mr. HEYBURN. He did not testify.

Mr. BRISTOW. Was he invited to testify?

Mr. HEYBURN. He was given an opportunity to testify.

Mr. BRISTOW. Was he asked to testify?

Mr. HEYBURN. He was asked.

Mr. BRISTOW. Did he refuse?

Mr. HEYBURN. He did not testify.

Mr. BRISTOW. Why did he not testify?

Mr. HEYBURN. The Senator supposes I might happen to have personal knowledge of the fact that he was asked.

Mr. LA FOLLETTE. Quote the record.

Mr. HEYBURN. No.

Mr. LA FOLLETTE. No; you can not; that is all there is about that.

The VICE PRESIDENT. The Senator from Kansas has the floor. Does he yield further?

Mr. HEYBURN. I want to do away with some of these bombastic fallacies that have been brought into this case.

Mr. LA FOLLETTE. Then I submit that the Senator will do away with his own fallacies.

Mr. HEYBURN. I have nothing to do with yielding to the Senator from Wisconsin. I am here only by courtesy of the Senator from Kansas. I think it is high time that the discussion of this question should be brought down to the real facts, and not to those that have been conjured up from some-

where. Of course, everybody knows perhaps more now than before the Illinois Legislature investigated this matter. That is probably true, but I was speaking only from the standpoint of the duty of the committee, which it was charged they had not performed.

Mr. WORKS. Mr. President——

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

Mr. BRISTOW. I do.

Mr. WORKS. Mr. President, in view of the fact that the Senator from Idaho is still a member of the Committee on Privileges and Elections, as the question is whether this matter should be recommitted to that committee, it would certainly be interesting to know whether he still maintains the views he expressed formerly as to the narrow construction that should be placed upon the investigation by the committee.

Mr. HEYBURN. If the Senator from Kansas will yield to me, I will answer the Senator from California.

Mr. BRISTOW. I will yield.

Mr. HEYBURN. When the newspapers published such statements as were published in regard to the investigation of this question by the senate of Illinois, I drew a resolution asking that this matter be reopened, and only did not present it to the Senate because others presented resolutions in the same hour and minute. Does the Senator from California think for a moment that, as a Member of this body, I have any prejudice in favor of Mr. LORIMER? My instincts are against Mr. LORIMER having a seat in this body, because I do not believe in any man holding a seat here with the aid of votes from an opposition party, and it required the strictest evidence, in my judgment, to compel me to arrive at a conclusion that he was entitled to his seat. I did not go into the hearings with any prejudice in his favor.

Mr. BRISTOW. Mr. President——

Mr. WORKS. If the Senator from Kansas will indulge me——

Mr. BRISTOW. I beg pardon——

Mr. WORKS. The Senator from California made no such intimation. But certainly in the case of any Senator entertaining the sort of view as to the proposition contained in the resolution the Senator has expressed, the result would probably be as it was before.

Mr. HEYBURN. If the Senator from California entertains such views as he has expressed here on other days it would seem to me that he is not an entirely unbiased judge in the case.

The VICE PRESIDENT. The Senator from Kansas will proceed.

Mr. BRISTOW. Mr. President, before this interesting and somewhat animated colloquy, I was suggesting that the objection I had to referring this investigation to the Committee on Privileges and Elections was that it was intrusted with this responsibility upon a former occasion, and it did not make a thorough investigation; that it did not follow out the clues that were available.

Mr. HEYBURN. Only once more. What charge did the committee not investigate that was embodied in the charges presented here to us?

Mr. BRISTOW. There was a long list of charges presented.

Mr. HEYBURN. I should like to see the list.

Mr. BRISTOW. There was a long list of charges by Mr. Barnes that was made the basis for an inquiry.

Mr. HEYBURN. Mr. Barnes refused to testify.

Mr. BRISTOW. And the committee was directed to ascertain whether or not Mr. LORIMER had been elected by corrupt methods.

Mr. HEYBURN. As charged, to investigate the charges for the purpose of seeing whether he was elected by corrupt methods.

Mr. BRISTOW. If the Senator will read the resolution——

Mr. HEYBURN. I read it.

Mr. BRISTOW. It does not say as charged. That was the interpolation by the Senator; it is not in the printed record. The committee was directed to ascertain whether or not Mr. LORIMER was elected by corrupt methods, and it did not follow up the clues with the energy and determination that it ought to have done.

Mr. FLETCHER. Mr. President——

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

Mr. BRISTOW. Certainly.

Mr. FLETCHER. I was not a member of the subcommittee, but——

Mr. BRISTOW. There seems to have been only one member of the subcommittee, and that was the Senator from Idaho [Mr. HEYBURN]. I should like to see another one if I can find him, for every member of the committee denies that he was a member of the subcommittee, and I think for very good reasons. I would be glad to hear the Senator——

Mr. FLETCHER. I will state what is true and correct; the record shows it. I am not making denials just for the sake of making them.

Mr. BRISTOW. I congratulate the Senator if the record does show that he was not a member of the subcommittee.

Mr. FLETCHER. I resent the idea that I am here to apologize for anybody at any time, either on the committee or on the subcommittee. It happens that there were seven members of the subcommittee. I believe five of them actually acted. The record shows who were present when this testimony was taken. Some of the members of that subcommittee are not now Members of the Senate. The chairman of the committee is not a Member of the Senate. That is all the more reason why I asked the courtesy of the Senator to allow me to interrupt him in order that there may be something approaching fairness in dealing with the subcommittee.

If I had been a member of the subcommittee, I should not presume to give attention to the remarks that are being made, or which have been made, but not being a member of the subcommittee, I feel that out of justice to those who are out of the Senate now, to say nothing of those who are in the Senate who are members of that committee or that subcommittee, that at least this much might be suggested to the Senator from Kansas.

He will recall the record shows that Mr. Austrian appeared before the subcommittee and stated:

> We have the names, we have the witnesses, we have the documentary proof and the evidence, and we, the Chicago Tribune, are thoroughly responsible. No one will gainsay that for a moment. We ask to appear in this matter.

And they were granted leave to do so.

Now, there was an agency at work, coming before the committee and assuring the committee that they had the witnesses and they knew the testimony—that they knew the facts and were ready and willing and anxious to produce them. Was it incumbent on the committee to go out searching the highways and byways at that time and under those conditions?

In addition to that, the people who now disclose this new alleged evidence were people who were identified with the prosecutors who appeared before that subcommittee. The editor of the Chicago Record-Herald, Mr. Funk, and other people there connected with the Harvester Co., and so forth, and the Chicago Tribune, as I understand it, were identified, certainly, with those who were opposing Mr. LORIMER. If they did not see fit to furnish the evidence in their breasts at that time to the subcommittee it seems to be far-reaching to blame the subcommittee for not presenting it to the full committee and subsequently to the Senate.

Mr. BRISTOW. I believe the Senator from Florida is at present a member of the Committee on Privileges and Elections.

Mr. FLETCHER. I am; and I was a member then.

Mr. BRISTOW. Will the Senator from Florida favor the same limitation on the investigation that is going to be directed now to the committee that was imposed upon the committee formerly? Will the Senator refuse to listen to men who come and ask to be heard?

Mr. FLETCHER. Not at all; neither did that subcommittee.

Mr. BRISTOW. The Senator has just stated that it was not the business of the committee to go out to search for evidence.

Mr. FLETCHER. I do not say it was not their business to go out and search for testimony if they had anything that made it worth while or pointed to any lead.

I should say they ought to follow every lead that indicated pay dirt anywhere and in any direction. I am not in favor of any limitation.

The Senator asked me the question whether I am in favor of a limitation in the minds of the subcommittee or the full committee. I do not know for certain to what he refers, but, as far as I am concerned, I am not in favor of any limitation on this investigation. Let it lead where it will; let it open up what it may; let it reach whom it may; follow it to the bottom and to the limit, that the truth may be known, and let the chips fall where they will.

Mr. BRISTOW. I will simply state again, as I said in the beginning, that if the Committee on Privileges and Elections at the former investigation had been animated by the spirit which, judging from what Senators say, at least two members are animated with now, these two weeks of discussion in regard to the opening of this case would have been unnecessary.

Mr. FLETCHER. Precisely; and I submit now that we are wasting time in giving reasons why this case should have been reopened, when there was not a Member of this body opposed to it from the start.

Mr. BRISTOW. Mr. President, it is a question——

Mr. FLETCHER. But, if the Senator will allow me one moment, so much more is the reason for urging that the Senator is scarcely fair to the old committee, when the fact is that the members of the old committee were not insisting upon limitations or restrictions in the making of this investigation. The subcommittee ruled out certain testimony as they saw fit, but if there were any rulings objectionable of that nature, the criticism ought to be confined to the subcommittee and not to a general charge against a whole committee. I say frankly I can not conceive of any sort of limitations or any sort of restriction now that ought to be imposed upon the members making this investigation.

Mr. LA FOLLETTE. Mr. President——

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

Mr. BRISTOW. Certainly.

Mr. LA FOLLETTE. I just wanted to ask, before the Senator from Florida took his seat, whether the Committee on Privileges and Elections did not adopt the limitation which the subcommittee had fixed with respect to testimony—that is, to make myself a little more specific, whether on that Saturday morning when the Committee on Privileges and Elections first met to receive the report of the subcommittee, whether they did not propose to adopt, and whether there was not a motion made to adopt, the report of the subcommittee just as it had been made to the full committee, limitations and all?

Mr. FLETCHER. My recollection is—I suppose I am authorized to say—that a motion was made to adopt the report of the subcommittee when it was submitted to the full committee, that the motion was not adopted or agreed to, and the report of the subcommittee was afterwards submitted to the members of the full committee, and not until they had had an opportunity of examining it and all the record did the full committee act upon the report of the subcommittee. That is my recollection of it.

Mr. LA FOLLETTE. Mr. President, if I am not interfering with the course of the argument of the Senator from Kansas I remind Senators of the statement made on the floor of the Senate by a member of that committee, Senator Beveridge, that on Saturday morning, December 17, the Committee on Privileges and Elections was first called together to receive the report of the subcommittee.

Mr. President, I do not feel the same hesitation which some Members of the Senate express with respect to talking on the floor of the Senate about committee proceedings, because, sir, I believe that work done in committee is public business, and I do not recognize the right of any Senate committee to put the ban of secrecy upon the public business which a committee transacts.

Immediately thereafter, before any Senator had had an opportunity to examine that testimony, a motion was made that the report of the subcommittee which confirmed the title of WILLIAM LORIMER to a seat here, be adopted by the Committee on Privileges and Elections.

So, I say, Mr. President, the Senator from Kansas [Mr. BRISTOW] is right in assuming that the full Committee on Privileges and Elections was not in possession of all the facts in this case when it adopted the report of the subcommittee in that meeting. As early as February 15—indeed much before that date—the Chicago papers—not the Tribune, but other Chicago papers—had published the fact of the existence of this hundred thousand dollar slush fund, brought together and contributed for the purpose of purchasing a seat on the floor of the United States Senate. It would seem to me, Mr. President, with those publications, so widely made by entirely responsible newspapers, that even if they had made their report to the Senate, having notice of the existence of testimony so vital, so important, the Committee on Privileges and Elections should have asked the Senate to be allowed to take further testimony in the case.

Mr. STONE. Mr. President, my curiosity is excited by what the Senator from Wisconsin has just said. If I understand him aright, he declares that it was a matter of general information, perhaps, in the Senate that before the conclusion of the Lorimer case in the last Congress it was known that reputable newspapers published somewhere had charged that a fund of $100,000 had been raised to purchase a seat in the Senate. The chairman of the Committee on Privileges and Elections this morning declared in the hearing of the Senate that he had no such information; that he knew nothing of it; and that he had not heard of it until after the matter was taken up by the Illinois State senate. I am not sure that I ever heard of the matter until about that time—I mean the Kohlsaat matter. I would ask the Senator from Wisconsin if he knew of it before that time?

Mr. LA FOLLETTE. I answer very frankly, Mr. President, that I heard of it shortly after the publication of the editorial on the 15th of February. That is the date of the publication of one editorial in the Chicago Record-Herald, charging that a hundred thousand dollar fund had been expended in corrupting the Illinois Legislature and securing the election of LORIMER to the Senate.

Mr. STONE. Is that the editorial about which Mr. Kohlsaat was first examined by the Illinois senate?

Mr. LA FOLLETTE. I am not able to say whether or not that is the specific editorial that the Illinois State senate committee had in mind when it examined him. I know that editorial was published on the 15th of February, 1911, but I am informed that other——

Mr. STONE. What was the date of that?

Mr. LA FOLLETTE. The 15th of February.

Mr. STONE. What was the date of the final vote on the Lorimer case? I do not now recall.

Mr. LA FOLLETTE. The 1st of March.

I am informed that other editorials or editorial comment had been made with reference to the existence of such a fund prior to that time, but my attention was first directed to the publication of that editorial shortly after it appeared. I will say to the Senator from Missouri and to other Senators that it stimulated me to make some inquiry, and I sent a telegram to the editor of the Record-Herald asking him to furnish me the information upon which that editorial was based.

I followed it up, sir, with other telegrams. I was not able to elicit from him the information upon which he based the statement in that editorial. I suffered in that respect just exactly as the senate committee of the Illinois Legislature did when it got Mr. Kohlsaat before that committee and he refused to answer. He felt bound by an obligation of confidence to the party who had communicated that information to him not to disclose his authority—a sort of journalistic obligation.

I will say to the Senator from Missouri and to the Senate that I appealed to the editor of the Chicago Record-Herald to put me in possession of such facts as would enable me to lay before the Senate some specific data upon which to arrest the further consideration of the Lorimer case or to reopen it for further investigation.

Mr. DILLINGHAM. Mr. President——

Mr. STONE. That was matter, Mr. President, in the possession of the Senator from Wisconsin, and he was pursuing a course that was exceedingly praiseworthy in endeavoring to ascertain the facts from Mr. Kohlsaat or from anyone else having the information; but that is a little foreign to the point I have in mind. What I wanted to know was whether the Senator from Wisconsin or any other Senator brought that information to the Senate itself or to the committee of the Senate itself, so that we might have taken cognizance of it here in the Senate, stopped the proceedings, and directed the committee to go further with the examination if necessary.

Mr. LA FOLLETTE. Mr. President, I answer with the utmost frankness. I have lying upon my desk now a statement which I had drafted, addressed to the Senate, asking that further proceedings in the Lorimer case be stayed until the Senate could take further testimony regarding this hundred thousand dollar fund. But, Mr. President, I did not submit that statement to the Senate for the reason I will state. I made diligent effort to secure the information which would support the statement, but was unable to procure it. I stop now just a moment to remind the Senate that when a request was made in the Senate—I am not able to fix the date—but when a request was made for unanimous consent to fix a date for a vote on the Lorimer case I objected, and stated to the Senate at the time that I objected upon "good and sufficient reason." I was at that time in pursuit of this information and hopeful that I might be able to present it to the Senate before the final vote upon the case.

Mr. STONE. Did the Senator finally lay it before the Senate?

Mr. LA FOLLETTE. I did not; because I was informed that Mr. Kohlsaat would under no circumstances furnish that testimony, even if he were called before a committee of the Senate; and furthermore, that he would not appear before a committee of the Senate, and that he was ready to absent himself from the country and from the jurisdiction of a committee of the Senate if an effort should be made to summon him. So I was certain, Mr. President, if I succeeded in arresting proceedings in the Lorimer case, upon a statement that new testimony material to the issue existed, that I should be unable to produce the witness to prove the facts.

I believed and I stated to several Members of the Senate that, even though the Senate might vote to confirm the title of WILLIAM LORIMER to his seat in the Senate, ultimately the truth would be known; that it would not be possible to suppress the facts, and that ultimately the case would be reopened. I believed then that there would transpire just what has come to pass—that the Senate would be called upon to reconsider this case, and that the public interest would not greatly suffer by the delay. I want to assure the Senate that I used all legitimate means at my command to persuade Mr. Kohlsaat to come before the Senate committee and state the facts which he has since stated before the committee of the Illinois senate. I did everything in that respect which I could, but I failed, and was advised by those to whom I appealed at that time that if the statement were made here that this testimony was in existence I would find myself utterly unable to furnish it if the case should be stayed and reopened. For that reason, Mr. President——

Mr. NELSON. Mr. President, will the Senator from Wisconsin allow me to interrupt him?

Mr. LA FOLLETTE. I will yield, sir.

Mr. NELSON. I voted with the Senator on this question at the last session of Congress, and I concede the Senator was diligent, but in view of the fact that the Senator, although he was diligent, was unable to get this information, why should he charge the committee with a lack of diligence because they could not do better than he could?

Mr. LA FOLLETTE. Well, Mr. President, the committee had the authority of the Senate to subpœna witnesses. If they had gotten service upon Mr. Kohlsaat he would have been compelled to appear and finally to testify as he finally testified before the committee of the Illinois senate. As I have already stated, I was advised, if I asked to have the case referred back to the committee and the committee authorized to summon Mr. Kohlsaat, that he would have notice and ample time to place himself beyond the reach of subpœna before service could be made. I think this committee should have discovered these facts while they were investigating the case in Chicago. For more than a year, as I am informed, the story had been rife in Chicago that a hundred thousand dollars had been raised as a slush fund to put WILLIAM LORIMER "across" and elect him as a Member of the Senate.

