

By Mr. MOORE of Pennsylvania: Petition of Hair Spinners' Protective Union, No. 12347; of Waynesboro Council, No. 760; and E. W. Sisley, Fayette City, Pa., for illiteracy test of immigrants; to the Committee on Immigration and Naturalization.

Also, petition of James J. Judge, for battleship construction in Government navy yards; to the Committee on Naval Affairs.

Also, protests of C. H. Coburn, S. Eheman, A. Salter, I. M. Vanderberry, E. J. Kessilmeyre, Conrad L. Haessler, M. Christmas, H. F. Lamborn, W. Quinn, C. M. Snow, K. C. Russell, J. W. Lawhead, M. E. Cooke, Rembrandt P. Morris, P. S. Ingersoll, and others, against Sunday rest bill; to the Committee on the District of Columbia.

By Mr. PALMER: Petitions of Local Councils Nos. 255 and 760, Junior Order United American Mechanics; Washington Camps Nos. 483 and 524, and McKinley Commandry, No. 16, Patriotic Sons of America; and Local Unions Nos. 268 and 768, United Brotherhood of Carpenters and Joiners, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 106, International Union of Slate Workers, of Bangor, Pa., for repeal of the oleomargarine tax; to the Committee on Agriculture.

By Mr. POINDESTER: Petition of Legislature of State of Washington, against change in tariff without careful investigation of facts concerning same as applied to the industries of the Northwest; to the Committee on Ways and Means.

By Mr. REEDER: Petition of Los Angeles County Osteopathic Society, against the Mann, Owen, and Creager national health bills; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Petition of citizens of Illinois, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of National Wholesale Dry Goods Association, for a tariff commission; to the Committee on Ways and Means.

Also, petition of Central Federated Union, for construction of battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of Los Angeles County Osteopathic Society, against Mann, Owen, and Creager national health bureau bills; to the Committee on Interstate and Foreign Commerce.

By Mr. SHEFFIELD: Petition of the Society of Friends in America, of Providence, R. I., deploring the proposal to fortify the Panama Canal and favoring its neutralization by international agreement; to the Committee on Military Affairs.

By Mr. SIMMONS: Petition of Niagara (N. Y.) Farmers' Club, indorsing the Simmons bill (H. R. 897) regulating importation of Jersey stock; to the Committee on Agriculture.

Also, petition of Niagara Falls Board of Trade and Republican electors of the town of Java, Wyoming County, and Wyoming County Pomona Grange, in the State of New York, protesting against the confirmation of the proposed reciprocity agreement with Canada; to the Committee on Ways and Means.

Also, petition of Batavia Typographical Union, No. 511, favoring Canadian reciprocity; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of H. N. Smith; Charles Jones and 9 other residents of Oakland County; Mrs. Bertha Stocking and 15 other residents of Osceola County; Allegan County Grange, Allegan County; D. C. Wells and 16 other residents of Ottawa County; Nunica Grange, No. 1329, of Nunica; James Snell and 25 others, of Delta County; P. J. Dean and 28 others, of Midland and Saginaw Counties; P. J. Haley and 20 other residents of Saginaw County; Olle Sogge and 15 others, of Grand Traverse County; and Nels W. Oleson and 8 others, of Leelanau County, all in the State of Michigan, for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SLAYDEN: Petition of citizens of Texas, against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. STEENERSON: Protest of Henry Feig, of Atwater, Minn., against the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of postal clerks of the tenth division, relative to service and pay of railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, petition of Samuel C. Hayes, of Nielsville, Polk County, Minn., against reciprocity with Canada; to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of Berlin (N. H.) Board of Trade, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. SULZER: Petition of National Wholesale Dry Goods Association of New York, favoring a permanent tariff commission; to the Committee on Ways and Means.

By Mr. THISTLEWOOD: Petitions of sundry citizens of the twenty-fifth congressional district of the State of Illinois, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of merchants of twenty-fifth congressional district of Illinois, protesting against the parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of citizens of Connecticut, for the eight-hour working day and for construction of battleship *New York* in the New York Navy Yard; to the Committee on Naval Affairs.

Also, petition of National Wholesale Dry Goods Association, for a tariff commission; to the Committee on Ways and Means.

Also, petition of Pattern Makers' Association, for repeal of the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of Hartford Board of Trade, for an appropriation of \$177,000 to widen the Connecticut River between Hartford and the Sound; to the Committee on Rivers and Harbors.

By Mr. WEEKS: Resolutions of National Board of Trade at its forty-first annual meeting in Washington, D. C., January 17, 18, and 19, 1911, as to legislation upon various matters of national importance; to the Committee on the Judiciary.

By Mr. WEISSE: Petition of H. E. Braemer, against repeal of tariff on barley; to the Committee on Ways and Means.

Also, petition of W. S. Burgess and citizens of Wisconsin, against a parcels-post system; to the Committee on the Post Office and Post Roads.

SENATE.

FRIDAY, February 10, 1911.

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

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

POCATELLO NATIONAL FOREST.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 9566) to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest Reserve, which were, in line 8, to strike out "is" and insert "are;" in line 10, to strike out "reserve;" and to amend the title so as to read: "An act to reserve certain lands and to incorporate the same and make them a part of the Pocatello National Forest."

Mr. BURNHAM. I move that the Senate concur in the House amendments.

The motion was agreed to.

LAND IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, chairman of the commission to investigate the title of the United States to land in the District of Columbia, transmitting a report on the title to lot 20, square 253, assigned to the United States in the division between the public and the original proprietors of the city of Washington (S. Doc. No. 817), which was referred to the Committee on the District of Columbia and ordered to be printed.

CONSTITUTION OF NEW MEXICO.

The VICE PRESIDENT laid before the Senate a communication from the governor of the Territory of New Mexico, transmitting a certified copy of the constitution submitted to and ratified by the people of that Territory, together with a certified copy of the statement of votes cast thereon (H. Doc. No. 1369), which was referred to the Committee on Territories and ordered to be printed.

SENATOR FROM WYOMING.

Mr. WARREN presented the credentials of CLARENCE D. CLARK, chosen by the Legislature of the State of Wyoming a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3982. An act for the relief of David F. Wallace; and

H. R. 30566. An act for the appointment of Representatives in Congress among the several States under the Thirteenth Decennial Census.

ENROLLED BILLS SIGNED.

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

S. 5379. An act to provide for the erection of a monument to commemorate the Battle of Guilford Court House, N. C., and in memory of Maj. Gen. Nathanael Greene and the officers and soldiers of the Continental Army who participated with him in the Battle of Guilford Court House, N. C.;

H. R. 20072. An act for the relief of Hans N. Anderson;

H. R. 30890. An act to authorize the Chicago Great Western Railroad Co., a corporation, to construct a bridge across the Mississippi River at St. Paul, Minn.; and

H. R. 31656. An act extending the time for commencing and completing the bridge authorized by an act approved April 23, 1906, entitled "An act to authorize the Fayette Bridge Co. to construct a bridge over the Monongahela River, Pa., from a point in the borough of Brownsville, Fayette County, to a point in the borough of West Brownsville, Washington County."

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Quarterly Meeting of the Religious Society of Friends, of Westchester County, N. Y., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. BURNHAM presented a memorial of the Board of Trade of Berlin, N. H., and a memorial of the New Hampshire State Grange, Patrons of Husbandry, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Frank Jones Brewing Co., of Portsmouth, N. H., praying for the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

He also presented a petition of John P. Hale Council, No. 9, Junior Order United American Mechanics, of Barrington, N. H., and a petition of Prospect Council, Junior Order United American Mechanics, of Plymouth, N. H., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. NIXON presented memorials of sundry citizens of Reno, Elko, and Lovelock, all in the State of Nevada, remonstrating against the enactment of proposed legislation changing the name of the Public Health and Marine-Hospital Service, which were referred to the Committee on Public Health and National Quarantine.

Mr. GALLINGER presented a petition of the Progressive Republican Club of ward 3, Keene, N. H., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented petitions of Local Union No. 568, of Lincoln; of Local Union No. 1883, of Macomb; and of Local Union No. 1873, of Lawrenceville, United Brotherhood of Carpenters and Joiners, all in the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of McIlwain Post, No. 273, Department of Illinois, Grand Army of the Republic, of Springfield, Ill., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of Capitol Lodge, No. 628, International Association of Machinists, of Springfield, Ill., remonstrating against the repeal of the eight-hour law in connection with the construction of battleships, which was referred to the Committee on Naval Affairs.

Mr. DILLINGHAM presented petitions of Local Lodge No. 683, United Brotherhood of Carpenters and Joiners of America, of Burlington; of Memphremagog Council, Junior Order United American Mechanics, of Newport; of President Arthur Council, Junior Order United American Mechanics, of Sheldon; and of Crawford Council, Junior Order United American Mechanics, of Putney, all in the State of Vermont, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. JONES. I present a telegram from the secretary of the Washington Wool Growers' Association, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

NORTH YAKIMA, WASH., February 7, 1911.

Senator W. L. JONES, Washington, D. C.:

Under pending reciprocity treaty with Canada, sheep are placed on free list, dressed meats are taxed 1½ cents per pound. This affords pro-

tection to packers, but not consumers or sheep breeders. If Canadian sheep are admitted free, they will bring millions of pounds of free wool with them. We wish to protest against admission of free sheep from Canada.

H. STAILEY COFFIN,
Secretary Washington Wool Growers' Association.

Mr. GAMBLE. I present a memorial of the Patrons of Husbandry of Erwin, S. Dak., which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

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

ERWIN GRANGE, No. 25,
Erwin, S. Dak., February 3, 1911.

Hon. R. J. GAMBLE, Washington, D. C.

DEAR SENATOR: We, the Patrons of Husbandry, implore you to vote for the revocation of the Canadian reciprocity treaty made by our Executive and the Canadian officials. As a faithful servant of the people of this State, you are by duty bound to cause this treaty to be revoked; firstly, because its burdens fall most heavily on this and other agricultural States; secondly, because it is unjust to the people as a whole, in so far as it is an unjust and partial regulation of commerce between the States and Canada.

We will not detain you by going into details, as you have the original treaty before you. Thanking you in advance for your prompt action upon this matter, we remain,

Faithfully, yours,

J. F. WOLKOW, Com'tmn.
(Mrs.) CLARA B. HODGES, Master.
F. G. LARSON, Secretary.

Mr. GAMBLE presented a memorial of the Hentges Clothing Co. and six other business firms of Yankton, S. Dak., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. OVERMAN presented petitions of Local Council of Walnut Cove; Emma Council, of Ashville; Local Council of Hickory; Local Council of Gastonia; Local Council of King; Bear Creek Council, of Gold Hill; Keystone Council, of Proximity; Local Council of Rockville; Local Council of Mandale; Local Council of Apex; and Jeff Davis Council, of Wilmington, all of the Junior Order United American Mechanics; of Washington Camps Nos. 17, of China Grove, and 27, of Gastonia, Patriotic Order Sons of America; and of Local Union No. 1492, United Brotherhood of Carpenters and Joiners of America, of Hendersonville, all in the State of North Carolina, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. HEYBURN. I present a telegram from the Idaho State Grange, Patrons of Husbandry, which I ask may be read and referred to the Committee on Foreign Relations.

There being no objection, the telegram was read and referred to the Committee on Foreign Relations, as follows:

PAYETTE, IDAHO, February 9-10, 1911.

Hon. W. B. HEYBURN,

United States Senate, Washington, D. C.:

The Idaho State Grange, 3,000 strong, protest against reciprocity with Canada unless the farmer is treated as fairly as the manufacturers. We want a square deal, one that is fair to all.

D. C. MULAN, Master.
F. P. FRENCH, Secretary.
H. HARLAND, Overseer.

Mr. CHAMBERLAIN. I present a joint resolution of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Territories.

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

House joint resolution 4.

Whereas the Territory of Alaska is settled by a hardy, active, and energetic people, numbering more than 64,000, according to the Thirtieth Census, 1910, who have in the last 10 years added in gold and fish alone more than \$225,000,000 to the wealth of the Nation, and whose trade with the merchants of the United States last year amounted to more than \$52,000,000, being greater than our trade with China and twice as great in value as our trade with the Philippines; and

Whereas the development of the Territory is being greatly retarded by the want of a law-making or legislative body therein, to be elected by the people:

Resolved by the Legislative Assembly of the State of Oregon (the senate and house jointly concurring), That we do hereby declare our most earnest opinion that it is necessary to the development of the Pacific coast and of the resources of, and good government in, Alaska that the Congress of the United States shall at the earliest possible date pass an enabling act creating and providing for the organization of a territorial legislature in Alaska, to be elected by the American citizens resident therein, with such powers and limitations as have been usually given to and imposed upon such legislative assemblies in other Territories; and the Senators and Representatives in the Congress of the United States from the State of Oregon are hereby requested to aid and assist in securing the passage of such a bill.

Adopted by the house January 19, 1911.

JOHN P. RUSK, Speaker of the House.

Concurred in by the senate January 26, 1911.

BEN SELLING, President of the Senate.

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. BENSON, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully

compared the annexed copy of house joint resolution No. 4* with the original thereof, which was adopted by the house January 19, 1911, and concurred in by the senate January 26, 1911, and that it is a correct transcript therefrom and of the whole of such original.

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

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.]

F. W. BENSON, *Secretary of State.*

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Public Buildings and Grounds.

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

House joint memorial 2.

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the Twenty-sixth Legislative Assembly of the State of Oregon, respectfully represent:

Whereas Congress at its last session appropriated the sum of \$10,000 for a site for the purpose of erecting and constructing thereon a Federal building for the city of Roseburg, Oreg., to relieve the congested condition of the Federal offices of said city, to wit, the United States land office, the United States post office, the United States weather observatory, also the United States district forestry bureau; and

Whereas said offices now occupy separate buildings with a floor space at a great rental expense to the Federal Government; and

Whereas the Government has advertised for and has now practically selected and purchased said site for said Federal building: Now, therefore,

Your memorialists do earnestly pray the Congress of these United States (at this session) do appropriate the sum of \$250,000 for the purpose of constructing such building of such a capacity as to relieve said congested condition. And that a copy of this memorial be forwarded to the Senate and House of the United States in Congress assembled, and a copy thereof to each of the Oregon Representatives therein.

Adopted by the house January 19, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 26, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 2 with the original thereof, which was adopted by the house January 19, 1911, and concurred in by the senate January 26, 1911, and that it is a correct transcript therefrom and of the whole of such original.

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

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.]

F. W. BENSON, *Secretary of State.*

Mr. CHAMBERLAIN. I present a joint memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

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

Joint memorial praying that a grant of the land and buildings of the Fort Walla Walla Military Reservation be made to Whitman College.

To the President and Congress of the United States of America:

Your memorialist, the Legislature of the State of Oregon, prays that the land and buildings comprising the Fort Walla Walla Military Reservation and Barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The War Department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and the troops have been withdrawn, except a few necessary caretakers, so that in future the preservation of the property will be a burden upon the Government, without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College, its use by the college will be the best use to which it can be devoted, and the Nation will derive the greatest benefit from the property by intrusting it to an institution, in every way worthy and capable of using it in the cause of higher education.

There is within the boundaries of the reservation a soldiers' cemetery containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted, the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show, perpetually, the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States without contributing anything to the wealth of the Nation as a land proprietor and other acquisitions of territory except the Oregon country, were purchased and paid for out of the National Treasury; but more than 300,000 square miles of country, comprising the States of Oregon, Washington, Idaho, and parts of Montana and Wyoming, became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country with its wealth of land, forests, mines, waters, and fisheries from the grasp of a foreign corporation and held it until the growth of public sentiment forced the Government to bring to a conclusion the diplomatic controversy with respect to its ownership by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument com-

memorates the lives of Dr. Whitman and his wife and a dozen of their associates, part of the vanguard of American civilization who were massacred by the aboriginal inhabitants. Our Nation loves to honor those whose names illuminate the pages of its history. For that purpose the Government has willingly expended liberal appropriations in payment for statuary, monuments, and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend and co-worker of Dr. Whitman to honor his memory, and which has appealed to the sentiment of public-spirited, patriotic citizens, bringing responses in liberal contributions to its endowment, will be heartily approved by the people at large. In return for the national aggrandizement resulting directly from the exertion, privations, and sacrifices of the Oregon pioneers, the Nation can well afford to bestow one section of land, and the buildings which it does not require for use, as a gift to an institution of learning which the people of the three Northwestern States have adopted as an object of their solicitude and pride.

Whitman College is a privately endowed, nonsectarian, Christian college, intended to supply the need of those States for such an institution of higher education. It commands the respect and has the earnest sympathy of learned people and good people in every section of the United States, and its destiny is to grow in importance as the country surrounding it shall advance in all the ways that mark the development of arts and sciences. No more fitting monument has been erected, nor to a worthier man.

The State of Washington and its citizens have paid for and donated to the United States the land comprised within two military posts, viz, Fort Lawton, near Seattle, and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they had become valuable and after they had been selected for military use, and the acquisition thereof for the use of the Government involved labor and patience on the part of public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners, and their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Adopted by the house January 23, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 1, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 4 with the original thereof, which was adopted by the house January 23, 1911, and concurred in by the senate February 1, 1911, and that it is a correct transcript therefrom and of the whole of such original.

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

Done at the capitol at Salem, Oreg., this 3d day of February, A. D. 1911.

[SEAL.]

F. W. BENSON, *Secretary of State.*

Mr. CARTER presented a petition of the North Washington Citizens' Association, of the District of Columbia, and a petition of sundry citizens of the city of Washington, praying for the establishment of a public park bounded by Rhode Island Avenue, Second Street, T Street, and Lincoln Avenue, NE., which were referred to the Committee on the District of Columbia.

Mr. GRONNA presented a petition of the Book and Thimble Club of Williston, N. Dak., praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Local Lodge No. 12018, American Federation of Labor, of Jamestown, N. Dak., remonstrating against any change being made in the method of printing United States bonds and notes, etc., which was ordered to lie on the table.

He also presented a memorial of sundry business men of Galesburg, N. Dak., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. OLIVER presented a petition of the Adams County Agricultural Association, Pennsylvania, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 1048, Brotherhood of Painters, Decorators, and Paperhangers of America, of Carbondale, Pa., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Lumbermen's Exchange of Philadelphia, Pa., praying for the enactment of legislation providing for the preservation of the forest reservations at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a petition of John S. Melvin Post, No. 141, Grand Army of the Republic, Department of Pennsylvania, of Bradford, Pa., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. PAGE presented petitions of President Arthur Council, of Sheldon; Memphremagog Council, of Newport; and Crawford Council, of Putney, all of the Junior Order United American Mechanics, and of Local Union No. 683, United Brotherhood of

Carpenters and Joiners of America, of Burlington, all in the State of Vermont, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. DU PONT presented petitions of the Central Labor Union of Wilmington; the American Flag Council, Junior Order United American Mechanics, of Newark, and of Washington Camp No. 20, Patriotic Order Sons of America, of Camden, all in the State of Delaware, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. ROOT presented a petition of Typographical Union No. 523, of Tarrytown and Ossining, in the State of New York, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of the Rhode Island Anti-Tuberculosis Association, praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. PILES presented a petition of sundry members of the International Association of Machinists of Everett, Wash., praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. NELSON presented a memorial of sundry citizens of Wendell, Minn., remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Twin City Wholesale Millinery Association, of Minnesota, praying that reciprocal trade relations be established between the United States and Canada in respect to millinery articles, which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented memorials of the Retail Business Men's Association, the Retail Grocers' Protective Association, the Association of Credit Men, and the United Commercial Travelers' Association, all of Charleston, in the State of West Virginia, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented a petition of Washington Camp No. 6, Patriotic Order Sons of America, of Crawfordsville, Ind., and a petition of Marion Council, No. 3, Junior Order United American Mechanics, of Marion, Ind., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Encampment No. 51, Union Veteran Legion of the United States, of Fort Wayne, Ind., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. DEPEW presented petitions of Local Lodge No. 381, International Association of Machinists, of Syracuse; Local Councils No. 33, of Syracuse; No. 107, of Mohawk; and No. 24, of Greenwich, Junior Order United American Mechanics; of Local Unions No. 718, of New Rochelle, and No. 24, of Batavia, United Brotherhood of Carpenters and Joiners of America; of Local Union No. 577, Garment Workers, of Cohoes and vicinity; Washington Camp, No. 22, Patriotic Order Sons of America, of Yonkers; and of the Central Trades and Labor Assembly of Syracuse, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of Amherst Grange, No. 1131, of Williamsville; Stafford Grange, No. 418, of Morganville; Sandy Creek Grange, No. 127, of Lacona; Pamela Grange, No. 68, of Evans Mills; and Little Falls Grange, No. 611, of Little Falls, all of the Patrons of Husbandry, in the State of New York, remonstrating against the ratification of the proposed reciprocity agreement between the United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Celtic Club, of Brooklyn, N. Y., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Chamber of Commerce and Manufacturers' Club of Buffalo, the Common Council of Geneva, the Chamber of Commerce of Oswego, the Buffalo Brewers' Exchange, and sundry business firms of Rochester, Geneva, and New York City, all in the State of New York, praying for the ratification of the proposed reciprocity agreement between the

United States and Canada, which were referred to the Committee on Foreign Relations.

He also presented a petition of National Lodge, No. 556, International Association of Machinists, of Brooklyn, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Division No. 292, International Brotherhood of Locomotive Engineers, of Middletown, N. Y., praying for the enactment of legislation authorizing the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Bela Rich Post, No. 287, of Cattaraugus; Oliver McAllister Post, No. 373, of Philadelphia; and Vander Veer Post, No. 57, of Fonda, all of the Grand Army of the Republic, Department of New York, in the State of New York, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the National Wholesale Dry Goods Association of New York, praying for the enactment of legislation providing for the appointment of a permanent tariff commission, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Buffalo, N. Y., praying for the enactment of legislation to prohibit the transmission of race-gambling bets, etc., which was referred to the Committee on the Judiciary.

He also presented a memorial of Gebhard Lang Council, No. 298, Catholic Benevolent Legion, of Buffalo, N. Y., remonstrating against any appropriation being made for the extension of the work of the Bureau of Education, which was referred to the Committee on Education and Labor.

Mr. BOURNE presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

House joint memorial 4.

Whereas the Territory of Alaska is settled by a hardy, active, and energetic people numbering more than 64,000, according to the Thirteenth Census, 1910, who have in the last ten years added in gold and fish alone more than \$225,000,000 to the wealth of the Nation, and whose trade with the merchants of the United States last year amounted to more than \$52,000,000, being greater than our trade with China and twice as great in value as our trade with the Philippines; and

Whereas the development of the Territory is being greatly retarded by the want of a law-making or legislative body therein, to be elected by the people:

Resolved by the Legislative Assembly of the State of Oregon (the senate and house jointly concurring). That we do hereby declare our most earnest opinion that it is necessary to the development of the Pacific coast and of the resources of and good government in Alaska that the Congress of the United States shall, at the earliest possible date, pass an enabling act creating and providing for the organization of a territorial legislature in Alaska, to be elected by the American citizens resident therein, with such powers and limitations as have been usually given to and imposed upon such legislative assemblies in other Territories; and the Senators and Representatives in the Congress of the United States from the State of Oregon are hereby requested to aid and assist in securing the passage of such a bill.

