Also, petition of the California Fruit Growers' Association, favoring passage of a national quarantine bill; to the Committee on Agriculture.

Also, memorial of Cooks and Waiters' Union, Local No. 220, of Eureka, Cal., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petition of the Daughters of Liberty of New Jersey, favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SIMMONS: Petition of the National Guard Association of New York State, favoring passage of the militia pay bill; to the Committee on Military Affairs.

By Mr. SULZER: Petition of the National Guard Association of the State of New York, relative to pay for the Organized Militia; to the Committee on Military Affairs.

By Mr. TALCOTT of New York: Petition of the Workmen's Sick and Death Benefit Fund of America, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of National Guard Association of the State of New York, favoring passage of the militia pay bill; to the Committee on Military Affairs.

By Mr. TILSON: Petition of the New Haven Trades Council, of New Haven, Conn., favoring passage of House bill 23673; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIS: Petition of the Woman's Auxiliary of the Board of Missions of the Protestant Episcopal Church, in favor of the passage of House bill 21773, for the relief of natives of Alaska; to the Committee on the Territories.

Also, petition of the commander and other members of U. B. Pearsall Post, No. 500, Grand Army of the Republic, National Military Home, Kans., protesting against the interstate shipment of intoxicating liquor into States having prohibitory laws; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *July 10, 1912.*

(Continuation of legislative day of Saturday, July 6, 1912.)

At 10 o'clock a. m., on the expiration of the recess, the Senate reassembled.

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

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The roll will be called.

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

Bacon	Crane	Kern	Rayner
Borah	Crawford	Lea	Shively
Bradley	Culberson	Lorimer	Smith, S. C.
Brandegee	Cullom	McCumber	Smoot
Bristow	Curtis	Martin, Va.	Stephenson
Brown	Dillingham	Martine, N. J.	Sutherland
Bryan	Fletcher	Nelson	Thornton
Burnham	Gallinger	O'Gorman	Tillman
Burton	Gronna	Overman	Warren
Catron	Johnson, Me.	Page	Works
Chamberlain	Johnston, Ala.	Perkins	
Clapp	Jones	Pomerene	

Mr. TILLMAN. I ask unanimous consent to introduce a resolution and to have it read.

The PRESIDENT pro tempore. The Senator will withhold that for a moment. A quorum has not yet been obtained. Forty-six Senators have answered to their names, not a quorum.

Mr. SMOOT. I ask that the names of the absentees be called.

The PRESIDENT pro tempore. The Senator from Utah asks that the names of those who have not responded be called. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. SMITH of Georgia and Mr. WETMORE answered to their names when called.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. Mr. President, I report back House bill 25069, the sundry civil appropriation bill, so that it may be printed as proposed to be amended by the committee.

Mr. SMOOT. I doubt very much whether that is in order under the unanimous-consent agreement. An agreement was made, "That on Saturday, July 6, 1912, immediately after the conclusion of the routine morning business, the Senate proceed to the consideration of Senate resolution No. 315, declaring that corrupt practices were employed in the election of WILLIAM LORIMER as a Senator from Illinois, and that his election was invalid, and that before adjournment on that legislative day a vote be taken upon said resolution and all amendments to and substitutes therefor."

I understand that unanimous-consent agreements, such as the one above stated, have never been set aside for the introduction of any kind of business.

Mr. WARREN. Will the Senator allow me right there? I wish to say, first, that this is in the nature of a privileged report; second, that I gave notice before the unanimous-consent agreement was made, gave it in the open Senate, gave it as chairman of the Committee on Appropriations, that I could not consent to further unanimous-consent agreements that did not provide for or except business regarding appropriation bills, such as a report like the one I now offer, which would take no time, except to pass it across the table to the printer. Unless I can make this report and have it printed, Senators can not have the opportunity of properly examining this large and very important sundry civil appropriation bill without a very considerable delay. So I do not consider that there is any "unanimous-consent" agreement which ought to shut this out, for I had given notice beforehand that I would not consent to such a proposition.

Mr. President, it is not a large matter nor of great importance, only I am liable to have to answer an urgent call to leave the city at any moment, and I desire that the report may be received and printed, so that the appropriation bill may be taken up at an early day. I believe I am entirely within the agreement, first, because I had given notice that such a report should be excepted, and, second, because the agreement itself does not say that other business shall not be done.