Mr. DILLINGHAM. Mr. President, may I inquire of the Senator just for information——

Mr. LA FOLLETTE. Just a moment. Mr. President, I have been pretty careful in what I have said in this debate regarding the members of the former committee. I have not uttered a word reflecting upon their motives. I have tried, Mr. President, to observe the courtesies of debate. But I can not help saying now, in view of the suggestion of the Senator who has asked the question, that it does seem to me that a committee, clothed with the broad powers of this committee and given the direction that this committee was given by the Senate, might well have ascertained all the facts that have been testified to before the senate committee of the Illinois Legislature.

Without criticizing the rules of evidence adopted by the committee, which narrowed the scope of their inquiry, I am wholly unable to understand why they permitted Mr. Austrian, an attorney, who appeared for the Chicago Tribune, to fix the limit of their investigation, and why they did not themselves run down every suggestion of fact and send out everywhere for information bearing upon the election of WILLIAM LORIMER to the United States Senate. Had they pursued such a course can anyone doubt that they would have discovered as much and more than was discovered by the Illinois senate committee?

Mr. FLETCHER. Mr. President, I will interrupt the Senator, if I may, just for a moment in order that the record may be correct as regards the report of the subcommittee.

Mr. BRISTOW. Do I understand the Senator from Florida is asking me a question?

The VICE PRESIDENT. The Senator from Florida is addressing his inquiry to the Senator from Wisconsin.

Mr. FLETCHER. I want to interrupt the Senator from Wisconsin just for a moment.

Mr. LA FOLLETTE. I beg pardon of the Senator from Kansas for taking so much of his time.

Mr. FLETCHER. I did not know that the Senator from Kansas had the floor, but I will take only a moment. It will be borne in mind that testimony was taken by the subcommittee largely in September. The last testimony was taken on December 7. The report of the subcommittee to the full committee was made December 17. The action on that report by the full committee was taken December 20, and the report of the committee to the Senate was presented December 21. I simply want to state that as the chronological order of events.

Mr. LA FOLLETTE. Right in that connection——

Mr. DILLINGHAM. May I ask the Senator one question?

Mr. LA FOLLETTE. Right in that connection, if the Senator from Kansas will yield to me that I may ask the Senator from Florida another question——

Mr. BRISTOW. Certainly.

Mr. LA FOLLETTE. I inquire of the Senator from Florida if it is not a fact that on the morning of Saturday, December 17, the testimony taken by the subcommittee was for the first time reported to the full committee and laid before them for consideration?

Mr. FLETCHER. My recollection is, Mr. President, that that is correct. Possibly some portions of the testimony and certainly the briefs of counsel had been furnished before that time.

Mr. LA FOLLETTE. Yes. May I interrupt the Senator to ask whether prior to that time any portion of the testimony had been furnished except what was quoted in the briefs of counsel?

Mr. FLETCHER. I do not remember that there were any portions of the testimony actually furnished to the committee.

Mr. LA FOLLETTE. No. I think that is true. Is it not also a fact, if I may still further ask the Senator for information, that on Saturday morning, December 17, assuming that to be the date when the testimony taken by the subcommittee was first submitted to the full committee—if a motion were not made to adopt the report of the subcommittee based upon that testimony, which, of course, no member of the committee, other than the seven members of the subcommittee, could have read up to that time?

Mr. FLETCHER. I am inclined to think that is correct. As I stated a moment ago, the motion was not agreed to. Action was not taken until the 20th.

Mr. BAILEY. Will the Senator from Wisconsin allow me?

Mr. LA FOLLETTE. Just a moment before I yield; I wish to ask the Senator from Florida another question. I ask the Senator from Florida this question, and I base it entirely upon the statements made in the course of debate by the then Senator from Indiana [Mr. Beveridge] who was a member of the committee: Is it not true that the reason why the report of the subcommittee was not adopted by the full committee at that Saturday morning session was because the then Senator from Indiana objected to the question being put to the committee on the ground that he had had no opportunity to look at the testimony, because it had just then been printed and laid before the full committee?

Mr. FLETCHER. I would say, in answer to that, Mr. President, that it is true, I believe, that the then Senator from Indiana did object to action on the motion at that time upon the ground that he had not had time or occasion to examine that testimony; but I can not say that was the sole reason the action was not taken, because there would have been others who would have objected to the consideration of the question at that time.

Mr. LA FOLLETTE. On the same ground?

Mr. FLETCHER. On the same ground.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. LA FOLLETTE. Certainly.

Mr. BAILEY. I simply want to remind the Senator from Wisconsin that the full committee were anxious to make their report to the Senate at the earliest possible day, because there was at that time in the Senate a complaint about the delay, and the full committee felt that it ought to submit its report, together with the printed testimony, so that Senators might have it during the holiday adjournment of Congress. That was one of the reasons urged for immediate action.

Mr. LA FOLLETTE. Well, of course, Mr. President, I assume that that was urged in the committee.

Mr. BAILEY. Yes.

Mr. LA FOLLETTE. Not being a member of the committee I did not know that, and I do not recall that there had been any inquiry made on the floor of the Senate about the report of the committee that had been appointed to investigate the Lorimer case up to that time; but, of course, the Senator from Texas being a member of that committee will have better recollection upon that subject than I have.

Mr. BAILEY. Mr. President, I do not say that there had been any complaint made on the floor, because I do not recall that such was the case; but I do know that a number of Senators were urging the committee, as I think every member of the committee will recall, that the matter should be submitted at the earliest possible moment. The Senator from Vermont [Mr. DILLINGHAM] reminds me that I myself suggested that it had better be done thoroughly than to be done in haste, and it was on my motion that the matter went over until every member of the committee was willing to say that he had sufficiently examined the record.

Mr. LA FOLLETTE. Well, Mr. President, upon that point, not being a member of the committee, I can not offer any statement; but I think it proper that I should call the attention of the Senate to the statement made by the then Senator from Indiana, Mr. Beveridge, who, in the course of his thorough and exhaustive discussion of this case, referred to this fact. I have the RECORD before me; but without referring to it and stating it just from having recently read it, I will say that the Senator from Indiana, Mr. Beveridge, asserted, in the course of the debate when the Lorimer case was before the Senate that the consideration of the case before the Committee on Privileges and Elections went over upon his insistence that he had not had any opportunity to examine the testimony upon which the subcommittee based its report, and hence could not vote either to approve or reject the report of the subcommittee, and he asked, as he states in his argument before the Senate, that the matter be permitted to go over until after the holidays in order that he might examine the testimony.

I remember very distinctly that he said there were seven hundred and odd pages of this testimony—I think about 780 pages of testimony—and he said he could not examine that testimony, and did not examine the testimony so as to vote intelligently as to whether he ought to support the report of the subcommittee or vote against it in the time that intervened between that Saturday morning and the Tuesday morning when the committee next met to vote on the adoption of the report made by the subcommittee.

If I can understand at all the statement of the Senator from Indiana, Mr. Beveridge, it was intended to make plain to the Senate that he had tried diligently between Saturday morning, when this testimony was submitted, and Tuesday morning, when the committee met, to vote on the question whether or not they would adopt the report of the subcommittee—and at which time they did adopt the report—that he had tried diligently to examine that testimony, to say nothing about the briefs of counsel upon either side, amounting to a couple of hundred pages, and that he had not found time between the dates of the meeting of the committee on Saturday morning and the reconvening of the committee on Tuesday morning to go over more than about 190 pages of the testimony and examine it with care and thoroughness such as a lawyer would want to put upon any record upon which he was to pass judgment.

I gathered from hearing the Senator from Indiana and from rereading his speech that he was compelled as a member of that committee to vote on Tuesday morning on the report of the subcommittee without having had an opportunity to read the testimony in this case and know the facts.

Mr. BAILEY. Would the Senator from Wisconsin permit me?

Mr. LA FOLLETTE. Certainly.

Mr. BAILEY. I do not recall the statement of the former Senator with respect to the testimony. I do recall, however, that he made some statement on the floor as to his inability to examine the briefs, and I recall very distinctly that I suggested to him that the brief for the petitioner had been sent to the members of the committee some two months before the Congress convened. I know the Senator from Indiana did make some suggestion about the briefs.

Mr. LA FOLLETTE. The Senator from Texas is right about that. I have just read over the discussion of that day, and the Senator from Texas did remind the Senator from Indiana of the fact that these briefs had been furnished somewhat in advance of the time when the printed record of testimony was furnished.

I beg the pardon of the Senator from Kansas [Mr. BRISTOW] for having so long trespassed upon his time. I will recur to this subject a little later, and I yield the floor now, with my apologies for having occupied it so long.

Mr. BRISTOW. The question for which I yielded has been rather long, but I think I can remember about what I was saying.

To summarize, I stated that I was in favor of the resolution of the Senator from Wisconsin, because I did not believe that the former investigation was thorough, that it was not made with that diligence with which it should have been made, and that I believed from what I have heard from the present members of that committee that it now entertains the same views as to the limitations imposed that the committee entertained at that time that the investigation was made. And that has been confirmed by statements made by the Senator from Florida, and the Senator from Idaho. That being the case it seems to me that the Committee on Privileges and Elections should not be intrusted with this investigation unless the Senate wants just such an investigation as was formerly made.

Now, I have received another impression, and that is, that while formerly the members of the committee did not go out and search for evidence as they should, did not secure evidence that was available if they had undertaken to have secured it, it now seems to be animated by a zeal and an earnestness, in part at least, that is creditable.

But I have been advised upon rumor, which has the earmarks of accuracy, that the committee as a whole does not intend to make this investigation, but intends to appoint, by the permission of the Senate, a subcommittee. I am not very familiar with senatorial procedure, but if it is the purpose to appoint a subcommittee, why does not the resolution say so, instead of saying that the committee shall sit in banc?

I have been further advised by rumor, which has the same earmarks of accuracy, that an agreement has been entered into by the Democratic leaders and by the Republican leaders that that committee shall consist of eight—four Democrats and four Republicans. Now, why the Republican leaders have abdicated the rights of the majority to have a majority on the committee on investigation I have not been advised.

Of course the leaders on the Republican side—I say "leaders" because they have no leader now. Since Mr. Aldrich retired his mantle has not been assumed by any of the Members on this side of the Chamber. But it is said in the public prints that an agreement was necessary in order to insure a majority vote in behalf of the Committee on Privileges and Elections. The chairman of the Committee on Privileges and Elections, on this side, being unable to muster under his standard a majority of the Senate, has capitulated and withdrawn his resolution and accepted that of the leader on the Democratic side. And the leadership of the Democratic leader [Mr. MARTIN] is well recognized—or, at least, it was on Monday—because we could not adjourn until he made the motion.

It is with some feelings of regret, of course, that we see the mantle of Mr. Aldrich transferred from this side of the Chamber to the other, but it seemed to be necessary in this case.

I am advised that the Martin resolution is to pass, and that then the Committee on Privileges and Elections will select a subcommittee of eight—four Republicans and four Democrats—four Lorimer men and four anti-Lorimer men—and ask the Senate to confirm such a subcommittee, and that it will be confirmed by the same majority that has been secured by merging the two elements, one on this side of the Chamber and the other on that side, and that it will go through by practically the same vote that the Martin resolution will receive.

Now, that may be true. It looks like it was. Time will demonstrate whether or not it is.

Mr. LA FOLLETTE. Mr. President——

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

Mr. BRISTOW. I do, for a question.

Mr. LA FOLLETTE. I should like to inquire of the Senator from Kansas if that indicates to his mind that the reactionary elements in the Senate of both political parties are getting together?

Mr. BRISTOW. Of course, I do not know, but I have been thinking. Now, that combination will put through the Martin resolution for a Lorimer investigation, giving to the committee that made the other investigation authority to proceed and investigate. It is to be hoped it will do a better job this time than it did the other.

I have wondered if this new combination and this new leadership are to continue during the session. It will control the Lorimer investigation. Will it control anything else—the tariff, for instance? Will this committee, when it is organized to make this investigation, investigate exclusively Mr. LORIMER or will it feel that it has authority to go out and find who contributed the money to buy this seat in the Senate and search for legal authority to bring action against the men who furnished the funds to bribe legislators and buy seats in this body, or will it hamper itself by that sense of propriety and restriction that will render safe Mr. Hines and the men from whom he collects $10,000 contributions? Will it in the hearing of the tariff bills that are to come protect Mr. Hines's duty on lumber which he has been so anxious to preserve and keep it in the tariff bill? Will it affect the duty on iron ore and a few other things? This is a very interesting inquiry that comes to my mind.

Mr. NELSON. Mr. President, the question is—and the Senator from Kansas misses it—Will it prevent reciprocity?

Mr. BRISTOW. Will it insure reciprocity? That would be a better question for the Senator from Minnesota to put.

Now, it may be improper for me to make such inquiries; I may be infringing upon the dignity of this body. It may be somewhat embarrassing to the leaders on this side of the

Chamber. The mantle of leadership has not yet found any single Senator to wear it. It seems the senior Senator from New Hampshire [Mr. GALLINGER] has not been able to get the mantle onto his shoulders. The senior Senator from Pennsylvania [Mr. PENROSE] has not found that it fits him exactly, although he has inherited it by official position. And for some strange reason—I do not know why—it has not been tendered to the senior Senator from Massachusetts [Mr. LODGE].

But since the wolves have somewhat scattered the flock of lambs on this side of the Chamber, and they have recently been in great need of a shepherd, I congratulate them upon having found one, Mr. MARTIN, on the Democratic side. And now we are assured that the majority is safe and an official adjourner will be selected soon, so that when the Senate is ready to adjourn we will receive the signal from authority.

Mr. President, I think that the Senate owes something to itself as well as to the public. Senators may assume to despise public opinion and hold it in contempt, and they may discredit the intelligence of the American reading public; that is, they may attempt to do so; but that will not succeed.

If there is anything that the Senate needs, it is to be restored to the high public esteem that it once occupied and which it ought to occupy now. Senators, public opinion is the sovereign power of this country. We have no other sovereign, and it is entitled to the respect that sovereignty is entitled to, and the man or set of men that affect to despise it will in time receive that public condemnation and disapproval that they deserve.

I want a new committee to make this investigation because the results of the last investigation have destroyed public confidence in the thoroughness and effectiveness of the Committee on Privileges and Elections. The welfare of this country depends vitally upon the public confidence that the executive and legislative and judicial branches of the Government hold, and if any one branch of this Government of ours loses that public confidence, the very stability and foundations of the Government are weakened.

It is a painful thing for me to sit here and hear Senators intimate that we should be proof against the influence of public opinion. This body is being tried by public opinion in this country to-day, and that public opinion carries tremendous weight, and it should. We ought to do that which will most readily and effectively inspire the public confidence, and that will be to appoint a new committee to make this investigation, to do it promptly, and then act with equal promptness upon the facts which the committee submits to us.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the substitute proposed by the Senator from Virginia [Mr. MARTIN] for the resolution submitted by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LEA. Mr. President, I had not intended participating in the debate upon this question, but feel impelled to state briefly my position, giving the reasons for the vote which I intend to record.

In the beginning, it is necessary to state that from such testimony as has been published in the papers relating to the Lorimer investigation by a committee of this Senate, the reports of the committee and the minority report, the newspaper reports of the criminal proceedings in Illinois growing out of the legislative session of 1909, and from the fact that Senator LORIMER did not take the stand in his own behalf during the Senate investigation, I have formed an impression—or opinion, if you like—that the election of WILLIAM LORIMER as a Senator of the United States was not valid. While it is an impression or opinion, it is one which could be removed by testimony; still I want the Senators to know that, although not a Member of the Sixty-first Congress which passed upon this case, in company with Senators who recorded their votes at that time, I have an opinion upon it.

Next, Mr. President, I shall state that my every personal inclination is to support the substitute resolution offered by the Senator from Virginia [Mr. MARTIN], because I would like, especially since he was not my choice for minority leader, to express the full and absolute confidence I feel in his integrity of purpose in his sincere desire that the election of WILLIAM LORIMER be given the fullest and most complete investigation. Not only that, but, since he has introduced the substitute resolution, I would be inclined to vote for it as an expression of my appreciation of his consideration and tactful attitude toward the minority Senators of this body and as a public acknowledgment of his splendid leadership.

But, Mr. President, the Senator from Texas [Mr. BAILEY], in the course of his remarks upon this resolution, on Friday of last week, said: "In my judgment, with some immaterial exceptions, that committee (referring to the Committee on Privileges and Elections) did its work as well as any committee of the Senate could have done, and it is no fair subject of criticism against it that some of the witnesses to those transactions concealed their knowledge from that committee and afterwards imparted it to another committee or to the people."

If the Senator from Texas [Mr. BAILEY] casts his vote for the substitute resolution offered by the Senator from Virginia instead of for the resolution offered by the Senator from Wisconsin [Mr. LA FOLLETTE], as an expression of his approval of the course taken by the last committee of the Senate, by his reasonings I must withhold my vote, for I can not approve of the course of investigation pursued by that committee or of the conclusions it reached.