Adopted by the house January 19, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 26, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint resolution No. 4 with the original thereof, which was adopted by the house January 19, 1911, and concurred in by the senate January 26, 1911, and that it is a correct transcript therefrom and of the whole of such original.

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

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.]

F. W. BENSON, *Secretary of State.*

Mr. BOURNE presented a joint memorial of the Legislature of the State of Oregon, which was ordered to lie on the table and to be printed in the RECORD, as follows:

House joint memorial 3.

Whereas there is now pending before the House of Representatives of the United States of America Senate bill 5677, providing for the retirement and relief of the officers and members of the United States Life-Saving Service; and

Whereas the Legislative Assembly of the State of Oregon believes it is desirable and just that such provision should be made: Now, therefore, be it

Resolved by the house (the senate concurring). That our Representatives in Congress be, and are hereby, memorialized and requested to vote for and use their utmost endeavors to secure the passage of said Senate bill 5677 by the House of Representatives and its approval by the President.

Adopted by the house January 18, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 19, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 3 with the original thereof, which was adopted by the house January 18, 1911, and concurred in by the senate January 19, 1911, and that it is a correct transcript therefrom and of the whole of such original.

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

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.]

F. W. BENSON, *Secretary of State.*

Mr. BOURNE presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed in the RECORD, as follows:

House joint memorial 2.

To the honorable Senate and House of Representative of the United States:

Your memorialists, the Twenty-sixth Legislative Assembly of the State of Oregon, respectfully represent:

Whereas Congress at its last session appropriated the sum of \$10,000 for a site for the purpose of erecting and constructing thereon a Federal building for the city of Roseburg, Oreg., to relieve the congested condition of the Federal offices of said city, to wit: The United States land office, the United States post office, the United States weather observatory, also the United States district forestry bureau; and

Whereas said offices now occupy separate buildings with a floor space at a great rental expense to the Federal Government; and

Whereas the Government has advertised for and has now practically selected and purchased said site for said Federal building: Now, therefore

Your memorialists do earnestly pray the Congress of these United States (at this session) do appropriate the sum of \$250,000 for the purpose of constructing such building of such a capacity to relieve said congested condition. And that a copy of this memorial be forwarded to the Senate and House of the United States in Congress assembled, and a copy thereof to each of the Oregon Representatives therein.

Adopted by the house January 19, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 26, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 2 with the original thereof, which was adopted by the house January 19, 1911, and concurred in by the senate January 26, 1911, and that it is a correct transcript therefrom and of the whole of such original.

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

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.]

F. W. BENSON, *Secretary of State.*

Mr. BOURNE presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 1.

Whereas the State of Oregon has contributed to the United States reclamation fund a larger sum than any other State; and

Whereas the apportionment of the reclamation fund to Oregon is so inadequate as to constitute actual discrimination against the people of Oregon; and

Whereas the early reclamation of the large areas of desert land in the State of Oregon is dependent upon the work of the United States Reclamation Service; and

Whereas section 9 of the reclamation act, providing that more than 50 per cent of the reclamation fund be expended in the State contributing the same, was repealed at the last session of Congress; and

Whereas the repeal of section 9 of the reclamation act leaves the State of Oregon in position to be hurt by continuation of the present discrimination: Therefore be it

Resolved, That our Senators and Representatives in Congress be memorialized to urge the immediate reenactment of section 9 of the reclamation act of the United States, and use their influence to secure an apportionment of the reclamation fund which shall as nearly as possible conform to the amount of the reclamation fund contributed by the people of the State of Oregon, and a copy of this memorial be transmitted to each of the Senators and Representatives of the State of Oregon in Congress.

Adopted by the house January 17, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate January 19, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 1 with the original thereof, which was adopted by the house January 17, 1911, and concurred in by the senate January 19, 1911, and that it is a correct transcript therefrom and of the whole of such original.

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

Done at the capitol at Salem, Oreg., this 31st day of January, A. D. 1911.

[SEAL.]

F. W. BENSON, *Secretary of State.*

Mr. CURTIS. I present a telegram signed by the governor of Kansas, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the telegram was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

TOPEKA, KANS., February 10, 1911.

Senator CURTIS, Washington, D. C.:

House and senate have passed joint resolution favoring passage of the Sulloway bill, and have asked me to inform you of this. I request your immediate attention for it.

W. R. STUBBS, *Governor.*

REPORTS OF COMMITTEES.

Mr. DILLINGHAM, from the Committee on the District of Columbia, to which was referred the bill (S. 10536) directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square No. 253, in the city of Washington, D. C., reported it without amendment and submitted a report (No. 1137) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 27837) to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to \$2 a day, and for other purposes, reported it with an amendment.

Mr. JOHNSTON, from the Committee on Military Affairs, to which was referred the bill (H. R. 8699) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, Civil War, reported it with amendments and submitted a report (No. 1139) thereon.

Mr. BURKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 9822) 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., reported it without amendment and submitted a report (No. 1140) thereon.

Mr. CARTER, from the Committee on the District of Columbia, to which was referred the bill (S. 10349) to authorize Joseph Swift to construct an elevated trestle across Anacostia Road, in the District of Columbia, submitted an adverse report thereon (No. 1141), which was agreed to, and the bill was postponed indefinitely.

TAXATION IN ARIZONA.

Mr. KEAN. From the Committee on Territories I report back favorably, without amendment, the bill (H. R. 28214) providing for the levy of taxes by the taxing officers of the Territory of Arizona, and for other purposes, and I ask for its present consideration. It is an important bill in regard to taxation in Arizona.

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

The Secretary read the bill; and there being no objection, it was considered as in Committee of the Whole.

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

HARRY V. GATES.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution (S. Res. 343), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Harry V. Gates, son of John F. Gates, late janitor, United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

PHILIPPINE ASSEMBLY AND RESIDENT COMMISSIONERS.

Mr. LODGE. From the Committee on the Philippines, I report back favorably, without amendment, the bill (H. R. 32004) providing for the quadrennial election of members of the Philippine Assembly and Resident Commissioners to the United States, and for other purposes, and I ask for its present consideration.

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

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

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I am directed by the Committee on Appropriations to report back with amendments the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, and I submit a report (No. 1138) thereon. I desire to give notice, Mr. Presi-

dent, that I shall seek an opportunity on Monday next to ask for the consideration of the bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

FIREMEN'S INSURANCE COMPANY.

Mr. GALLINGER. From the Committee on the District of Columbia, I report back favorably, without amendment, the bill (S. 10583) to amend the charter of the Firemen's Insurance Co., of Washington and Georgetown, in the District of Columbia, and I submit a report (No. 1136) thereon. I ask for its present consideration.

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

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

USE OF CERTIFIED CHECKS.

Mr. SMOOT. From the Committee on Finance, I report back favorably, with amendments, the bill (H. R. 30570) to authorize the receipt of certified checks, drawn on national banks, for duties on imports and internal taxes, and for other purposes. I ask for the immediate consideration of the bill.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. Mr. President, it strikes me that that is a pretty far-reaching measure and will result in affecting seriously the flow of actual gold into this country. I have no doubt the committee has given consideration to it, but whenever you substitute anything for gold you will find that the supply of gold on hand in the Treasury of the United States will diminish. If you take out of, say, \$300,000,000 or \$400,000,000, probably more than half of that, which under such a law would be paid by certified checks, those certified checks will be the subject of credits in banks, and there is no provision in the bill which requires them ever to be transferred or, rather, to be exchanged for actual gold.

Mr. BEVERIDGE. Mr. President—

Mr. HEYBURN. I can not consent to the bill being considered to-day. I object, and ask that it go over.

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

Mr. BEVERIDGE. To save time, I renew the notice I gave yesterday that during the morning business I shall object to the consideration of any bills. It is not fair to Senators who have given notice of speeches.

Mr. GALLINGER. Let the regular order be proceeded with.

Mr. BEVERIDGE. I do this to avoid any requests for the consideration of bills during the morning business.

The VICE PRESIDENT. Reports of committees are still in order.

CHEROKEE INDIAN ALLOTMENTS.

Mr. SMOOT. From the Committee on Printing I report back a paper submitted on the 7th instant by the Senator from Oklahoma [Mr. OWEN], being a memorial from the Keetoowah Society, a corporation, on behalf of its members, who are all Cherokees by blood enrolled as of September 1, 1902. I move that the memorial be printed as a document (S. Doc. No. 816). The motion was agreed to.

OSAGE NATION OF INDIANS.

Mr. CLAPP. From the Committee on Indian Affairs, on behalf of the senior Senator from Oklahoma [Mr. OWEN], I report back with amendments the bill (S. 10606) supplementary to and amendatory of an act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

Mr. CURTIS. I understood that a certain amendment would be offered to that bill, and that it was to be submitted to certain Senators before the report was made. Being one of the Senators to whom the amendment was to be submitted, I wish to state that it has not been presented to me.

Mr. CLAPP. I knew nothing of that. The subcommittee made their report and were authorized to report the bill. My secretary brought it to me and asked me, in the absence of the Senator from Oklahoma, to present the report. If there is anything of that kind, the report will be withdrawn pending an investigation by the Senator from Kansas.

The VICE PRESIDENT. Does the Senator from Minnesota withdraw the report?

Mr. CLAPP. I do.

The VICE PRESIDENT. The Senator from Minnesota withdraws the report.

MATTAWOMAN CREEK BRIDGE, MARYLAND.

Mr. SMITH of Maryland. On the 8th instant the Senator from Washington [Mr. PILES] reported from the Committee on Commerce the bill (H. R. 31239) to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek near the village of Indianhead, Md., without amendment, and it was placed on the calendar. I move that the bill be recommitted to the Committee on Commerce.

The motion was agreed to.

BILLS INTRODUCED.

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

By Mr. BURNHAM:

A bill (S. 10750) granting a pension to Jennie H. Dennett (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of South Carolina:

A bill (S. 10751) granting a pension to Mary Lillie Bauskett (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 10752) granting an increase of pension to John H. Cline (with accompanying papers); and

A bill (S. 10753) granting an increase of pension to Mary J. Stumpff (with accompanying papers); to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 10754) granting an increase of pension to George M. Andrus (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 10755) for the relief of Clara D. Miller; to the Committee on Claims.

By Mr. JONES:

A bill (S. 10756) granting public lands to the town of Omak, State of Washington, for public park purposes; to the Committee on Public Lands.

By Mr. NELSON:

A bill (S. 10757) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904; to the Committee on Commerce.

By Mr. BOURNE:

A bill (S. 10758) to provide for the purchase of a site and for the erection of a public building thereon at Astoria, Oreg.; to the Committee on Public Buildings and Grounds.

By Mr. WARREN:

A bill (S. 10759) relative to the exchange of certain properties between the insular government of Porto Rico and the War Department; to the Committee on Military Affairs.

By Mr. LA FOLLETTE:

A bill (S. 10760) granting a pension to Bernard Klatt; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GAMBLE submitted an amendment proposing to appropriate \$300 to pay Leonard Underwood for extra services as clerk to the Committee on Enrolled Bills, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. McCUMBER submitted an amendment relative to the retirement of officers of the Navy on account of disability, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to appropriate \$150,000 to investigate and report upon the drainage of swamp and other wet lands in the valley of the Mississippi River, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate \$4,638.42 to reimburse the city of Topeka, Kans., for paving and repaving streets adjacent to Government property therein, intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and with the accompanying paper, referred to the Committee on Appropriations.

Mr. BACON submitted an amendment proposing to appropriate \$1,500 to place in the courtroom of the Supreme Court of the United States a marble bust, with pedestal, of the late Chief Justice Melville Weston Fuller, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Library and ordered to be printed.

MARY E. HICKCOX.

Mr. NIXON submitted the following resolution (S. Res. 342), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Mary E. Hickcox, widow of John S. Hickcox, late a folder of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

HEARINGS BEFORE COMMITTEE ON IRRIGATION.

Mr. CARTER submitted the following resolution (S. Res. 344), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands, or a subcommittee thereof, be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills and matters pending before said committee, and have the same printed for the use of said committee, and that such stenographer be paid out of the contingent fund of the Senate.

INDIAN EDUCATION.

Mr. CLAPP. I present a paper treating of the extent and character of the educational work which is being carried on by the United States among the Indians. I desire to have the article printed as a document, and I move that it be referred to the Committee on Printing for action.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 3982. An act for the relief of David F. Wallace, was read twice by its title and referred to the Committee on Military Affairs.

H. R. 30566. An act for the apportionment of Representatives in Congress among the several States under the Thirteenth Decennial Census, was read twice by its title and referred to the Committee on the Census.

ELECTION OF SENATORS BY DIRECT VOTE.

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

Mr. ROOT. Mr. President, the joint resolution now before the Senate contains two separate and distinct amendments to the Constitution of the United States. The first amendment proposed is to change the third section of the first article, relating to the election of Senators, so that it shall provide for the election of Senators by the people of the several States instead of their election by the legislatures of the States. That is accompanied by an appropriate provision regarding the filling of vacancies which occur at such time as that they can not conveniently be immediately filled by an election.

The other amendment proposed by the joint resolution is to strike from the fourth section of the first article the provision that—

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

And to substitute therefor a provision that—

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

That involves two changes in the existing provision. One is to abolish the peremptory command of the Constitution directed to the legislatures of the States, requiring them, as a matter of their duty under the Constitution, to prescribe the times, places, and manner of holding elections for Senators, and to substitute for that peremptory command for the performance of a duty under the Constitution a reference to action which the States may or may not take under their own authority. That change is accomplished by inserting the word "as" in the new provisions. I hope I make it clear.

The present section 4 of the first article of the Constitution provides that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof.

That is the command of the Nation by the sovereign authority of the Constitution to the legislature of each State, requiring it to prescribe the time, places, and manner of electing Senators; and when they act they act in the execution of a mandate from the Nation embodied in the National Constitution. Now read the proposed substitute:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

If a State prescribes, well and good. It does it under its own authority. If a State does not prescribe, well and good.

There is no mandate of the Constitution of the United States requiring the State to do it. It is a clear, distinct, and unquestionable abandonment of the requirement of the Constitution for this fundamental and essential act under national authority for the preservation of the national life.

The second change in the fourth section of the first article of the Constitution is made by omitting from that section all authority in Congress to make or alter the regulations which are prescribed. The present section reads:

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

The proposed substitute for the fourth section reads:

The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

All vestige of national authority as the source of power to perform the act and of national control over the performance of it, or of national power to modify or supplement or compel conformity to national interests, disappears from the provision which is recommended to the Senate in the joint resolution now before us.

Mr. President, I am opposed to both of these amendments. I am opposed to changing the election of Senators from the legislatures to the people at the polls, and I am opposed to abandoning the authority of the National Government over the election and the constitution of the members of this branch of the Government.

Let me first state the reasons why I am opposed to the change in the manner of electing Senators.

It is not wise that the people of the United States should contract the habit of amending the Constitution. Stability in our Government is a matter of vital concern. When America set forth in her great experiment, the almost universal opinion of the world was that she would speedily encounter the disasters that all attempts at popular government had met before that day. The world knew well that the tendency of democratic government was toward frequent change; it knew well that, while all forms of government have weaknesses peculiar to themselves, the weakness of democratic government was its liability to change with the impulse and enthusiasm of the moment, and, through continual changes, to vary from extreme democracy, which men called ochlocracy, on the one hand, to oligarchy and dictatorship on the other. And since the time when our fathers framed the Constitution half a score of nations, seeking to follow the lines of our experiment, have, in varying degree, and some of them to the last degree of failure, justified such an apprehension.

But with us, Mr. President, there has been one great anchor. In our Constitution we have embodied the eternal principles of justice; we have set up a barrier against ourselves. As Ulysses required his followers to bind him to the mast that he might not yield to the song of the siren as he sailed by, so the American democracy has bound itself to the great rules of right conduct, which are essential to the protection of liberty and justice and property and order, and made it practically impossible that the impulse, the prejudice, the excitement, the frenzy of the moment shall carry our democracy into those excesses which have wrecked all our prototypes in history.

Mr. President, reverence for that great instrument, the belief of mankind in its perpetuity, the unwillingness of our people to tamper with it or to change it, the sentiments that are gathered around it—these, constituting the basis of stability in our Government, are the most valuable of all the possessions of the Nation that inhabits this rich and fertile land. Because the American people stand by their Constitution and are unwilling to yield to suggestions that it be tampered with and altered upon slight provocation, every acre of farm land, every farmhouse and barn, every stock of goods, and every manufactory in the country are of greater value. No change in our Constitution should be permitted to cast a doubt upon its permanency and inviolability unless there be the weightiest and most commanding reasons. All presumptions are against it. The great public policy of a century is against it. A heavy burden rests upon those who wish to make the change.

This is especially true, Mr. President, when a change is proposed which in any degree alters the delicate relations which exist between the National and the State Governments, or which in any degree affects or modifies any of those great compromises of the Constitution which enabled the 13 original Colonies, different in interests, in traditions, in size, in population, and in industries, to adjust their different views and to enter into a binding agreement.

Whenever a proposal is made to change the provisions that affect the relations between the States and the National Government, or to modify any of the terms of one of those great

compromises upon which the institution rests, there are special reasons for rejecting it, and a double burden rests upon those who propose it. For more than 100 years the provisions of this instrument as they are, with every sentence weighed, with every word scanned and receiving its full meaning, have been considered and clarified and determined upon by the courts. Our people have become accustomed to statutes based upon these provisions as they are. A great war has been fought to settle the most vital and important of the questions arising under this instrument as it is. The different parts have become adjusted to each other. We have come to understand what their relation is. The ship has found itself and we are free, after a century of discussion, from serious questions as to the relations of the General and State Governments.

How the field of discussion has changed! Look at the old records of Congress, and you will find them filled with animated and excited controversies which have passed away. And now I say that for us to launch into a new era of changed provisions and new questions arising from them would be justified only by the most serious and weighty reasons. Changes by amendment may seem to gentlemen who propose them simple, and their effect may seem to be unquestionable. But, Mr. President, no one can foresee the far-reaching effect of changing the language of the Constitution in any manner which affects the relations of the States to the General Government. How little we know what any amendment would produce!

One hundred and seven years ago we made an amendment relating to the election of the President and Vice President. Has that amendment produced the result which its authors expected? No; far from it. The results of action under that amendment are as different from those which were expected by its authors as our Government is different from the government of any oriental power.

Forty-five years ago we made a series of amendments, following upon the great Civil War. Have those amendments worked out as their authors expected? No. No man can open to the fourteenth and fifteenth amendments of the Constitution and for a moment maintain that they have accomplished what the Congress of the United States expected them to accomplish when it passed the resolutions for their submission, or what the State legislatures expected when they approved them.

We enter upon a field of doubt, of new discussions, the end of which no man can foresee, when we begin to tamper with the delicately adjusted machinery to which we have been so long accustomed and which we now understand so well.

Mr. President, there has been but little attempt here to assign reasons for the proposed change in the election of Senators. It has been left in the main to rest upon the proposition that the people of the country desire it; that there have been resolutions adopted by many legislatures; that planks have been put in many political platforms; and that as a whole the people of the country wish for the change.

I am convinced, sir, and I think I can anticipate a general agreement from the Members of this Chamber in the proposition, that the desire of the people for this change, if there be a desire, is not a very active and violent feeling. It is a rather mild assent to a proposition which is suggested to them as an appropriate remedy for certain ascertained and recognized evils. There is, we all know, a general tendency in all democracies to favor propositions which look to the extension of power at the polls. Extension of suffrage, extension of the direct power of the voters at the polls, naturally receive assent at first blush.

There is another tendency which is natural and in which we all share, and that is that when an evil is recognized, and some one suggests that such and such a provision of law will cure the evil, our interest is attracted and our support is conciliated for the proposed measure.

I submit that what the people of the country really want is to have certain evils which they recognize in the present election of Senators cured, and that they are quite indifferent about this change except as it is certified to them to be a sure cure for the evils. Whether it will be a cure or not has been little discussed and little considered by the people of the United States, and it has been little discussed and little considered by the Senate.

The evil which the people of the country wish to see cured, and which I wish to see cured with them, and we all do, consists of certain patent defects in the working of the system of election of Senators by the State legislatures.

The first of those is a defect in the execution of the law which requires them to select. It is the deadlock that exists so frequently. The inexplicable delay of the Legislature of Montana to return my friend, the Senator from Montana [Mr. CARTER], the obstinacy of all branches of the Democratic Party in the Legislature of New York, the reluctance of the Legislature of Iowa to follow any of its great and gifted leaders—all these

cause dissatisfaction on the part of the people, and, I believe, constitute the chief reason for the assent of the people to propositions to change the manner of election.

But, Mr. President, it is not our duty to say to the people of the United States that these deadlocks come not from the constitutional provision, that they come from our statute of 1866. They can be ended forever on any day by this Congress through a simple amendment of the statute. For the deadlocks arise from the fact that our statute requires a majority vote, and everywhere among people of independence and individual will it is a difficult thing to secure a majority vote.

If we chose to-day to amend our statute so that the legislatures of these States could elect by a plurality, they would elect to-morrow. If we chose to say that in any legislature where a majority vote should not be obtained within 30 days of the beginning of the Congress in which the successful candidate was to take his seat, there should be an election by plurality, in every one there would be an election the day after the period expired. And what is more, there would be majorities obtained in order to avoid those elections by pluralities.

But we have not chosen to do it. We have fallen upon times when it seems as if not the last thing, but the first thing, that is to be done to cure an evil is to amend the Constitution of the United States. Mr. President, this very joint resolution proposing to amend the Constitution of the United States will force us to abandon the majority rule and to entrust the election of Senators to a plurality, for never can the Senate of the United States maintain a working force if a majority vote is required for the election of Senators by the people of the several States.

I appeal to a universal recognition of the fact that it will not be practicable to have Senators elected under a requirement of a majority vote in case this amendment to the Constitution is adopted. In every close State the outlying parties, the irreconcilables, not occasionally or accidentally, but as a rule, poll more votes than the difference between the two great parties, and that means that, as a rule, in the close States of the Union no one is elected by a majority vote.

So, sir, we are proposing to cure this evil by an amendment of the Constitution which lands us in the same position as to the rule of majority or plurality that we would reach if we cured it as we can cure it absolutely by an amendment of our statute.

But there is another reason why the people are dissatisfied with the discharge of the functions of our State legislatures. From time to time there are rumors, suspicions, and occasionally proofs of corrupt conduct on the part of State legislatures, and from time to time a belief that State legislatures have been influenced by personal considerations or controlled by extraneous influences in the performance of their duty.

Mr. President, we are too apt in having our attention fixed upon the exceptional to forget the usual. It is true that what have long been known in this Chamber as forbidden and abhorrent forces do sometimes affect the election of a Senator, but it is only occasional, and the great body of the Members of the Senate are, and always have been, elected as the free and intelligent judgment of their State legislatures dictate.

There is no claim, sir, that I have heard, certainly there has been no ground suggested to sustain a claim, that an honest and intelligent legislature, fairly canvassing the abilities and the character of the men who can best serve their country as Senators for their States, can not make as good a choice, if not a better choice, than the electorate at large.

There has been no claim, or certainly no ground stated to sustain a claim, that the wise men who framed our Constitution were mistaken in their belief that wise and intelligent and faithful State legislatures would make the best possible choice for Senators of the United States.