Mr. SMOOT. I believe that always in the past where a unanimous-consent agreement has been reached, it has at least been understood that it would exclude all business in the Senate until that particular business being considered under the unanimous agreement was disposed of. I feel, Mr. President, that this is a matter of enough importance to have a ruling of the Chair upon it, and I shall make the point of order that the report is not in order at this time.

The PRESIDENT pro tempore. The present occupant of the Chair has read the rule with great care, and while he fails to find any absolute inhibition for the consideration of other business, the Chair is of the opinion that the spirit of the rule, at least, would indicate that the Senate did not intend to do any other business until the matter in hand was disposed of.

Yet the Chair finds that there is a wide difference of opinion on the part of Senators on that point, and the Chair has been appealed to to permit various small matters to be presented to the Senate, such as laying down messages from the House of Representatives. The Chair has not felt at liberty to do so until the matter was at least discussed to some extent. In view of the situation, the Chair feels compelled to submit the matter to the Senate for its judgment.

Mr. WARREN. Will the presiding officer, before doing that, rule upon this point: When a Senator, in the due course of his business and under his duties, gives notice that he can not consent to a unanimous-consent agreement, unless it excepts privileged questions, is that any protection or not?

The PRESIDENT pro tempore. The Chair would on that point suggest that, unless the exception had been noted in the agreement itself, the Chair would not feel like ruling that that brought the matter within the exception.

Mr. WARREN. Of course that leaves a Senator powerless. He puts the notice in the RECORD and does not happen to be present when the agreement is made. No one knows better than the Chair that those who have to prepare the appropriation bills can not always be in the Chamber, and if such a notice can not avail it would leave a Senator without the protection that it seems to me is due.

Mr. SMOOT. This notice was given June 8, 1912, and if an exception had occurred to the Senator it seems to me it ought to have been brought to the attention of the Senate before the subject matter of the agreement was reached in the Senate for discussion, and then if the Senate wanted to modify the agreement it could have done so.

Mr. WARREN. I do not understand what the Senator means by that. This is the first notice I have had that my notice, given before the agreement, had not been observed.

Mr. SMOOT. The Senator must have known that it was not included in the unanimous-consent agreement.

Mr. WARREN. There is nothing that will bar out receiving this report in the proper construction of the unanimous-consent agreement, as the Chair has indicated.

Mr. BACON. Mr. President, I should like to suggest to the Senator from Wyoming that if any such rule as he now seeks to secure recognition for would be recognized, it would go still further and a Senator could say, "I give notice that I am not going to consent to any unanimous-consent agreement," and then absent himself, and the Senate could be thereafter precluded from the possibility of making a unanimous-consent agreement because one Senator had given notice that he would not consent, and while he was not present to make good that expression he would have the Senate be governed by a notice of that kind.

Mr. WARREN. If the Senator will allow me, I shall withdraw the request for permission to report the bill. I have no desire to push the consideration of appropriation bills if the Senate does not so desire; but I certainly wish to acquit myself of being one who is delaying the proper business of the Senate and its early adjournment. I withdraw the request.

Mr. BACON. Senators have not any such special necessity for adjournment that they can not proceed in regular order under the terms of a unanimous-consent agreement, which is one of the most important methods of procedure of the Senate. There should not in any manner be any doubt cast upon the fact that the Senate will not only in letter but in spirit always observe a unanimous-consent agreement.

Mr. CLAPP. Mr. President, I can not let the statement of the Senator from Georgia go unchallenged. A notice which a Senator gives and which is entered in the RECORD is just as much notice to the Senate as though it were printed on the calendar; and if one Senator can object to a request for unanimoust consent—and of course one Senator can—he clearly has the right to announce that he will not consent to unanimous consent as to a given proposition; and if he is unavoidably absent on committee work or otherwise, he certainly would not be bound by action that was taken against his protest entered in the RECORD.

Mr. MARTIN of Virginia. Mr. President, I merely desire to say a few words to dissent from the proposition laid down by the Senator from Minnesota. Senators can not leave notice with this body as to what they will do. When unanimous consent is asked, unless objection is made from the floor of the Senate by a Senator who is present, he can not leave his vote here to be recorded against it. The Senate can not do business by proxy in that way. I am startled at the suggestion made by the Senator from Minnesota that the business of the Senate may be controlled by absent Senators.