And in saying this, I want it to be understood frankly that I do not in the slightest degree impugn the motives of any of the Senators who acted upon that committee, for I have the fullest confidence in their integrity of purpose, and in what I believe to have been their sincere desire to conduct a thorough investigation, and acknowledge gladly their high character and splendid abilities. My difference with them is not a personal one, but entirely one of judgment.

There are at least four grounds on which I do not approve the course of the former committee, and in stating these I shall not go into the reasonings by which the full committee reached its conclusions, but deal entirely with the procedure adopted by the subcommittee.

The first ground of disapproval relates to the committee's conception of its functions. The committee seems to have thought that its functions were purely judicial and that it occupied the position of a referee or master in chancery to sit and hear proof which might be offered in the controversy, and to report its findings to the full committee or to the Senate; that the parties to this controversy were Mr. Clifford W. Barnes, representing the Legislative Voters' League of Illinois, and his designated successor, the Chicago Tribune, on the one hand, and Senator LORIMER as represented by his counsel, upon the other, and that it could make no investigation other than that demanded by these parties.

A more correct idea of the functions of that committee would have been that the Senators, while sitting as such a committee, have not only judicial but inquisitorial functions to perform, and if any parallel is to be drawn, this committee of the Senate is to be likened not to a referee or master in chancery, but rather to a grand jury; that it is to hear not only the testimony that may be offered by the parties directly interested in the controversy, but to seek out, ascertain, and introduce any testimony that may shed light upon the methods employed to secure the election of WILLIAM LORIMER.

That the committee assumed the theory of the case attributed to it by me is substantiated by the following quotation from page 2 of their report:

> At what was practically the outset of the investigation counsel for the Chicago Tribune (who conducted the inquiry against Senator LORIMER) announced that he did not expect to connect Senator LORIMER with any acts of bribery, and upon this point the following took place.

There follows after this statement a quotation from the transcript of the case, showing the position of the Chicago Tribune, and throughout the case, so far as I have been able to observe, the committee pursued this attitude, namely: That, inasmuch as counsel for the Chicago Tribune did not claim that Senator LORIMER was connected with any acts of bribery, therefore no investigation should be made upon this point.

Upon the other theory of the case, investigation should have been made to see whether Senator LORIMER was connected with the bribery in this case, irrespective of the attitude of counsel for the Chiacgo Tribune or anyone else.

It should have been an investigation, not by the Chicago Tribune, not by the Illinois Voters' League, but by the Senate of the United States, an investigation by the Senate to find out whether a man had bought his way, or his way had been bought for him, into this great body, and it should not have stopped at any barriers that might have been raised by any counsel for interested parties.

This brings us to the second ground of my disapproval of the procedure of the committee in this investigation, and that is, the failure to put Senator LORIMER upon the stand and require him to give testimony. The fact, as I gather to-day, that a majority of the Senate believe that if another inquiry is instituted one of the first things that should be done by the committee in charge of it would be to place Senator LORIMER upon the stand, is sufficient ground for stating that the former committee erred in not putting WILLIAM LORIMER upon the stand.

The third ground of disapproval of the course pursued by that committee was the adoption by it of certain rules of evi-

dence, by which, as I conceive, certain important testimony was excluded, testimony which would have led to the discovery, doubtless, of other evidence that would have been pertinent and material, and which would doubtless have rendered unnecessary another investigation of this case.

One instance of this is shown by the following quotation from the RECORD, page 395, during the examination of W. F. Gray, after Mr. Gray had testified that he introduced at the Commercial Trust Co., and where he made a deposit of $500, one H. J. C. Beckemeyer, a member of the Legislature of Illinois, who had voted for Senator LORIMER.

Q. What were the denominations of the bills you saw?—A. A $100 bill.
Q. Did you ask where he got it?—A. Yes, sir.
Q. What did he say?
Judge HANECY. I object to that. That is the same question that has been ruled on several times. He can not make corroborative or self-supporting testimony for himself.
Mr. AUSTRIAN. He said he deposited it at the Commercial Trust Bank, and this gentleman took him there and introduced him. That is a part of the res gestæ.
Judge HANECY. It is a collateral matter; there is no res gestæ on a collateral thing. The doctrine of res gestæ applies to the thing itself. This is offered for the purpose of inducing this honorable committee or somebody else to infer or draw a deduction or inference against the presumption of innocence; the direct inference that he got this money by improper methods and in an improper manner, not from the same general, but from other, sources that it is claimed here it was paid. I submit the matter can not be proven in that way by proving a lot of collateral things and leave it for somebody to infer.
Senator GAMBLE. Is this for the purpose of impeaching the testimony of Mr. Beckemeyer?
Mr. AUSTRIAN. No, sir.
Judge HANECY. Or of supporting it?
Mr. AUSTRIAN. Of course it is for the purpose of supporting it.
Senator PAYNTER. When did this occur?
The WITNESS. Somewhere last July or the 1st of August. I paid no attention to it. He came in and asked me to go over, and I went over.
Senator BURROWS. The objection will be sustained.

It also appears that other gentlemen—Mr. Ford and Mr. Murray—would have testified similarly to Mr. Gray, but under the ruling of the committee they were not offered as witnesses. The point I desire to make in this connection is that if Mr. Gray had been allowed to answer the question and had stated that he received that money (deposited at the Commercial Trust Co.) because he had voted for Senator LORIMER, then not only under the theory of Mr. Austrian would that testimony have been competent, but it would have been competent as a declaration against interest and would have been material in this case.

I could cite other similar instances, including the testimony of the wife of the late Representative Luke, in regard to the statement he made on his return from St. Louis, where he had been called to meet Leader O'Neil Brown, when he showed her $950 in bills of large denominations. That testimony was excluded on the same ground.

Mr. President, my insistence is that the committee, by establishing such highly technical rules of evidence, even though they were correct, which I do not concede, narrowed the scope of this inquiry, and that if the scope had been as broad as it should have been, doubtless to-day the time of the Senate and whatever committee may be appointed to make this investigation would not have to be spent in making another investigation, for Mr. LORIMER would either have been rightly exonerated or he would have been denied his seat in this body, and that would have ended the subject, once and for all.

Mr. President, my fourth disagreement with the committee is that the committee did not call Edward W. Hines to the stand and take his testimony as to what he knew about the election of WILLIAM LORIMER, for I believe we will all agree to-day that Hines could have shed more light upon this subject than any other man. Mr. Hines, Mr. President, was not an unknown man in this controversy at the time the subcommittee convened and sat in Chicago. He had been known for some time as one of the creators, or alleged creators, of Senator LORIMER. In the Chicago Tribune of May 4, 1910—many months before the subcommittee sat in Chicago—there was an article published showing the connection between Senator LORIMER and Mr. Hines. We find such articles published frequently. In the Chicago Tribune of May 6 we find the following quotation from an article that was published on this subject:

Mr. Hines admits he telegraphed Aldrich for an appointment, but says that he talked to the Senator about the lumber duty, and not about LORIMER for Senator. Yet apparently there was the silent understanding between the two that is common to great minds. For along toward the latter part of May Senator Aldrich confided this to a friend:

"Mr. LORIMER probably will be the new Senator from Illinois. Mr. Hines has gone out there to see what can be done."

It was even as the astute Senator said. Mr. Hines had departed from Washington the day before, bound for Illinois. A few days later the election of Mr. LORIMER was accomplished. Thus it came about that Mr. Hines was given the principal credit for resolving order out of the legislative chaos and filling the vacant seat in the Senate.

In this way Senator Aldrich saw his wish for a new Senator—anybody but Hopkins—come true. A few weeks later Mr. Hines realized a large part of his wish, for the Senate raised the duty on lumber to $1.50.

Again, we find similar articles in the Tribune of May 27 and August 5. Then we find that by September public opinion had grown so in regard to the connection of this man Hines with this controversy, and had become so settled and fixed that Hines was a party to whatever was illegitimate in that election, that a great conservation congress held at St. Paul considered that Hines would not be a fit man to preside as chairman of the committee on credentials, and why? Because of his notorious connection with the Lorimer case. Hines's connection with LORIMER was notorious enough for the conservation congress to deny him the honor of the chairmanship of the committee on credentials, but it was not notorious enough for the subcommittee at Chicago to send for him and to ask him what he knew about the election of WILLIAM LORIMER, the election of a man whom, as I understand it, he had boasted throughout the clubs of Chicago he had elected and raised to the exalted position which he was then filling.

We have the testimony in regard to what happened at St. Paul from a very distinguished gentleman who to-day occupies a seat in the President's Cabinet. In referring to the naming of Mr. Hines then as chairman of the committee on credentials, Mr. Fisher, now Secretary of the Interior, said:

The vote of 28 to 5 in the Illinois delegation [said Mr. Fisher] indicated that the opposition to Mr. Hines as chairman of the committee on credentials was nearly unanimous.

Then, referring to the part he took in the discussion, Mr. Fisher said:

But on account of Mr. Hines's prominence in the election of WILLIAM LORIMER, including his activities at Springfield, I argued that it was inopportune that he should hold a prominent place in the Congress as an Illinoisan.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. LEA. Certainly.

Mr. LA FOLLETTE. May I ask the Senator the date of that last quotation which the Senator has read?

Mr. LEA. This was from the Chicago Tribune of Thursday, September 8. As I recall it, it was about two weeks before the Senate subcommittee on investigation met in Chicago.

Mr. President, as I was saying, if this subcommittee had had a different view of its functions, if it had resolved then to act, not in a purely judicial, but in an inquisitorial capacity, I submit that with these statements about Hines being published in at least one paper—and doubtless published in many others, for I have not had time to examine the files carefully—this committee would have called Mr. Hines to the stand and made him testify as to his connection with the election of WILLIAM LORIMER. The committee did not take that view of its functions, and for that reason, Mr. President, I am unwilling by my vote to return this case to that committee, not knowing whether it will consider that it is necessary for it to place the same limitations upon their investigation.

Mr. President, I would not have the temerity to suggest my disagreements with the procedure of this committee unless the fact had subsequently developed that the committee was in error, for, Mr. President and Senators, whenever we cast a vote to reopen this case, disguise it and sugar coat it as we may, it records the solemn conclusion that the investigation by the former committee was not a success, but a failure. If it had been a success—whether it exonerated LORIMER or unseated him—we would not be consuming time to-day in deciding whether we should make another investigation and who shall conduct it.

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

Mr. LEA. Certainly.

Mr. HEYBURN. Did the Senator see that statement in the newspaper before or during the sitting of the subcommittee in Chicago?

Mr. LEA. I did not. I will say to the Senator from Idaho I was not then investigating this question as a Senator. I was not even a Member of Congress much less a member of the subcommittee.

Mr. HEYBURN. Speaking as one of the subcommittee, I will say that I never saw it. There might have been a thousand statements in newspapers that no member of the committee would see at all. I never heard of it.

Mr. LEA. I am very glad the Senator asked me that question, because had he been investigating this subject with a view of the committee's having inquisitorial powers, he would have been searching any new channel of investigation that might be opened.

Mr. HEYBURN. I think I may speak for every member of the committee, that had their attention been called to it—and none will assume that they must know all that is in the newspapers—they certainly would have taken notice of it, and it is no reflection upon them that they did not know all that was in all the papers of the United States.

Mr. LEA. As I have distinctly stated, nothing that I am saying is to be construed as a reflection on the committee. It shows a certain line of procedure. That line of procedure did not result in success, and if the Senate votes to refer the case to it again it indorses a line of procedure which resulted in failure, for the committee did not accomplish the purpose for which it was created.

Mr. HEYBURN. I should like to suggest in this connection, if it does not bother the Senator, that it is rather singular, in the light of what has transpired, that the Chicago Tribune, which certainly exhausted every possible avenue for evidence or suggestions against Mr. LORIMER, did not call the attention of the committee to it. The committee did not reside in Chicago, and I doubt if any of them read that paper. There can be no question as to the zeal with which the Chicago Tribune was pursuing this prosecution.

Mr. LEA. Relying as much as the subcommittee and the Senator evidently did on the Chicago Tribune, it is fair to assume that at that time at least the Chicago Tribune chose one way of calling it to the attention of the committee, and that was by publishing in its columns under very broad and flaring headlines——

Mr. HEYBURN. I did not read the Chicago Tribune. I do not know whether other members of the committee read it, but I did not read in it a statement that it made in regard to Mr. LORIMER. They produced before us much that they had said.

Mr. LEA. In the light of recent events I will say to the Senator from Idaho, I think it is unfortunate he was not at that time a reader of the Chicago Tribune.

Mr. HEYBURN. I think I was fortunate.

Mr. JOHNSTON of Alabama. I wish to ask the Senator from Tennessee if he knows that when the committee commenced its investigation they first called before them the official of the Voters' League and asked him to present all the witnesses they could produce touching this election? The official said he had no personal knowledge of it—that he got all his information from the Chicago Tribune—and asked that they should be substituted for him in representing the side which was against the election of Mr. LORIMER, and the committee afterwards admitted Mr. Austrian, the attorney of the Chicago Tribune, who proceeded to call witnesses, and every witness he called was examined by the committee, as I remember it. If he, knowing that Hines or any other man was implicated, and that his principal the Chicago Tribune had so stated, knowingly failed to give this information or to call this witness, I would say that he acted in bad faith to the committee and his employer.

Mr. LEA. I am very grateful to the Senator for interrupting me, because evidently I did not make myself clear to him. I stated that I can not vote for this case to go to the same committee, because it treated this inquiry as one in which the Chicago Tribune was plaintiff instead of treating it as one in which the Senate of the United States was an investigator. They treated it as if it was there only as a judge to try what was proved and whatever might be offered by the Chicago Tribune. It sat there in a capacity to enable it to be taken advantage of, in a way that the Senator has indicated, if such was done, and that is one reason why I can not vote for this case to go back to the committee, because it did not seem to think it was clothed with inquisitorial powers.

Mr. President, in saying that I can not vote for it to go back to the committee I want it to be distinctly understood that our difference is not a personal one, but purely one of judgment, and that as one member of a court can dissent without in any way reflecting upon the motives or the judgment or the wisdom or the ability of his associates, so can we in this case dissent from the judgment of the committee and vote against the resolution that this case should be referred to the Committee on Privileges and Elections.

But, Mr. President, it is urged that it will be a lack of confidence in the Committee on Privileges and Elections unless we send this case to that committee. I do not agree with that for the reasons which I have stated. I contend, Mr. President, that we do not show any lack of confidence in the Committee on Privileges and Elections by ordering a new investigation, although I say that the former investigation by that committee was not a success, but a failure. But, if we are to apply this rule of lack of confidence, where will it lead us? If it be a lack of confidence in the Committee on Privileges and Elections for the Senate to send this case to any other committee, by the same reasoning would it not be a lack of confidence on the part of the Committee on Privileges and Elections not to send the case to the same subcommittee that had it before; in fact, it ought to go, on the parity of reasoning, to the same subcommittee, and if the gentlemen of that subcommittee are as true and loyal to the principles which they have announced as their supporters advise us we should be to the Committee on Privileges and Elections would they not adhere to the same scope and the same principles under which they conducted the former inquiry? I venture the opinion that if this investigation goes to that same subcommittee, and it prescribes it and narrows it and hedges it about with the same limitations it did on the former investigation, that committee would bring in the same report. And to carry one step further this rule of "lack of confidence" that subcommittee would bring in the same report to the Committee on Privileges and Elections, and would it not be lack of confidence for the full Committee on Privileges and Elections not to adopt the report of that committee? One step further around the circle and then it will be complete. Would it not finally be a lack of confidence in the Senate not to adopt the report of the full committee? And then after having traveled the entire circumference of the circle we would be back where we are to-day.

Mr. President, there is another doctrine which is sought to be invoked in this case from which I must dissent, and I do it with the greatest possible hesitation and with the profoundest respect for this body. I do it with the greatest possible hesitation because I am totally lacking in seniority in both service and years, but I want to say that I have heard much in the last few days of the doctrine of "senatorial sensitiveness," and since the few weeks I have been in this Chamber I have heard even more of the doctrine of "senatorial courtesy." While during my term of service here I will try to let no Senator be more courteous in his manner and demeanor toward his fellow Senators than myself, and I will try in no way to wound the feelings or sensibilities of any Senator, I want to say at the outset of my term of service that I have no sympathy with "senatorial courtesy" and "senatorial sensitiveness" to the extent it has been attempted to invoke them in this case.

Often when a Senator starts in a certain direction, impelled by a sense of duty, he finds he must stop, his progress blocked by a barrier which is called "senatorial courtesy." But if he is able to circumvent that barrier and go forward, nevertheless, in the same direction, he is again immediately halted by another barrier, and it is called "senatorial sensitiveness."

Or, Mr. President, if I were to change the metaphor, I would say if the dose of "senatorial courtesy" is compounded with "senatorial sensitiveness," I am afraid it will soon render our service ineffective, and the result of the compounded dose might be called "senatorial asphyxiation." [Laughter.]

Mr. President, as was so truly said by the Senator from Wisconsin [Mr. LA FOLLETTE] the other day, the true relation between the people of the United States and the Senator is that of principal and agent. If I were to prescribe any general rule which I would follow during my term of service it would be to try to do no act as agent that I would not be willing to do if I were principal instead of agent.

And now let us apply that rule to these facts. As I understand it, from the meager information I have been able to get, the former investigation cost approximately $13,000, an insignificantly small sum in comparison with the enormous income of the Government and its enormous expenditures. But it is the sum total of these small items which makes the final grand total so large.