No; the real ground is that, arguing from these exceptional and occasional cases, the people of the United States have been led to believe that the legislatures of their States are unfaithful to their trust in making their selections, and that they will continue unfaithful.

Mr. President, what is the remedy the people of the United States should seek, if this be true? Are they to abandon the performance of their duty in the election of their State legislatures? Are they to abandon the system, rather than reform the system? This whole proposition rests upon the postulate of the incapacity of the people of the United States to elect honest and faithful legislatures. If the framers of the resolution had made it read so that it would express the true principle on which they base it, they would have made it read like this:

Whereas the people of the several States have proved incompetent to select honest and faithful legislators in their own States:

Resolved, That the Constitution of the United States be so amended as to relieve the people from the consequences of their incompetency

by taking from the State legislatures the power to choose Senators of the United States and vesting that power in the same incompetent hands.

But, Mr. President, if the people of our States are to abandon the attempt and be faithless to the duty to elect honest and faithful legislatures, what becomes of the governments of our States? The growing complication of life, the daily increasing interdependence of all men under our highly developed social system, under which for food, for clothing, for shelter, for fuel, for health, for opportunities for business and for transportation, and at every side and on every occasion in life we are dependent on each other. In this highly developed interdependent condition day by day we grow to rely more and more on the government that is regulating all the agencies that are necessary to our lives. What government shall perform that function? If the State government is abandoned, if we recognize the fact that we can not have honest legislatures, sir, the tide that now sets toward the Federal Government will swell in volume and in power. Here is a power that can answer the demands of life.

Let me tell the gentlemen who are solicitous for the preservation of the sovereignty of their States that there is but one way in which they can preserve that sovereignty, and that is by repudiating absolutely and forever the fundamental doctrine upon which this resolution proceeds. Let them go home to their States when this session ends and invoke the patriotism of their people to make the government of their States worthy of the great duties that rest upon them and competent to preserve the autonomy of their States against that incursion of Federal power which is being continually urged, urged, urged by those who fail to find satisfaction from the governments of the States.

In my humble judgment, sir, the most vital thing to be done in the United States to-day is to strengthen the legislatures of the States. I fear the breaking down of the Government of the United States by the accumulation of demands upon it, through the gradual weakening of the State governments, through the failure of the State governments to keep pace with the continually increasing demands of our social and business life.

We have come very near the limit, sir, of what we can competently do, very near the limit of what we can do as well as it ought to be done. Our executive officers are overburdened. The business of this Congress is conducted with less and less knowledge on the part of the Members of the body in general as to what the committees have been doing. We are forced session by session to more complete reliance upon the reports of the committees, with less and less consideration from the Members of the Congress at large. Our judicial force is being overburdened and our calendars clogged, and we are looking about for ways to relieve this court and that from too heavy a burden and to prevent the law's delays.

Let us continue upon the theory that State governments are corrupt and incompetent. The time will come when the Government of the United States will be driven to the exercise of more arbitrary and unconsidered power, will be driven to greater concentration, will be driven to extend its functions into the internal affairs of the States; and then sooner or later the people of the country will reject a Government that has subjected their personal and intimate neighborhood affairs to the control of a central power in Washington, and then in the place of competent States governing their own affairs we shall go through the cycle of concentration of power at the center while the States dwindle into insignificance, and ultimately the breaking up of the great Republic upon new lines of separation.

Mr. President, there is another view of the fundamental proposition on which this resolution rests. It is an expression of distrust for representative government. It does not stand alone. It is a part of the great movement which has been going on now in these recent years throughout the country and in which our people have been drifting away from their trust in representative government. These modern constitutions which are filled with specific provisions, limiting and directing the legislature in every direction, furnishing such startling contrasts to the simplicity of the Constitution of the United States, are an expression of distrust in representative government. The initiative is an expression of distrust in representative government. The referendum is an expression of distrust in representative government.

This resolution is an expression of the same sentiment. And strangely, sir, this movement comes at the very time when the development of our country in its business and social and political life makes it all the more necessary that we should depend upon representative government. We have gone far, far away from the days of the old New England town meet-

ings. I doubt if some of the Senators coming from States of small population realize how far we have gone in the great industrial communities of the East and the Middle West from that condition in which direct democratic government is possible.

Mr. President, this whole series of expressions of distrust, the detailed limiting constitutions, the initiative, the referendum, the amendment of the Constitution, which is now before us, are all an expression of that weakness of democracies which it is the function of the Constitution to guard democracies themselves against.

Mr. President, what is to become of the State legislatures if we follow the principles of this resolution? If you rob them of power, of dignity, of consequence, what will be the personnel of the State legislatures? We have had illustrations. The boards of aldermen in some of our American cities, originally bodies of high consideration, filled by citizens of consequence and of high standing among their fellows, have dwindled and sunk to insignificance and worthlessness, as power after power has been taken away from them. Once begin the progress in that direction by taking the first step based upon the principle of this resolution and you will find the members of our State legislatures growing less and less competent, less and less worthy of trust, and less and less efficient in the performance of their duties.

You can never develop competent and trusted bodies of public servants by expressing distrust of them, by taking power away from them, by holding them up to the world as being unworthy of confidence. Honest men, good men, self-respecting men, men whose standing in their community makes it desirable for the public service that they shall go into our State legislatures, will never subject themselves to be ranked in bodies suspected and discredited and deprived of power.

Mr. President, this resolution providing for an amendment is not an expression of confidence in the people; it is an expression of distrust in the people. It is not progress; it is a slipping back. It is not an improvement on our system of government; it is an abandonment of our system of government.

The true remedy for the evils that we see is not to abandon our duty, but to perform it. Sir, there is no weaker course for men to take than to endeavor to make up for the failure to do their duty by changing the form of the duty. This is a proposition that the people of the several States who have stayed away from the polls, who have been deaf to the considerations of public interest, who have allowed personal favoritism to supplant their desire to select the best public servants, who have been bought to cast their franchises, as the people of Adams County, Ohio, were bought, instead of curing themselves and performing their duty in the election of their State legislatures, shall try another way to select Senators of the United States. It is a proposition that the people who can not elect honest men from their own neighbors can elect honest men to the Senate of the United States.

Sir, what vote ever cast by an American citizen can be cast with a stronger probability that it is well informed than a vote for a member of his legislature? He is a neighbor; he is a man whom he has known all his life; he knows all about him. How can the men who are unable or unwilling to perform the duty of making a selection of an honest and faithful legislator from their own vicinage improve upon their performance in the selection of a candidate in a State-wide election of candidates whom most of them know very little or nothing about, except what they get from the newspapers?

Sir, apart from that, it is never possible to cure neglect of duty by changing the form. There is but one safety for a popular government. No matter what constitutions you have or what statutes you enact, sooner or later you come to the polls; and if you do not have virtue and public spirit there, your government goes down.

I press upon the Senate now the duty of saying that it will not give its assent to any attempt at an evasion of that duty by the people of the United States. The pathway lies clear before them under the Constitution. If they will do their duty, the Constitution needs no amendment. If they do not do their duty, you can amend the Constitution a thousand times without any utility. Here, if anywhere, the truth ought to be told; here, if anywhere, should be found men with the courage to say to their own constituents: "The trouble in the election of Senators of the United States is not in the Constitution; it is with you; it is because you are not doing your duty." If there be no voice found in this land with authority and power to reach the minds of our people with such a message, then we are caucusing over idle words when we talk of an amendment to the Constitution.

Mr. President, it is wholly unnecessary to abandon the attempt to elect honest legislatures. The whole purpose of re-

lieving and remedying the evil which has led to this agitation for an amendment to the Constitution can be accomplished, and it is in process of being accomplished, without an amendment. We are to-day in a condition of affairs political, social, and business which is but temporary. The enormous increase in the productive capacity of mankind, followed by an enormous increase of wealth, an increase which always in the beginning is congested before the processes of distribution are fully at work, is in active operation. The necessity for a readjustment of the relations of government to the great properties that constitute and continually create wealth, to the great enterprises through which that wealth is gained and is continued—the necessity for a readjustment of the relations of government to these new conditions has led to a control over our State legislatures in many cases which is abnormal, which is to be condemned, and which has been the cause of practically and substantially all of the evils that underlie the desire for a reform. That control has been exercised in part through a form of political organization which grew up under simpler conditions and is in many respects outgrown by our people, and in part by the direct application of the wealth which was seeking to save itself from destruction in the readjustment of conditions to influence the action of legislators.

I say that condition is temporary. I say the process of relieving it is going on, and is going on all over this land. I think it has been proceeding longer in the Southern States, and then in the Western States, and now in the Eastern States. With many of the expedients for the readjustment I do not agree; with many of them I do agree. Of this I am certain, that, altogether, they exhibit the strivings of a great democracy adjusting itself to new conditions, and they are bound to result in a successful accomplishment. The pendulum will swing to and fro. Experiments will be tried and abandoned. Experiments will be tried and found successful here, and needing modification there; but ultimately we shall come back to a new adjustment under the new relations, having all the competency of popular government that existed before the great increase of wealth in our generation.

Mr. President, the proposers of this joint resolution ask that we shall make one of the first steps in this great experimental process, the irrevocable step, of amending the Constitution of the United States. Ah, Mr. President, that is an inconsiderate proposal. It is hardly worthy of grave and experienced legislators. The time may come, after all these experiments have been worked out, when it will be found necessary to amend the Constitution. I do not believe it will; I am confident that under the broad terms of that instrument, which has been sufficient for all the growth and change of a century and a quarter, the process of reform which has now begun will go on to a successful end in conformity to the Constitution as it is. But, if I am wrong, if at some time or other it becomes needful to amend the Constitution for the purpose of remedying evils, let us amend it after the experiment, and not at the beginning; let us do it as the result of that experience which brings wisdom, and not as the result of those conjectures which lead to continual change.

Mr. President, there are specific reasons against this change. The first and great reason in my mind is that it is inconsistent with the fundamental design of the Senate. The purpose of the Constitution was to create in the Senate a body which would be as unlike as possible to the other House. It was to be a body more secure in tenure, different in the manner of its election, different in its responsibility, more conservative, more deliberate than the other House, which responds year by year to every movement of the public mind and the public feeling. As the limitations of the Constitution were set up by the American democracy to protect them against themselves in every impulse to violate the fundamental rules of justice, so the Senate was established by the Constitution to protect the American democracy against itself in the legislation which was required under the Constitution.

The framers of the Constitution realized that the weakness of democracy is the liability to continual change; they realized that there needed to be some guardian of the sober second thought, and so they created the Senate to fulfill that high and vitally important duty. Mr. President, this change tends to decrease the difference between the Senate and the lower House. It tends to make the two more alike; it tends to make the function of the Senate less distinctive, and to reduce the benefit which the Senate can render to the public service.

There has been a restiveness in the country at times, Mr. President, over the delay of the Senate; but when you examine the statutes and when you talk with your fellow citizens wherever you may go throughout the country, of whatever calling or condition in life, you will find that America has suffered not

from too little but from too much legislation; not from too much consideration, but from too hasty and inconsiderate action; and if you will probe down into that universal consciousness of the people that is never wrong, you will find that there rests a conviction which proves beyond the possibility of doubt that in the delay, in the long-drawn discussion, in the deliberate and unhurried action of the Senate, it has during all its existence performed its duty to the Government and to the people of the United States.

This change would tend to decrease the peculiar quality and character of the Senate which has enabled it to perform its duty.

The change proposed would interfere with one of the great compromises of the Constitution and would lead the minds of our people up to the point where they look over into the constitution of the Senate—and let me say to the gentlemen who are here as Senators for States with but a few thousand or few hundred thousand people, States with 84,000, with 124,000, with 300,000, which have the same representation as Illinois, with her five millions and nearly six, Pennsylvania, with six millions and nearly seven, and New York, with nine millions, that they can not afford to put these great industrial communities in an attitude where they feel that the honorable obligation of the great compromise of the Constitution has been taken away.

This change, sir, would prevent the Senate from having the benefit of the service of a large class of citizens who are specially qualified by character and training to render a peculiar kind of service specially needed for the purposes of the Senate, men who by lives of experience and effort have attained the respect of their fellow citizens and who are willing to undertake the burdens of public office, but are unwilling to seek it; men who will accept the burden as a patriotic duty, accept it doubtless with mingled feelings of satisfaction at the honor and dissatisfaction with the burden, the disturbance of life, the abuse of the press, the controversies about performance of duty, but who never would subject themselves to the disagreeable incidents, the labor, the strife, the personalities of a political campaign.

Mr. President, I do not mean to say—I beg that no one who hears me will for a moment think that I consider that such men as I have described are any better or more useful to the public than the men who are younger and full of the energy of life and the willingness for strife. No; if we can have but one class, then let us have the young and the vigorous; but, Mr. President, we are not confined to the choice of one. We can have both, and it was the purpose of the creation of the Senate that it should contain men who should be the elder statesmen and who should answer to the universal appreciation of the dignity and deliberate judgment involved in the title, Senator.

This change will exile from the floor of the Senate men who answer closely to many of the greatest names in the glorious history of this body. Still you approach nearer and nearer to identity with the lower House, to identity with those functions that it is necessary the lower House should perform, identity with those characteristics that it is necessary the lower House should have and which ought not to be duplicated here, else our usefulness will greatly disappear.

Mr. President, this change would take the direct responsibility of Senators for their actions from the States legislatures to the people at the polls. The members of the State legislature—I am talking about an honest and faithful State legislature, such as I know our people can have if they do their duty—are familiar with the incidents and the difficulties of legislation. They know how necessary it is that in order to accomplish beneficent results mutual concession shall be made. They know how impossible it is that any one man, or any one locality, or any one State can have all of its own way. When Members of this body have to explain to the State legislature the reasons for their action, they meet minds that are competent and trained for the appreciation of their explanation. The people at large have far less understanding upon the subject that I am now speaking of than their legislature, and the inevitable result of such a change as this will be to increase the unyielding opposition of the position of one State and its Senators to the position of other States and their Senators. It will largely do away with the benefit of discussion and comparison of views and mutual concessions and that fair and open-minded yielding to the argument of our fellows, which is the essential of good legislation. This will cease to be a deliberative body if every Senator has to convince, to explain to the great body of the people of his State every act he performs and every concession he makes.

Mr. President, it is unnecessary to demand or to provide for a reform in the constitution of the Senate upon the theory that the existing system has failed. I grant you that occasionally

bad men are sent to the Senate; occasionally a man is sent here who would not have been chosen by a fair and honest choice of the people of his State; but, sir, they find their level and they find it in innocuous insignificance here. I undertake to say—I am so young a Member of this body that I can say it—the basis of my experience and my observation has been so largely formed while holding executive positions and not as a Member of this body—I undertake to say and to maintain here or anywhere that never in this world has any institution of government wrought out more successful results than the provision of the American Constitution for the selection of Senators of the United States. Exercising a power more varied than any other deliberative body in the world; sharing in the legislative and executive and judicial functions; with control over the laws providing for the raising and the expenditure of revenue, through its constitutional power of amendment; with control over the appointments to offices by the necessity for its confirmation; with control over foreign affairs, through the necessity of its consent to the ratification of treaties; with the function, that highest of all judicial functions, constituting it the court for the trial of impeachments, after a century and a quarter of life, I declare to you and to my countrymen that the Senate of the United States has performed its duty loyally, faithfully, and competently, and has furnished to the history of its country a line of illustrious names and a record of great achievement which furnish one of the most convincing proofs the world has yet had that popular government through representative institutions is a possibility among men.

Mr. President, when we consider the multitude of failures that line the pathway of history, when we consider the multitude of difficulties that stand in the way of successful government, let us pause before we abandon the character and the constitution of a body which has proved itself and been proven as has the Senate of the United States.

Mr. President, one of the illustrations of the dangers of intermeddling with this delicate relation between the States and the National Government established in our Constitution is found in this joint resolution. The gentlemen who fathered this joint resolution have found that they could not make this change without going on and proposing another amendment striking at the relation between the States and the National Government at a vital point. The interdependence of these provisions of the Constitution is well illustrated by this joint resolution. The danger of tampering with one cog, one spring, one lever, one wheel of this delicate machinery is well illustrated by the fact that in the same breath that the committee reports a resolution for a change in the manner of electing Senators it reports a resolution to revolutionize the relation between the National Government and the States. I say "revolutionize" advisedly, sir. The theory of our Constitution was that regarding all matters within the limit of the Constitution the relation of the National Government should be a direct relation between the Government and the people; that it should operate upon the people. It was that these Senators who are about me are not ambassadors from a foreign State, but they are officers of the United States; that their primary obligation is not to any one State, but it is to the common good of the commonwealth of the United States. And the theory of the Constitution was that the National Government should be invested with all the powers necessary for the preservation of its national life and the execution of its national powers and the performance of its national duties, so that it would not be dependent in any respect upon the will or pleasure of any State. That was the fundamental change from the Confederation to the Union under the Constitution.

So the Constitution, after providing that the Members of the House of Representatives should be elected by the people and that the Members of the Senate should be elected by the legislatures, provided that the times and places and manner of holding elections shall be prescribed.

As I have already said, it is a peremptory command, so that the duty is performed as a duty under the Constitution of the United States and not at the will or pleasure of the State itself. They provided that when the times, places, and manner of holding elections for Senators and Representatives have been prescribed by the legislature of a State, in performance of that duty under the National Constitution, the Congress itself may at any time by law make or alter such regulations.

Now, I submit that the proposed substitute, which takes out of the Constitution the peremptory command resting upon the legislatures of the States, and which takes out of the Constitution the right of the National Government to make or alter regulations for the selection of the Members of the Senate, revolutionizes the relations between the Government of the United States and the government of the States. We no longer have, if

this amendment is adopted, the power of self-preservation and self-perpetuation.

James Madison, of Virginia, was the great advocate of the provision which gave to the Government of the United States the power, in the last resort, and, if ever need be, to control and direct and require the elections which were to determine the constitution of both bodies of its National Legislature. Now, sir, we are about to abandon it, if this resolution is adopted.

Mr. President, the provision which is now to be wiped out of the Constitution was the basis of the Federal election law.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. I will yield; but I shall conclude in a very few minutes, and I shall prefer that the Senator would wait.

My memory goes back far enough to remember the condition of affairs in the State of New York when the Federal election law of 1868 was first applied. For several years while it was in force I happened to be the district attorney of the United States for the southern district of New York and to be charged with the enforcement of it. I beg to assure my colleagues in the Senate that the application of that Federal election law broke up a condition of corruptions in the elections in the city of New York which made the election of Senators and presidential electors a mere matter of the dictation of one man. Ballot-box stuffing, false counting, repeating in large parts of that city were the rule rather than the exception, and it was only the application of the Federal election law of 1868 which made possible a reform in those conditions and led the way which the State of New York itself followed by its own enactments designed to continue the honesty of elections produced by the application of the Federal law.

I do not know, sir, that the time will ever come—I hope it never will—when it will be necessary to apply another Federal election law to prevent the creation of Members of this body from being a shame and a disgrace, but I protest against robbing our Nation of the power to exercise such control over the selection of the men who are to constitute its Government.

I am deeply sympathetic, Mr. President, with our friends from the South, who are dealing with the difficult problem of adjusting the relations between the white and the black populations of their States. I look back over our history and realize that mistakes have been made in the attitude of that part of the country where I was born and bred and where I received my first ideas of the political policy of our country. I would not now like to see an attempt to stretch out the hand of Federal power and interfere with the progress of our friends in the South toward the solution of that difficult and embarrassing problem.

But, Mr. President, I must protest with all the energy of which I am capable against our country's robbing itself of the power to do it if it need be.

Freely conceding to our friends of the South the manifold shortcomings of my own people in the North, they must not think hardly of me if I say that from time to time things are done in some parts of the South that the States ought to prevent, and if they do not that the country must prevent the moment they touch the Constitution of our Government.

It is true that in the State of New York we can not afford to be without the safeguard always standing back of our political procedure of power in the Nation to compel purity, fairness, honesty. No State can afford it; no State, North or South, can afford it; and, above all, loyalty to the Nation can not afford it.

Mr. President, it is true that this resolution would leave in the Constitution that provision which makes each House the judge of the elections and qualifications of its Members; but, sir, it would rob this House of the power to require the regulations regarding the elections of Members to be such that we could exercise the power of judging of the elections.

Sir, we found it necessary in 1842 to change the method of electing Congressmen. We found it necessary in 1866 to reach out our hand and change the methods by which the State legislatures were electing Members of the Senate. With that experience before us, will gentlemen tell us that never in the long process of time is it possible that it will be requisite for the National Government to reach out its hand and in order that the election of Senators shall be so conducted as to make it possible to perform the duties of government in judging of their election to control and direct and modify the regulations under which they are elected?

It is true, Mr. President, that the fourteenth and fifteenth amendments will still remain in the Constitution, but, so far as those amendments affect the exercise of the power of the

States or of the individual voters in the States to constitute a Member of this body, the second part of this resolution would rob the Government of the United States of the power to make those preliminary dispositions regarding elections necessary for the enforcement of the amendments.

There has been some discussion here as to whether the amendment offered by the Senator from Utah [Mr. SUTHERLAND] proposed the granting of a new power to the National Government over the elections in the States or whether the resolution proposed by the committee provides for taking away an existing power.

Let me state what I think it is. As the Constitution now stands, Senators are elected by legislatures whose proceedings are under the control and regulation of the National Congress. The resolution proposes to transfer the power of election from the legislatures to the popular electorate without extending to the new electorate that power of national control. The Sutherland amendment proposes to carry over to the new body of electors the same control which the present Constitution attaches to the existing power of electors.

Now, Mr. President, we are told that that is too high a price for the South to pay. The Senator from Mississippi [Mr. PERCY] has said to us:

Notwithstanding the suggestions of the Senators from New York and Montana, the day may be far distant, if it will ever come, when any political party will again find it expedient to attempt to enact Federal laws for the supervision of elections. But this optimistic hope furnishes no safe reason for extending the power of the Government as to the enactment of such laws, and I would not be dealing in frankness with our Republican allies, who are supporting us in this measure, and for whose patriotism and earnestness in the support of it I have the profoundest respect, if I did not say to them that in my judgment the extension of the power of the Federal Government, as required by the Sutherland amendment, is a price greater than the South is willing to pay for the election of Senators by the direct vote of the people. I have no hesitancy in saying that it is a price greater than it should pay.

Mr. President, I beg leave to say to the Senator from Mississippi and to his Republican allies, from a heart full of sympathy with all measures of conciliation between the two parts of the country, that the time has not yet come when the people of this Nation are entering the market place to buy from them or from any of them the right to preserve and protect by the exercise of our own national power the Government of the United States under its Constitution.

Mr. JOHNSTON obtained the floor.

Mr. DEPEW and Mr. BACON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New York?

Mr. DEPEW. For a moment only.

Mr. JOHNSTON. Certainly.

CIVIL GOVERNMENT FOR PORTO RICO.

Mr. DEPEW. I gave notice yesterday that I would to-day ask the Senate, at the conclusion of the speech of my colleague, to proceed to the consideration of the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes. I find that many Senators want more time to examine that measure, and I therefore ask that it be made a special order for next Thursday, immediately after the morning business.

The PRESIDING OFFICER. The Senator from New York asks unanimous consent that the bill referred to be made the special order for next Thursday, February 16.