Mr. CLAPP. Mr. President, that proposition of mine does not propose to control the business of the Senate; it simply prevents the Senate, in the necessary absence of a Senator, from controlling his action and binding him by an agreement to which he is not a party and against which he has entered his protest. The making of unanimous-consent agreements is a very peculiar and a very drastic proposition, and the idea that a Senator, who may be properly absent because of sickness or from any other cause, can be bound here by an agreement to which he is not a party, and against which one single protest would prevent its consummation, I for one can not consent to, and never will.

Mr. MARTIN of Virginia. When a Senator is absent, whether it be because of sickness or other cause, he can not participate in the business of the Senate.

The PRESIDENT pro tempore. The Chair understands that the Senator from Wyoming has withdrawn the report.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On July 6, 1912:

S. J. Res. 111. Joint resolution to convey the thanks of Congress to Capt. Arthur Henry Rostron, and through him to the officers and crew of the steamship *Carpathia* of the Cunard Line, for the prompt and heroic service rendered by them in rescuing 704 lives from the wreck of the steamship *Titanic* in the North Atlantic Ocean;

S. 897. An act for the relief of Alfred L. Dutton;

S. 1293. An act for the relief of Herbert Thompson;

S. 1754. An act for the relief of William F. McKim;

S. 5176. An act granting a pension to Elizabeth B. Preston;

S. 5198. An act to authorize the issuance of patent to James W. Chrisman for the southeast quarter of the northeast quarter, to southeast quarter of the southwest quarter, of section 13, and the north half of the northeast quarter of section 24, township 29 north, range 113 west of the sixth principal meridian;

S. 5776. An act authorizing the Secretary of the Interior to adjust and settle the claims of the attorney of record involving certain Indian allotments, and for other purposes;

S. 6153. An act for the relief of Charley Clark, a homestead settler on certain lands therein described;

S. 6977. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 6646. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

On July 9, 1912:

S. 458. An act for the relief of the Turner Hardware Co.;

S. 4445. An act concerning unrigged vessels;

S. 5141. An act to correct an error in the record of the supplemental treaty of September 28, 1830, made with the Choctaw Indians, and for other purposes;

S. 5287. An act for the relief of Kate Ferrell;

S. 5935. An act to fix terms of the district court for the western district of Michigan;

S. 6252. An act to relinquish the title of the United States to certain property in the city and county of San Francisco, Cal.; and

S. 6925. An act to authorize the Chicago, Burlington & Quincy Railroad Co. to construct a bridge across the Mississippi River near the city of St. Louis, in the State of Missouri.

SENATOR FROM ILLINOIS.

Mr. CULLOM. Regular order, Mr. President.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Tennessee [Mr. LEA] is before the Senate.

The Senate resumed the consideration of Senate resolution No. 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

The PRESIDENT pro tempore. The question is on agreeing to the resolution, on which the yeas and nays were ordered on yesterday.

Mr. JOHNSTON of Alabama. Mr. President, the consideration of this case has doubtless carried it beyond the stage where the conclusion of any Member of this body can be changed by recounting the statements of witnesses. My own conclusions are embodied in the report of the committee, and I shall not attempt to rehearse, in the debate upon this question, what has been carefully and definitively presented in that report.

I was designated as one of the subcommittee originally selected to hear the charges affecting the seat of WILLIAM LORIMER, and upon the reopening of the case upon the suggestion of new evidence it again became my duty to sit with the committee charged with the hearing of the evidence. These two assignments, together with the time required to consider the evidence and report our conclusions to the Senate, have occupied much of my time for over 160 days, and I can not but feel that I have not discharged the full burden of the duty involved without adding to the formal report of the committee a brief reference to my personal conclusions and my personal impressions of the atmosphere created by the hearings, in addition to the paralyzing conclusiveness of the bare facts.

Mr. President, I shall assume that every Senator who intends to vote to unseat WILLIAM LORIMER is familiar with the printed evidence and has carefully considered the report of the committee selected by the Senate to ascertain the facts. Corruption is often less infamous and uniformly less cruel than injustice, and a judgment of ouster against the Senator from Illinois rendered without a patient and full consideration of the evidence would be opposed to a fundamental maxim of humanity and of Anglo-Saxon liberty—the presumption of innocence.

This proceeding, Mr. President, is a criminal trial in which it is conceded that there is no evidence tending to show complicity on the part of the defendant with the crime charged, and in which those charged with the actual corruption, and whose guilt is necessary to a judgment of ouster, have been discharged after trial by their peers. Even those Senators upon the committee reporting in favor of unseating Senator LORIMER failed to oppose the finding of the majority "that there was nothing in the testimony to show that LORIMER himself had engaged in corrupt practices or that he personally knew of any such corrupt means being employed by others."