Now, Mr. President, let us suppose this case. Suppose any one of us here had employed a certain lawyer to conduct a certain case for us and that his viewpoint of the case had been too narrow; that his conception of the rules of evidence had been wrong, and as a result thereof he had lost the case, but that he had been fortunate enough not only by his service but by the service of other new attorneys to gain a motion for a new trial. Let us assume further that the conduct and trial of that case had cost the plaintiff $10,000. Would any of us, if we were plaintiffs, reemploy that same attorney who had made a failure of that case because we were afraid if we did not reemploy him we would wound his sensitiveness, or be guilty of an act of discourtesy?

Mr. HEYBURN. Will the Senator permit me?

Mr. LEA. Certainly.

Mr. HEYBURN. Would the Senator think it would be a violation of any rule if the attorney had lost the case upon the evidence he was able to produce and other evidence had been discovered? Would you change the attorney in order to have the benefit of the newly discovered testimony?

Mr. LEA. Of course not, but the Senator's suggestion is not in point——

Mr. DAVIS. Mr. President——

Mr. LEA. Just a moment and then I will yield. Because the evidence is here, I will say to the Senator from Idaho, or we would not be ordering another investigation.

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Arkansas?

Mr. LEA. Certainly.

Mr. DAVIS. I desire to call the attention of the Senator from Tennessee to the fact that the Senator from Idaho has contended that the subcommittee acted in a judicial capacity. I wish to ask the Senator from Tennessee if he ever heard of a judge, after he had decided a case and dissatisfaction arose and a new trial was granted, being solicitous about getting the trial of the case again?

Mr. LEA. I will say to the Senator if I have heard of such a case, under those circumstances, I would be all the more unwilling to submit it to such a judge.

But if my illustration in regard to a lawyer was not happy, I will try one in regard to the medical profession. Let us assume a Senator fell ill, and having the symptoms of appendicitis, employed a general practitioner, a man who was not an expert, and no one would claim that this committee was particularly expert in that line of endeavor. Suppose this general practitioner had performed an operation which had endangered the life of the patient and for which he had received a very large fee, but that in performing an operation for appendicitis he had failed to find the appendix. Let us suppose that this same patient fell ill again with the same malady; would he reemploy the same surgeon who had failed to find the appendix for fear he would wound his feelings or be guilty of discourtesy?

So, Mr. President, I maintain in this case that the former committee did not find the appendix of corruption, that another operation is necessary, and for one I want to employ a new surgeon.

In summing up what I have said, because I disagree with the former committee in its conception of its functions, in the scope of its inquiry, in its rules of evidence, and in its failure to place WILLIAM LORIMER and Edward Hines upon the stand and examine them, I can not vote for the resolution, which, in the opinion of some Senators would be regarded as approving the course of that committee, but I must vote for it to go to a special committee that will be raised upon the floor of the Senate. I must do this for the reasons I have given, and for the additional reason that if it was my money that was to be expended in this investigation, and even if I had all the resources of the United States behind me, I would not reemploy the committee which had made a failure of the former investigation; and because I would not do this as principal I will not do it as agent.

Mr. KENYON. Mr. President, I had not intended to occupy any time of the Senate in this discussion, but I find myself in the same position as the Senator from Tennessee [Mr. LEA] and in accord with his sentiments; and being a member of the Committee on Privileges and Elections, and being compelled under my conscience as I see my duty to vote against referring this case to that committee, I want simply to give a few of the reasons for the belief that actuates me. I realize that a new Senator is expected to accept the advice of St. Paul to the Corinthians regarding women, "Let them keep silence in the churches"; but as that injunction is sometimes broken, and as the Senator from Tennessee has broken the tradition here to-day, I may be excused for still further violating it.

The Senator from Idaho [Mr. HEYBURN] has said that "this matter is being tried everywhere else." He is exactly right. I have been, during the last week, down in the beautiful southland in States whose Senators have possibly voted on this question before. It is being discussed and it is being tried there. I have been out on the prairies of Iowa, where we understand not what it means to secure seats in the United States Senate by trickery or bribery or corruption of any kind, and it is being tried there. It is absolutely true that it is being tried everywhere—on the farms, in the house of business, around the firesides of the Nation. Public sentiment in this country, which you may sneer at at times and pay no attention to, has decreed that this investigation shall be complete, without any technicality, without any attempt to protect anybody, however high or low it may reach. Whether we believe it or not we realize the force and power and value of public sentiment. It is an abhorrent thing to me that the head of a great Lumber Trust can sit on the fine upholstered lounges of a club, glancing into a cocktail and surrounded by the aroma of a cigar, boast of how they have spent a hundred thousand dollars to "put over" an election of a man to the United States Senate. Who are "they"? If Mr. Hines has that information, we want a committee that will make Mr. Hines produce that information.

I have the greatest respect for the Committee on Privileges and Elections, especially for its honored chairman, the great lawyer from the State of Vermont [Mr. DILLINGHAM]; but if that subcommittee, in its previous investigation, could not discover that this same party, who is now boasting of the money they spent, had anything to do with it—with the papers full of it, the air full of it—they could not have conducted a very thorough investigation.

This question goes further than Mr. LORIMER. He sinks into insignificance. We know him not; it is a question of this Senate being on trial, and the whole form of government being on trial. It is a more important question than any other before the Senate. Shall men come here to make laws under these circumstances? Shall they come as representatives of special interests, or shall they come to represent the people? If Mr. Hines is correct—if the Lumber Trust furnished the money—what does the Lumber Trust expect back? If the Beef Trust furnished the money, what is the quid pro quo for the Beef Trust? Our Senators and Representatives dictate, largely, the appointment of district attorneys. District attorneys prosecute these trusts. The question goes to that far-reaching extent. If Mr. Hines, with his Lumber Trust, has contributed, has it been for the purpose of getting a district attorney to prosecute the Lumber Trust? If the Beef Trust has contributed, has it been for the purpose of getting a district attorney to prosecute the Beef Trust? This is one feature of the case that has come to me painfully, because I have seen the withering blight of Lorimerism in many kinds of prosecutions.

The country is tired of a half-hearted investigation. This matter "smells to heaven," and the people appeal to and believe in the Democrats as well as Republicans uniting in the formation of a committee that they will be perfectly satisfied with—one that will go to the bottom of the matter without fear or favor. It is no imputation against the Committee on Privileges and Elections. I am a member of that committee. My friend from Tennessee [Mr. LEA] is a member of that committee; but that committee made up its mind on the former testimony. There is a certain pride of opinion in all of this. If a case is tried and goes to an upper court and is reversed, if we have been beaten, we are not satisfied, generally, as lawyers, to try that case bfore the same court, but we prefer a new court. So here there should be a new committee.

We are, however, met with "senatorial courtesy." I am mystified by "senatorial courtesy." It seems to me that as to almost everything you try to do in the Senate it is suggested, "Look out; you are offending 'senatorial courtesy.'" Senatorial courtesy can not be a cloak to prevent men from voting their honest convictions. It shall never be with me. The people of this country are interested in this proposition—more interested in it than they are in senatorial courtesy—it goes to the very root of this Government, and having a deep interest in and love for this Government, they intend to go through with the proceeding and have a thorough investigation made, even though it may jar the somewhat dilapidated fetish of senatorial courtesy.

The PRESIDING OFFICER. The question is on the substitute resolution offered by the Senator from Virginia [Mr. MARTIN].

Mr. LA FOLLETTE. Mr. President, just before the vote is taken I want to say a final word, if I may have the further indulgence of the Senate.

The Senate is about to determine whether it will send the Lorimer case to the Committee on Privileges and Elections as organized and appointed by the secret conferences and caucuses of the Republican and Democratic Parties in the Senate, or whether it will send this case to a special committee elected in open session by Senators.

Public interest—the principle that all action of this body should be influenced by no consideration save that of the general good—demands that the Senate itself should choose the committee which is to make the investigation.

I protest, Mr. President, against sending this case to the Committee on Privileges and Elections because nine members of that committee, as now organized, have formed and expressed settled convictions upon it. I do not mean to say that new evidence has not been discovered since they adjudged and determined this case, but I do mean to say that they could not well claim that such new evidence would change *their* votes. When these Senators ask to again take charge of this case because new testimony has been discovered, I want to be recorded as saying that no new testimony has been discovered that can

by any possibility change the convictions of a man who voted that WILLIAM LORIMER was entitled to a seat in the Senate.

The new testimony does not at all affect the credibility of the evidence that the four legislators, White, Link, Beckemeyer, and Holstlaw, were bribed. Not a word of the testimony taken by the committee of the Illinois Legislature goes to the question of whether Lee O'Neil Browne, Broderick, or Wilson bribed those four members of the legislature. What I mean is, that the new testimony which has induced members of this committee to express an eagerness and a willingness again to take possession of this case does not in the slightest degree aid in determining whether the seven witnesses, believed by 40 Members of this Senate to have been bribed, were or were not bribed.

If you commit this case to a committee controlled by nine Members who rejected the proof of the guilt of the seven bribe takers and bribe givers upon the evidence reported by that committee last session, you will have no right to expect them to return a different judgment upon any new testimony discovered up to the present time. There is no new evidence here to alter their judgment as to the corruption of those seven legislators. And mark what I say! No committee who regarded those seven votes as untainted will ever find enough new testimony to cause it to report or vote to unseat LORIMER.

Nearly all of the report of the committee of the Senate which was sent out to ascertain whether or not LORIMER's seat was bought is devoted to an attempt to show that the law officers of Cook and Sangamon Counties had used their power to suborn witnesses to commit perjury to prove that LORIMER had secured his seat here by bribery.

This report occupies four and one-half pages of the CONGRESSIONAL RECORD. It is given over to an arraignment of the law officers of Cook County and of Sagnamon County, putting them on trial before the Senate, instead of this organization, composed, Mr. President—and I choose my words carefully—composed of the Beef Trust, the Lumber Trust, and kindred interests which set out to buy a seat on the floor of the Senate. I say this because it is time it should be said here. Senatorial seats should not be on the bargain counter for great interests to buy.

Now, Mr. President, what does that committee say? I quote from their report:

> The circumstances before referred to—

That is, referred to in their arraignment of the law officers who were struggling against all the obstacles that the criminal law interposes for the protection of the accused—

> The circumstances before referred to, and many others which might be instanced, tended to render the testimony of each and all the witnesses who have been named of doubtful value—

White, Link, Beckemeyer, Holstlaw, Lee O'Neil Browne, and Broderick. Broderick was permitted by the committee to testify what he wanted to about the transaction, and then, in violation of every rule of evidence, to withhold his testimony as to the balance of the transaction on the ground that it would tend to incriminate him.

Are Senators who are charged to-day with the responsibility of reopening this case to a genuine investigation for the honor of the Senate and the integrity of this Government willing to intrust it to a committee seven members of which joined in that report and nine members of which, as it is at present constituted, voted to sustain that report? You are weighing in the balance senatorial courtesy on the one side and the honor of the Senate on the other. These may be disagreeable sentiments to proclaim here, but, Mr. President, the Senate will be compelled to hear such sentiments repeated until that time when it rears the standard of public service higher than the standard of senatorial politeness and courtesy.

I quote further from this report:

> And in each case in which it was claimed that some member of the Illinois General Assembly had been bribed to vote for Mr. LORIMER the accusation was positively denied by the person accused of committing the alleged act of bribery.

The committee to which it is proposed to entrust this important matter emphasizes that in its report to establish title to the seat of WILLIAM LORIMER. Is it so unusual—and convincing—for accused persons to make "positive" denial of guilt?

> It is, however, declared that if the four witnesses before named were bribed to vote for Mr. LORIMER, those who bribed them were equally guilty, and that the votes of Browne, Broderick, and Wilson should also be excluded.

Now, direct your attention to this:

> But the committee can find no warrant in the testimony for believing that either one of said legislators was moved by any corrupt influence.

There is not a scintilla of evidence in this new testimony that will help that same committee, or men so minded, to arrive at a different conclusion.

As to the four legislators who confessed to receiving bribes, namely, White, Link, Beckemeyer, and Holstlaw, or the three members of the legislature, namely, Browne, Broderick, and Wilson, who were proven to have paid over the bribe money, there is no new testimony which could, by any possibility within the operation of any of the known laws of pyschology, work upon the mind of this committee to bring them to a different conclusion. They rejected their testimony before, and, as there is no new evidence bearing directly upon that feature of the case, they would, of course, again reject the testimony of these men. It may fairly be assumed that two other members of the committee, as at present constituted, who were Members of the Senate, who voted to retain LORIMER in his seat on this report, and who adopted the reasons and the conclusions of the committee, will find themselves in the same position. So it must be expected that 9 of the 15 members of the Committee on Privileges and Elections, as at present organized, would, as men who had honestly decided that—

> The committee can find no warrant in the testimony for believing that either one of said legislators was moved by any corrupt influence,

be compelled upon the same reasoning again to reject the testimony that the votes of White, Link, Beckemeyer, Holstlaw, Lee O'Neil Browne, Broderick, and Wilson were corrupt.

And that, Mr. President, would leave this case on the testimony that Mr. Hines had boasted that he had raised a hundred-thousand-dollar fund, and had solicited contributions from interests he thought would be willing to contribute. That is the new testimony. Hines, of course, will come in and deny it. There is, too, the testimony of Jandus, and about the only thing proved regarding him is that he made an investment of a very considerable sum of money, aggregating about $5,500, in Montana lands which he could not explain. Jandus will also deny that he was bribed.

The testimony as to Mr. McMackin and Mr. Blair and Mr. Campbell and Mr. Taylor is of much the same character. They also may be expected to enter denials of corrupt acts.

If a committee would reject the testimony that was offered as to the bribery of these seven legislators, what is there to give the Senate hope that it can purge its good name by sending the case, with the new testimony, to the same committee or to a body of men controlled by those who stood with that committee?

Mr. President, the Senate to-day is confronted with one of the gravest responsibilities that has come to it since it has been my privilege to be one of its Members.

Senators may speak in scorn of public opinion, and may cite instances in criticism of men who have not read all of the voluminous record in this case. It is perfectly apparent that the Committee on Privileges and Elections last session adopted its report without having read the testimony. I assert that there is no Senator on this floor who was then a member of the Committee on Privileges and Elections who can rise in his place and say that between Saturday, December 17, when the full record of printed testimony was for the first time laid before the committee, and the following Tuesday, when they made their report, he had read all that testimony and weighed it all. I venture the assertion that there is not one Senator who will say that he did.

We know perfectly well that the members of the Committee on Privileges and Elections followed the members of the subcommittee who had been sent out to make this investigation; and, Mr. President, the members of that subcommittee have been arraigned here to-day because they adopted rules under which they conducted the investigation that were unsupported by precedent or authority. I had forborne to do it, but other Senators have taken up the procedure of this subcommittee, point by point, and have demonstrated that it was fatally defective. So I submit to the Senate now that we can ill afford to send this case to the Committee on Privileges and Elections.

It has been said in the course of the debate this afternoon that it is perfectly understood that the resolution offered by the Senator from Virginia, if adopted by the Senate, will not be followed by the committee. That resolution, which was offered as a substitute for the one I presented, provides that this committee of 15 shall investigate this case in banc, all the members serving. If that be adopted, then we shall have a vote of confidence by the Senate in the 15 members of that committee who were selected by secret conference and caucus.

The time is coming, Mr. President, when members of committees will be selected in open Senate on a primary vote, as members of both parties now vote in many States to nominate their candidates for their respective tickets. The day is at

hand when the Senate will be democratized and made more nearly to represent public interest than it has in recent years—than it does now.

Mr. President, I take the time of the Senate now to cast a little backward glance. During the first 75 or 80 years of the life of this Republic there was no such thing as corruption in public life.

Now, I do not mean that there were not instances of corruption, for there were. There have always been sporadic cases where individuals have betrayed public trust. I do mean to say that nothing like systematic organized corruption was known then. For 75 or 80 years after the adoption of the Constitution, this Government was truly representative. Why? Because business had not been made a part of government.

And then came a change, a change that I do not hold individuals accountable for, a change that I think was inevitable. It put upon us responsibilities which it was destined in the course of civilization we should bear.

I believe that we will be able to meet those responsibilities, sir. I believe that here in this New World there is to be worked out ultimately in its perfection the problem of self-government. I believe, sir, that here was the best chance for it that the whole history of the human race had afforded. We did not have to build on the old ruins of other and obsolete forms of government. We had a clean foundation, primitive conditions. But we were given the richest country in all the world, and this very richness made it impossible that business could always be conducted as it was during the first 75 or 80 years of the life of this Republic—on an individual or on a partnership basis. It was necessary to bring into life and being a new institution to conduct business and develop the country—the modern corporation.

With the modern corporation came the necessity of bringing business and government into close contact. About that period of time the agents of business interests appeared as an organized lobby at the Capital of the Nation. They began to go to the assemblies and to the senates in the different States, seeking franchises, seeking special privileges, and special immunities; and then, for the first time, business was brought into the most intimate relationship with the Government. Then, too, for the first time, temptation came into the life of the Representative, and it was a question whether he would yield to the importunities of the public-service and other corporations or stand for public interest.