Mr. BAILEY. Pending that I would like to know what the bill is.

Mr. DEPEW. It is the bill to provide a civil government for Porto Rico. It is really a new organic law for that island.

Mr. BAILEY. Of course, so far as this side of the Chamber is concerned, I leave that to the Democrats on the committee.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. The Chair, with the permission of the Senate, will again state the request for unanimous consent presented by the Senator from New York. The Senator requests that the bill (H. R. 23000) to provide a civil government for Porto Rico, and for other purposes, be made the special order for next Thursday, the 16th instant, immediately following the routine morning business.

Mr. KEAN. The special order will not interfere with appropriation bills?

Mr. DEPEW. No; of course not.

The PRESIDING OFFICER. It being understood that the special order will not interfere with appropriation bills. Is there objection?

Mr. BORAH. Does that interfere in any way with the order with reference to the unfinished business?

The PRESIDING OFFICER. It is the understanding of the Chair that it will not in any sense interfere with the rights of the unfinished business.

Mr. KEAN. Or appropriation bills.

The PRESIDING OFFICER. Or appropriation bills. Is there objection? The Chair hears none, and such an order is entered.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BACON. Mr. President—

The PRESIDING OFFICER. The Senator from Alabama has the floor. Does he yield to the Senator from Georgia?

Mr. JOHNSTON. I yield to the Senator.

Mr. BACON. I desired to ask the junior Senator from New York [Mr. Root] a question, but unfortunately he has left the Chamber, of course not knowing that I intended to ask him the question, or he would doubtless have remained. I desired to ask him a question that I think ought to be asked at this time, and the answer to it ought to be in the RECORD. I extremely regret that the Senator is not present.

Mr. TILLMAN (to Mr. BACON). Well, ask it anyhow.

Mr. BACON. I will state the question I wanted to ask, and the Senator can take some other time to answer it when he has the information as to what it is.

Mr. DEPEW. My colleague has been making a long and exhaustive speech. I think he has simply gone down to get a little lunch, and that he will be back here in a short time.

Mr. BACON. Mr. President, I would not desire to trespass upon the time of the Senator, even if he were here, at any length, but in the very strong and forceful speech which the Senator made, and to which we have all listened with the greatest interest, it being a most impressive speech, he said with very great earnestness that there were some things which were done in the South, which, if the Southern States did not themselves correct the National Government must correct. That was a very strong expression, but one which was not definite in specification as to what those things are.

For us to sit silent, Mr. President, would indicate that we recognized that there are some things done in the South which ought not to be done and which the Southern States ought to prevent from being done, and which if the Southern States do not prevent from being done the National Government ought to prevent from being done.

I desired to know what those things are in order that we might have proper information. I will not press the matter now, in the absence of the Senator from New York, but I desire that the same RECORD which carries that statement by the learned and distinguished Senator shall carry the fact to the Senate that the statement is challenged. We want to know what it is.

SENATOR FROM ILLINOIS.

Mr. JOHNSTON. I ask to have laid before the Senate the report in regard to the election of the junior Senator from Illinois [Mr. LORIMER].

Mr. BORAH. The Senator from Alabama would not object to speaking on the measure that is now before the Senate?

Mr. JOHNSTON. Not at all.

The VICE PRESIDENT. The Senator from Alabama, however, asked that the matter to which he is going to speak be temporarily laid before the Senate.

Mr. JOHNSTON. I shall ask to have it laid aside when I conclude.

The VICE PRESIDENT. Without objection, the Chair lays the following business before the Senate.

The SECRETARY. Table calendar No. 11, Senate report No. 942. Report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the legislature of that State, made in obedience to Senate resolution 264.

Mr. JOHNSTON. Mr. President, the Senate witnessed the hurdle race for first place between three Senators in the opening of this case.

The Senator from Indiana [Mr. BEVERIDGE], fresh from an election in that State, with the smoke of battle still on his garments and fire flashing from his eyes, having in his mind, no doubt, former elections, when the fair fame of his State was smirched by the slimy conduct of "blocks of five," but where now, happily, no corruption exists, all is pure and serene, and every official represents the sound, sober, well-founded judgment of an intelligent and virtuous electorate; he got in the first blow, and well sustained his reputation for zeal and eloquence that has given him so many oratorical victories in the Senate.

Close upon his heels came the Senator from Oklahoma [Mr. OWEN], with tomahawk and scalping knife, the Pocahontas blood in his veins surging and throbbing at the sight of the auburn locks of the Senator from Illinois [Mr. LORIMER], and seemingly intent to add one more magnificent scalp to the tent pole of his wigwam.

A little later came the Senator from South Dakota [Mr. CRAWFORD], and whilst his entry was slightly delayed he made up in speed and energy what he lacked in start, and his path through the law and facts of this case was as fast and furious as that made by a frightened herd of buffalo rushing furiously over the plains of South Dakota, trampling down everything in front, and leaving only desolation, dust, and death behind.

Now let me review the swift remarks of these Senators.

SENATOR BEVERIDGE.

The Senator from Indiana says:

Miss Vanderveer, Dennis, and Kirkpatrick saw the money received by White and saw it was in large denominations.

Dennis, White's associate, did not say he saw White with "unusual amount of money or bills of large denominations." He stated he saw White pay some bills—accounts. He said he could not say whether White had any substantial sum of money. Those paid might be about \$200. (Record, p. 262.)

Kirkpatrick did not say he saw a large sum of money with White the latter part of June, 1909. Kirkpatrick did not see the money in the envelope left in the safe of his employer by White—which was marked \$800 by White—but stated he saw some fifty and twenty dollar bills. (Record, pp. 223-224.) Miss Vanderveer, White's bookkeeper, says she saw White with some money at his office about June 17 or 18, but did not count the money. That he paid her \$50.50. (Record, p. 272.) She states she had a list of the parties he owed and the amounts, but had no idea how much they footed up, and had no impression as to the amount. "There were several accounts, but mine was the largest." (Record, p. 273.)

White never did account for the money he says he received. It was a material thing to do.

The Senator from Indiana says:

But Link repeatedly testified under oath at various times that he had received some sums of money under the same circumstances, and at the same times and places where his fellow members received theirs.

Link says he received no bribe money for his vote or because of his vote for LORIMER, and no witnesses contradicted him on that question. (Record, pp. 301, 302.)

The Senator from Indiana states that the third-degree methods of the State's attorney to force testimony from the witnesses is immaterial—

unless the Senate believes that they were "compelled" or "driven" to this repeated perjury by the conduct of the State's attorney.

Link testified that under great pressure he told the State's attorney that he would go before the grand jury and lie if he had to, but he didn't want to, and that then he told the story that the State's attorney wanted him to tell. (Record, p. 298.)

The Senator from Indiana states:

Upon this point the testimony convinces me that "four members of the general assembly which elected Mr. LORIMER" who "testified to receiving money as a consideration for their votes" actually did receive such money.

No four men confessed to any such thing, and no witness testified that he received money as a consideration for his vote except White. Link denied it specifically (record, pp. 301, 302), and Beckemeyer (record, p. 235), and Holstlaw (record, p. 198).

The Senator from Indiana and also the Senator from Oklahoma [Mr. OWEN] say:

On important points Broderick refused to testify, on the ground that it might incriminate himself.

Broderick never at any time refused to testify because "it might incriminate himself," but did testify on every question and to everything that the committee or counsel asked him to testify on, except to give the names of his witnesses that were present when Holstlaw was in his place, and who were to be used in his defense in Sangamon County. (Record, pp. 563, 567, 570.) At first he declined to say whether or not he had written a letter to Holstlaw, but in answer to Senator FRAZIER he stated he had not written such a letter to Holstlaw. (Record, pp. 567, 568.) The only thing he refused to testify to was the disclosure of the names of witnesses to the interview with Holstlaw, which he intended to produce in another case wherein he was a defendant.

The Senator from Indiana says that—

The testimony is overwhelming and conclusive that four members were bribed and that three of their fellow members paid them their money.

White is the only witness who testified that he was bribed to vote for LORIMER. Link, Beckemeyer, and Holstlaw swear they were not bribed to vote for LORIMER. Browne, Wilson, and Broderick swore that they never bribed or paid anybody anything of value to vote for LORIMER or because he or they had voted for anyone for Senator.

The Senator says:

While Shephard and Clark did not confess, and Luke, who is dead, could not confess, the evidence convicts them of having shared the

plunder at the same times and places, from the same hands, and for the same consideration as their fellow members, who repeatedly testified to having received it and who were afterwards shown to be in possession of it.

There is no evidence in the record that Shephard, Clark, and Luke were ever paid anything by anybody in connection with the election of LORIMER. Shephard and Clark denied emphatically that they ever received any money from anybody for any purpose at any time or place. (Shephard, record, p. 329; Clark, record, p. 365.)

The Senator from Indiana says—and the Senator from Oklahoma [Mr. OWEN] makes the same statement:

Luke's wife testified that along about this time Luke came home and showed her \$950 in bills of large denominations, without saying where he got it. The committee declined to permit testimony as to Luke's statement concerning this money and his visit to St. Louis.

The committee did not refuse to let Mrs. Luke testify, but heard her testimony in full. (Record, pp. 494, 495, 496.) In answer to the prosecution Mrs. Luke stated that her husband went to St. Louis after he received a telegram. She stated she did not see anything he brought back with him; did not see large sums of money; did not see \$950 in his possession after his return from St. Louis. Mrs. Luke testified that she saw \$950 in her husband's possession before he went to St. Louis; that she did not discuss with him anything in reference to where he received it and knew nothing about the money, except that she saw him with it, and did not remember the time she saw him with it, except that it was before he went to St. Louis. (Record, pp. 495, 496.)

The Senator from Indiana says:

Still, without this excluded testimony, the evidence, taken altogether, shows that Luke got his money in the same amounts and from the same sources and in the same places at the same time that the confessed bribe takers got theirs.

This is a clear misstatement of the testimony of Mrs. Luke and of the entire record. White testified that he got his money in St. Louis and that Luke was in the city at the same time. Mrs. Luke testifies that the \$950 which she saw with her husband was in his possession some time before he went to St. Louis.

The Senator from Indiana says:

That Shephard admits that he was in St. Louis when Wilson was there, and that he visited a safe deposit bank which he had rented in St. Louis the same afternoon that he met Wilson at the hotel.

This is a clear misrepresentation of Shephard's testimony. Shephard stated he ran over to St. Louis for some packing for his machine, and did not know that Wilson was there until he met Luke on Fourth Street, who asked where Shephard was going, and Shephard stated he was going to Locust Street to the safe-deposit bank of the Mercantile Trust Co. Luke then informed him that Wilson was in town, and asked Shephard to go with him. Shephard declined, but stated if he had time he would call on him later. Shephard stated he then went to the safety vault and clipped some coupons from some bonds he had there. It was afterwards that he called on Wilson. (Record, pp. 321-322.)

The Senator tries to create the impression that Shephard first visited Wilson and then went to the deposit vaults, while the reverse is true, as shown by his own testimony in the record.

There is not evidence in this record or elsewhere, except in the imagination of the Senator from Indiana, that Shephard did not go to St. Louis for packing, and that his visit there was a lucrative one, or that his meeting with Wilson was different than that as stated by Shephard himself. (Record, p. 321.)

The Senator says Browne and Wilson made a long and uncomfortable trip. That statement that it was a long and uncomfortable trip for Browne and Wilson to St. Louis is not supported by any evidence in the record. The testimony in the record shows that St. Louis was the common and most convenient place to get at from central and southern Illinois. (Link, record, p. 288; Clark, record, p. 359; Shephard, record, p. 332; Browne, record, p. 609.)

The Senator says:

Clark bought diamonds during the session which he paid for after it adjourned.

Why did not the Senator tell the big sums in "bills of large denominations" that Clark paid for those diamonds? The record shows that he paid \$105 for two small diamonds. His salary as a member of the legislature was \$2,000, and allowances for stationery and other things between \$50 and \$100 more. He was also police magistrate in his city, the former capital of Illinois. If the expenditure of \$105 for unnecessary things will convict a man of conspiracy and receiving bribes, and so forth, what legislative body in this country could retain any of its members?

SENATOR OWEN'S ERRORS.

The Senator from Oklahoma [Mr. OWEN] says that—

The investigation was not searching and complete as it should have been. The jack-pot conspiracy was not investigated. (CONGRESSIONAL RECORD, p. 666.)

The subcommittee authorized the Chicago Tribune, who had brought the White story and was diligent in establishing it, to act as prosecutor, and named the Tribune's attorney to present the evidence and cross-examine the witnesses, and every witness named or suggested by the Tribune or its counsel was called by the committee. The members of the committee had no personal knowledge of who should be called and had to rely on those making the charges to suggest them.

The Senator says Broderick promised Holstlaw money to vote for LORIMER.

Holstlaw did not swear that Broderick had promised him money if he would vote for Mr. LORIMER. At the top of page 198, record, the attorney for the prosecution asked the following question of Holstlaw:

Mr. AUSTRIAN. Pursuant to that talk, did you vote for Senator LORIMER the next day?

A little further down Mr. Holstlaw answered:

No, sir; I intended to vote for him anyway. I had made up my mind to vote for him before—

Referring to the conversation had on the evening of May 25.

The Senator from Oklahoma says:

His testimony is obviously insincere and untrue.

He did not see the witness or hear him testify and knows nothing about him except what appears in the printed record, and there is nothing in that to show that Broderick was insincere or untruthful.

The Senator says Beckemeyer entered into a corrupt agreement with Lee O'Neil Browne.

Beckemeyer denied in most emphatic language that he ever entered into any corrupt arrangement to vote for LORIMER or into any arrangement by which he was to be paid anything for his vote for Senator or because of his vote for Senator. Here is what he said before the committee: That when Browne requested him to vote for LORIMER he demurred, but Browne then showed him a list of Democrats who were going to vote for LORIMER, and he then told him that if they were going to vote for LORIMER, he would vote with them. (Record, p. 225.)

He also testified that no money or other thing of value was paid or promised him to vote for LORIMER, and that he did not know or believe that he would be paid anything afterwards for so doing. (Record, p. 235.) And again, on page 256, that nothing was said to him about money previous to his vote.

The Senator said that:

Beckemeyer received \$900 from Wilson for his vote for LORIMER.

No witness testified that Beckemeyer received \$900 from Wilson on account of Beckemeyer's vote for Senator. He says he received the money, but he never anywhere said that it was for his vote for LORIMER.

There is nothing in the record to show that Link ever got any money to vote for LORIMER or because he had voted for LORIMER. Link testified that he never received anything to vote for LORIMER or because he had voted for LORIMER. He testified to exactly the reverse in every place. (Record, pp. 278, 287, 301.)

The Senator from Oklahoma says that—

White accounted before the committee for the money he received from Browne and Wilson, \$1,900. The fact is that he presented bills which he had paid before the committee aggregating only \$300 or \$400. (Record, p. 192.)

The only witness who swore that the letter from Wilson to Beckemeyer, dated June 26, 1909, was dated back was Beckemeyer. He stated that he destroyed the envelope on receiving it. This would have shown when it was mailed. Wilson denied that it was dated back. All things are presumed against a spoliator.

The Senator from Oklahoma says that—

The first Browne jury was hung and the second acquitted him, but that Erbstein was indicted for bribing the jury in the second trial.

Erbstein was not indicted for bribing the jury, but for bribing one juror—McCutcheon. He was tried, and, by the unanimous verdict of the jury, acquitted in five minutes after the jury left the courtroom, January 20, 1910.

White did not testify that Link stated he got \$1,000 or that White got \$1,000 for voting for Senator. The quotation in the speech of the Senator from Oklahoma is taken from the Chicago Tribune story written by White. The quotation is from the story of White printed in the Tribune, as shown by the reference to page 11, and is not found in his evidence.

SENATOR CRAWFORD.

The Senator from South Dakota [Mr. CRAWFORD] says:

Mr. LORIMER was compelled to have 103 votes.

A quorum of each House was present and 202 votes were cast, 102 was a majority, and that only is required by the Constitution. Why does the Senator add one more in this case?

The Senator says:

On August 9, 1909, De Wolf, who was known to be a poor man without money, bargained for a piece of real estate and make a cash payment of \$600 on it.

De Wolf had been sheriff of his county and had saved money (record, p. 344,) as he explained in detail and to the satisfaction of every one who heard him, on his real-estate transactions (pp. 339, 340, 341, 342, 343) stating that he never received anything for voting for LORIMER (p. 345).

The Senator says:

Link confessed to receiving money designated as Lorimer money.

Link did not so confess at any time or place, and on all occasions swore that he never received any Lorimer money and never so stated to anyone. I would like the Senator to point out the evidence.

The Senator from South Dakota says:

Shepard, Luke, and Clark might as well have admitted it, because the evidence as to their guilt is overwhelming.

There is no evidence in the record to sustain that statement, except White's, and Senator CRAWFORD says he is a vile creature and can not be believed.

The Senator says:

Clark, after his vote for LORIMER, bought two diamond rings.

This statement is more important in what it omits than what it contains. It follows the statement of the Senator from Indiana in omitting to state the amount paid for them, namely, \$105.

The Senator says that—

Wilson, pursuant to an appointment, met White, Beckemeyer, Link, Clark, Shepard, and Luke, and in the bathroom, etc.

No witness testified that Shepard met Wilson by appointment, and Shepard swears that he had no appointment with Wilson, and did not know that Wilson was in St. Louis until he met Luke on the street while Shepard was on his way to the safety deposit vault to cut off some coupons. (Record, pp. 321, 322.)

The Senator says:

White, Beckemeyer, Holstlaw, and Link are self-confessed criminals. They are contemptible people.

I readily grant that.

All who saw them agree with the Senator from South Dakota on that point, and they also agree that their testimony can not be relied upon or believed.

The Senator from South Dakota says:

To my mind the attempt of counsel for Mr. LORIMER to overcome the testimony produced to show that these votes were corruptly cast for him * * * miserably fails of its purpose, and its only tendency is to further confirm and corroborate the proof that LORIMER was not elected.

Well, this is a corroborative fact that I am satisfied the committee entirely overlooked. Any lawyer who attempts to show that evidence against his client is false only confirms the proof of his client's guilt. We are certainly getting into a very rare atmosphere of virtue when the fact of a man having counsel who impeach false testimony against him tends to show his guilt.

The Senator from South Dakota says:

He (White) was maintaining expensive offices in East St. Louis, one a real-estate and insurance office and the other a collection agency.

No witness testified that the offices occupied by White were expensive or otherwise.

The Senator says:

He (White) was doing no business in either.

The record does not sustain the statements made.

The Senator says:

The conduct of the witnesses upon whom Mr. LORIMER relies, as well as their manner of testifying, confirms the impression that they are just such men as one would expect to find giving and receiving bribes.

Only a party who was present could have observed the conduct of the witnesses and their manner of testifying, but the learned Senator who delivered the speech certainly did not do either, as he was not on the committee and was not present at the hearing.

We all know that the Senator is a gentleman of extraordinary mental ability, but we had never suspected that he could, with his X-ray eye, look across a part of South Dakota, count as nothing the distances and spaces of the great States of Iowa and Illinois, penetrate the chamber where the witnesses were

being examined before the subcommittee, and distinguish their "conduct and manner" of testifying. If the Senator had not himself delivered this sentiment in the open Senate, we should be inclined to believe that the words had been put into his mouth by some profane and designing man who was present.

The Senator says that LORIMER received about one-third of the Republican vote, showing he was not acceptable to the Republicans, and not having been a candidate in the primary there was no popular demand to support his candidacy, and that he does not think he really represents the will of the people of Illinois.

The Senator informs us, however—

If the people of Illinois want him and will give him popular approval in a primary, I think he might be entitled to a seat in the Senate; otherwise not.

So the Senator gives us his real reason of opposition. He was not chosen in a primary. Had LORIMER received an honest legislative majority of 50 votes he would still be ineligible unless he had the approval of the popular vote in a primary. There is yet no such constitutional requirement, however much we need it.

Now, Mr. President, I have only discussed these matters simply to show that the Senate can not rely upon the accuracy of statements, made in haste, even by distinguished Senators.

I shall not review the evidence in detail. That has been done so well by Senators who heard the witnesses, the Senator from Michigan [Mr. BURBOWS], the Senator from Kentucky [Mr. PAYNTER], and the senior Senator from South Dakota [Mr. GAMBLE], that I think it unnecessary for me to do so; but I shall call attention to a few facts which I think worthy of the attention of the Senate.

TAINTED VOTES.

The Senators do not agree on the number of tainted votes in this case. The Senator from Indiana [Mr. BEVERIDGE] finds 10 such, namely, Beckemeyer, Browne, Broderick, Clark, Holstlaw, Link, Luke, Shephard, White, and Wilson. The Senator from South Dakota [Mr. CRAWFORD] finds the same number, but not the same men, for he includes De Wolf and leaves out Wilson to make the number. The Senator from Oklahoma [Mr. OWEN] goes one better and finds 11, adding the name of Griffin and omitting De Wolf, but his colleagues can not stand Griffin. Only one of these three Senators includes the name of De Wolf or Griffin, but together they find 12 tainted votes. Not a single one of the Senators heard the evidence or saw the manner, bearing, and demeanor of the witnesses.

If every one of these votes were excluded from the count, LORIMER would still have a majority. The committee are almost unanimous that all the precedents are that a quorum being present the man receiving a majority of the untainted vote is elected. All of these Senators, however, state that the number of tainted votes is not material and that one or more is sufficient to unseat Senator LORIMER.

The Senator from Tennessee [Mr. FRAZIER], who did hear all the evidence and saw the witnesses, finds only seven tainted votes, the four men who confessed to receiving money and the three who they alleged gave them the money.

The Senator says as to this question, amongst other things:

This being true—that is, the evidence falling to show that Senator LORIMER was guilty of any corrupt practices or the knowledge of such—the question then arises were bribery or corrupt practices used by others in his behalf to influence votes for him? And, if so, were enough votes thus tainted with fraud and corrupt influence, when eliminated, to reduce his vote below the legal majority required for his election.

The testimony taken by the committee satisfies me that members of the legislature were paid money for voting for, or in consequence of having voted for, Senator LORIMER. One senator and three representatives admitted under oath before this committee that they were paid money, and the admissions and the acts and circumstances of the transactions satisfy me that they received it as a bribe for or in consequence of their votes for Senator LORIMER.

The four self-confessed bribe takers implicate three other members of the legislature who voted for Senator LORIMER as the persons who bribed them. The testimony satisfies me that the three alleged bribe givers were guilty of that offense. To my mind, the man who bribes another is as corrupt as the one who is bribed, and by his corrupt act of bribery he demonstrates the fact that he is none too honest to receive a bribe if offered him.

While the proof is not clear or conclusive that the three alleged bribe givers were themselves bribed or corruptly influenced to vote for Senator LORIMER, when I take into consideration their corrupt conduct as bribers of others, together with all the facts and circumstances surrounding this case, I can not bring myself to agree with the majority of the subcommittee that their votes are free from taint or corruption. These three votes added to the four confessedly bribed would make seven tainted votes. Eliminate them and the vote received by Senator LORIMER was less than a majority of the votes cast.

It appears, therefore, that the Senators from Indiana, Oklahoma, and South Dakota, amongst themselves, were able to extract from the dead print of the evidence five more corrupt members than the Senator from Tennessee was able to find from living witnesses.