Nine thousand pages of evidence failed to discover any basis for the charges against his personal character. On the contrary, the evidence demonstrates a common injustice of the day. The Chicago press assailed LORIMER with such venom that the country was led to believe him a monster unfit to live, much less to sit in the Senate. A rare record of the degree of his personal unpopularity was shown when Col. Theodore Roosevelt, the Rough Rider of gusty politics, yielding to the storm, declined to sit as a guest at the board of a Republican club if LORIMER, a member of the club and a Senator in Congress, holding his

commission from the sovereign people, was to attend. It is unimportant that the premise on which Col. Roosevelt acted—the hearsay evidence of Funk—has been exploded by the testimony, for there is no question of following that prophet of political expediency when Senators are under their oaths.

The essential thing is that LORIMER, the defendant in this case, is conceded by his bitterest opponents to be a man whose personal reputation repudiates, prima facie, any possibility of complicity in the corrupt purchase of a seat in this body. His implacable enemy, the editor of the Chicago Tribune, swore that "LORIMER was more dangerous because of his irreproachable qualities of a personal sort." Mr. Kohlsaat, of the Record-Herald, who, it seems, whispers rumors to judges upon the bench, an inveterate foe, testifies: "His home life, his family life is ideal." The present governor of Illinois testifies to his favorable impression of LORIMER's character; the Republican nominee whom he defeated for the Senate and his Democratic opponent join in statements as to LORIMER which would gratify any man in this Senate. So universal was this testimony as to his integrity, his frankness, his fidelity to his word, that the distinguished Senator from Indiana [Mr. KERN], who opened this debate against him, was led to say:

> My duty here is particularly painful because the man whose right to a seat here is a fellow Senator, a man of pleasing personality, whose private life, as I understand it, has been pure and whose home life is ideal.

These conclusions from the evidence, Mr. President, do not present the weightiest reason for resolving any doubt arising from it in favor of Senator LORIMER. The undisputed narrative of his life, his earliest struggles, and his success, culminating in a seat in this body, furnish a page that will compare favorably with the best American traditions if it is not to be tarnished by a judgment of conviction on this hearing.

Eliminating sentiment and reviewing his homely efforts with that consideration of the facts which bases its conclusion as to character upon experience, we find that the vital facts of LORIMER's life point against a sudden surrender of integrity to ambition. The eldest of six children, he assumed at the age of 10, on the death of his father, a Presbyterian minister, the courageous support of his mother and the education of his brother and sisters. As newsboy, cash boy, common laborer, house painter, and street-car conductor, he maintained the respectability of his family and the dignity of labor. His brave struggle to overcome his lack of education testifies to the universal gentility of intellect. Time was when the patient fulfillment of these duties counted for more than a grudging prima facie certificate of character. It is certain that the people amongst whom he lived found no just ground for discrediting his motives or his integrity, for they elected him six times to represent his district in Congress.

This, Mr. President, is the defendant we are to try. Can any member of this body, in the light of these undisputed facts, approach a consideration of the evidence bearing on the charges without a determination that the presumption of regularity must be affirmatively overcome before the established character of Senator LORIMER is repudiated and blackened by expulsion as the beneficiary of fraud?

It is, moreover, worthy of your consideration that WILLIAM LORIMER, though conceded to be innocent of complicity in any wrongdoing, is now sought to be damned for all time, whereas the agents of the alleged fraud have been exonerated by juries representing the very people whose honor is at stake; and those miserable beings who have confessed to perjury and legislative bribery have been given immunity. The people of Illinois acquit those charged with voting corruptly, the prosecuting attorneys of Illinois release those who confessed to perjury and bribery, and the Senate is now asked to square the jail delivery by crucifying the man who is shown by the overwhelming evidence to have had no knowledge or part in any wrongdoing.

In order to reach this result, Mr. President, the evidence must show that others employed corrupt means without his knowledge or consent, to an extent that resulted in his election by corrupt votes.

On the final vote, when Senator LORIMER was elected, he received 108 votes; Hopkins, 70; and Stringer, 24. The total vote against his election was 94; and it was necessary to show, in order to unseat him, that at least 14 men were corruptly influenced to vote for LORIMER which would have reduced his honest and unassailed vote to 94, the total number received by Hopkins and Stringer. Strange to say, this is exactly the number of votes the minority report alleges to have been thus corrupted.