You will find, in studying this subject, that systematic corruption in Government made its first appearance at that period of our life when the corporations began to take charge of the development of the country; when they began to tunnel mountains, to bridge great rivers, to build great lines of roads, to start great industrial enterprises such as the world never had seen before. Then it was, I say, that corruption began to undermine representative government. From that hour to this its virus has been spreading into every fiber of our political system.

There came a time, in 1897, when conditions were favorable to a still further development of this business organization which had already begun to destroy the representative character of our Government. In three years the consolidation of great corporations outran anything known before in the experience of this or any other country, and from that time to this it has continued.

And so we are to-day confronted by conditions altogether different from any that have ever before been known in the history of this Republic. We need not delude ourselves that the great public does not understand this. The people know all about it. They understand perfectly well that when the corporations had to go to their State legislatures to get franchises, and to Congress to get special privileges and land grants, the scandals, the great, organized scandals, appeared.

Our business development has its successive stages. It passed from the period when business was first transacted by individuals and partnership into the period when it was transacted by corporations, and when those corporations were honestly in competition with each other. Then came the period when those corporations made combinations to destroy competition. Now we are in the period when those combinations have been consolidated and combined to subjugate all the commercial, industrial, and financial institutions of the American people.

Mr. President, I say to you that an investigation proves the Lorimer case to be one of the manifestations of that great power working itself out to install here in this body, whose traditions ought to make it secure from such contamination, a man who comes not with the high sanction of the people of his State to represent the public interest, but who comes here commissioned to serve special interests. Mr. Hines said to LORIMER in his sworn testimony which I have read here, "Can not the interests unite on you?"

And they did unite "on you"—on LORIMER—and they elected him.

Mr. President, I am not going to comment upon the organization of this committee, with nine men on it who, in the face of all this testimony, voted that LORIMER's seat was untainted, with only two men on it who voted against him, and with only three new men. I cite it in passing as a fact worthy of the attention of the Senate. I believe I would violate my oath as a Member of this body if I put the feelings of any individual Senator or of any committee above service to the country. Talk about truckling to public opinion and deciding cases with "one eye on the record and one eye on the mob!" Talk about the courage of ignoring public demand! Let me say to you, Mr. President, out of some 15 or 20 years' experience in public life, it takes at least equal, if not more, courage to stand up in the United States Senate and fight for public interest.

It has been suggested that a perfect understanding has been reached. This suggestion came from the Democratic side. It would thus appear that those who had to do with naming and are controlling the committees on the Republican side and those who are controlling the committees on the Democratic side have arrived at an understanding that if this substitute is adopted and goes to the Committee on Privileges and Elections it is not to be carried out. That is what has been said here in the course of this debate.

Mr. BACON. What does the Senator from Wisconsin mean by that remark?

Mr. LA FOLLETTE. I mean just what was stated on this floor; that instead of this committee of 15 serving in banc, as stated in this resolution, it is understood—at least it has been so asserted by a Democratic Member on this floor—that there will be appointed by the Committee on Privileges and Elections a subcommittee consisting of four Members who voted for LORIMER, of three who did not vote on the Lorimer case, and of one who voted against him, and that committee is to be the subcommittee to make this investigation.

Mr. BACON. If the Senator from Wisconsin will permit me——

Mr. LA FOLLETTE. I will.

Mr. BACON. The language used by him at the time I ventured to interrupt him in the time of his very earnest remarks was such as to indicate that the Senator meant to imply that all the Senators on the Republican side and all the Senators on the Democratic side who would support the substitute offered by the Senator from Virginia were a party to an agreement of that kind.

I desire to say to the Senate and to the Senator that such a statement or such an imputation is absolutely unwarranted, so far as I am concerned, and, as I believe, so far as others are concerned. What may have been said among themselves by Senators who may be upon that committee and who may have conferred as to what the future course should be I know nothing. I am not on that committee.

Mr. LA FOLLETTE. I am aware of the fact that the Senator from Georgia is not on that committee.

Mr. BACON. I am, however, one of the Senators who have been indicated——

Mr. LA FOLLETTE. I understand that; and I will ask the Senator now if he has heard no intimation of the fact that a committee of this sort would be appointed?

Mr. BACON. I have heard discussions as to what that committee should be, but as to any agreement about it——

Mr. LA FOLLETTE. Oh——

Mr. BACON. The Senator can not wave me aside in any such way.

Mr. LA FOLLETTE. No; and the Senator——

Mr. BACON. If the Senator permits me to interrupt him, he must permit me to go ahead. If not, I will wait until he concludes.

Mr. LA FOLLETTE. I will give you full opportunity; proceed.

Mr. BACON. I simply mean this, that when the Senator makes any suggestion that the support of the substitute offered by the Senator from Virginia has been conditioned upon any agreement of that kind or any understanding of that kind, the Senator is speaking utterly without warrant and wide of the mark.

Now, Mr. President, I desire to say for myself, if the Senator will permit me the statement further, that I did not undertake to join issue with the Senator in any degree until he put what I considered to be an imputation upon myself, at least, if he included me in the number, because I intend to support the resolution of the Senator from Virginia.

I wish to say that I am going to support it simply because I have full confidence that whatever committee is appointed, whether it be under the resolution offered by the Senator from Wisconsin or a committee under the substitute offered by the Senator from Virginia, it is going to be a most thorough and exhaustive investigation. I would not give my support, nor do I believe that any of my colleagues would give their support, to any measure that they did not think would have a result such as I have indicated, because if there ever was an occasion which demands and requires the fullest and most exhaustive investigation this occasion now presents itself.

The Senator and I differ as to what is essential to secure that. If I thought as he does I would vote the way he is going to vote. But my confidence in the result of the examination in the one case is as great as it would be in the other. In other words, I have full confidence that the committee which is sought to be raised by the resolution of the Senator from Wisconsin would make a thorough and an exhaustive investigation. I have equal full confidence that any committee raised, either the full committee or any subcommittee of the Committee on Privileges and Elections, will also make a thorough and an exhaustive examination.

I only ventured to interrupt the Senator because I am not willing that it should appear that I am casting my vote in consequence of any agreement or any condition. I shall cast it in the full sense of my obligation as a Senator to do all in my power and to assist in such measures as in my judgment will lead to a proper and thorough investigation in this case.

What the Senator from Wisconsin said was an implication that Senators might be guided by other considerations than I have thus announced.

Mr. LA FOLLETTE. I have yielded to an extended speech by the Senator from Georgia, and I will answer him now. I do not want to be misunderstood, and I shall not be. I have been a Member of this Senate for five years. I have understood perfectly well how these "understandings" have been entered into without being called agreements, and I say that at this time it is perfectly understood on this floor that if this resolution is sent to the committee the investigation will not be conducted in the manner provided by the terms of that resolution—that is, by the full committee—although the resolution provides that it shall be so conducted.

Mr. BACON. Well, Mr. President, if the Senator will pardon me——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LA FOLLETTE. I will yield for an interruption.

Mr. BACON. I wish simply to say, Mr. President, so far as concerns what the Senator says, that there can be understandings without understandings, that if he applies that to what I say the Senator is without warrant in his statement to that effect. It is absolutely without foundation, so far as I am concerned.

Mr. LA FOLLETTE. I am going to say that during the time I have been a Member of this Senate, I have on many occasions, as Senators conversed among themselves at their desks, when votes similar to this were about to be taken, listened to comments that it was "understood" that this thing or that thing was to be done. I have heard the same comment about this resolution, and I have every reason to believe, from what has been said to me privately on this floor, that there is an understanding that this committee of fifteen is not to make this investigation, that the Senate is to send it to that committee upon the votes—maybe there are some Senators who do not understand that—of enough Senators who do understand it to be the situation to insure the passage of the resolution.

Mr. BACON. As the Senator turns to me and says there may not be——

Mr. LA FOLLETTE. Oh, no; I do not mean to imply any want of confidence in the Senator.

Mr. BACON. When I make a statement on the floor in regard to myself, I do not put it upon matters of uncertainty and possibility.

Mr. LA FOLLETTE. There is not any occasion for the Senator to take to himself any personal offense from anything I have said to him just now or anything I will ever say to him. But, Mr. President, for one I am done with this kind of business, and I purpose to use my voice and what power I have as a Member of this body against the transaction of the public business in any other place except in the open Senate, where it will appear in the RECORD.

I reviewed, Mr. President, on another day while this resolution was pending, the system of building up the committees in the Senate; how, in the first place, caucuses are called upon both sides.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LA FOLLETTE. Certainly.

Mr. DAVIS. For the relief of the Senator from Georgia, if any relief is necessary, I want to say to the Senator from Wisconsin that the Senator from Georgia was not present when any understanding was reached about this matter, and several other Senators were not present, but it was distinctly understood that this committee should be composed of eight Members, just as the Senator from Wisconsin states it. I want the truth to be known here.

Mr. LA FOLLETTE. I thank the Senator from Arkansas. I was not present, of course. I had understood from the statement made in open Senate here by the Senator from Oklahoma that there was such an "understanding," and I was simply proceeding to base what observations I had to make upon that statement.

Mr. President, I submitted a few days ago some observations upon the building up of the committees of the Senate in caucuses held by either party. I outlined the proceeding—how somebody arises in the caucus and moves that the chairman of the caucus appoint a committee on committees. That motion, as a matter of course, carries. The committee on committees is appointed by the chairman of the caucus and the committee on committees proceeds to make up the committees of the Senate. The committee on committees very largely defers to the chairman of the committee on committees. Thus the authority, which has been delegated to us by the legislatures of our respective States to represent the people of this country, is delegated by the two parties to their respective caucuses, and delegated in their respective caucuses to one man who happens to be chairman of the caucus on that occasion, and delegated by that one man again to a committee which he appoints, and largely delegated by that committee to the chairman of the committee. This chairman, therefore, wields almost absolute power in the selection of the members of the committees that control the legislation of this body.

What I am stating now goes directly to the composition of the Committee on Privileges and Elections. It bears also upon the control of the legislation for two years in the Senate of the United States. Thus, in a brief space of time, in a caucus covering, it may be, not more than a period of five minutes, there has been delegated to one man in that caucus a power which—when it is delegated and redelegated and delegated again—works out finally in the selection of committees that absolutely shape and mold legislation in the Senate of the United States during the life of that Congress.

I contend that is undemocratic, unrepublican, un-American, and I want to say, Mr. President, that same thing carried into party politics has been the occasion for the enactment of the direct primary, and the demand for a more direct expression of the public voice which are heard upon all sides and which will not be answered until written into statute law.

Let me say to Senators here that the Senate of the United States is not great and powerful enough to escape reformation. We have approached nearly to the time when we are going to see an end of the control of the legislation of this body by a few men who determine the character of the standing committees of the Senate.

Mr. President, a couple of years ago a resolution was introduced in this body by the Senator from Nebraska [Mr. BROWN]. That resolution was sent to the Committee on Corporations Organized in the District of Columbia. When the committees of the Senate are being arranged, that committee does not receive much attention. It is not expected to be a committee of any importance; almost anybody is assigned to it, and I was given a place on that committee. [Laughter.] So was the Senator from Nebraska [Mr. BROWN] and one or two other Senators. It was regarded as a perfectly "safe" committee on which to place men who might prove troublesome on important committees.

Now, Mr. President, when the Senator from Nebraska [Mr. BROWN] introduced his resolution, which was an inquiry into the capitalization of the Washington Gas Co., he asked to have it referred to this committee of which he was a member. It was referred to that committee. Then the Senator from Nebraska and I conferred about that resolution and broadened it a good deal so as to provide for an investigation of the true value of the property of the Washington Gas Co., with a view, you know, to determining the basis upon which they should charge rates.

Well, that resolution was amended and reported back to the Senate. It was purposed to have it go to the Committee on Contingent Expenses, in order that we might be authorized to

subpœna witnesses and employ a stenographer and make other necessary expenditures. Then a fight took place on the floor.

The Committee on the District of Columbia claimed that resolution. This opened the contest. Of course, it was fought out on a high plane. There was not a word said as to how the resolution itself was to be affected by sending it to that committee, but many things were said privately among Members on the floor here about what would happen. Many Members said, "Of course if it goes to the Committee on the District of Columbia it never will be heard of again." It was common talk on the floor here that the Committee on the District of Columbia had been so organized that such a resolution could never be reported out.

It did go to that committee by vote of the Senate. It never came out. It died the death there. That is just one instance. I cite that committee merely as an illustration. It is not different from many other important committees in the Senate.

Mr. OWEN. Mr. President——

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

Mr. LA FOLLETTE. I do.

Mr. OWEN. If it would not interrupt the Senator from Wisconsin, I should like to call attention to the fact that in the Sixtieth Congress, when I first entered this body, I introduced a resolution providing for the election of Senators by direct vote of the people, and it went to the Committee on Privileges and Elections and died the death; and in the Sixty-first Congress I did the same thing, and again it died the death.

Mr. LA FOLLETTE. Mr. President, that is the old, old story. When I came to the Senate in 1906 I introduced a bill for the valuation of railroad property. That is one of the many bills I introduced. That bill was sound in principle. It was sustained by the highest authority of the country. For years it had been recommended by the Interstate Commerce Commission as essential to any right basis for the making and the regulation of rates. I introduced that bill in 1906. I also introduced it as an amendment to the Hepburn-Dolliver bill which was pending before the Senate. Only seven Republican Senators voted for it. The Interstate Commerce Commission had said they could not ascertain a reasonable rate excepting upon a valuation of the physical railway property of the country, and it had appealed to Congress in every report since 1903 for authority to ascertain the value of railway property in this country. Yet, Mr. President, under this iniquitous system here in the Senate the committees were organized so that it made no difference how strong were the reasons, how strong the appeal, how righteous the cause, you could not get out of the Committee on Interstate Commerce a bill to ascertain the value of the railway property of this country.

I introduced that bill in 1906; I introduced it in 1907, in both sessions; I introduced it in 1908, in both sessions; I reintroduced it in 1909, in both sessions. I have introduced it at every session since I have been a Member of this body. I have had the support of the Interstate Commerce Commission for identically the bill that I have introduced. I have appealed to the chairman of the committee time after time. I pursued the chairman of that committee for weeks and months around the Capitol to get a meeting of the committee so I might have a hearing on that bill.

Mr. President, a system like that throttles democracy, it destroys representative government; and the Senate of the United States can not maintain such a system. It will go down, as it ought to go down, before a righteous public opinion.

Mr. HEYBURN. Mr. President, will the Senator permit an interruption?

Mr. LA FOLLETTE. Certainly.

Mr. HEYBURN. I send to the desk a telegram which I ask may be read.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The Secretary read as follows:

STATE HOUSE, *Springfield, Ill., June 1.*

CHARLES G. BENNETT,
Secretary United States Senate, Washington, D. C.:

I forward you to-day by express copy of evidence and copy of report of Helm investigating committee and copy of resolution adopted by State senate.

J. H. PADDOCK, *Secretary.*

Mr. LA FOLLETTE. Mr. President, I thank the Senator from Idaho for bringing me back to the Lorimer case. I wandered somewhat afield, I confess, although I do contend, Senators, that what I have had to say about these committees is pertinent to the resolution upon which you are now to vote. I believe that every American citizen and I believe that every Senator right down in his heart must recognize the soundness and the wisdom of submitting this case to a new committee, a committee composed of Senators who have not taken part in any proceedings in this case up to the point of passing judgment upon it. There is something in the human mind that, after it once records its judgment, makes difficult the reforming of that judgment.

I believe, Mr. President and Senators, that we ought to submit this matter to a new committee. I do not feel about it just as if it were a matter of submitting it to a jury, because we have got to act as judges as well as jurors finally in this case. We can not get rid of that, as suggested by the Senator from Georgia [Mr. BACON] the other day. But there is another office that falls upon this committee of investigation—that of exploring for testimony, that of pursuing every clue, that of hunting down and bringing to the Senate of the United States every fact that has a bearing on this case; for I say to you, Senators, this case is a good deal bigger than Mr. LORIMER; it is vastly more important than the great Commonwealth of Illinois. I want to see a committee, Mr. President, that will pursue this investigation to the high places in this land, to the most powerful commercial organizations in the country, and lay bare the secrets which are there housed and concealed relating to the election of Senator LORIMER and to other and very important matters which deeply concern this Government.

I believe, Mr. President, we should select a committee that is absolutely free. I believe that it is better for the Committee on Privileges and Elections if we do so. I can not conceive of a judge before whom I ever tried a case, to whom I applied for a new trial upon newly discovered testimony, arguing and pleading and struggling to retain the case for retrial. I trust the Senate will not be misled by any feeling of sentiment, but will meet the situation with directness and submit this investigation to the control of a committee composed of new men who were not Members when the Senate passed upon the LORIMER case before.

Mr. MARTIN of Virginia. Mr. President, I desire to say, in view of the remarks made by the Senator from Wisconsin [Mr. LA FOLLETTE], that the resolution offered by me as a substitute for that offered by the Senator from Wisconsin represented my individual views and my individual opinions, and that it was offered on my individual responsibility as a Member of this body. I do not mean to say that I did not consult with other Senators and did not have the advice and assistance of other Senators in treating this matter; but certainly no Senator gave his assent to the resolution offered by me except upon his own judgment and his own individual responsibility as a Senator.