The subcommittee was unanimous in the agreement that there were only two questions in the case.

First. Whether Senator LORIMER himself was guilty of bribery or corrupt practices, or knew of or sanctioned them; and if so, he should be unseated.

The subcommittee was unanimous in finding such not to be the case.

Second. If enough members of the legislature voting for him were bribed or influenced by corrupt practices, that deducting their votes from the total received by him it would reduce his vote below the legislative majority required to elect.

The subcommittee was unanimous as to the law, and only one dissented as to the facts.

I think that the Senator from Tennessee [Mr. FRAZIER] erred in his conclusion, even should we concede his finding of seven corrupt votes.

Upon the final vote, resulting in Senator LORIMER's election, 202 votes were cast.

Lorimer received.....	108
Hopkins and Stringer together.....	94

Total.....	202
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If seven votes were cast for LORIMER and purged from the the ballot, it would leave—

Lorimer.....	101
Hopkins and Stringer.....	94

Leaving LORIMER seven majority, a quorum of both houses still having voted. But the Senator from Tennessee evidently thought that the seven votes deducted from LORIMER votes should be arbitrarily added to the other candidates, to do which would have resulted in a tie.

I think in this he errs, for if the men who confessed to receiving money are to be believed as to that fact, which was strongly contradicted, why should they not be believed when uncontradicted? Link, Beckemeyer, Holstlaw, all swore that when they voted for LORIMER no money or other thing of value had been promised them. Therefore, even if the Senator's theory is correct, these voters were not seduced from the support of Hopkins or Stringer by bribes, and their votes, therefore, certainly could not be added to the anti-Lorimer vote, and he would still have a vote of 105.

If the theory of the Senator from Indiana [Mr. BEVERIDGE], the Senator from Oklahoma [Mr. OWEN], and the Senator from South Dakota [Mr. CRAWFORD] prevails, that any corruption invalidates an election, two corrupt men in any legislature could prevent the election of any man to the Senate, one swearing that he had paid the bribe and the other admitting that he had received it.

DISPOSITION OF CORRUPT VOTES.

The Senator from Kentucky [Mr. PAYNTER] has presented such an able study of the law and the precedents and has reached such a convincing conclusion as to what disposition should be made of corrupt votes, that I shall content myself by quoting and agreeing heartily with his conclusions. He says:

The status of an illegal vote is just as it would have been had the voter been absent at the time of the election. The same rule must apply in either case. It is a just and fair rule that excludes the illegal votes, thus allowing those entitled to vote to determine the election. * * * The theory of the law is, and this investigation was based upon the claim, that the corrupt voters had lost their right to participate in the election of a Senator. It would be a novel doctrine that a voter if bribed to vote for a candidate and he does so vote, although the vote is illegal, to say that it is to be given to the opposing candidate. The effect of such a theory may be stated in this way: The corrupted vote is illegal and should not be counted for the candidate who received it, notwithstanding that it is illegal and should not be counted, still it should be credited to the candidate for whom it was not cast or intended to be cast.

It did not in this case require 101 votes to elect. A quorum of each house was present and voting, excluding the seven or even 12 votes claimed to be tainted, and all that was necessary was for Mr. LORIMER to receive a majority of the remaining honest votes, and this he did.

BURDEN OF PROOF.

It has been suggested that when it was shown that one or more corrupt votes were cast in the election of Senator LORIMER, the burden of proof was shifted and the onus was then on Senator LORIMER to establish the integrity of every vote cast for him.

The law presumes every man innocent until the contrary appears, and this presumption is stronger with respect to sworn officials discharging their duty honestly than it is as to private citizens. Is it possible that one corrupt vote by one member of the legislature shall put every other member, whose integrity has never been questioned and against whom no charge is made, upon the stand to prove his innocence? It is inconceivable to me that any proof showing that one legislator acted corruptly should cast a suspicion upon the integrity of every other member of the legislature.

In the hearing the Senator from Kentucky [Mr. PAYNTER] called attention to this, saying that—

He indulged the presumption that the members of the legislature who voted for LORIMER did not do it as a result of bribery, and that that would be presumed unless the contrary appeared.

And Mr. Austrian replied:

That is the presumption that the law gives them.

The Senator from Idaho [Mr. HEYBURN] said later on upon the hearing that—

There would be no dissent as to the lack of presumption in favor of corruption or corrupt practices * * * and the burden is on those who charge otherwise.

And Mr. Austrian replied:

That is the burden we are trying to carry.

Here is a distinct admission by the attorney most largely interested in the prosecution of this case, a man of ability and zeal and fully familiar with the law and the facts. Is it possible that he should have assumed an unnecessary burden?

HOLSTLAW.

Holstlaw swore on the stand that when he got \$2,500 he deposited it in the First National Bank of Chicago, the same day he received it from Broderick, to the credit of the Holstlaw Bank, of Inka. This was his first testimony. Thereupon, the counsel for the prosecution asked him, "Do you mean the First National Bank or the State Bank of Chicago?" and the answer was, "Pardon me, I believe it was the State Bank." But afterwards he again, on page 201, testified that he deposited it in the First National Bank. He evidently was in doubt where he deposited this money. The deposit ticket is lithographed by the counsel for the prosecution, and two very curious facts are observed. The first is that the name of the Holstlaw Bank is not spelled correctly, and the second is that it has the stamp of the note teller on it. Now, this may not mean anything to persons not familiar with banking, but those of us who have had experience in that line would say that such a deposit slip would prima facie show that the \$2,500 was used in paying a note to the bank. It may be said that whether he deposited or paid a note makes no difference whatever, but it does make a vast difference whether his story is correct or false.

Mr. PAYNTER. Mr. President, if the Senator will allow me to make the suggestion, Holstlaw claimed he made out the deposit slip himself. The name "Holstlaw" is misspelled.

Mr. JOHNSTON. Yes; that is correct. It was testified that he had himself written the deposit slip, and yet the name "Holstlaw" is spelled wrong.

Holstlaw testified that the State bank was the correspondent of his bank; that they made frequent deposits and drew checks against them. I am inclined to think that if the truth were fully shown it would be that Holstlaw bank owed the State bank a note of \$2,500, and Holstlaw went to Chicago, took that amount of currency and paid this note. There is no evidence to show that Broderick knew of his coming. Holstlaw swore that he had not advised him what day he would be there. (Record, p. 210.) Broderick swears that he did not know that Holstlaw was in the city until he went down to his place of business at the usual time in the morning and found him there. Now, if this be true, and it is absolutely uncontradicted, it is hardly reasonable to suppose that Broderick would have had \$2,500 in his pocket at all. Business men in cities do not carry such a sum around with them, keeping it overnight on their persons.

Then, I am inclined to think that if Broderick is half the man painted by the Senators who attack this report, and if \$2,500 had been given him to pay Holstlaw, taking no receipt therefor, he would never have given it up, but kept it himself. Broderick certainly appeared more credible on the stand as a witness than Holstlaw, who was shown to have perjured himself in regard to another transaction.

ACTION OF LEGISLATURE.

In 1909 there were 64 Democrats in the house and 13 in the senate. Sixty Democrats voted for Shurtleff for speaker. These include all but four of both factions of the party. So far as I know, the idea never occurred to anyone that these Democrats had been bribed to vote for Shurtleff, but that they were simply exercising their choice between two Republican candidates.

The Senator from South Dakota [Mr. CRAWFORD] thinks that the conspiracy was formed between LORIMER, Browne, and Shurtleff at that time. If so, Browne took not only his own faction but nearly all the Democrats into the conspiracy, and yet LORIMER was not a candidate for the Senate until 10 days before his election—many days, weeks, and months after the election of the speaker.

When LORIMER was elected he received 30 votes of the Browne faction and 17 votes from the Tappitt faction, including Tip-

pitt himself, and the votes of six Democratic senators who belonged to neither faction. So that LORIMER received 23 Democratic votes not of the Browne faction, or nearly one-half of the whole Democratic vote that had been cast for him, and he would have failed of election had not this vote been so cast. Only 47 of 64 Democrats in the house voted for LORIMER. The conspiracy of the Senator seems to have weakened.

Is it possible that these men are to be denounced and charged with corruption because, having no chance to elect a Democrat, they chose between Republicans? I should be sorry to see such a presumption established in this case. It would raise a question as to the election of my honorable friend from Vermont [Mr. PAGE], who I believe incapable of corrupt conduct, who received the vote of every Democrat in the legislature of his State. It would also put me in a delicate position, because I received the vote of every member of the legislature, Democratic as well as Republican.

WHY NOT PUNISHED IN ILLINOIS.

The present Senate of Illinois is composed of 34 Republicans and 17 Democrats, and has taken some notice of this case, as it should have done; and, we are told by the press, a resolution was offered to expel Holstlaw, presumably for his corruption in the furniture deal or perjury in reference thereto. Evidently they could not have expelled him for being bribed by Broderick in this case, for in that case they would have included in the expulsion Broderick, who is alleged to have paid the bribe and who still retains his seat unchallenged.

The Illinois House consists of 82 Republicans and 68 Democrats, and no one of these has been bold enough to move to expel Lee O'Neil Browne or Wilson, which they should do if they are the bribers it is here argued they were.

With these alleged convincing proofs of the guilt of 12 men, all punishable under the laws of Illinois, with the governor hostile to LORIMER, and all the machinery of justice in the hands of the prosecutors, not a man has been convicted, although the election of LORIMER occurred in May, 1909, and the alleged facts have been in the possession of the prosecuting officer for more than a year.

Browne has been tried and acquitted by a jury and reelected to the legislature, along with Wilson and Broderick. The vote in November, 1910, after all these trials and this evidence in Chicago, where it was most exploited, was, for senator, twenty-seventh district:

Broderick, Democrat	8,018
Scouten, Republican	3,349
Scattering	881

And in the twenty-sixth representative district, also in Chicago:

Hagan, Republican	17,829
Anderson, Republican	14,014
Wilson, Democrat	30,021
Prohibition and Socialists jointly	17,666

And in the thirty-ninth district, near Chicago:

Lewis, Republican	10,687
Scanlan, Republican	12,727
Lee O'Neil Browne, Democrat	14,083
Doyle, Democrat	9,879

The only men that have been repudiated by the juries and people of Illinois are White, Beckemeyer, Link, and Holstlaw, the star witnesses upon whose evidence we are asked to unseat Mr. LORIMER.

NEWSPAPER COMMENTS.

A pamphlet containing about 123 editorials, headed "Comment on the Lorimer case," has been laid on my desk, and doubtless on the desks of other Senators, to enlighten us on the law and the facts of this case and the proper vote to cast on it.

I will give a few sample extracts for the information and guidance of Senators. The first refers to the action of the subcommittee. Speaking of the action of the subcommittee and their reports to the general committee this intelligent editor says:

An equal number of jackasses could have accomplished as great a triumph of judicial wisdom.

This is an argument why we should vote against Senator LORIMER.

The second is in another editorial:

A Senate committee has just exonerated Ballinger, and it is in order to whitewash LORIMER.

That is an appeal to reason.

Third, I read:

This is the way honest people will look at the matter all over the country, and it would be well for the Senate to go slow on the whitewashing business. But LORIMER is a Republican and a high-tariff man; the money paid for his election was Republican money, and hence the prospect of his being ousted by a Republican Senate is slim.

I hope so.

Senators are not inclined to scrutinize too closely the methods by which others of their number obtained their seats.

That is a valuable suggestion.

The old guard of special privilege deem it a sacred duty to stand by one of its number, right or wrong.

Of course, this conclusion has been made possible by the failure of the Illinois court to convict anyone in connection with the affair. There are some things concerning which one may be convinced, but which we can not produce legal proof to sustain.

This is a suggestion that we get away from the proof.

There are too many Senators who owe their seats to the same influences that placed LORIMER in the Senate to make his removal expedient.

These are the arguments that are sent gravely to Senators. If such a paper should be sent to the judges or jurors on any decent court in the United States, the parties sending it would be promptly committed to jail.

Mr. GAMBLE. May I ask the Senator from Alabama who is the compiler of the publication from which he has just read and whose imprint appears thereon?

Mr. JOHNSTON. There is no authority in the world given for this. It is just headed "Comment on the Lorimer case," and there is no evidence to show who got it up or, so far as I know, by whom it was circulated.

Mr. GAMBLE. My attention has never been called to it, and I asked the Senator simply for information.

Mr. JOHNSTON. I am just saying that the Senate will try this case on the law and the facts. If this paper, sent in here to influence their votes, had been sent to the jurors or judge of any decent court in the United States the party sending it would have been promptly committed to jail.

The whole fabric of the case rests—

First. Upon the testimony of Charles A. White, a self-confessed scoundrel, who was contradicted by many witnesses, and whose manner and bearing upon the stand was such that six of seven members of the committee entirely disregarded his unsupported testimony.

Second. Upon the testimony of Beckemeyer and Link, who, taken before a grand jury, first swore that they never had received any money, were either indicted or threatened with indictments for perjury, and then changed their stories.

Third. The testimony of Holstlaw, another confessed perjurer. These men were flatly contradicted by Browne, Wilson, and Broderick, men whose bearing on the stand was infinitely superior to these vile creatures.

I think I can show that there is not a member of the committee who would not have believed Browne in preference to Beckemeyer, Link, or Holstlaw.

So far the testimony of the first three men has been contemptuously not believed whenever it was given before a jury in Illinois, and now six of seven Senators seeing and hearing them do not believe that any weight should be given to it. The subcommittee were almost unanimous that those men were not only base, but utterly unworthy of belief. I not only have a reasonable doubt of the truth of their stories, but I have no reasonable doubt of their testimony being utterly false.

Senators are asked to exclude a man from the Senate upon the testimony of the most corrupt scoundrel I have ever seen.

The people of Alabama know that I heard all the evidence in this case, saw the witnesses, marked their bearing and conduct, and they know I had better opportunity to consider and weigh the evidence than they; they know, too, that I have not been accustomed to be driven from the path of duty as I saw it, or to be turned aside from my convictions by popular clamor or newspaper criticism; if they believed that some other gentleman would be here in the place I occupy. The people of Alabama are a brave, intelligent, and law-abiding people, and they expect my vote in this case to be cast as a juror according to the law and the evidence and under my oath as a Senator. They shall not be disappointed.

ELECTION OF SENATORS BY DIRECT VOTE.

The VICE PRESIDENT laid before the Senate the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BEVERIDGE. In common, Mr. President, with every Senator upon this floor, I listened with pleasure to the engaging remarks of the Senator from New York [Mr. Root] on perhaps the greatest constructive, or, as he thinks, destructive, proposition now or for some years before the American Congress.

Every step of human advance, Mr. President, has been resisted by a certain type of mind, perfectly sincere, no doubt, which saw in that advance great dangers. There is hardly a good proposition that is embedded in our Constitution that did not create sinister forebodings.

So everyone who is in favor of the election of Senators by the direct vote of the people to-day, as James Wilson, acknowl-

edged to be perhaps the ablest mind in the Constitutional Convention, was in 1787, or as James Madison was, is met now by a multitude of fears as to what the election of Senators by the direct vote of the people would accomplish to the framework of our Government, the preservation of our liberties, and the development of our destiny.

And I suppose, Mr. President, that in the whole Senate, and indeed in the entire country, no man could be found who more ably and artfully could gather together these forebodings of disaster and paint in somber colors upon that melancholy background a more grewsome picture to make us afraid than that distinguished Senator to whom we have just listened.

And however much, Mr. President, I might myself like to paint with a silver lining the cloud which he has cast over us, I would not attempt with any poor abilities of my own that happy task.

But as the Senator proceeded, so far as I was able to detach myself from the spell of his oratory, I noted down some of the points that he made with such fervor, and I shall hope to somewhat illumine his portrayal of despair, not with any thoughts or words of my own, of course, but with what I think everybody will recognize as the accepted facts of undisputed history.

The first point made by the Senator from New York, a point to which he attached such importance that time and again he reverted to it, was that all scholars at the time the Constitution was adopted recognized that the great danger of a democracy was the people's instability, uncertainty, and changeableness. He said that one of the chief concerns of the fathers in view of the wisdom of the whole world upon this subject, was to guard the people against themselves, so as to prevent those mutations which had wrecked the other democracies of history.

But, Mr. President, what is the fatal defect of that argument? When I mention it every Senator here, whether he is for or against this proposition, will admit it. The ancient, medieval, and other democracies that had flourished before our Constitution was adopted were small, compact in area, limited in numbers.

Take Venice. Take a still better and the most notable illustration of ancient times, Athens. All the electors of Athens could be assembled within the sound of the human voice, and it was due to this fact that popular oratory developed in Greece to a higher point than it ever had before or has since. It was to this natural circumstance that skill in swaying an immediate multitude became the greatest art of that illustrious period. Not Phidias with his divine talent for sculpture was a greater master of the principles of art than were the great speakers of ancient Hellas.

And so it came about that they did influence that democracy as a crowd is swayed. It was to this that Milton referred in his immortal lines—

To the famous orators repair,
Those ancient, whose resistless eloquence
Wielded at will that fierce democratic,
Shook the arsenal, and fulmin'd over Greece.

But that is not true with us. The people of Athens were fewer than the people of the city of Washington—its electorate smaller still. Does the Senator from New York mean, in making a comparison with the mutabilities of democracies, to put Greece or Venice on the same basis as this Republic, with its thousands and thousands of miles of frontier on two oceans and its almost hundred million inhabitants?

Does he think that this mighty Nation, with a continent for its home, can be compared with the handful of electors who made up those democracies, whose mutabilities so alarm the Senator, even across thousands of years?

Mr. BROWN. Mr. President—

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

Mr. BEVERIDGE. Yes.

Mr. BROWN. I suggest the absence of a quorum.

Mr. BEVERIDGE. Oh, no.

The VICE PRESIDENT. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

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

Bacon	Crane	Gore	Root
Beveridge	Crawford	Guggenheim	Scott
Borah	Culberson	Heyburn	Shively
Bourne	Cullom	Kean	Simmons
Brandegree	Curtis	La Follette	Smith, Md.
Briggs	Depew	McCumber	Smith, S. C.
Bristow	Dick	Money	Smoot
Brown	Dillingham	Nelson	Stephenson
Bulkeley	du Pont	Oliver	Sutherland
Burkett	Fletcher	Overman	Swanson
Burrows	Flint	Owen	Thornton
Burton	Foster	Page	Warner
Chamberlain	Frazier	Paynter	Watson
Clapp	Frye	Percy	
Clark, Wyo.	Gallinger	Perkins	
Clarke, Ark.	Gamble	Piles	

Mr. BACON. I desire to announce that the continued illness of my colleague prevents his presence in the Senate. It is not necessary that I should announce it at each roll call.

The VICE PRESIDENT. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. BEVERIDGE. I was citing, Mr. President, illustrations of democracies which had existed down to the time of our Constitution, which gave rise to the fear voiced by the Senator from New York, even in this twentieth century, that democracies were uncertain and unsafe, and that this liability to uncomfortable change on the part of these democracies was one of the great problems which confronted the framers of the Constitution.

I had cited, for instance, the democracy of Athens, the most notable in the history of the world—its physical limitations, the fact that its electorate was smaller, perhaps, than the population of this city; that all of them could be gotten together within the limit of the human voice; that it was due to that that the great art of oratory developed there as it never had developed anywhere else; and that the changes of that democracy, like the changes of Venetian and other democracies, were due to the fact that they were a crowd that could be immediately appealed to.

But does the Senator from New York think that they are any parallel to this vast democracy which covers a continent and numbers now almost a hundred million people? No demagogue in the sense of the Greek orators can reach all the American people at one time or even a small fraction of 1 per cent of them. The American millions are not to be swayed as an audience is swayed in a political meeting.

It has been noted by the acutest students of our institutions from the days of De Tocqueville down to the time when Bryce illuminated them by his great book that while perhaps one city, or even one State, of the Union may become unduly excited for a month, or even a year, yet it is impossible to get all of the States unduly excited at the same time for a month or a year.

True, they all do get in earnest about fundamental things, and they stay in earnest. But the American people are not lightly changeable; they are not changeable at all without cause; they are wisely steady.

The very fact of the greatness of our numbers, of the extent of our domain, absolutely obliterates the causes that produced the changes in the ancient democracies to which some of the debaters in the Constitutional Convention referred, and which, after a century of our development, the Senator from New York has echoed, in belated terror, to-day.

There are other circumstances that make our vast American democracy different from those others, to which I shall refer as I go on. But first I want to call attention to a passage from Wendell Phillips, with which I am sure the Senator from New York, with his great erudition, is familiar. In one of his noblest addresses Wendell Phillips was speaking of these very objections and answering them.

He referred to the democracy of Athens, and called attention to the great fact that although it lasted only 90 years, yet in that brief period it produced the age of Pericles; it gave to the world the greatest thinkers almost of all time, and, as Phillips said in his immortal apostrophe, it lighted the fires of intellect upon the mountain peaks of human thought which have illuminated the world from that day to this.

Even those democracies are not to be sneered at by anyone, not even by the Senator from New York. It would be well if the much-vaunted stable governments of the world to-day could make such a contribution to human thought, to art, to political science, as did those very changeable democracies of the past.

But, Mr. President, they are called changeable; and we are solemnly warned against all democracy because of that. But such instability as they displayed was due to their limited area and small numbers. Is it just to compare Athens or Venice or the others to this vast democracy, which has no parallel in history, but which does have a splendid imitation in Europe to-day? I call the attention of the Senator from New York to the experience of that Republic on the point of stability. I, of course, refer to France.

Since the time of the second Napoleon France has been a Republic, and all said by her enemies to the contrary notwithstanding, France, except ourselves, is the greatest example of a democracy now in the world. In spite, Mr. President, of the repeated prophecies of disaster to France by the enemies of republican institutions, in spite of the fervent desires of French monarchists who wish to get back their position and power, history records that the democracy of France, its electorate of peasants and business men, has grown steadier and steadier as the years have proceeded.

To the confounding of her enemies, more and more stable grows the Republic of France because it rests, as James Madison said he thought the election of our Senators should rest, upon the solid foundations of the people's will. So the great fear now raised—a hundred years too late—does not apply that we are in danger of the uncertainties of a democracy if we give the people a larger control of their own Government.

The Senator from New York says that in the establishment of the Senate of the United States the great consideration in the minds of the fathers was stability. I grant that to be true. But what kind of a stability? An intelligent stability, based on reason and faith in the people, or a stability based upon an obstinate determination to negative all human advance? Since when was such attitude of mind considered stability?

I quote again from James Madison, and chiefly because the Senator from New York used that great authority to sustain the second proposition of his address, with which I do not wholly disagree.

It is well known to everyone that the really great intellects of the Constitutional Convention were not for the present method of electing Senators. That was Dickinson's amendment, and has anybody ever heard that Dickinson was one of the great constructive minds of that convention?

James Wilson, James Madison, and others of that stature were. Most of the great men of that time, I believe, were from the first down to the compromise, in favor of the election of Senators by the people. James Wilson, in one of the ablest addresses made before that convention, said that not only should Senators be elected by the people, but they should be elected by senatorial districts and not from States, in order that this should be truly a government of the people.