The chief witness to this fact is White, a man so corrupt, according to his own testimony, as to challenge the thought as to whether he could swear the truth if he tried, and to carry the conviction that he never tried. No voice has been heard, nor even a suggestion from a partisan press, in defense of the character of this debauchee. He is impeached by numerous witnesses for the prosecution, and admitted under oath that his own statements were false in material points, and were plain Anglo-Saxon lies.

The evidence given by Holstlaw, Beckemeyer, and Link is relied on to show that, after the election, money was paid them, and yet each one of them repeatedly swore that he voted for LORIMER without any reward or the hope thereof. But one man, appropriately named White, because his character is so black, is the only man who the record shows to have claimed to do this.

The State was scoured by newspaper men and by detectives paid to secure evidence. Every member of the legislature who exhibited money about that time, and practically every member who voted for LORIMER, including the speaker of the house, was put under suspicion and forced to explain. Out of the mass of testimony thus produced the minority have found, in the face of formidable and creditable testimony at every point, only 14 men, the magic and essential number, out of 108, whom they suggest were corrupted. I say the magic number, because, under the well-established principles controlling the decision of this matter, the corrupt and illegal vote, where the member himself does not know of or engage in the wrong, must be first excluded, and if it appears that a majority of honest legal votes remain he is still entitled to his seat.

Another singular argument appears in this case. LORIMER received on the final ballot the votes of 55 Republicans and 53 Democrats—108. Not a single Republican vote is challenged by the minority. I want the Democrats here to observe that fact—not a single Republican vote is challenged by the minority. Each one of the 14 alleged corrupt voters is a Democrat. Yet wholesale corruption is alleged to have prevailed—a corruption confined to Democrats, a sort of Democratic leprosy, which demonstrates in a startling manner the hitherto unsuspected sanctity and honesty of the Republicans of Illinois. It is inconceivable that if this carnival of corruption existed an agent going the rounds to buy votes would not find one Republican out of 127 in the legislature that would sell his vote.

I am reluctantly constrained to the opinion that certain Senators upon this side of the Chamber, my Democratic colleagues, are disposed to base their conclusions upon this matter upon a general conviction, in contradiction of the theory to which I have just referred, that the Republican Party in Illinois is a reproach upon public morals and that in some way WILLIAM LORIMER, as a prominent Republican in the State, is tarred with the reproach of the general system and should be rebuked. No member of the Senate has more painful personal recollection of the abuses of the Republican Party than I. In its age of youth, if not of its purity, it sent its renegades and scalawags to rule my people, and to further this purpose manufactured a vast black and illiterate electorate in a night. The evil that they did has survived only to the own undoing of their creators. Their national convention trembles at the racial instability of the negro delegate and proud leaders cringe before him. The Senator from Indiana, intent in his loyalty to Democratic traditions and justly suspicious of the good faith of a political organization which persistently breaks faith with the people and ignores its just obligations, has not the reason for crying out against that organization that I have; but that prejudice, Mr. President, confirmed by the general idea that municipal politics of the present day is a menace to political freedom, should not count for a jot or a tittle in considering the question of the regularity and legality of the election of WILLIAM LORIMER.

Some Senators of the minority of the committee in this case seem to have conceived the idea that every Democrat who voted for LORIMER did so corruptly, although the evidence distinctly shows that there were 127 Republicans in the legislature and only 77 Democrats. This conclusion is doubtless based upon the idea that I have suggested—that no honest Democrat could vote for any Republican of Illinois. But it is certain the Democrats were hopeless of electing one of their own party after the vain effort to elect had continued for months. As a matter of fact, the fact that these Democrats, or a majority of them, voted for LORIMER to defeat the nominee of a Republican primary is less a matter of surprise than the vote cast by the Republicans contrary to the recommendation of that primary. Every Democrat on this floor knows that, as between LORIMER and Hopkins, the majority of Democrats, hopeless of success in their own ranks, would have voted for LORIMER. If it be prima facie evidence of corruption when a Democrat under any circumstances votes for a Republican, it would cast suspicion upon every Democrat who, under like circumstances, has obtained Republican votes. A Democratic Senator in this body from the

State of Tennessee, whose seat is uncontested, was elected by the votes of 32 Republicans and 34 Democrats, and he had a majority of 2, I believe, to elect him; and my good friend the junior Senator from Vermont [Mr. PAGE] would be tarred with this suspicion, as he received every Democratic vote in the legislature.