I can go further, Mr. President, and say that I have not solicited the support of a single Senator for the resolution which was offered by me. Every Member in this body is as free and as independent as I am, and any Senator who votes for the resolution votes his own convictions and votes on his own responsibility.

I desire to go further, Mr. President, and say that no Senator will vote, so far as I know or believe, by reason of any agreement or understanding, open or secret or otherwise, but he will vote his independent judgment as he thinks he ought to vote.

At the time I offered the resolution, Mr. President, it was my confident expectation that this investigation would be conducted by the full committee. The resolution provided that the committee should sit in banc in making this investigation. Of course, that simply meant that a majority should do so; it did not mean that every Member should be present; but it meant to repel the idea that the committee should act through a subcommittee. It intended to require that the action taken should be the action of the full committee, for the reason that there was a legal impediment in the way of having the subcommittee act in the premises.

The committee must be a committee of the Senate in order, under the law of the land, to exercise full powers in dealing with cases of contempt. That being a criminal procedure, there was grave doubt, if indeed there was not a certainty, whether a subcommittee would have jurisdiction to act efficiently in a case of contempt. It was therefore provided that the committee should sit in banc, to repel the idea that they should undertake to make this investigation through a subcommittee.

In the progress of that matter, Mr. President, the argument was made that the Committee on Privileges and Elections was too large a body to conduct this investigation efficiently; it was argued that it would take from the Senate, at a time when the presence of Senators was required, too large a number of the membership of the Senate away from Washington to visit Springfield, Chicago, and perhaps other places. It did seem that there was a good deal of force in the argument. I talked freely with Senators on both sides of the Chamber in respect to that difficulty, and the opinion was expressed to me that the full Committee on Privileges and Elections would find it

necessary to designate a special committee. I call it a "special committee," because they can not act through a subcommittee. In view of the conversation held by me on that subject with Members of the Senate on both sides of the Chamber, I became satisfied that such a conclusion would be inevitable; that the Committee on Privileges and Elections would find it necessary to act through a special committee composed of a lesser number than 15 Senators. I myself not only felt that that would be necessary, but I found that the membership of the Committee on Privileges and Elections agreed with me and expressed that opinion; and that was the basis of the statement made by me in the few remarks which I submitted the other day, that I would put this responsibility up to the Committee on Privileges and Elections, and they would have to deal with it in banc, as a whole, or through such other agency as they might see fit to provide and recommend to the Senate.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Washington?

Mr. MARTIN of Virginia. I do.

Mr. JONES. The Senator from Virginia does not intend to give the Senate the impression that he conferred with all the members of the Committee on Privileges and Elections, does he?

Mr. MARTIN of Virginia. I did not intentionally do so, and I do not think my remarks bear that construction. If so, I cheerfully make the correction, for I did not so intend.

Mr. JONES. I am sure of that.

Mr. MARTIN of Virginia. I talked with some members of the committee, but not with all. After those conversations I was of the opinion that it was the purpose of the Committee on Privileges and Elections to recommend to the Senate a special committee, composed of perhaps eight members.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield further?

Mr. MARTIN of Virginia. Certainly.

Mr. JONES. Mr. President, in view of what the Senator has just stated, does he not think that the suggestion I made the other day, that all these resolutions really ought to be referred to the Committee on Privileges and Elections, would be the best course to take? I take it that the Senator's idea now is that we should pass this resolution directing the Committee on Privileges and Elections to sit in banc, but without any idea that it would do so; and that it would bring in some other course of procedure to recommend to the Senate. Therefore it would seem to me—and I am still of the opinion that I was the other day—that it would be far better to refer all these resolutions to the Committee on Privileges and Elections and let that committee bring out such resolution as it thought would propose the best course for the Senate to take.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Texas?

Mr. MARTIN of Virginia. I do.

Mr. CULBERSON. Before we pass from the question of a full committee, I wish to remind the Senator from Virginia of the fact that, if I mistake not, in the Smoot case from Utah and in the Clark case from Montana the full Committee on Privileges and Elections sat in this city, heard all the testimony, and made its report.

Mr. MARTIN of Virginia. Mr. President, undoubtedly the full Committee on Privileges and Elections could sit in this city, though that might be attended with some inconvenience. It is equally true that the full committee might sit in other cities, but in other cities the inconveniences would be still greater. It was suggested that in this case, under the conditions existing in the Senate at this time, it would be desirable to have a lesser number delegated and given the full authority of the Senate. I say that this idea came along after I introduced my resolution, for I introduced the resolution with the full purpose of having the entire committee make the investigation, and I provided that the investigation should be made in banc, so as to prevent any subcommittee being created for the purpose. It was only after considerable discussion and a considerable lapse of time, when so often the argument was made to me in discussing the resolution which I had offered that it would not do to have the whole 15 or the majority of 15 Senators away from the business of the Senate at this time, that I considered the question of a lesser committee, and discussing it, I say, with members of the Committee on Privileges and Elections I found a strong sentiment in favor of a smaller committee. Indeed I thought I might conclude with safety that it was the purpose of the Committee on Privileges and Elections to designate a smaller committee.

Mr. DILLINGHAM and Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Virginia yield, and to whom?

Mr. MARTIN of Virginia. I yield first to the Senator from Vermont, and then I will yield to the Senator from Nebraska.

Mr. DILLINGHAM. Mr. President, I want to say that there never has been a conference in the Committee on Privileges and Elections in relation to this matter, but I have heard everything that has been said, I think, on both sides of the Chamber in relation to it. Two or three days ago when the amendment of the Senator from Nebraska [Mr. HITCHCOCK], I think it was, was pending, providing for the appointment of a special committee of a smaller number, I made the remark here that, in looking over the condition of the work of that committee and the size of it, I had myself reached the conclusion that in all probability they would be obliged at some stage of the proceedings to ask for the appointment of a subcommittee to carry on the work of the committee, and when I introduced a resolution on the 22d instant, it was substantially the same as that of the Senator from Virginia [Mr. MARTIN]. I purposely avoided mentioning any subcommittee, having myself a feeling at that time that it would be better that the committee should sit as a whole, as it did in the Smoot case. On the other hand, since that time I have heard objections to that view, that it would be impossible for them to do so. In looking the matter over I became convinced that probably a smaller committee at some time would be required, so I made that statement on the floor of the Senate; but as for any meeting or even any consultation among the members of the Committee on Privileges and Elections as to what they would do, there has been none. No one can say that that committee has made any arrangement of that kind.

Mr. MARTIN of Virginia. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] has talked about secret arrangements and open arrangements. I want to say to him that I have not made any secret arrangement, and if he made any intimation or insinuation that I have, it was without color of reason or a particle of justification. Every word that has passed between me and other members of the committee, whether Democratic members or Republican members, in respect to this matter has been open to all ears that would listen. I have told every Democrat with whom I have had an opportunity to talk my opinion as to the matter, and there has been no secret about it. There has been no reason for secrecy. There was a considerable demand for a smaller committee, and I expressed the opinion that that would be the result. I expressed that opinion after talking with members of the committee, and I am of that opinion now. I have not hesitated to express that opinion openly to anybody; and if I had had occasion to talk to the Senator from Wisconsin on the subject I would have told it to him as freely, or more freely, than I would to most Senators here, because he was more interested in the subject than most Senators. Every Member perhaps on the Democratic side has heard all that I know of the matter. I may not have talked to every one, but to all with whom I have spoken I have expressed the same opinion. I repeat there has been no secrecy and there has been no occasion for any secrecy. Everything has been open and aboveboard. I had expressed the opinion that there would be a smaller committee designated, that it would have to be reported to the Senate, and when the names came in, if the Senate did not like the names, the Senate could reject them.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. MARTIN of Virginia. I do.

Mr. BROWN. I am very anxious to understand the idea in the Senator's mind. His resolution provides for an investigation, and instructs a certain committee to make that investigation in banc. That is the language of the resolution. Now, is it the idea of the Senator from Virginia when this resolution passes, if it shall pass, and goes to this special committee, that the committee will proceed to make the investigation according to the terms of that resolution, or does he expect that committee to report back a recommendation for a smaller committee to be authorized to make the investigation?

Mr. MARTIN of Virginia. As I have explained, this resolution was introduced by me with the full expectation and purpose that the standing Committee on Privileges and Elections of the Senate, and not a special committee, would undertake the investigation and would sit in banc and do the work.

Mr. BROWN. I understand that was the Senator's original proposition.

Mr. MARTIN of Virginia. In presenting that idea the argument has been made that the Committee on Privileges and Elections was too large to do the work efficiently, and so many

Senators as constitute the full membership of that committee, which is made up of 15 Senators, could not leave Washington at this time.

Mr. BROWN. Now, I want to know what the present idea of the Senator is, and what the committee will do with the resolution if it shall be passed?

Mr. MARTIN of Virginia. Though no agreement has been made with the committee, after talking with members of the committee, I reached the opinion—and having reached it I have expressed it to Senators freely, openly, and publicly—that that committee would find it necessary to name a smaller committee and report accordingly to the Senate, and then the Senate would designate that smaller committee as a special committee of this body to make the investigation.

Mr. BROWN. Then, as a matter of fact, if the Senator will permit me, the Senator from Wisconsin [Mr. LA FOLLETTE] was absolutely right when he said that this resolution was being passed without any intention of having it carried out; that, instead of the committee making the investigation in banc, it would report a proposition for the creation of another committee. That seems to be the present idea of the Senator who fathered the resolution which has been offered as a substitute.

Mr. MARTIN of Virginia. I think that will be a very wise course for the committee to take.

Mr. BROWN. Then, Mr. President, why not amend the Senator's proposed substitute resolution and have it say on its face just exactly what the Senator expects to happen to it after the committee gets it?

Mr. MARTIN of Virginia. I do not desire to amend the resolution, because I offered it in this shape and I propose to have the Senate vote on it in this shape. It puts the responsibility on the standing Committee on Privileges and Elections, where it belongs, and if that committee can not perform the duty in accordance with the terms of the resolution it is the responsibility of that committee to report to the Senate accordingly.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from California?

Mr. MARTIN of Virginia. I do.

Mr. WORKS. I should like to ask the Senator from Virginia whether, in considering the matter of a smaller committee, the question was discussed as to how the committee should be composed?

Mr. MARTIN of Virginia. It was discussed to the extent that I have insisted in every conversation I have had with every Senator that there must not be on the committee a majority of men who voted before for WILLIAM LORIMER, and I am satisfied that there will not be. If there should be, I do not believe the Senate will or ought to appoint such Members recommended as a special committee. For my own part, I would not expect to vote for such a committee. If the Committee on Privileges and Elections should make a report to the Senate recommending a special committee and naming that special committee, and a majority of those so named had voted for WILLIAM LORIMER at the last session, I would expect to vote against appointing that committee.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Kansas?

Mr. MARTIN of Virginia. I do.

Mr. BRISTOW. I should like to inquire if it is further understood that there should be four Democrats and four Republicans on the subcommittee that shall be appointed?

Mr. MARTIN of Virginia. There has been no understanding to that effect. There is, however, an expectation on my part that if there are eight members, there will be four who voted for LORIMER and four who either voted against him or did not vote at all.

Mr. BRISTOW. As I understand, then, there is really no difference between the Senator from Virginia and the Senator from Wisconsin as to what really is the understanding as to the ultimate end of this resolution.

Mr. MARTIN of Virginia. I think there is a very wide difference between the statements I have made and the statements made by the Senator from Wisconsin. He talked about a secret agreement here. There has been no secret agreement; there has been no secrecy. I have talked with Senators, and I have ascertained what their opinions and beliefs on the subject were, and I have given open and public expression to the opinion I have formed after hearing the views of those Senators. That is all there is of it.

Mr. BRISTOW. That is, there is no agreement, but simply an understanding that what has been understood to be an agreement is to be carried out without any agreement having been made?

Mr. MARTIN of Virginia. I am not going into any metaphysical discussion of any such proposition as that with the Senator from Arkansas. I do not think the conditions in the Senate have gotten to that pass where Senators can not express a purpose and Senators can not believe in that purpose without calling it "an agreement."

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Nebraska?

Mr. MARTIN of Virginia. I will yield for a question.

Mr. BRISTOW. If the Senator from Nebraska will pardon me, I merely want the name of the State corrected. I have not the honor of representing Arkansas, but I have the honor, in part, to represent Kansas.

Mr. MARTIN of Virginia. The Senator from Kansas allows his imagination to get possession of him and indulges in facetious remarks very often in the Senate. While he is interrupting me, I will call his attention to some innuendoes he cast during the day about agreements between Senators on this side and on the other side particularly in reference to a motion to adjourn. If there was any agreement about the motion to adjourn it was between the Senator from Wisconsin [Mr. LA FOLLETTE] and myself. He asked me to make that motion, and I made it. I had no agreement with any other human being in respect to it. I thought the time had come when we ought to adjourn, and I had a right to make the motion. If Senators did not want to adjourn, they had a right to vote against the motion. I do not think that that properly subjected me to any animadversions of the character indulged in by the Senator from Kansas.

Mr. BRISTOW. If the Senator will pardon me, I will say that I did not know it was an animadversion to suggest that he had inherited the leadership of the Senate, or that when he made a suggestion a majority voted with him, and that it was necessary, apparently, for him to make the motion before we could adjourn. I thought I was conferring a great honor upon the Senator from Virginia.

Mr. MARTIN of Virginia. When I get honors I expect to get them from some other hands. I did not understand that a motion to adjourn constituted leadership in the Senate. The Senator from Wisconsin expressed a desire not to proceed that evening, and I thought it would be exceedingly unreasonable to expect him to proceed then. In a conversation between him and myself he suggested that I move to adjourn, and I did it, and that is all there is to it. My friend, the Senator from Oregon, says to me, very much to my surprise. I can hardly say to my surprise, because I thought everybody was tired, and that the Senate would adopt a motion to adjourn, even if made by your humble servant.

Mr. President, I will not protract my remarks. I regret exceedingly to have felt called upon to detain the Senate under the circumstances, tired as we all are, but I did feel, in view of the——

Mr. CUMMINS. Mr. President——

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

Mr. MARTIN of Virginia. I do.

Mr. CUMMINS. As I understand the Senator from Virginia now, it is his expectation, putting aside all questions of understandings or agreements, that the Committee on Privileges and Elections, if it takes this resolution, will shortly nominate to the Senate a select committee to carry on this investigation, a committee to be commissioned and authorized by the Senate itself. Am I right?

Mr. MARTIN of Virginia. I think they are going to do that; but if the Senator has any doubt about it, let him talk to the members of the committee like I did. I do not want to be sponsor for them. I believe they will do that. I have stated it two or three times, and that is all I can say.

Mr. CUMMINS. The Senator from Virginia is the author of the resolution we are now considering, and he says it is his expectation that if it is adopted the Committee on Privileges and Elections will shortly nominate to the Senate a select committee, to be thereafter either elected by the Senate or refused by the Senate. The resolution of the Senator from Wisconsin is that we now nominate and elect a select committee.

In what respect does the resolution of the Senator from Virginia, therefore, differ in principle from the resolution of the Senator from Wisconsin?

Mr. MARTIN of Virginia. I am not going to prolong my occupancy of the floor by going into a discussion of that. That is as apparent to the Senator from Iowa as it is to me. The resolutions speak for themselves. My resolution directs the Committee on Privileges and Elections to make this investigation. If the Senate passes it, the responsibility will be up to

the Committee on Privileges and Elections. I have expressed the opinion that that committee would find it necessary to name a special committee. It can not name a special committee except by the concurrence of the Senate. It will be a committee of the Senate when created, and when they do report a special committee, in case they do, if the personnel is not satisfactory to the Senate, the Senate can correct that personnel. That is all I desire to say. That is all there is to it.

Mr. CUMMINS. So that in the end the Senator from Virginia expects the Senate to elect the special committee?

Mr. MARTIN of Virginia. The Senate will certainly have to approve the recommendation or substitute some other names. You can not create a special committee except by the action of the Senate. The action of the Senate created the Committee on Privileges and Elections, and it must create any special committee that is raised.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Washington?

Mr. MARTIN of Virginia. For a question; not for a speech.

Mr. POINDEXTER. The resolution introduced by the Senator from Virginia authorizes the Committee on Privileges and Elections sitting in banc to conduct this investigation. Now, I understand that the Senator, even if this resolution should be adopted, does not expect it to be carried out. I will ask the Senator what is his object in submitting this resolution to the Senate if he expects it to be ignored after it is adopted?

Mr. MARTIN of Virginia. I have explained that so often that the Senator will have to reason it out for himself. I can not go through it again.

Mr. President, I am sorry to have detained the Senate so long.

Mr. STONE. Mr. President, I desire to say a few words before this vote is taken.