The Senator from New York relies on James Madison as being the author of the provision giving Congress a reserved power over the election of Senators. If he has such faith in Madison as to that provision, why has not the Senator equal faith in Madison as the proponent of the election of Senators by the people, which is involved in this resolution before us?

Madison said that he thought it would be better if the Senate should rest directly on the solid foundation of the people rather than on the pillars of State legislatures. I think I quote Madison's exact words. Why did the Senator from New York forget them if he has such faith in Madison's wisdom?

Stability! Mr. President, where is stability to be found? Is it to be found in an oligarchy or is it rather to be found in the minds and consciences of an instructed and patriotic people? Are not the people themselves competent to choose their servants? If they are wise enough to choose members of a State legislature, are they not wise enough to choose a Senator of the Nation?

Suppose a legislature acting as the people's agent selects a man as Senator—and such things have occurred—whom the people do not want to serve them here as Senator, yet the people could not negative that unwelcome act of their agent. What would be said if an agent of a principal were to select a servant of whom the principal disapproved, and yet the principal be utterly without power to disapprove the agent's action in selecting that servant of his principal? Absurd.

Mr. President, what was the history of this provision concerning the election of Senators? So far as the Senator from New York went, he gave it correctly. But I think he will agree with me that inadvertently he left out some notable and vital facts.

If I am wrong about it, I want any Senator to correct me. The theory upon which the election of Senators by legislatures finally was agreed upon was this, and this only: That the members of a legislature should be absolutely free to choose the wisest, the bravest, and the most virtuous man in that Commonwealth as a Senator of the United States from that State.

The theory was precisely the same as that upon which the election of Presidents by the college of presidential electors was based. That theory was that these electors, whom the people should elect, would get together and select the best man in the whole country for wisdom, learning, courage, and uprightness to be the Chief Magistrate of the Republic.

And now I come to an exceedingly important fact. It was supposed that these legislatures were to make this ideal choice of Senators and this college of electors was to achieve this exalted selection of a President regardless of political parties. Political parties at that time did not exist in the sense in which they now exist. The partisan germs were there, and the far-sighted Washington, realizing what those germs might develop in the mad partisanship of a later day, gave a great part of his farewell address to warning us against the danger of party and of faction.

But in the sense in which we now understand political parties—the convention, the campaign committee, the great election machinery of the present day, which has evolved our “party managers”—were not in existence or in contemplation at the time those provisions were written into the Constitution.

Mr. President, there was not any political convention in this country until 1833. Jackson's day witnessed the development of the political convention, and it was devised to take the place of the outworn caucus system, which was a form party management had taken for some years preceding.

So these legislatures, utterly aside from their other business, with no reference to political issues in their States, with no reference to local questions upon which they would be called to legislate, but acting absolutely separate from all that, were supposed to select the best man who could be found to be their Senator here.

But the evolution of parties has ended all that. It did not have its basis in human nature, in the first place. What is the situation to-day? Political parties, Mr. President, elect a legislature, and that majority in that legislature is not supposed, nor even permitted, according to the original theory of the Constitution, to select the best man in the State, regardless of all other considerations. No. It must select a man of the party which elected the legislature.

The development of parties, when great issues that create parties pass, and when the parties are kept alive only by the inertia of their victories or defeats, created that not altogether fortunate type, the “party manager”—the party “boss.” So it comes to pass that Senators actually have been and are and will be the selection not even of the best men from the party chosen by the partisan majority in the legislature, but the man selected by the “party managers” or “party manager.”

The party boss has become more potent than the legislature, or even the people themselves, in selecting United States Senators in more than one State.

Will anybody deny that that has occurred? Will anybody deny that that is occurring now? In the Senator's own State the vast majority of one party, according to popular report, which we have not heard denied, is acting in support of one man because the party managers have selected him.

Therefore, do conditions to-day apply to the theory upon which this Senate was constituted? Do they not, on the contrary, Mr. President, absolutely negative them?

The Senator asked what is the purpose of creating the Senate, and he answered his own question by saying that it was to get a steadier body of men, a wiser body of men he might have said; and he might still have gone further and still have been within the literal statements of many Members who spoke upon this subject in the Constitutional Convention. But the Senator did not go further; he did not quote all the reasons given for constituting the Senate of “steady” men.

So I will repeat sentences that every Senator will recognize with reference to the Senate—sentences from the debates on the Senate in the Constitutional Convention.

It was said, for example, that the Senate should represent the property interests of the country. It was said in debate that the Senate should be composed of men of higher social standing. It was declared finally that it should be the representation of the aristocratic element in our Government. Everybody knows that it was copied after the House of Lords. But does that theory hold now?

That idea was advanced in 1787 because the men of property who were in that convention, and who had taken part in our Government such as it was before, were men of considerable wealth. If the time was not so late I would refer to some of the eminent men from New York, whom I believe, except Alexander Hamilton, were very heavy landowners.

But will any Senator seriously go to the American people to-day with the proposition that the Senate of the United States ought to represent “the aristocratic element” in our Government, or to represent the money of the land, or to stand for the private property in the Republic? That theory has passed away during this great historic period of enlightenment.

Property needs no special representation in government. All that property needs is honesty on the part of its owners. No person will so defend property and property rights as the great masses of the people themselves, who have little or no property.

Mr. President, when war breaks out and the Nation is in danger and all property in peril of chaos and destruction, who then are its defenders? Who carry the muskets and serve the shotted guns and charge willingly to death for the institutions under which that property exists and is preserved? It is the people themselves. It always has been the people themselves.

Mr. President, when the Revolutionary War was being fought there was, I believe, only one man of great wealth in the field,

George Washington. The great commercial interests of Manhattan Island in the heavy majority were Tory in their sympathies. It was the ragged Continentals who fought the war that gave us our liberty and laid in their blood the foundations of the Nation.

Robert Morris gave of his wealth. A patriotic Jew, Simons, I think his name was, of Philadelphia, gave his all to the cause of liberty, and a grateful Republic permitted him to die afterward in New York a pauper.

So when it is said that the Senate must represent the property of the Nation as contradistinguished from the House, which represents the population of the Nation, I say that a hundred years of the progress of human rights has utterly demolished it. I say it has been burnt out by the flames of the flashing guns of human freedom from Yorktown to Appomattox.

Property, whether individual or corporate, has nothing to fear but everything to hope by trusting to the people. It is from the people that all wealth comes, and it is the people who always have been its defenders. It would be a wiser policy to-day, as a mere selfish proposition, if the wealth of the country were to show more faith in the people of the country.

Indeed, Mr. President, I think that just this is what is occurring—slowly coming about perhaps, but still visible. One of the most hopeful signs of our vexed social and industrial problems, to my mind, is this: That the ablest and wisest among the “captains of industry,” as they are called, and masters of finance are coming little by little, yet more and more, to take the people into their confidence. When they do that frankly and entirely the people will respond not with hostility, but with hospitality, if these men's proposals are honest and sound.

So the theory that the Senate was to be composed of men of property, as one man said in debate in the Constitutional Convention, men of exalted social standing, that it was to be to the American Government what the British House of Lords was to the English Government, has utterly passed away.

Take the House of Lords to-day. What is occurring in Great Britain itself? Is the power of the House of Lords increasing? Are not the English people the very models of the world's intelligent conservatism? And upon whom do they lean, the weakling Lords or the stalwart Commons, who draws their commissions from the people and are responsive to the people themselves?

The Senator referred to this provision in the Constitution as one of the great compromises. It is not necessary to go into that. It was not one of “the great compromises,” as certain well-known compromises are called, although it was one of the compromises. It was a great compromise in this, that it was the point—the rock, I should say—upon which the Constitutional Convention nearly foundered.

I recall to the Senate what all of you know, of course, better than I do a scene which occurred in that Constitutional Convention when the wiser minds, like James Madison and James Wilson and those great intellects whose thought has illuminated our history even to this day, were confronted with the proposition now in the Constitution.

They would not yield it until they saw that the smaller States would not agree to ratify the Constitution unless they did; and Belden—I believe that was his name—of New Jersey, actually threatened the convention that New Jersey would withdraw and form an alliance with a foreign power if the smaller States could not have their way. I think this is substantially correct; but if I am in error, some erudite Senator will set me right, I hope. Since we are going into historical origins, that little matter might be mentioned. If I had time, I should mention still others.

The Senator says that the Senate is supposed to be composed of “elder statesmen.” This is in the same vein that he said the Senate was to be composed of the conservative classes, the steadier minds, the “elder statesmen.”

Mr. GALLINGER. In part, he said.

Mr. BEVERIDGE. Very well; in part. Let us say in part, although I think the Senator from New York did not say “in part.” But no matter. Let us examine the origin of the term “elder statesmen.” Did anybody in the Constitutional Convention utter that phrase? No. Where did it come from? What did it come from? What did it mean?

Did the Senator from New York invent the term “elder statesmen?” Alas, no. Yet all peoples have heard it during this decade. It has made an impression on all of us and on the world. Since when? Since six or seven years ago when we constantly read about the wisdom of the “elder statesmen” of the Japanese Empire. That was its origin.

What were those “elder statesmen?” Members of the Japanese Chosi Clan. There were and are two great clans in Japan, the Samurai, the warriors, and the Chosi Clan, or the statesmen—hereditary warriors and hereditary statesmen. All the latter, I believe, or most, at least, are nobles trained to

statesmanship, observing scrupulously their class tradition, and so far as world politics is concerned governing at least with precision of action if not with profound wisdom.

That is the origin of the term "elder statesmen;" and it does fit into the theory so often voiced on the floor of the Constitutional Convention that the Senate should represent the aristocratic element in our Government. It does fit into the ancient theory announced anew by the Senator from New York.

But, Mr. President, if the "elder statesmen" of Japan, if the Chosi Clan, does, under the theory of that Empire, do it good service, would not that clan be an anachronism in the American Republic in the twentieth century? "Elder statesmen," Mr. President!

The Senator from Massachusetts the other day showed that the Constitution was adopted by men mostly under 45 years of age. Nobody else dared, nobody else ever does dare, a revolution. I may be wrong, but I think I now remember, with my mind going fleetingly over it, that the Declaration of Independence was signed chiefly by young men. Everybody knows that most wars are fought by the youth of the land. But among these may be elder statesmen in the sense of thought.

I want to refer to some in the history of this body. It is a great roll call that I am going to indulge in—Henry Clay, Daniel Webster, John C. Calhoun, Charles Sumner, Oliver P. Morton, and the other mighty of our past.

Will anyone say that Daniel Webster was in this Chamber merely by the wisdom of a legislature, although legislatures were freer to act in those days than they are in these days, as I shall show?

Did Henry Clay come to this body because of the discriminating care of the Legislature of Kentucky? Is that why Charles Sumner was here, or Oliver P. Morton?

Or is it the historic fact that Clay, and Webster, and Calhoun, and Sumner, and Morton, and all the great men whose names and genius have made this body illustrious, came here because they represented to the point of personification the thought, conscience, and purpose of the people of their States?

John C. Calhoun—I will be supported by the Senators from that State who are here—was more the State of South Carolina, better personified the common people of South Carolina than the Legislature of South Carolina itself. Daniel Webster was not put in the Senate by the legislature over the will of the people, but he was put here by the legislature obeying the will of the people of his State. That is true of Charles Sumner; that is true of Oliver P. Morton; that is true of every great man who as a Senator of the United States has shed renown not only upon this body but upon the whole Nation for all time.

I was surprised the other day when I heard a man of the extreme erudition of the Senator from Massachusetts [Mr. LONGE] intimate that the great statesmen in this body had been chosen by the discriminating wisdom of legislatures, when the historic fact is known by everybody from schoolboy up to scholar that the greater minds that have been sent within these walls have been sent here because of the will of the people bearing upon their legislatures until their legislatures had no other thought but to send them here, and if their legislatures had done anything else they would have been punished by the people's disapproval, anger, and contempt.

The Senator from Massachusetts the other day spoke about direct elections of Senators giving us nothing more than Congressmen at large. Has that been the history of the wisdom of the people in this and other countries in selecting their public servants? Which body has given to the world the great names of England in statesmanship, oratory, and thought, the House of Lords or the House of Commons?

I ask the Senator from New York whence came Pitt the elder? Whence came Pitt the younger? Whence was the public origin of Burke, and Fox, and Gladstone, and O'Connell, and Disraeli, and all those others of that splendid constellation of English statesmanship that has preserved and enlarged the liberties of the United Kingdom and thrown the lines of the British Empire around the world? Every one of them came from popular elections.

Could a State legislature have done better than to have selected Charles James Fox, the most accomplished debater, perhaps, any English-speaking people ever has produced? Could a State legislature have improved upon Edmund Burke? Was not O'Connell sent by the people of Ireland, eloquent as an orator, learned as a scholar, great as a lawyer, wise as a statesman? Yet all these men were given their places in English public life by the direct vote of the people.

I know it will be said that the electorate of England in that time was limited compared with what it is to-day, but to whom is it due that the English people now have universal manhood suffrage? To Gladstone. That was his great reform, and then

came his others of cheap postage and the humane land laws of Ireland, which latter the conservatism of Great Britain said were nothing short of socialism.

Yet Gladstone was the product of popular election from his earliest days to the close of his brilliant career. Could a State legislature have done better than to have selected Gladstone? And Disraeli came in the same way.

If I had time I would refer to the rising British statesmen who bid fair to rival in the stature of their ability, their courage, their energy, and their devotion to the English people the great sons of England's past. Every one of them has come from the votes of the people, and they are devoted, in turn, to the people.

Yet the Senator from Massachusetts and the Senator from New York say, "Oh, Gladstone, he was nothing more than a congressman at large," because he was elected by the people. Burke, away with him, say they; he was a congressman at large because he was elected by the people. Charles James Fox, discredit his genius in debate; what does he amount to? He came from the humble English electorate. Disraeli, nothing more than a congressman at large.

Why, Mr. President, the laws of England—I had almost said for centuries, but I will not go that far, because I want to be strictly accurate—have rested upon the wisdom, the patriotism, and the courage of the House of Commons. And it has been due to that fact that England has made steadier progress to enlarge human rights than any other fact except one, one of which we must soon take note, and that is the fact that England has guarded the purity of her elections with a sternness that no people ancient or modern has done.

Is property imperiled in Great Britain? Has it been for a hundred years? Mr. President, in my reading of books and of the speeches of those who in this country pretend to fear the advance of popular rights, I have read time and again that England is the place where property was most secure, where conservatism was most steady and intelligent, where radicalism was checked until it ripened. Yet her laws of property and of political rights all are passed by the House of Commons, elected directly by the people. That electorate is universal.

Does that suggest to Senators that perhaps there is, after all, nothing so much to fear from the people if they elect their Senators? Does it suggest to Senators that possibly the American people may return to this body men who in their day may approach the great ones whom the English people have sent to the House of Commons?

The Senator from New York asked the question—I think I quote his words correctly—how can the people better choose a Senator than can the legislature? The answer is so clear that I am sure the Senator from New York himself will agree to it. The members of a legislature are chosen, to use the not quite American phrase—yes, I guess it is, too—by the people of the vicinage, the voters of the locality. Everybody who has anything to do with American politics knows that legislatures are chosen by localities—and for local reasons.

There is not a man here who does not know of cases where a legislative district has returned a man because of a question of street improvement, or because of a local law that the people of that district wanted to get through, or some other purely local consideration—

Mr. GALLINGER. Mr. President—

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

Mr. BEVERIDGE. If the Senator will allow me to finish my statement, I will gladly yield. Or a legislature is elected upon a question exclusively local to that particular State, which one party or the other takes up, and which is of no concern to the Nation.

Mr. GALLINGER. I wanted simply, Mr. President, to inquire of the Senator from Indiana if it is not a fact that whenever a senatorial vacancy is about to occur the legislature is elected largely with a view of filling the vacancy with the choice of the people of the State as expressed through the legislature.

Mr. BEVERIDGE. Yes; and I was coming to that. The Senator is quite right, and I think the Senator will acknowledge what I am going to say.

Mr. GALLINGER. I am very glad the Senator is not going to overlook that fact, for it is a fact.

Mr. BEVERIDGE. No; I am not. I put down my notes hurriedly—but I am not going to overlook that point. Assuming it to be true, as it often is true, that it comes about when there is a senatorial vacancy that the parties so act that that enters into the election; it also is true that very frequently there are local issues affecting the State itself, having nothing whatever to do with those national affairs upon which a Senator must pass and for attending to which he should be chosen. Is not that true?

Mr. GALLINGER. Mr. President, I apprehend that may be true in some States. I believe it was true in the Senator's own State.

Mr. BEVERIDGE. Yes; and it has been true many times in all States. That is a frequent occurrence. It is also true in the Senator's State, and always will be true and increasingly true. So if the people could express their will on the question of the representation of the State in this body, the result would be one way; but, having at the same time to choose upon a party issue which has nothing to do with national legislation, they have got to express their will another way. Thus it is, Mr. President, that our present system by development, not anticipated by the fathers, almost always is putting paradoxes up to the people.

Mr. GALLINGER. Mr. President—

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

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. Is it not equally true that those local differences would find expression in a popular election? If the Senator were a candidate and some other man were a candidate, would not their views on those local questions be demanded, and would not the vote give expression to the feeling of the people on those subjects?

Mr. BEVERIDGE. The Senator from New Hampshire gives me another very good argument that I had not thought of. I am grateful. They might, or they might not; but assuming that they might, it follows that the Senator has been selected because of his expression of an opinion upon a purely local State question, having nothing whatever to do with his duties as a national legislator for attending to which he is supposed to be elected Senator. Is not that true? Yes.

Mr. GALLINGER. My query—

Mr. BEVERIDGE. I answered your query.

Mr. GALLINGER. My query was directed to the election of Senators by the people, and the point that has troubled me is whether the Senator is going to get rid of his local issues in the event of the election of Senators by the people.

Mr. BEVERIDGE. Not at all. I do not want to get rid of them; they ought not to be gotten rid of; but they ought not to be mixed up with election of a United States Senator. I would have the people vote upon their local issues as local issues, and upon their Senator as a Senator.

Mr. GALLINGER. But they vote upon the Senator because of the position he takes on those local issues.

Mr. BEVERIDGE. If that is true—and sometimes it is—then the Senator has given me the best argument I have ever heard advanced for the direct election of Senators by the people, because, according to the Senator's proposition, the people would select a Senator, no matter how unfitted he might be, because he had a certain view upon a local question that absolutely was alien to his duties as a Senator here.

Mr. GALLINGER. Mr. President—

Mr. BEVERIDGE. Pardon me just a moment. You asked a question. The Senator is not elected here to put through a local issue of New Hampshire; he is not elected here to cast his vote or to do his work because he has an opinion upon some momentary fancy local to the State of New Hampshire; he is dealing here, he is here, just what the Constitution calls him—not a Senator of New Hampshire, but a Senator of the United States from New Hampshire.

And he is dealing with what? With the local question that might have arisen in his State election? No; with all the foreign affairs that affect this Government and that run out on lines across the waters of the world and to every Cabinet of every country. He is dealing as an arbiter of the foreign destinies of the Republic; he is dealing as the highest judge established by any Government on earth; he is dealing as a legislator in a forum which is the only place where free speech now exists on all the globe; he even tries a President.

And yet the Senator would have us say that this man, clothed with these mighty powers unprecedented in the history of human government, ought to be selected because he has a certain opinion upon some local question in his State.

Mr. GALLINGER. The Senator entirely misapprehends, or else he purposely misrepresents, my position—one or the other.

Mr. BEVERIDGE. I am taking the converse of the Senator's proposition. The Senator asked me whether or not it was not true that a Senator's position on some local question might affect his election. I say, yes; and that is the very thing we want to avoid.

Mr. GALLINGER. The Senator's argument was that in the election of members of the legislature local questions entered into the controversy; that men were elected on those issues rather than on the question as to who should be Senator from

the State; and my query was whether or not, if the election was by popular vote, the position of the candidates on those local questions would not be sought, and whether the votes might not be cast in that case just as much as in the other, along the lines of those local questions.

Mr. BEVERIDGE. And I say, yes, as Senators now are elected; but not so much, if at all, if Senators were elected by the people.

Mr. GALLINGER. That is all I said. I agree with the Senator's eloquent words about what a Senator ought to be and what he ought to represent.

Mr. BEVERIDGE. I did not say what he ought to be; I say what the Constitution makes him.

Mr. GALLINGER. Exactly. He ought to be that, if the Constitution makes it so.

Mr. BEVERIDGE. Of course. The Senator stated—

Mr. GALLINGER. And I have always contended that we were Senators of the United States and that we ought to look to the interests of the Nation, perhaps, primarily, but not forgetting the interests of our State at the same time.

Mr. BEVERIDGE. Of course.

Mr. GALLINGER. I absolutely agree with the Senator from Indiana on all those points.

Mr. BEVERIDGE. Of course; and the Senator, I say, in stating that very pertinent interrogation, furnishes, I think, the best argument I have ever heard for the election of Senators by the people which is—

Mr. GALLINGER. Will the Senator allow me a moment?

Mr. BEVERIDGE. Let me repeat it, because I am going to take this thing up, now that the Senator has mentioned it.

Mr. GALLINGER. I was about to remark that I have never furnished an argument in favor of the election of Senators by the people. This is the first argument I have ever heard that has appealed to the Senator.

Mr. BEVERIDGE. That one appeals to me. Thank heaven, then, for its source. Now, the Senator having made his argument for it, I would be glad if the same process might go on—

Mr. GALLINGER. I will not interrupt the Senator.

Mr. BEVERIDGE. It is all right. I am glad to have the Senator interrupt me, as he knows. Let us enlarge upon this a little bit. The Senator from New York [Mr. ROOR] asked, How can the people better choose their Senators than can their legislatures? The legislatures, he says, are elected by men taken from the vicinage, from the neighborhood, of the voters.

First, I answer that the members of the legislatures often are elected, as every Senator in this Chamber knows, in various localities because of local considerations peculiar to those localities. But the situation is not now as it was when the Constitution was adopted. When the Constitution was adopted that was true, too; but at that time the theory was that the members elected on account of local considerations would get together, absolutely aside from their local legislation, and would canvass the State for the best man for Senator, without regard to party or local considerations or anything else except preeminent fitness.

At the present time, however, the various members in the Legislature of New York, for instance, or in New Hampshire, or in any other State, are elected because of the conditions existing in a locality, and do not get together to select the best men for Senators, regardless of all other considerations, as the Constitution contemplated they should.

But, being members of political parties, which, in the sense they now exist, did not then exist, vote, not even for the best man in the State without regard to party, not even necessarily for the best man in the party, but for the man determined upon by party managers, and that frequently has been so in our larger States.

Second, take the case suggested by the Senator from New Hampshire [Mr. GALLINGER], where there are issues purely local to the State of New Hampshire, affecting the rest of the country not at all, and the people elect their legislature upon those issues. The Senator knows that that occurred in more than one State without regard to national legislation at all; yet that legislature, being bound by party lines, votes for some person who perhaps may have been named at the primaries or by a convention of that party, because, as the Senator says, of his expression on this local question. Is that a wise way to select a Senator who must deal not only with every domestic law of the Nation, but with all the foreign affairs of this great and growing Republic?

Suppose, on the other hand, the people should vote on the local issue affecting New Hampshire; that they should first vote on that, and on that alone elect their legislature, and at the same time could vote directly for a man to represent them in Washington. What they were voting on would be clearer

in their minds, would it not? They would not be involved in two different things at the same time, would they?