The charges of corruption in the election of WILLIAM LORIMER were examined, exhaustively argued, and acted upon by the Senate in the Sixty-first Congress. The contention that a Member's right to a seat in this body can be tried, judicially determined, and subsequently reopened on the same facts for consideration at a subsequent session of the Senate, when it is hoped that a change in the membership will result differently, is, upon the bare statement of the proposition, a shock to the conscience. The uniform precedents established by the practice of the Senate in such matters sustain the dignity and conclusiveness of its former judgment. It is to the interest of the public business that successive sessions should not be monopolized by the consideration of contests most frequently involving partisan questions. The pending matter demonstrates the wisdom of the rule. It is conceivable that where public indignation has been aroused concerning a Member of this body, whose right to a seat is contested, candidates for the Senate in the various States, who base their appeal upon issues which they fancy will stir the popular pulse rather than upon their character, their intellectual independence, and their record of patient service, might try the contests on the hustings and come into this body committed to reopen and condemn, without having had the opportunity, or of having been under the sworn duty, of reaching a conclusion upon the facts. Retrial under such circumstances would be a disgrace to justice. Mr. President, it would humiliate me, as a Member of this body, if I were forced to the conclusion that the instance that I have just supposed is not altogether remote.

In the case of Fitch and Bright, Senators from Indiana, who were seated by the Senate on hearing the contest, in May, 1858, the case was subsequently reopened by the Senate in 1859, upon the request of the Legislature of Indiana. After consideration, it was solemnly decided by the Senate that the decision made in 1858 established finally and irrevocably their right to seats and that the judgment was final.

The same conclusion was reached by the Senate in the case of Sykes against Spencer, from Alabama; the committee reported in that case that—

> The question on the former trial was whether the courthouse legislature was the lawful legislature; and that having been definitely settled, it was considered by the committee that it was not competent for the committee or the Senate to reopen it, and that it must be treated as res adjudicata—

and no minority report was presented by the committee, though such illustrious Democrats as Saulsbury of Delaware, Merrimon of North Carolina, and Cooper of Tennessee were members of the committee; so also was this followed in the case of Corbin against Butler, from the State of South Carolina.

In the case of Senator DU PONT of Delaware, the Republican majority of the committee reported that he was entitled to his seat in November, 1895. Senators Turpie of Indiana, Pugh of Alabama, Gray of Delaware, and Palmer of Illinois, Democrats, dissented, and their minority report was adopted as the judgment of the Senate by a majority of 1, and DU PONT was denied his seat. The case was reopened by the Senate, and upon consideration the committee reported without a single dissenting voice that the Senate having decided the case, it was final and conclusive. Senator Hoar was chairman of the committee, and Senator Edmunds and all the Democratic and Republican members joined in this report, save one, who withheld his judgment. Senator Hoar said on the floor that "he believed DU PONT had been lawfully elected and he desired him to be seated; but that no newly discovered evidence was found or mistake suggested, and that the case having been decided, nothing remained but to declare it final."

The basest assassin and most hardened criminal can not, after acquittal, be tried again for the same offense in any Anglo-Saxon country in the world. If the right of a Senator to a seat in the Senate can be tried over and over again, it is at the whim of a changing majority. His right is not merely his right to a seat, which may be of small consequence, but it involves his reputation, his honor, and the future peace and happiness of his wife and children, and, more than all, as I have said, the right of a sovereign State to have its chosen representative in this body, however ill fitted he may be to serve.

The Senator from Indiana attempts to defeat the plea of res adjudicata by the argument that it should have been made at the outset against a reopening of the case.

When that matter was before the Senate, the chairman of the committee, Mr. DILLINGHAM, said very wisely:

> We do not doubt that the Senate, like other courts, may review its own judgments where new evidence has been discovered, or where by reason of fraud or accident it appears that the judgment ought to be reviewed. The remedy which in other courts may be given by writs of review or errors or bills of review may doubtless be given here by a simple vote reversing the first adjudication. We have no doubt that a legal doctrine involved in a former judgment of the Senate may be overruled in later cases. But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their minds as to the law or facts which are involved.