Mr. President, at the last session of Congress I voted for the resolution which declared in effect that Mr. LORIMER was fraudulently elected to the Senate and was not entitled to the seat he occupied. Before casting that vote I examined the testimony taken by the Committee on Privileges and Elections with such thoroughness as I was capable of. I read every word of that testimony, and read the material parts of it more than once. I was familiar with the record as it was then made up. I came to the conclusion that Mr. LORIMER's election was not honestly secured, and accordingly I voted to unseat him. I cast that vote under a profound conviction that I was doing right. Nothing coming to my knowledge has since occurred to shake my faith in the accuracy of that judgment or the righteousness of that vote. There has not been a day since that vote was cast that I would not have been willing to vote to reopen the case, if it could have been properly done, for I did not, and do not, think the case was rightly determined. Of course, I recognize that where the claim or title of a citizen to anything of value is disputed there must come a time when controversy over that title must be composed and finally settled; and yet, Mr. President, if a motion to reopen and retry that case could have been entertained under the law governing this body, I would not have hesitated to support it. Whatever might have been said heretofore about reopening the case, the time has now come when that motion can be lawfully and properly made. When the State senate of Illinois entered upon the investigation with which the Senate and the country are familiar and developed a mass of new and important testimony I felt that the time had come when the Senate, with the utmost propriety and within the strictest letter of the law, not only might reopen the case for a new investigation, but that the time had come when the Senate stood face to face with the imperative and unescapable duty of reopening it. Moreover, Mr. President, I express it as my confident belief that there is not a Senator here on either side of this Chamber who does not feel exactly as I do about this matter. Since the Illinois State senate concluded and reported upon its inquiry there is not a Senator here who does not favor reopening the case for a more thorough investigation by this body. There has never been the least occasion—and now I speak with the utmost deliberation—for any argument of any kind, brief or extended, to be made here to convince the Senate or any Senator that a new investigation should be made. Every moment consumed in that behalf has been a moment wasted—at least wasted so far as any useful purpose here is concerned, although it may have been profitably spent if posing in other fields was the chief end to be promoted. Mr. President, there has been a great deal of politics, and to my thinking very small politics, introduced into the consideration of this matter. I am free to say that I feel a sense of profound indignation, yes, even of contempt, for many things that have been going on here since this session began about this Lorimer case. This is not the sort of business into which small politics should be introduced. While the public right and interest require that we should proceed with due expedition, we should also proceed in a spirit of fairness and with becoming dignity. Where the honor of a man or the good name of a State is involved mere theatrical politics should be eschewed.

Mr. President, as for myself I need no additional inculpatory evidence to determine my judgment as to LORIMER's guilt of the charge against him. If this case should be or could be again brought before the Senate on the same record we had before, I would vote again as I voted before. I need no additional inculpatory testimony to determine my course or to establish my judgment. If the committee which will make the investigation we are about to order shall return additional incriminating testimony, it will tend only to confirm the opinion I have already deliberately formed and expressed. If there is any exculpatory testimony to be found, I will welcome it. No man would rejoice more than I if the Senator from Illinois [Mr. LORIMER] or his friends in Illinois can produce facts—real facts, about which there can be no question—showing that he is innocent of the dishonoring charge made against him. No man, I say, would welcome that kind of testimony with more pleasure than I. I would not have such a heart as should throb in the breast of a real man if I would not rejoice to see Mr. LORIMER prove himself innocent of the charge against him. I fear that proof can not be made, but if it can be made, then, as God is my judge, I hope it will be made, for his sake, for the sake of our country, and especially for the honor and good name of the great State of Illinois. I have no malice or feeling of hostility against Mr. LORIMER. I can not rejoice over the fall of any man. A ruin of that kind is always a pitiful spectacle. I am unspeakably sorry that this shameful tragedy has occurred.

Mr. President, I have not cared much about the personnel of the committee that is to carry on this investigation. To be sure, I want a fair and representative committee, and a committee that will go to the bottom of the inquiry and ascertain all the facts. If there was, as I believe there was, base corruption in that election, I want to see it exposed. I want it written, as it were, upon a scroll blazoned on the sky that every man may read. But the mere personnel of the committee is a matter, to my thinking, of minor consequence. All we should want is a representative committee, fair to LORIMER, fair to the Senate, fair to the country, and which will proceed promptly to discharge its duty thoroughly and justly. I have heard Senators say there are two questions before us—one as to whether the investigation shall be ordered and the other as to what particular agency shall be employed to make it. As to the first of these there is absolutely no difference of opinion. The investigation is as good as ordered already, and it will be ordered by a practically unanimous vote. I have not heard a Senator say anything to the contrary. I have not heard an expression that was not pronouncedly in favor of the investigation, and no one else has heard anything of a different kind. It has gone through this Chamber in such a way that every man knows—must know if he does not shut his ears and eyes and if all his senses are not dead—that it is the fixed purpose of the Senate to order this investigation. That question is already settled. It was settled from the beginning. The only thing we have to deal with, therefore, relates to the committee to be selected to execute the order of the Senate. I have already said I regard that as a matter of comparatively minor importance. That is a question we should have settled long ago and settled within an hour. I can not conceive it to be possible that the Senate could send out a committee on this mission that would not honorably discharge the duty devolved upon it. Mr. President, I have heard utterances here to-day that have stirred the very depths of my indignation—utterances impugning the integrity and honor of the Senate. I do not believe that the Senate of the United States is made up of dishonorable men. A charge of that kind—even an insinuation to that effect, however covertly made—is wanton, unwarranted, and unworthy. A dishonest man may find his way into the Senate, as he may into the church or into any organized body, but I believe that sort of thing to be rare and exceptional. I do not believe that the Senate of the United States deserves to be spoken of on this floor or elsewhere in such terms of opprobrium and reproach as imputes a lack of integrity in its membership. Why, sir, are the Senators who surround me while I speak dishonest men? Sitting here three feet in front of me is the junior Senator from Oregon [Mr. CHAMBERLAIN], if he will pardon me for so pointedly mentioning his name in this connection. Does any man question that this Senator or that either of the Senators from Oregon is an honorable and high-minded public servant? I see here at my side the senior Senator from Indiana [Mr. SHIVELY], and a little farther away I see his colleague [Mr. KERN]. Are

not these honorable men and faithful representatives? What would the people of Indiana say to that? And what do the people of the other States say as to the personal integrity of the men they have commissioned to this great assembly? The people of each State personally know the men they send to the Senate, and the voters, no matter which party is in the ascendancy, will not elect any man to the Senate they do not believe to be honest; and in this respect I believe the people of all the States and all the parties are alike. A bad man may find his way into the Senate, or a man may become bad after he gets to the Senate, but such cases are, as I have said, rare and exceptional. The Senate as a body is composed, and always has been composed, of honorable and high-minded men. I will not stand on this floor and seek to put upon the American Senate the brand of dishonor. These Senators around me here are not men so dishonest, unfaithful, and unpatriotic that they should be scourged from this floor as were the money changers from the temple. For myself I have faith in the patriotism and honor of the American Senate and in the personnel and official integrity of American Senators. Evils exist undoubtedly—evils that cry aloud for remedies. The Senate is largely responsible for these evils, and it is slow in granting relief; but these evils are chiefly the outgrowth of bad economic systems and policies and not of official dishonesty and betrayal by individual Senators.

Mr. President, when we first began to consider the appointment of this investigating committee I myself thought it would be better to appoint a special committee composed of Senators sworn in at the beginning of this session. This was not because I had any doubt about the integrity of the standing Committee on Privileges and Elections, to which such matters are ordinarily referred, but because I felt that it would be in some respects better to send out a committee composed of men who had not expressed—at least officially expressed—any opinion on the case. I did not deem that to be of vital importance, however, although I was rather strongly inclined to that view as being perhaps the most satisfactory solution of the committeeship question. Another suggestion I heard made I thought equally as good, namely, that the committee should be composed in part of Senators who had voted for LORIMER at the former hearing and in part of Senators who voted against him, dividing them equally. In fact, Mr. President, I have always been ready to accept any committee so constituted as to command respect and confidence and that had nothing sinister in appearance. This matter ought to have been easily and satisfactorily disposed of without controversy. It is not a seemly thing to see the Senate wrangling over the personnel of a committee chosen for a work of this character. In a matter of this kind I act not as a partisan but as a judge. I do not like the notion of organizing a committee like this with any thought of securing an advantage one way or the other. All I want—and all any of us should want—is a committee that will go out and get the testimony and report it back as speedily as possible, so that we may take up this case and finally dispose of it. Mr. President, there is no good sense in this controversy. We are simply making much out of nothing, or next to nothing. The question which has been raised here, involving a want of confidence in the Committee on Privileges and Elections, ought never to have been raised. It is most unfortunate. But that question has been raised, and it has been emphasized with blunt directness in speeches made here to-day. I had not intended to say a word about this matter until these utterances here this afternoon. But now I feel constrained to say that I am unwilling to cast a vote that in itself would be an expression of a want of confidence in the Committee on Privileges and Elections. I will not do it, because I have confidence in the committee. There are too many high-minded and honorable men on that committee to cast such a reflection upon them. The utterances to which we have listened here to-day can only be interpreted as a reproach of that committee—not only a reproach, but an expression of absolute want of confidence in the integrity of the committee. I think these utterances were altogether ill timed, unfortunate, and undeserved, and I am unwilling to cast any vote that would appear to be in approval of them.

I had nothing to do with the introduction of the resolution offered by the Senator from Virginia [Mr. MARTIN]. I was not consulted about it. I knew of it only when it was presented and read to this body. I was not at the time altogether satisfied with the form of the resolution, and after it was offered and the matter had taken that shape I would have preferred to send the whole matter to the Committee on Privileges and Elections with instructions to report back to the Senate such recommendation as the committee thought proper and expedient. I thought by doing that the Senate would still retain full control of the matter, and I thought that that disposition of the matter would be satisfactory to everybody. I prepared a resolution to that effect, and consulted with several Senators about offering it, but most of them thought it better to leave the matter as it was, rather than add to the confusion by another resolution, and so I did not offer it. I yielded to the judgment of those who had given more attention to the subject than I, and besides I did not consider it of great importance whether the matter should be disposed of in the one way or the other.

Now, sir, it is said there is an agreement or understanding, expressed or implied, that the Committee on Privileges and Elections will not make the investigation, but will report back recommending the appointment of a special committee of eight Senators, to be selected from the Committee on Privileges and Elections, four to be Senators who voted for LORIMER on the former hearing and four to be Senators who voted against him or of new Senators who have not voted at all. Senators who are dissatisfied with anything and everything they do not themselves propose have spoken in disparagement of that agreement. Suppose there is such an agreement, what of it? Is it not an agreement in the interest of justice, right, and fair play? For myself I do not want a committee having a majority of men who voted for LORIMER three months ago; neither do I want a committee having a majority of men who voted against him. I do not want a committee so constituted that a majority of its members would start upon this investigation with fixed impressions, already officially expressed, that LORIMER is either guilty or innocent. I want neither the one nor the other. I want a committee that will be as nearly representative and impartial as it is possible to be made. Does any Senator desire any other kind of committee? Would not a committee made up of eight Senators, four of whom voted for LORIMER and four of whom voted against him or did not vote at all, be a fair and representative committee? Do you want something that is not fair, honorable, and right? Do you want a committee to start out with the case prejudged? Senators, we are dealing with a grave question, one that involves even more than the life of a man, for it involves his honor, as well as the good name of a great State. We should proceed in such a way that it can never be said that we forgot or ignored the rules of fair dealing among men. I repeat, I want a committee made up of fair men—an impartial and representative committee—and I want nothing else. A committee of that kind can be made up in more ways than one. A committee made up of new Senators, who have not voted or spoken at all, would be a fair committee, and, as I have said, I felt inclined at the beginning, and until these new and most unfortunate collateral issues were injected, to favor a committee of that kind. But, Mr. President, when Senators rise here and undertake to say, whether directly or by insinuation, that the Committee on Privileges and Elections is not entitled to the confidence and respect of the Senate, I will not cast a vote that would seem to sanction or give countenance to that assault. I am content to send this matter to the Committee on Privileges and Elections, and I had rather send it there than to cast any reflection on the committee. The Senator from Vermont [Mr. DILLINGHAM], the chairman of the committee, is an honorable man, and I have faith that he will carry out any understanding he has with the Senator from Virginia [Mr. MARTIN]. If it is understood, as I have been assured it is understood, that a special committee of eight Senators is to be recommended, and to be constituted in the way I have indicated, I am satisfied. I can see no possible objection to that. It would be in all respects a fair committee, and that is enough. I do not care to waste time in quarreling over indifferent and immaterial things. It is results I am looking for, and if the final outcome is satisfactory I am content. No man under the dome which spans the universe can say that a committee composed of four men who voted for LORIMER and four who voted against him or did not vote at all is not a fair committee. Any man who would say anything else is not a fair man, and his opinion would be of no consequence to me.

Mr. President, I am going to vote for the resolution offered by the Senator from Virginia. I am going to vote for it in the faith and with the understanding that the Committee on Privileges and Elections, being practically unable, acting as a whole, to carry on the investigation, will report a recommendation for the appointment of a special committee, composed as the Senator from Virginia [Mr. MARTIN] has indicated. The arrangement is an honorable and proper one, and I expect it to be carried out. The Committee on Privileges and Elections is composed of honorable men; they will do what they ought to do, and I am willing to trust them.

Mr. President, there is another reason why I shall support the resolution offered by the Senator from Virginia, and that is a reason that should strongly appeal to every Democratic

Senator. The Senator from Virginia is the chairman of the Democratic caucus, and is therefore ex officio our titular leader. We also have a steering committee, of which the Senator from Virginia is also ex officio the chairman. This steering committee represents the official organization of the Senate Democracy. Because of the complications that have arisen here about this investigation the Democratic steering committee saw proper, and I think wisely, to take up the subject and consider it. It was not the purpose of the steering committee to give to this subject a partisan aspect, for it is a subject which can not be honorably considered in a partisan way, but for the purpose of bringing the Democratic minority, which now comprises nearly one-half the Senate, to such a consideration of the subject as would aid in securing a just and fair determination of it. As a result of that conference of the steering committee the Senator from Virginia offered the resolution now pending before the Senate. Moreover, a conference of all Democratic Senators was called to consider this matter, and that conference determined that the resolution of the Senator from Virginia should be supported, provided that an arrangement could be made or an understanding had that a fair and impartial special committee—one that would challenge universal commendation—should finally be appointed. I am not a member of the steering committee and I did not attend the party caucus or conference to which I have referred, but I state the case as it has been reported to me. I do know that a second or subsequent conference was called and held, which I did attend, and I do know that the final action of that conference was in accord with the action taken by the previous conference. Mr. President, I am a Democrat and a party man. I am an organization Democrat, not a disorganizer. I believe in party organization, for if we have no parties I know of no means or agency through which men having the same views, or substantially the same views, on great and vital public questions can work together and cooperate so as to make their efforts effective. I want to see the Democrats of the Senate stand together. The Democrats of the House have set us a most inspiring example in this regard—an example we would do well and wisely to follow. I do not want to see the Democrats of the Senate break up into factions and tear at each others' throats, particularly over comparatively indifferent and immaterial things. I appeal to you, my Democratic friends, to stand by our own organization and support its recommendations, and especially so when its recommendations do not involve any vital and far-reaching question against which your conscience makes a protest. If we would maintain an effective organization, we can not afford to be individually dogmatic and refuse to cooperate with our party unless we can have our own individual way. That would be the policy of rule or ruin and would be absolutely destructive of party organization and all hope of party cohesion. We must have some regard for the views and sentiments of each other and strive to reach a common ground of agreement. To that end we should be willing to make reasonable concessions, and cheerfully make them, whenever concessions do not involve a vital principle which deeply concerns the public welfare. We should remember that the only well-grounded hope we can have of working effectively to accomplish ends is by cooperation through our party agencies. If we split into factions and war against each other about every little thing that comes along we will dissipate our opportunities and accomplish nothing of practical value. My party organization having determined upon the course outlined by our floor leader, the Senator from Virginia, I shall support it, confident in the belief that a satisfactory result will be achieved. Others may do as they please, but, as for me, I shall stand by my own flag and follow my own party leadership in preference to standing under some other flag and following some other leadership.