I have in mind now a State west of the Mississippi River, where the law provides that the candidate for Senator shall be put at the head of the ticket. The people can then directly vote on that, regardless of any local issue. I am not now referring to the Oregon plan, and do not care to go into that this afternoon. I intend to speak on the main proposition before us—the election of Senators by the people—and I am answering the Senator as to why it is that the people can select Senators better than the legislatures can select them.

The next point that I jotted down from the remarks of the Senator from New York—and to me it was curious—was this: He asked, What is to become of our legislatures if we take from them the power of electing our Senators? Why, Mr. President, we should then relieve our State legislatures from this alien and unnatural power and let our State legislatures attend to their proper business.

That is what is to become of them; and contemporaneous experience shows in at least two States in this Union at the present moment, and in many others since I have been a Member of this body, that the business of the people of the States to be transacted by their legislatures has been interfered with because they were called upon to do the illogical thing of electing a Senator of the United States.

The Senator admits that the provision as to State legislatures was already framed when this idea that they also should elect Senators was hit on. The idea as to what the duty of the State legislatures should be was thoroughly understood before the provision that they should elect Senators was put in the Constitution. That is true, is it not?

The legislatures were not framed chiefly for the purpose of electing Senators; the legislatures were framed for taking care of the domestic legislation of the State. That is true, is it not? And the election of Senators by these legislatures was added to that as an extraneous duty and, as the Senator from New York has said, as a compromise.

So, when the Senator asks what will become of the legislatures if you take away this power, the answer is both historic and immediate, we shall relieve them of the power that finally was thrust upon them as an expedient and let them attend to their proper business of legislating for the concerns of the people of their Commonwealths.

Mr. GALLINGER. Mr. President—

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

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. It occurs to me that too much stress is being laid by the Senator, and has been laid by other speakers and writers, upon the fact that the election of Senators, where there are long contests, interferes with the work of the legislature. As a rule, where there is a prolonged contest, as in New York at the present time, and as we have had in my State on one or two occasions, a single ballot is taken each day. It occupies but a little while, and then the legislature goes along in the transaction of its other business, and very little time is wasted or mischief done. That has been my observation.

Mr. BEVERIDGE. Well, Mr. President, to answer the Senator in two ways, first, I would not have laid so much stress on that if it had not been for the query, which rather surprised me, what was to become of our legislatures if we do not permit them to elect Senators of the United States. I had not thought of it up to this time and was surprised by it.

Now, as a matter of fact, for a second answer, the Senator in the case from Montana some years ago, that he very well remembers, will recall that in that case it appeared that the time of that legislature was taken up for a long period in trying to elect a Senator, and that when they were not balloting they were caucusing and consulting and conniving, and they were giving up their time to this immediate problem rather than passing the laws of the State. That is true. It is only human nature.

Again, consider the excited condition of the legislative mind. Suppose it is true that the general assembly meets and takes only an hour out of twenty-four in balloting for Senator, nevertheless it comes to be the pressing question on their minds. That is what they are thinking of. They are not thinking of the bills to be passed. No; but "Who is going to win this contest?" It is just under conditions like those that bills get through that ought never to get through.

The attention of most men is taken by the imminent conflict and not by their immediate duty. That is human nature, is it not? It interferes with their work, and, what is more, in case there is corruption, it furnishes the opportunity not only for corruption in the election of the Senator, but for corruption in passing the people's laws.

So that when the people vote for a legislature under the circumstances cited by the Senator from New Hampshire they are not voting upon single and simple issues, but upon composite and complex issues which have nothing to do with each other.

The Senator from New York gave an illustration, to which I wish to call the particular attention of Senators. He asked, Are legislatures to be strengthened by stripping them of power? "Take a city council," said the Senator, "does it grow in dignity, strength, and virtue by diminishing its prerogatives?"

Well, take a city council, Mr. President. Suppose a city council were given the power to select the mayor. Is that any different in principle from the selection of a Senator by a legislature? And yet will anybody be heard to say that under our present development of free institutions we ought to give a city council the power to select the mayor? If mayors were selected as in Germany, perhaps yes—there might be a question. But here—what does the Senator say?

Suppose the city council of New York should choose New York's mayor, on the theory that the city council could select a wiser man than could the people of New York. Does anybody in New York believe that the selection would be wiser? The time has been there when the city council was selected by a lawless local political organization, which is notorious not only throughout the Republic but throughout the civilized world—and I am not sure that this is not true even now.

Mr. GALLINGER. As well as the mayor.

Mr. BEVERIDGE. As well as the mayor; but the mayor, being responsible to the people, has, in recent years especially, more and more responded to them.

The Senator from New Hampshire says "as well as the mayor." The Senator from New Hampshire has been kind enough to ask me a question or two, for which I am obliged to him, and I will ask him a question myself. Does he think that the city council of New York or the city council of Chicago could better select the mayors of those cities than could the people?

Mr. GALLINGER. Mr. President, my answer to that would be that I am not quite sure as to whether it would be wise or not. I think I have in mind the election of mayors in some cities not a thousand miles from my own home where the city council could not have done any worse, if it had tried, than the people did.

Mr. BEVERIDGE. Possibly; but will the Senator answer the question: Would he, on the whole, taking one year with another, say that the mayor had better be selected by the city council than by the vote of the people?

Mr. GALLINGER. I would not say so.

Mr. BEVERIDGE. Neither would I; and yet the illustration has been advanced by the Senator from New York that a city council is not strengthened by taking away its power—therefore, of course, strengthened by giving it more power. I make the power analogous to that of the legislature electing a Senator and apply the argument of the Senator from New York, and ask, Would it be better for a city council to select a mayor than for the people to select the mayor? No, Mr. President.

Yet, if the people can better be trusted to select a mayor than can a city council, why can not the people be better trusted to select their Representatives to sit for six years in this body, with greater power than any mayor has, instead of a city council, because a State legislature is a State council, is it not? Indeed, some of the States still call the State legislature the "State council."

So, taking the illustration of the Senator from New York in support of his question, "What is to become of our State legislatures if you take away this power," I asked the Senator whether it is better to have a city council select the mayor than to have the people select the mayor, and the Senator from New Hampshire, with his accustomed frankness, says, "No; he does not believe it would."

Upon this point, Mr. President, the Senator from New York says let us strengthen the State legislatures; let us not insult them by taking away their power by reducing their prerogative. Do the legislatures themselves object to this? No, Mr. President; the very legislatures whose self-respect the Senator thinks will be lowered by providing that Senators shall be elected by the people have petitioned for this change. I have forgotten how many now, but almost a majority, perhaps more. I will ask the Senator from Idaho [Mr. BORAH] or the Senator from Oklahoma [Mr. OWEN] how many of the State legislatures have petitioned for this amendment.

Mr. OWEN. I think 31.

Mr. BEVERIDGE. Thirty-one—many more than half the legislatures of this country, acting under the right of petition, which is one of the most solemn rights that comes down to us from Magna Charta—have prayed us to grant them this very

relief which the Senator from New York says will derogate from their self-respect and power.

If the legislatures of the States themselves are the petitioners, Mr. President, surely the legislatures are estopped from saying that we are robbing them of a power which they ask to be taken away from them and which the history of the Constitution shows was given them only as a last expedient in the shape of a compromise.

Mr. OWEN. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. BEVERIDGE. Yes; I do.

Mr. OWEN. Mr. President, including those States where the primary law in effect puts the nomination of Senators in the hands of the people, 37 States have acted favorably on this matter.

Mr. BEVERIDGE. Well, 37. That is still more. The Senator from New York spoke wisely about the weakening of State governments. He referred to the fact that duties are coming to us by a natural process, because the State governments more and more are failing to discharge their duties.

Could a better reason have been given, Mr. President, for relieving those State governments of this extra burden? Why are they falling behind? There are two reasons—mingled economic and political reasons. One is that many of the greater affairs with which States formerly dealt are now economic national affairs, and the States can not deal with them properly.

The trust question, the transportation question, the distribution question—all these fundamental questions affect all the people of the United States as a whole instead of some of them as States separately. Another reason is this very question of the election of Senators, an extraneous duty, that takes their time and their attention from their immediate business.

So if it be true, as the Senator says, that State governments are falling behind, that they are growing weak because of non-user of their powers, why not relieve them of this extra power which they petition to be relieved of?

The Senator spoke about the people staying away from the polls, I suppose, as a kind of argument why they ought not to be intrusted with any more power. Mr. President, that is a serious question. I suppose there is no other purely political question that has so engaged the thought and attention of students as the curious fluctuations of a popular electorate, and the reason, I believe, has, by the consensus of the most learned opinions, been agreed upon.

The people stay away from the polls to the extent that they do, Mr. President, because they understand that after all their voting they have mighty little to do with the laws; that after all their voting they have mighty little to do with the election of any officer who is elected by their legislature.

Scores of years of wire pulling in legislatures, with which the people are thoroughly familiar, refusal to pass needed laws until after years of agitation for them, until the popular demand becomes so insistent and irresistible that even the interests that profit because those laws do not exist can no longer prevail—all the experience so familiar to legislation, is one reason why the people are no longer interested.

So it comes to be said, and that, too, by intelligent people—and I am coming to the intelligence of the masses in a minute—"What is the use? The caucus fixes who is to be nominated; conventions, run by bosses, say who is to be nominated by both parties; I can not vote for whom I like; it will have no influence with the laws." That is the reason, Mr. President, why the people's voting is falling off.

But where the people understand that they themselves can take part in legislation; that they themselves can vote for a Senator, for example; that they themselves under that system, which started in older countries than ours, can cast their vote upon a specific law, I observe that history shows that they come to the polls in greater abundance. Mr. President, if you want to encourage the negligence of the great privilege and duty of voting by the people just continue to take away from them more of their participation in government.

The Senator from New York says that this proposition comes because of evils in legislatures in connection with the election of Senators by those legislatures. Mr. President, partly; but it comes from a reason far deeper than that. It comes from the natural growth of the democratic idea. It comes by an increasing determination of the people to choose their own servants, to make their own laws.

The Senator says this is a part of a movement against representative government. If it is, Mr. President, it is a movement against representative government because, in the people's opinion, representative government no longer represents the

people. The common voter is asking the question: Whom does representative government represent?

It is true that this is a part of a great movement. How great? As great as two or three States? Yes. As great as a great section of the Republic? Yes. As wide as the Nation? Yes; and more than that, it is a part of a movement as wide as the world.

Who would have said three or four years ago that Turkey by this time would have a constitution, a chamber of deputies, and the beginnings of a republican government? Who would have prophesied, after the experience of Alexander the First in Russia, that the time would arrive within less than half a century when even that autocracy would have the beginnings of republican government? What mind would have been so wild as to prophesy that the idea of the people ruling themselves would penetrate the Orient, overthrow the ancient dynasties of Persia, and establish a parliament there?

Who could have believed 75 years ago that the most ancient monarchical people in the world but one, Japan, would have by this time as complete a voting system, almost, as that of Great Britain? It is a part of a movement, a movement wide as the world and deep as humanity, and it did not begin yesterday.

No; it did not begin, even, with the ringing of the Liberty Bell or with the Bill of Rights or with Magna Charta. It began when the idea first lodged in the human mind that the people ought to rule themselves. We have been in advance of that idea. Within the last few years England has overtaken and passed us. Switzerland is far ahead in her democratic institutions. So is France. No! the present phase of this world-wide and history-old movement is not a wild fancy of an excited populace, but another step forward of the deliberate and intelligent advance of all humanity.

The Senator from New York spoke of the pendulum swinging. There is the very mistake. This is no pendulum-swinging affair. This is a historic movement. The pendulum does swing in the case of a political phase that does not have its roots in the ongoing of things; but never in all time was there a swinging back of the pendulum in a historic movement of the people's advance.

Did the pendulum swing back from the time the Declaration was signed and the agitation of the years before that brought it into existence? No; the movement went on until Yorktown.

Did the pendulum swing back in the great agitation for our present constitutional form of government, which was toward a greater national unity and the resting of the Government upon the shoulders of the people themselves? No; it went on, not only till the Constitution itself was adopted, but has gone ever since. It always will.

Did the pendulum swing back in the period of Garibaldi, the soldier, and Cavour, the statesman, in Italy? No. It went on until Italy was unified, and instead of the servants of a few paltry princes there was a people of citizens. Did the pendulum swing back in the great human historic movement of the unification of the German people?

The Senator mistakes. This is not a pendulum swinging affair. It is not a passing passion. It is a great historic advance of the people, the continuance of the march which they began in the years of the heroic past.

The Senator speaks of changes in the Constitution. Everybody knows, as all writers on the history of our institutions set forth, that there have been mighty changes in our Constitution. It has vitality. It is not a dead thing. It is not a petrified form. Those changes have come by judicial interpretation and by practical administration.

The hour is so late or I should give several examples, but I will give one now, and that is The Legal Tender cases. The Constitution gives Congress the right to coin money. The Congress issued promissory notes, the legal tender of the Civil War. Does anybody believe that the power to coin money that was understood, when the Constitution was adopted, to be gold and silver and the smaller coins, involved the issue of paper promises to pay?

Well, that question was taken to the Supreme Court, and in the Hepburn case the Supreme Court said, no, in answer to Mr. Potter's wonderful argument, which I suppose never really has been refuted.

And then the Supreme Court changed, and in The Legal Tender cases the court said that not because we have power to coin money, but for reasons of power that we could deduce from many sections, or from the whole Constitution taken together, we had the power to do this.

That was considered by the law journals of the time to be absolutely revolutionary. If the hour was not so late, I should give—and I think I shall take occasion hereafter to give—a good many notable illustrations, some of which, I think, the Senator from New York has enlarged upon elsewhere, where the

Constitution has grown and changed by interpretation and administration, and therefore has been made responsive to the needs of the Nation.

But here is a case where it can not be enlarged by interpretation, where it can only be changed by amendment. Senators seem to think that we are tearing the Constitution to tatters. Oh, no; we are obeying its plain letter. The fathers foresaw that amendment would be necessary, and provided how it could be done. Then when we follow this plain method prescribed by the Constitution itself, are we designated as iconoclasts?

Mr. President, there is great fear of the people. The Constitution and the people! we hear, as though they were hostile forces. Well, Mr. President, what about the Constitution and the people? The Constitution was made for the people, made by the people; the people were not made for or by the Constitution. The Constitution is the people's instrument. The people are not the Constitution's instrument. The Senate is the people's servant, the Nation's servant, not their master. The people and the Nation are not our servants, and the Constitution ought to be changed whenever the people say it should be changed, because they made it and it is for them.

I challenge any man to have more reverence for that great instrument than I have, for men of my blood have fought for it on fields of blood. I have no greater reverence for anything else on earth than for it, except one, and that is for the intelligence and the conscience of the combined millions that make up the American people themselves.

There has been all through this debate, Mr. President, a profound distrust of the people. Of course you can not make any argument against this amendment to the Constitution except upon the distrust of the people. And to-day we heard what was said on the floor of the Constitutional Convention in 1787, that the people were not sufficiently informed for this and that and the other.

I want to repeat to the Senate an opinion given me by one of the greatest men that ever I knew, a man whose memory we all revere, to whose wisdom we all look up, even the older Senators, sitting at his feet like Saul at the feet of Gamaliel—Senator Platt of Connecticut—upon that subject. He was commenting upon speaking in his own State before the people there and speaking here, and he said to me, in substance—

I do not tremble when I rise to address my colleagues in the Senate, but I do tremble when I speak to a group of farmers or working men in Connecticut, because my experience is that they are thoroughly informed on all the questions, economic as well as political, upon which I can address them.

The fact is, Mr. President, due to the spread of education or the time that the farmer and the laborer and the salaried class have to read the news and reviews, the ordinary audience in this country, and especially in the rural communities, and the working and salaried classes, are better informed than their average servant in Congress. They are posted, and any man who goes among the people, not once or twice in the year in some notable speech, but all the time, mingling with them, will find that out. Senators make a profound mistake of fact when they imagine that the people are not intelligent and thoroughly informed.

Mr. President, one of the reasons that has been stated time and time again why it was not safe to trust the election of Senators to a direct vote of the people when the Constitution was adopted is because it was said the people were not informed at that time and were liable to be excited. As the Senator from Kansas pointed out yesterday, there were no means of communication in those days. People were separated, scattered apart.

But to-day San Francisco is nearer New York than Washington was to Pittsburg when the Constitution was adopted. The whole country is knit together by a network of living intelligence. Newspapers, magazines, books go everywhere, and Senators have simply made a profound mistake of fact when they doubt the intelligence of their constituents and of the people of the whole Nation. You can select from almost any community men who are as well up, even on the economic problems of the hour, as the average Senator here.

I know of one little crossroads in Indiana, at the juncture of three rich farming counties, where more serious reviews, both American and foreign, are taken than by a like number of people in the Back Bay district of Boston. I know farmers who take not only more popular magazines, but more serious English quarterlies and our own serious reviews than the average Senator in this Chamber. They read them, too. They study them. And they get the books referred to in the articles. So the people are intelligent enough. The people are informed. The Senator should not be alarmed about that.

The last point the Senator made on this particular question was to warn us that the amendments to the Constitution hereto-

fore made have not worked as they were intended. That is true, Mr. President. It is fortunately true, as I think the Senator from New York will be the first to assert. I am going to give him one illustration and ask him if he does not agree to it. I myself am a believer in Providence over all that we do in the end. The Senator cited the fourteenth amendment. I cite it, too, and especially the last provisions—

Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

When that amendment was passed—I am going to relate a circumstance now which I am sure is within the memory of the senior Senator from New York [Mr. DEPEW]—it was supposed to refer only to the freedmen—colored people who had been slaves—and there at once began to be interpretations of it, a critical one, where the word "person" was applied not only to the freedman, but to corporations. One of the cases was the famous San Mateo case, I think it was—I am speaking on the spur of the moment, and if that is not the case where this question was considered, I hope some Senator will correct me. But I think that was the case.

Anyhow, in the case I have in mind, a former Senator from New York made the great argument before the Supreme Court of the United States. Roscoe Conkling, after he went out of the Senate, made that argument. It did not seem to alarm Mr. Conkling in making that great argument which influenced the decision of the court, that amendments to the Constitution had not worked as they were intended to work. I believe the argument was made, and, if not, I am sure that the senior Senator from New York [Mr. DEPEW] can correct me, because he knows all about that case, that the last part of the amendment referred to corporations as well as persons, and therefore no law could be passed which would take from a corporation its property without due process of law or deny to any the equal protection of the laws; that that covered corporations just as much as it did the colored people.

It was argued on the other side that the history of the amendment showed that it grew out of and was for the purpose of protecting the individual freedman. That was the issue, was it not? When Conkling came to answer that he closed his argument in something like these words:

It may be true, your honors, that this amendment was not intended by its framers to have such a broad application as its words justify. But no matter, a greater wisdom than theirs was at work—

Then Conkling recited these wonderful lines so applicable to his contention—

The hand that rounded Peter's dome,
And groined the aisles of Christian Rome,
Wrought in a sad sincerity;
Himself from God he could not free;
He builded better than he knew.

That was the expression of another great New York statesman and lawyer in one of the most notable cases that ever came before our Supreme Tribunal in the interpretation of the Constitution. No, said Conkling, it did not apply as the men who drafted the amendment thought it would, but it applied with a broadness of wisdom greater than their temporary intentions, and "they builded better than they knew."

Mr. President, that quotation was, of course, as everybody recognizes, from Emerson's immortal poem "The Problem." And Emerson observed in one of his essays, which was a prose statement of that great poem, that it always has been found to be true that wherever any law was passed for the people's rights, where any constitution had been drafted to enlarge the people's powers, it always worked out, under the direction of an Infinite Wisdom, better, wider, and wiser than its authors knew.

So in the election of Senators by the people, Mr. President, the forebodings which the Senator from New York conjured with, after all are lighted up, if, indeed, they are not transformed into rosy hopefulness by these simple facts of history.

The Senator says, Whence comes this desire; that there is no fervent desire among the people for this. How shall the people show their desire, Mr. President? How shall they prove the fervency of their hearts for this proposition within the limits of law? Can they do it more powerfully than by the petitions which they have showered upon Congress, not recently only, but for years?

Can they do it in any other peaceful way than the ordinary way in which they continuously and increasingly have done and are doing it? Does the Senator think the people can express the ardency of their wish for a thing only by arming and marching on Washington?

Mr. President, the people have expressed by every means known to the orderly procedure of peoples of our race their desire for this great reform. Petitions to the Senate for this

amendment, petitions of the legislatures to the Senate for this amendment—

Mr. HEYBURN. How many?

Mr. BEVERIDGE. Thirty-six or thirty-seven. I discussed that while the Senator was out.

Mr. HEYBURN. Mr. President—

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

Mr. BEVERIDGE. I do.

Mr. HEYBURN. The Senator will find some difficulty in verifying his statement that 37 States have asked that Congress shall submit this amendment to the legislatures. They have asked that conventions be called, which is an entirely different proposition.

Mr. BEVERIDGE. The Senator does not need, I know, and does not intend, to quibble with a great business.

Mr. HEYBURN. There is no quibble about it.

Mr. BEVERIDGE. The point is this, that 37 States have asked that in one way or another way the people be permitted to elect their Senators. That is the main proposition. And that is not all—

Mr. HEYBURN. I will call the Senator's attention to the figures at another time, but he had better examine as to it in the meantime.

Mr. BEVERIDGE. I referred to two thoroughly posted Senators on the floor, the Senator's colleague and the Senator from Oklahoma [Mr. OWEN], and they both assured me that the figures were right.

Mr. HEYBURN. I have the resolutions from the States in my desk, and at the proper time I will call attention to them.

Mr. BEVERIDGE. I think it appears that three or four other Senators have those figures; great numbers have, in any event.

Mr. SUTHERLAND. Mr. President—

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

Mr. BEVERIDGE. Certainly.

Mr. SUTHERLAND. I will remind the Senator from Indiana that the pending question before the Senate is whether we shall surrender the power which Congress now possesses to supervise in the last analysis the election of Senators, and I have been waiting to hear the Senator say whether he is in favor of that particular part of the joint resolution.

Mr. BEVERIDGE. Mr. President, I am grateful if that circumstance has chained the Senator to his seat for this time. I do not wish to speak upon that—

Mr. SUTHERLAND. That is not the only thing that kept me here.

Mr. BEVERIDGE. I am still more grateful to the Senator for the implication I am permitted to draw from that. I want to speak upon the other question. I will not say whether I disagree with the Senator upon the question he propounds. I am apprehensive of destroying the power of the Congress over these elections, but I am principally determined, so far as my vote and efforts are concerned, upon the main proposition, the election of Senators by the direct vote of the people. The Senator and other Senators might just as well know that nobody can divert the attention of the people from that main issue.

I listened without the slightest thought of intending to speak on this question to the Senator from New York making good points upon that question; but when he came to the election of Senators by the people there were a few unintentional omissions of historical detail to which I thought I would essay to call attention. It was not my purpose to take up so much time.

Mr. SUTHERLAND. Will the Senator permit me?

Mr. BEVERIDGE. Certainly.

Mr. SUTHERLAND. Does not the Senator from Indiana think we ought to present a joint resolution to the legislatures of the various States which will embody that one question of the election of United States Senators by a direct vote of the people?

Mr. BEVERIDGE. I should like to see it done, Mr. President, in the quickest and most direct and most single-phased way it possibly can be done.

Mr. SUTHERLAND. Does not the Senator from Indiana think it is vital that this power, which has been possessed by the Government for nearly a century and a quarter, should be preserved?

Mr. BEVERIDGE. It is exceedingly desirable, Mr. President, but when the Senator uses the somewhat limited word "vital" I do not believe at this late hour of the night I want to split hairs about that. The thing we do want, the thing upon which the people are determined, the thing which they ought to have, both as a matter of reason and of changed conditions since the Constitution was adopted, is a right of the people to elect their Senators themselves.

Mr. SUTHERLAND. The Senator from Indiana has not yet made up his mind on the other question, I understand.

Mr. BEVERIDGE. When we come to voting I will try to express my final conclusions upon that, though I must say I regret that it ever was brought into the case. I am not without sympathy with the Senator's proposition, though I do not believe I am prepared to go as far as to say that I would be willing to preserve that power and lose the main thing. I am very sorry that that question ever arose, because it does permit a justifiable difference of opinion, based upon history and existing conditions; whereas the main question does not.

I was merely pointing out in closing, Mr. President, when the Senator from New York declared there was no desire for this among the people, that our people had expressed in every way known to the orderly conduct of peoples of our race their desire, their fervent desire, their continued and continuous desire by petitions, resolutions of legislatures, and in every possible way by which it could be done.

More than that, Mr. President, what is the meaning of the advance in the direct primary laws in our various States? It is because in spite of the people's petitions we have not answered the people's petitions as they desired, and so they are trying to get their heart's desire in another way, by primaries, by other plans.

There was a recent great agitation, I think, in the Senator's own State for the direct-primary system. I do not know whether that included the selection of a party's candidate for Senator by direct primaries or not. It does in most of the States, and I assume it did in the State of New York. Perhaps the public prints were wrong, but they represented the Senator as being in favor of that general plan, as was the governor of the State at that time.

In several of the States of the Union the people have tried to get this thing done after we have refused it to them by taking the situation in their own hands and making a provision that the people should vote for two candidates for Senator just as they vote for their governor. In one form and another, from ocean to ocean, the people have not only expressed their fervent desire, which the Senator from New York says he does not perceive, but when we have denied them that desire they have tried to get it indirectly by affirmative laws in their own States.

Senators, can the people in any other or better way express their feelings than they have done? They have been restrained; they have been moderate; they have been orderly. Naturally the Senator does not expect that a desire of the people for legislation shall take the form of mob violence.

Mr. President, Senators need not have any fear of the ability of the people. I venture to say that the masses of the people of Kansas are as steady in their composite judgment and as wise in their combined intelligence as any Representative they send here.

Mr. CURTIS. Mr. President—

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

Mr. BEVERIDGE. I am not referring to the Senator in the slightest.

Mr. CURTIS. The Senator referred to my State. I want to say that the State of Kansas is in favor of the proposition to amend the Constitution so that Senators may be elected by direct vote, and both the Senators from that State are going to vote for the proposition.

Mr. BEVERIDGE. Mr. President, I say, in conclusion, that this is a part, as the Senator from New York said, of a great movement; but it is not a part of a great recent movement, but of a historic movement; not a temporary movement, but one as permanent as the race and as lasting as time. It had its origin in the beginning of human history, and it will go on through human development to the close of human history, with the people's government getting more and more into the people's hands. It is affecting every nation in the world to-day. It is overturning thrones; it is establishing parliaments. We who in modern history began the march should continue to lead that historic progress. [Applause in the galleries.]

PROTECTION AND PRESERVATION OF FOOD FISHES.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States (H. Doc. No. 1375), which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate and House of Representatives:

On the 2d of February, 1910, I submitted to Congress "A system of uniform and common international regulations for the protection and preservation of the food fishes in international boundary waters of the United States and Canada," in order that due legislative action on the part of the Government

of the United States may be taken as stipulated in article 3 of the convention of April 11, 1908, between the United States and Great Britain on the subject. The attention of Congress was again called to the subject in my annual message of December 6 last.

I now transmit a report from the American member of the International Fisheries Commission furnishing further information in explanation of the value of the regulations and as to certain modifications which have been proposed and showing the importance of early action by Congress. He calls attention to the fact that the fisheries embraced in the regulations are among the most important in the world, and that they can be adequately protected only by the joint action of the two Governments. I can not too strongly urge upon Congress the importance of taking prompt action to put into operation the conservation measures provided in the regulations and to which this Government is pledged by treaty stipulation.

WM. H. TAFT.

THE WHITE HOUSE, February 10, 1911.

RAILWAY MAIL SERVICE.

Mr. LA FOLLETTE. I ask leave to submit a resolution and have it go over for the day. Let it lie on the table, subject to my call. I give notice that I will call it up to-morrow morning.

The PRESIDING OFFICER. The resolution will be read. The resolution (S. Res. 345) was read, as follows:

Resolved, That the Postmaster General be, and he is hereby, directed to transmit to the Senate a statement from the records of the Post Office Department showing—

1. The number of opportunities for promotion of railway mail clerks, resulting from deaths, removals, or otherwise, during the past fiscal year and the number of promotions actually made, giving classes in each instance.

2. The number of railway mail clerks killed and injured in wooden railway mail cars suffering wreck or collision while being operated in trains in front of heavier cars of steel or steel underframe construction during the last fiscal year.

3. What penalties, if any, have been enforced against railroads for operating wooden mail cars in front of steel or steel underframe construction cars in the same train, and the amount of penalties collected or withheld from railroads on this ground during the last fiscal year.

4. A statement of all penalties collected or withheld from the railroads for delays in the transportation of mail during the last fiscal year.

5. A list of all railroads with whom mail contracts have been made during the past year in which no provision is made for penalty or damages for (a) delay in the transportation and delivery of mail matter, (b) violation of the law and rules of the department regarding the operation of wooden mail cars in front of steel cars or steel underframe cars in the same train.

6. The number of post-office cars now being constructed or under contract for construction on plans and specifications approved by the Post Office Department showing (a) the number of wooden cars, (b) wooden cars with steel underframe, (c) steel cars.

7. The increase in mail tonnage and the increase in the number of letters and parcels carried during the last fiscal year over the preceding year and the increase, if any, in the number of railway mail clerks and total pay thereof during the same period.

8. The number of resignations of railway mail clerks during each of the past five years, giving the class from which each clerk resigned.

9. The number of unworked mail pouches and bags carried through during the month of January, 1911, as shown by the daily reports of the railway mail clerks on the following representation lines:

Chicago—St. Paul via Chicago, Milwaukee & St. Paul Railway.
Harrisburg—New York via Pennsylvania Railway.
Washington—Atlanta via Southern.

The PRESIDING OFFICER. The resolution will be printed and lie on the table.

ELECTION OF SENATORS BY DIRECT VOTE.

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

Mr. BACON. Mr. President, I desire to say one word with reference to the joint resolution before it is laid aside for the day. I dislike extremely to recur to the matter to which I called attention immediately after the address of the Senator from New York [Mr. Root] relative to a statement made by him in his exceedingly impressive and forceful argument, one of the most impressive and forceful I think I have had the pleasure of listening to in the Senate during my term of service here.

It is mainly because of the fact of the character of the speech, its very great impressiveness, and the very great attention which it received not only in this Chamber, but which it will receive from the public at large, that I feel that one of the statements made by the Senator in that speech should not go to the country without some further explanation of the meaning of the Senator as to what he then had in view.

I will repeat substantially what I said to-day when the Senator was unfortunately out of the Chamber. The statement made by the Senator in his speech, if I recollect it correctly (and if I do not the Reporter's notes, of course, will show wherein I am in error), was to the effect, if not in words, that

from time to time there were things which happened in the Southern States which ought not to be permitted to happen by those States, and that if they were not corrected by those States the National Government must correct them.

If the Senator had not said that these were happenings in the Southern States I would not feel called upon as a Southern Senator to ask that some more explicit statement be made by him. When the Senator says that they are happening in the Southern States, there must be some things peculiar to the Southern States which do not happen in other States.

I, for that reason, would be very glad to ask the honorable Senator what are the things to which he alludes which from time to time are happening in the Southern States which the Southern States ought not to permit, and which, if the Southern States do permit, the National Government should correct and prohibit.

Mr. ROOT. Mr. President, the Senator from Georgia will recall that I was discussing the surrender by the Government of the United States of the power necessary effectively to enforce the fourteenth and fifteenth amendments. Those amendments were designed to give to the black men of the South protection through the exercise of the power that rests in suffrage. The power of self-protection was one of the great moving considerations of the fourteenth and fifteenth amendments.

Sir, there have been in the South—and my remarks are limited to the South, because it is there that the questions arise under the fourteenth and fifteenth amendments, and for no other reason, and I accompanied it, the Senator will remember, by a frank admission that there are many things done in the North also which call for the reservation of the same power on the part of the National Government—there have been in the South lynchings, which I am sure the Senator from Georgia deplores as much as I do; there has been peonage, which I am sure he deplores equally with myself; there have been introduced into the constitutions of the Southern States clauses which are grouped under the general description of "grandfather clauses," and which are apparently adapted to limit the operation of the fourteenth and fifteenth amendments.

Mr. President, the people of the United States are willing, apparently, to hold their hands and to give godspeed to the people of the South in working out the great and difficult problem that is before them; but, sir, if it should come into the mind of the people of the United States that the protection of the blacks, which was designed in these amendments, is not being secured; if it should come that the people of the United States are convinced that injustice and oppression are being visited upon them, then the great reserve power of the National Government to enforce in full the fourteenth and fifteenth amendments will be exercised, and ought to be exercised. So long as the people of the South are working out their difficult problem in kindness to the blacks, so long the rest of the country looks on with sympathy and with good wishes; but if it shall ever come that the spirit of lynching and peonage denies to those poor people the protection that these amendments of the Constitution were designed to give to them, then the reserve power will be reenergized. That is what I meant by what I said.

Mr. BACON. Mr. President, the Senator from New York has brought into this discussion features which are not cognate to the immediate matter under consideration. The question which was being discussed, as I understood, was the necessity of the adoption of the Sutherland amendment in order that the National Government might maintain the control of the manner, the times, and the places of the election of Senators if those elections should be by a direct vote of the people. Therefore the question was on the subject of the exercise of the suffrage, and I thought that the Senator in his reply to my inquiry would possibly confine himself to that, because the other questions to which he makes reference open a very wide field for discussion.

Mr. President, it would probably be sufficient if I were to answer so much of the Senator's reply as relates to the matter of suffrage, because that is the question which we have had under consideration; but as the Senator goes out of his way to speak of lynchings and of peonage, I desire to say one or two words in regard to that without proposing to go into any general debate upon that subject at present, though, if it is desired, I presume not only myself but others from my section will be very glad to answer any argument which may be made or to meet any allegations of fact which may be made in regard to these matters. I will, however, now say one or two things in regard to them.

The great State of New York is not free from the crime of lynching. The great State of New York has very much less in the way of provocation, very much less of those things, those

horrible outrages, which convert men into demons than have the people of the South. They have very much less of those things, Mr. President, which deprive men of their reason and make them do things which they would not otherwise do.

Sir, no man in the South defends lynching. I say "no man," but I mean no man of proper feeling and regard for the law. Yet many at the South realize the fact that there are provocations to resist the power and impulses of which humanity is not only frail, but helpless. As I say, even in the great State of New York there has not only been a lynching, but a lynching of the most extreme and barbaric character, one in which the person lynched was burned at the stake. But further than that, Mr. President, there would be 10 lynchings in New York to where there ever has been one if it were not that New York is a thickly populated State, and most of the provocations to lynchings occur in large communities where there is ample police protection to protect the intended victim from the mob.

A year, sir, never passes but that the New York papers tell us of several, if not many, efforts to lynch people even in the city of New York; efforts which would be successful but for the fact that there is an army of policemen to prevent them, whereas in the South, with innumerable more occasions for those occurrences which stir men to these lawless redresses, the communities are thinly populated and there is no opportunity for organized police to protect them against lynchings.

Mr. President, I could go somewhat further on that subject. I shall not, however, do so, but I think I have suggested a sufficiency of answer in that regard.

I want to say to the Senator from New York in regard to peonage, that there never was a grosser slander against a people than that which is contained in the charges made and often in the prosecutions which are found in the South on that subject. We know what peonage is; we know the country from which it comes and the system which there prevails, where there is practically a slavery, a life-long slavery; and not only a life-long slavery, but a slavery from generation to generation under the bondage of debt.

There is no such thing in the South, and the pretenses of peonage in the South are based upon those things which are hardly worth while being called offenses. They grow out of a condition of affairs where honest men, honorable men, law-abiding men, have to advance money as monthly wages to people under a contract that they will do work for a certain period, generally a very short period, and where those who have thus contracted seek to evade their obligation, and where it is simply an effort to make them carry out the contract, not of peonage, but the contract for ordinary labor for which they have been paid in advance. That is about the sum and substance of every charge of peonage that comes up from the South. It is in almost every instance the effort to enforce the performance of a contract of a few months, where the wages have been in good faith paid in advance by the employer for the advantage and convenience of the laborer. It is a gross slander upon our people, too often countenanced by the courts, to represent that as peonage.

I have no doubt, Mr. President, that if the facts could be known. If the east side of New York could be investigated, there would be found very much greater violations of personal liberty, very much greater violations of the law which prohibits that one man or one woman or one child shall be deprived of liberty by another, than is ever found in any so-called peonage at the South.

But, Mr. President, that is not the question to which I addressed my inquiry to the Senator from New York, and I did not understand that those things were in the mind of the Senator when he was delivering his powerful speech, for such it was. I thought the Senator had in mind—and I still think so—those things which related directly to the matter which is before us for consideration and determination. I thought he had in mind the question which arises out of the amendment offered by the Senator from Utah—the Sutherland amendment—whether, in case we adopt the constitutional amendment giving to the people the right to elect Senators by direct vote, the question as to the manner of that election shall be determined by the States or whether it shall be determined by the Federal Government.

Although he did not then say so, I understood the Senator, in the remark which I have challenged, to have reference only to the question of suffrage. In the discussion of that particular question, he said that there were happenings in the South from time to time—if I recollect aright, those were his words, not once but "from time to time"—which ought not to be permitted to happen, and which, if they were allowed by the States to continue to happen, the National Government must put its hand out and prevent their happening. I understood him to mean exactly what he alluded to, or substantially what he alluded to,

in the latter part of his remarks with reference to the suffrage features of the law in some of the Southern States. For that reason I wanted to ask him to state plainly if he meant that if the Constitution shall be so changed as to provide for the election of Senators by direct vote of the people, in his opinion, the Sutherland amendment was needed in order that if, according to the opinion of Congress, the laws of the Southern States with reference to the suffrage were not such as accorded with the view of Congress as to the rights of the people under the several amendments of the Constitution to cast their votes in the election, it would then be the duty and power of Congress by law to see to it that the laws of the Southern States in those particulars were abrogated and annulled and that those elections for Senators should be governed by laws which would emanate from Congress and not from the States? Am I correct in that, I will ask the Senator?

Mr. ROOT. Perfectly, Mr. President. My proposition is that if the Members of the Senate are to be elected at popular elections the Government of the United States must retain the power to make those elections honest and fair and free, the power to say, if the regulations prescribed by the State are not adequate to that end, that they shall be superseded by regulations made by the Congress of the United States. My proposition, further, is that without that power accompanying this change in the method of the election of Senators, if the change be made, the Government of the United States has surrendered the power for its own preservation and protection.

Mr. PERCY. Mr. President—

Mr. BACON. If the Senator will pardon me just one second, then I will yield to him.

Mr. President, do I understand the Senator from New York to mean that if the States have now upon their statute books laws which regulate the suffrage in those States, such as the Senator speaks of as "the grandfather clause," though that is simply a term generic in its character which relates to a general class of legislation—does the Senator mean that, with the laws now upon the statute books of the several Southern States, if the proposed amendment of the Senator from Utah [Mr. SUTHERLAND] should be adopted and we should pass the joint resolution to amend the Constitution and it should be ratified by three-fourths of the States, it would then be within the power of Congress, if it conceived that these grandfather clauses, as they are called, all the body of laws with reference to the regulations and limitations of the suffrage in the Southern States—if Congress should conceive that they were unconstitutional, does the Senator mean that, in his opinion, Congress would have the power, under the amendment of the Senator from Utah, to annul those provisions and to make Federal laws to control the election of Senators in such way as to insure the right to vote to all persons thought by Congress to be entitled to vote?

Mr. ROOT. Without the slightest doubt.

Mr. BACON. Well, Mr. President, it is well that we are given this notice of what the Senator does mean and what the Sutherland amendment means.

Mr. ROOT. I meant to put you on notice, and I mean to put the whole country on notice if my words are able to do so.

Mr. BACON. Mr. President, I have performed a service in having the Senator announce it, not in general terms, but in particular terms. Sir, with this view it is certainly a very grave risk to run to adopt the Sutherland amendment and to put any such power in the hands of Congress.

I do not desire, Mr. President, to discuss the question of the grandfather clause and the laws of that class adopted by the Southern States for their protection, but I will say this to the Senator from New York and to others: No people ever went through so dark a day as the southern people when they were called upon to deal with the question whether they would submit to what was then the intention of the legislation of Congress, that by enfranchising the blacks and disfranchising many whites their government should be surrendered to the ignorant blacks.

I want to say to the Senator that if the southern people had not heroically contended and battled for white supremacy in the South, had they not subordinated all else to that issue, civilization would have been destroyed in the South; and if civilization had been destroyed in the South, the fatal poison would have speedily affected the whole body politic, and it would have been but a short time before civilization would have been practically destroyed in the whole American Nation.

Mr. BORAH obtained the floor.

Mr. FLETCHER. May I say just one word in this connection?

The PRESIDING OFFICER. The Chair recognized the Senator from Idaho.

Mr. BORAH. I was going to have the matter laid aside, but if the Senator from Florida desires to speak I have no objection.

Mr. FLETCHER. It will take only a moment.

Mr. President, the question of peonage has been referred to, and I will confine my remarks to that one subject in reply to the Senator from New York. I would like to add a word to what the Senator from Georgia has said, especially since there has come to Florida some notoriety in that connection.

In the southern district of Florida there was, I think, one trial involving the question of peonage. There was an acquittal of the defendant in that trial. The judge who conducted it is one of the most eminent on the Federal bench in this country.

In the northern district of Florida there were two trials and two convictions of peonage. One was the case known as the Clyatt case, where there was a conviction in the district court, a writ of error was taken to the circuit court of appeals, and the judgment was affirmed by the circuit court of appeals. But the judges of the circuit court of appeals certified to the Supreme Court, fortunately, the one question as to whether the act under which the prosecution took place was a valid law.

The case therefore came to the Supreme Court of the United States almost by accident, and that court, investigating the case, examined the whole record and reversed the judgment, and declared that there was not a "scintilla of evidence" upon which to base a conviction of the defendant in the case, and the defendant was discharged. The Senator from Georgia [Mr. BACON] informs me he appeared as counsel in that case in the Supreme Court, and he will agree, I think, with my statements as to the conclusions of it.

The other case was tried by the same judge within six weeks of his death. He was a judge of whom I do not like to speak further than to call attention to the fact a short while before that he was on trial before this body under charges of impeachment. There was a conviction in that case, known as the Harlan case. A writ of error was taken to the circuit court of appeals. By a majority of the court the judgment was affirmed, without a written opinion. Every effort was made to bring that case to the Supreme Court of the United States, and those lawyers who have examined it thoroughly—a large number of them, at least—are convinced to-day that it would have resulted in the same way that the Clyatt case resulted—in a reversal of the judgment of the lower court. But the Supreme Court of the United States was never able, under the technical rules which control it in such proceedings as were taken, to examine that record, and that conviction stands.

But, Mr. President, what I mean to say in this connection is that it did not concern the colored man at all. No man of color was involved in it. The prosecuting witnesses and the parties who charged they had been subjected to peonage were foreign laborers, brought down from New York under contract with an employer engaged in the lumber and naval-stores business. They were the very sweepings of the slums of Europe.

Mr. BACON. I will say further, if the Senator will permit me, that the party charged in that case was not a southern man. He was from the State of Iowa.

Mr. FLETCHER. The employer charged was from the State of Iowa, and I say here from my place, and on my responsibility, I fully believe that he ought not to have been convicted. But at the same time that is not the question. The point is that the colored man, of whom the Senator from New York speaks in respect to peonage, was not involved. I would say, further, that the colored man is getting fair and decent treatment in the South, and millions of dollars are being spent on his education and for his benefit by the people who pay the taxes in that section.

Mr. BORAH. I presume we have made all the progress to-day we can on the joint resolution. We have discussed a great many things which have no more connection with it than the man in the moon. The question of lynching and the question of peonage can have no possible relation with this subject in any way, shape, or form, and everyone understands precisely why they are brought into this debate. But as we will not be able to discuss the question at length this evening, I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. PERKINS. I desire to give notice that to-morrow morning, immediately after the routine morning business, I shall ask the Senate to consider the joint resolution (H. J. Res. 213) authorizing the President to invite foreign countries to participate in the Panama-Pacific International Exposition in 1915, at San Francisco, Cal.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 8 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 11, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 10, 1911.

IN THE NAVY.

I nominate the following-named midshipmen to be ensigns in the Navy from the 6th day of June, 1910, to fill vacancies existing in that grade on that date:

Harry A. Badt,
Walter L. Heiberg, and
Martin J. Peterson.

POSTMASTER.

Robert Z. Swegle to be postmaster at Eureka, Kans., in place of Thomas E. Dittmore, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 10, 1911.

THIRD ASSISTANT POSTMASTER GENERAL.

James J. Britt to be Third Assistant Postmaster General.

UNITED STATES ATTORNEY.

Charles W. Hoitt to be United States attorney, district of New Hampshire.

SURVEYOR OF CUSTOMS.

Duncan E. McKinlay to be surveyor of customs in the district of San Francisco.

POSTMASTERS.

IOWA.

Henry C. Hill, Milton.
J. Ken Mathews, Mediapolis.
George W. Metcalf, Lansing.
C. H. Westrope, Elliott.
William E. Whetstine, Columbus Junction.

MISSOURI.

Julius H. Conrath, Jefferson City.
George N. Stille, Charleston.

PENNSYLVANIA.

William F. Balsbach, Bellwood.
John N. Brosius, Middleburg.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 10, 1911.

The House was called to order at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 23361. An act authorizing the Hot Springs Lodge, No. 62, Ancient Free and Accepted Masons, under the jurisdiction of the Grand Lodge of Arkansas, to occupy and construct buildings for the use of the organization on lots Nos. 1 and 2, in block No. 114, in the city of Hot Springs, Ark.;

H. R. 21882. An act for the relief of Horace D. Bennett;

H. R. 21646. An act for the relief of William Doherty;

H. R. 13936. An act for the relief of William P. Drummond;

H. R. 31859. An act to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.; also a diversion intake dam at or near Black Point, Ariz., and Blythe, Cal.;

H. R. 19505. An act for the relief of Eugene Martin; and

H. R. 31172. An act granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9268. An act releasing the claim of the United States Government to that portion of land being a fractional block bounded