The Senator from Wisconsin [Mr. LA FOLLETTE] has talked much to-day, as he often does, about the bad things going on in the country. He denounced with his usual vehemence the trusts and great combines, and cried out for reform in the prevailing economic conditions, which he declares are injuring the country and the people. In the main I agree with him about all that. We Democrats have been saying substantially the same things and crying aloud for substantially the same reforms for lo! these many days. For years we have denounced the very things the honorable Senator so eloquently denounces and about which he becomes so righteously indignant. The trouble about the Senator from Wisconsin and his immediate associates is that they content themselves with denunciatory oratorical outbursts and fruitless declamations. If they mean business why do not they come over into the Democratic Party, which is a great and powerful organization, and help us accomplish at least some of the things that ought to be accomplished; but they will not come to us nor lend us any effective aid. Instead of doing that, these 12 or 13 Senators, banded together in a little alliance of so-called progressive Republicans, stand aloof and content themselves with hurling philippics and jeremiads in the face of the majority—the controlling and dominating majority—of their own party. If they mean business why do they not come with us and go with us to accomplish results? They break away from their own party, but they refuse to join their efforts with ours. The reciprocity bill is now before the Finance Committee and I hope will soon be before the Senate. We also have the so-called farmers' free list before the Finance Committee, and in a few days the Democratic House will send over to the Senate a revision of the woolen schedule, and a little later will send other bills revising the cotton schedule and the steel schedule. The Senator from Wisconsin is a member of the Committee on Finance. Will he help us to put these bills, or any of them, through the Finance Committee? Will he or his associates help us to pass any of these bills when the committee reports them to the Senate? I venture the doleful prophecy that they will not. They stand on this floor and shout voluble, vigorous, and vehement denunciations against the iniquities of our high-protection laws, and in doing that they do splendidly and talk like Democrats; but when it comes to doing real, practical things they not only turn their backs on the high protectionists of their party, but they refuse to affiliate or cooperate with Democrats in the work of amending the tariff laws and bringing about the reforms they clamor for. They simply stand off by themselves and talk. For myself I want these gentlemen to be one thing or another—"to fish or cut bait." I confess to a growing feeling of weariness over this thing of men denouncing everything and everybody, but when it comes to doing something practical they throw their opportunities away and vanish. I am growing weary of the habit these distinguished Senators have fallen into of telling us Democrats that they will work with us if we will permit them to arrange the whole program and assume the undisputed leadership, and will work with us in no other way. They declare that the high-protection policy of the Republican Party furnishes an opportunity for commercial pirates to carry on, under color of law, a refined species of grand larceny, and they are right in that. They say they stand for lowering the customs duties and for revising the tariff downward. Just how much they would lower the rates or just how far downward they would revise the tariff I do not know, and they do not tell us. They will not act with us nor yet tell us frankly just what they want. All we know is that they are equally opposed to a protective tariff and a revenue tariff. They denounce the present rates as too high, but how much lower they would consent to make the rates they do not deign to advise us. Is it possible that they are opposed to grand larceny, but look with complaisance on petit larceny? I am against larceny of either kind. I am opposed to plundering the people either in a large way or a smaller way. I am for a revenue tariff—that is, a tariff no higher than is necessary to raise needed revenue for the support of the Government. When these bills are brought before the Senate I shall strive to develop the attitude of this small heroic band of so-called progressive Republicans. I am going to try to find out whether they will pull with us or whether they will pull off and say, "No; we can not go with you, nor can we go with the regulars of our own party, but we would like to have you Democrats come over and put yourselves under our tutelage and guardianship." I shall also be curious to observe what effect that kind of appeal will have on Senators on this side of the Chamber. I am apprehensive that these insurgents over there are ambitious to inoculate this side of the Chamber with that spirit of factionalism which so distinguishes the other side. It would really be a fine achievement if they could decoy a lot of Democratic Senators into their camp and teach them the art and inspire them with a passion for destroying effective party organization.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the junior Senator from Idaho?

Mr. STONE. Certainly.

Mr. BORAH. Can the Senator from Missouri inform us how the Democrats stand as to unanimity on the reciprocity agreement?

Mr. STONE. I think most of them are for it. It is possible that a small minority are against it.

Mr. BAILEY. If the Senator from Missouri will permit me, I should like to volunteer to the Senator from Idaho the information that when we get to the woolen schedule, which is a real party test, we will all vote the same way.

Mr. SMITH of Michigan. So will we.

Mr. STONE. Yes; so you will [laughter]; you will all vote against it.

Mr. BAILEY. I would like to see the credentials of the Senator who says they will all vote together on that side.

Mr. SMITH of Michigan. I volunteered the suggestion, and stand by it.

Mr. BAILEY. I did not ask for the identity; I asked for the credentials.

Mr. SMITH of Michigan. I did not ask for any credentials on that side.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield further to the Senator from Idaho?

Mr. STONE. As long as the Senator desires.

Mr. BORAH. I wanted to ask the Senator from Texas if that includes Mr. Bryan?

Mr. BAILEY. As Mr. Bryan is not a Member of the Senate, it was not necessary to include him.

Mr. BORAH. I am not sure that Mr. Bryan is not effectively a Member of Congress, and he is certainly a large part of the party.

Mr. BAILEY. I am sure he is not legally a Member. It is not proper to refer in this body to what transpires in the House of Representatives, but I think the Senator from Idaho will find that the woolen schedule will not be made according to Mr. Bryan's views, and I am indulging the hope that it will be so made that the Senator from Idaho will vote for it. Can he comfort me by an assurance on that point?

Mr. BORAH. I am unable to extend the comfort until I see the schedule.

Mr. BAILEY. It will be better than the existing law, which so many of your own party have denounced.

Mr. BORAH. The conditions which confront our friends on the other side of the Chamber are not so specific or so certain as to enable us to know just where we are going in case of a desire to go with you.

Mr. BAILEY. I will tell the Senator from Idaho what I will agree to do. If we can not pass our bill and he will write one better than the existing law, and then give us enough insurgent votes to pass it, we will vote for it. Will the Senator agree to that proposition?

Mr. BORAH. I might agree to that; but the thing I am most interested in is to discover the extent of the harmony which is being discussed upon the Democratic side this afternoon.

Mr. STONE. The Senator from Idaho seems to be more interested in the question of harmony on this side than in the passage of legislation for the relief of the people. I am not surprised at the Senator's absorbing interest in Democratic harmony.

Mr. BORAH. Mr. President, we have had considerable difficulty over here because of the lack of harmony, and, as we are invited over on the Democratic side, we want to be sure that we do not jump from the frying pan into the fire.

Mr. STONE. Well, some of you are striving to create the same state of inharmony on this side that you have over there, and that seems to be your chief interest in the Democratic Party. When it comes to kicking up a row, I invite you to stay on your own reservation. I want the Democrats in this Senate to stand together as a solid, cohesive, aggressive body, instead of permitting themselves to be misled by influences that are not intended for the promotion of Democratic success.

Mr. BORAH. That would be an extraordinary and comforting position for our Democratic friends to occupy, even for a short time.

Mr. STONE. You mean harmony?

Mr. BORAH. Yes; harmony.

Mr. STONE. I think we are reasonably harmonious.

Mr. BORAH. I think it is true that the Senator from Missouri holds the harp, but I doubt if the others are dancing to the tune.

Mr. STONE. As to that we can only wait and see.

Mr. BORAH. The Senator from Idaho is willing to wait.

Mr. STONE. I am not prophesying, but I invite the Senator to be patient.

Mr. BORAH. But we do not want this invitation urged too much until the harmony is established.

Mr. STONE. We will let the invitation stand, although we are without much hope of its acceptance under any circumstances.

Mr. President, I do not think I care to add anything further to what I have said. I shall vote for the Martin resolution, because I believe—yes; because I have the utmost confidence—that a result will be worked out under that resolution that will be satisfactory to every man who asks only for fair play. That is all I care to say.

The PRESIDING OFFICER. The question is on the substitute submitted by the Senator from Virginia [Mr. MARTIN] for the resolution offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. CUMMINS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH of Michigan. I want to say, Mr. President, that this is an important vote. I am going to vote for the resolution of the Senator from Virginia because it provides that the Committee on Privileges and Elections shall sit together and try this case. I hope they will sit in Washington and summon witnesses here, where, if they refuse to produce their books or refuse to testify, they can be tried under contempt proceedings by this body. In that respect, I think, the resolution is stronger, more far-reaching, and meritorious than the resolution of the Senator from Wisconsin, and I am going to vote for it. The committee are all honorable, high-minded men, and the resolution especially directs an inquiry into the collateral questions not specifically enjoined on the first investigation, and I have no doubt the work will be well done and that the whole truth will be ascertained for our guidance. We do not ask for the rule of law applicable in such cases; we ask for the facts, and we will supply the rules of law in our final consideration of the entire subject when a report shall reach the Senate. I disagreed with the committee before on the rule to be applied, and reserve the right to do so again if, in my judgment, that course seems necessary or wise in order to reach a just and honest verdict.

The Secretary proceeded to call the roll.

Mr. FLETCHER (when Mr. BRYAN's name was called). My colleague [Mr. BRYAN] is unavoidably detained from the Senate on account of serious illness in his family.

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], but I have been released from that pair upon this question and upon all others growing out of it. I shall therefore vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY], but I have a letter from that Senator authorizing me to disregard my pair in this case for reasons specified by him in the letter. I therefore vote. I vote "yea."

Mr. MYERS (when his name was called). On this proposition I am paired with the Senator from Kentucky [Mr. PAYNTER]. If he were present, he would vote "yea," while I would vote "nay." Being paired with him, I refrain from voting.

Mr. BACON (when Mr. O'GORMAN's name was called). I was requested by the Senator from New York [Mr. O'GORMAN], who has left the city, to announce that he has arranged a pair on this question with the Senator from California [Mr. WORKS]. If he were present, the Senator from New York would vote "yea," and the Senator from California will doubtless announce as to his own vote.

Mr. STONE (when Mr. REED's name was called). My colleague [Mr. REED] was called unexpectedly from the city and we have not been able to arrange a pair for him. If he were present, I am authorized to say that he would vote "yea."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] on this question is paired with the junior Senator from South Carolina [Mr. SMITH]. If he were present and free to vote, my colleague would vote "yea."

Mr. CULBERSON (when the name of Mr. SMITH of South Carolina was called). The Senator from South Carolina [Mr. SMITH] is paired with the Senator from Delaware [Mr. RICHARDSON], and has asked me to make that announcement.

Mr. MARTIN of Virginia (when Mr. SWANSON's name was called). The junior Senator from Virginia [Mr. SWANSON] is unavoidably absent from the city. He is paired with the junior Senator from Michigan [Mr. TOWNSEND]. If he were present, the junior Senator from Virginia would vote "yea."

Mr. FOSTER (when Mr. THORNTON's name was called). My colleague [Mr. THORNTON] is unavoidably absent on public business. If he were present, he would vote "yea."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). My colleague [Mr. TOWNSEND] is unavoidably absent. If present, he would vote "yea."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). My colleague [Mr. WARREN] is unavoidably absent from the city. He is paired with the Senator from Louisiana [Mr. THORNTON]. My colleague if present would vote "yea." He desired me to make that announcement.

Mr. WORKS (when his name was called). On this question I am paired with the junior Senator from New York [Mr. O'GORMAN] and therefore withhold my vote. If he were present the Senator from New York would vote "yea" and I should vote "nay."

The roll call was concluded.

Mr. BACON (after having voted in the affirmative). Mr. President, before the vote is announced I desire to say that I have a general pair with the senior Senator from Maine [Mr. FRYE]. As I have voted I think it proper to say that I have done so in accordance with his permission.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I am just advised that he has not voted, and I therefore withdraw my vote. I understand that if the junior Senator from Pennsylvania were present he would vote "yea."

Mr. GORE (after having voted in the negative). I am advised that the junior Senator from Maryland [Mr. SMITH] is absent from the city. I have a pair with him upon this vote. If he were present he would vote "yea." I have voted "nay," but on account of the pair I withdraw my vote.

Mr. SMITH of Michigan. Mr. President, I did not understand whether the Senator from Virginia announced that his colleague [Mr. SWANSON] would have voted "yea" or "nay."

Mr. MARTIN of Virginia. The junior Senator from Virginia, if present, would have voted "yea."

Mr. SMITH of Michigan. I understood the senior Senator from Virginia to say that the junior Senator from Virginia was paired with the junior Senator from Michigan [Mr. TOWNSEND]. The junior Senator from Michigan is not present, being unavoidably absent, and, as I have announced, if present he would have voted "yea"; so that the pair does not stand, as I understand.

Mr. MARTIN of Virginia. Both are absent and it does not affect the vote.

The result was announced—yeas 48, nays 20, as follows:

YEAS—48.

Bacon	Curtis	Kern	Root
Bailey	Dillingham	Lippitt	Shively
Bradley	du Pont	Lodge	Simmons
Brandegee	Fletcher	McCumber	Smith, Mich.
Burnham	Foster	McLean	Stephenson
Burton	Gallinger	Martin, Va.	Stone
Chilton	Gamble	Nelson	Sutherland
Clark, Wyo.	Guggenheim	Nixon	Taylor
Clarke, Ark.	Heyburn	Overman	Terrell
Crane	Johnson, Me.	Page	Watson
Culberson	Johnston, Ala.	Penrose	Wetmore
Cullom	Jones	Rayner	Williams

NAYS—20.

Borah	Crawford	Hitchcock	Newlands
Bourne	Cummins	Kenyon	Owen
Bristow	Davis	La Follette	Perkins
Brown	Dixon	Lea	Poindexter
Clapp	Gronna	Martine, N. J.	Pomerene

NOT VOTING—23.

Bankhead	Lorimer	Reed	Thornton
Briggs	Myers	Richardson	Tillman
Bryan	O'Gorman	Smith, Md.	Townsend
Chamberlain	Oliver	Smith, S. C.	Warren
Frye	Paynter	Smoot	Works
Gore	Percy	Swanson	

So the substitute of Mr. MARTIN of Virginia for the resolution of Mr. LA FOLLETTE was agreed to.

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

The resolution as amended was agreed to.

The preamble of the substitute resolution was agreed to.

ADJOURNMENT TO MONDAY.

Mr. LODGE. I move that when the Senate adjourns to-day, it adjourn to meet on Monday next at 12 o'clock.

Mr. STONE. Mr. President, that is not a debatable motion——

The PRESIDING OFFICER. It is not a debatable motion.

Mr. STONE. But I very much object to it. We ought to go on and do some business.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Massachusetts.

Mr. WILLIAMS. What is the motion?

The PRESIDING OFFICER. That when the Senate adjourns to-day, it adjourn to meet on Monday next at 12 o'clock meridian. The question is on that motion.

Mr. MARTIN of Virginia and Mr. CLARKE of Arkansas. Let us have the yeas and nays.

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

Mr. CHAMBERLAIN (when his name was called). I desire to announce my pair with the junior Senator from Pennsylvania [Mr. OLIVER]. If he were present, I should vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained. So I withhold my vote.

The roll call was concluded.

The result was announced—yeas 43, nays 24, as follows:

YEAS—43.

Bacon	Crawford	Heyburn	Penrose
Borah	Cullom	Johnson, Me.	Perkins
Bourne	Cummins	Johnston, Ala.	Poindexter
Bradley	Curtis	Jones	Pomerene
Brandegee	Dillingham	La Follette	Root
Bristow	Dixon	Lippitt	Smith, Mich.
Brown	du Pont	Lodge	Stephenson
Burnham	Foster	McCumber	Sutherland
Burton	Gallinger	McLean	Taylor
Clark, Wyo.	Gamble	Nelson	Wetmore
Crane	Gronna	Page	

NAYS—24.

Bailey	Gore	Myers	Simmons
Chilton	Hitchcock	Newlands	Stone
Clapp	Kern	Overman	Terrell
Clarke, Ark.	Lea	Owen	Watson
Culberson	Martin, Va.	Rayner	Williams
Fletcher	Martine, N. J.	Shively	Works.

NOT VOTING—24.

Bankhead	Guggenheim	Paynter	Smoot
Briggs	Kenyon	Percy	Swanson
Bryan	Lorimer	Reed	Thornton
Chamberlain	Nixon	Richardson	Tillman
Davis	O'Gorman	Smith, Md.	Townsend
Frye	Oliver	Smith, S. C.	Warren

So Mr. LODGE's motion was agreed to.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, June 5, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 2, 1911.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Our Father in heaven, draw us by Thy loving kindness and tender mercies close to Thee, that we may partake of the bread which cometh down from above, drink from the fountain of all good, breathe the purer atmosphere of heaven, and feel the thrill of eternal life; be refreshed, purified, ennobled, strengthened for the daily tasks of life; measure up to the highest ideals of manhood and grow day by day into the likeness of our Maker. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Tuesday, May 30, 1911, was read and approved.

SWEARING IN OF A MEMBER.

The SPEAKER. The Member elect from Pennsylvania, Mr. REYBURN, is here to be sworn in, and the Clerk will read his credentials.

The Clerk read as follows:

COMMONWEALTH OF PENNSYLVANIA,
EXECUTIVE DEPARTMENT.

I do hereby certify that by the provisions of the forty-second section of an act of the general assembly of this Commonwealth, entitled "An act relating to the elections of this Commonwealth," approved the 2d day of July, A. D. 1839, it is made the duty of the governor when the returns of any special election for a Member of the House of Representatives of the United States shall be received by the secretary of the Commonwealth to declare by proclamation the name of the person elected, and also to transmit the returns so made to the House of Representatives of the United States.

I do further certify that the attached returns of the special election held on Tuesday, the 23d day of May, A. D. 1911, in the second congressional district of Pennsylvania, composed of the eighth, ninth, tenth, thirteenth, fourteenth, fifteenth, twentieth, and thirty-seventh wards of the city of Philadelphia, for a Member of the House of Representatives of the United States, to fill the vacancy existing in the representation of this State in the House of Representatives of the Congress of the United States caused by the death of the Hon. Joel Cook, is a full, true, and correct copy of the original returns of said special election as filed in the office of the secretary of the Commonwealth, and by said returns of said special election it appears that WILLIAM STUART REYBURN, having received the highest number of votes cast for any candidate voted for at said special election, has been duly elected a Member of the Sixty-second Congress to represent the said second congressional district for the unexpired term of the Hon. Joel Cook, who was elected at the general election November 8, A. D. 1910, for the term of two years.

And I do further certify that, as required by the aforesaid act of the general assembly, I did on the 27th day of May, A. D. 1911, issue my proclamation declaring the election of WILLIAM STUART REYBURN, a copy of which proclamation is hereto attached.