We were agreed that if newly discovered evidence had been found showing that $100,000, or any other sum, had been raised and used to secure the election of Senator LORIMER by Mr. Hines or any other person, he should be unseated, but we could not tell in advance of the investigation whether such were the facts. We were willing to reopen the case for the purpose of giving the widest latitude to prove this alleged fact, but the majority after hearing all the evidence has found that such was not the fact and, accordingly, that the Senate should not recede from its former judgment.

The testimony of Funk is relied on. I shall not burden the Senate with a review of the facts, which, in my opinion, refute Funk's statement beyond defense. Even had it been established beyond dispute that Hines had told him that they had used $100,000 to elect LORIMER, that would not prove the fact that one cent was used in electing LORIMER. The evidence is overwhelming that Hines did not raise or expend any money in connection with securing votes for LORIMER.

For these reasons and upon the evidence it is my solemn conclusion that no new evidence has been adduced showing that the judgment of the Senate rendered at the Sixty-first Congress should be reviewed, and that, upon the whole evidence, the charges of corruption have not been sustained.

I am not induced to this conclusion by any friendship or sympathy for WILLIAM LORIMER. Had it been established to my reasonable satisfaction that a single vote had been corruptly influenced in his favor and to his knowledge or that his majority was due to fraudulent votes, I should unhesitatingly vote to unseat him. Senator LORIMER'S political convictions are not mine. My first political battles were spent in the effort to free my State from the baleful influence of his party, and I should be glad to do my part in directing the Nation's attention to so signal a crime as the purchase of a seat in this body by a Republican of long service if the evidence justified it. In my opinion, the evidence fails.

Mr. President, I have heard it whispered around this Chamber that my conclusion is opposed to the conclusion of the majority of the Senate; that the recent campaign for the Republican nomination, in which the leading candidates, neither of whom was or is charged with the sworn duty of reaching a conclusion upon the evidence, vied with each other in decrying LORIMER, and thereby revived the unpopularity of WILLIAM LORIMER; that this has lost his cause, and I have been advised to "drop LORIMER" and save myself.

Mr. President, I entered the Confederate Army in April, 1861, because the State of Alabama had seceded from the Union, and I believed their cause was righteous, and that it was my duty so to do. For four long, bloody years I followed the flag of Dixie; sometimes in defeat and often to victory. I became convinced before the surrender that we could not succeed, because we could not replace the brave men who fell on the field of battle. We were shut out from the world and could only draw recruits from the cradle. The idea never came into my mind that, because we must inevitably fail, I should desert to the enemy. I stood by my colors facing death and defeat until Lee and Johnston surrendered the fragments of glorious armies whose fame will never die. The span of my years may be shortened by the shot stopped by my breast in that failing cause, but, all in all, my keenest satisfaction in the past rests not upon those moments when I swam with the tide, but when I bared my breast, with Ajax, and took the lightning. Mr. President, I refuse to save myself at the sacrifice of my convictions and my honor.

A great deal is being said these days, Mr. President, about the people's rule—about restoring the people to rule, which I had not observed they had lost nor they either, I imagine. I am forced to concede that during the generation of Republican administrations, which are now passing, the interests of the plain people seems not to have been the inspiration of our national legislation. As I have remarked, I have no doubt that the popular impression upon this question is that LORIMER should be unseated, but I do not conceive it to be aiding the restora-

tion of popular government to substitute popular impression for the solemnity of my oath as Senator. The difficulty of inviting direct action of the people upon measures, under our system of Government, is the physical difficulty of presenting the facts fully and fairly, and of securing a general expression from the people, rather than any distrust of their deliberate conclusions. When they know the facts their judgment can be relied on.

Montesquieu, the prophet of the American Constitution, says (Book II, 2)—

that the people under a republican form of government are extremely well qualified for choosing those whom they are to intrust with part of their authority, but are not capable of conducting an intricate affair; that the great fault in the ancient republics was that the people exercised the right of active resolutions, whereas they were more peculiarly fitted to choose representatives for that function.

Again (Book XI, 6)—

that democracies are subverted when the people deprive "the senate, the magistrates, the judges of their functions"; and when the people "want to manage everything for themselves—to debate for the senate, to execute for the magistrate, and to decide for the judges."

Clear-cut issues, such as the tariff, the Republican idea of revision downward, extravagance in national affairs, the election of Senators by the people, and other constitutional amendments—these, and yet other matters, are all issues which the people can and should decide, but no man can contend that the people of the United States have absorbed an accurate statement of this investigation from the public press, or that they desire to sit as judges upon this voluminous record, or that if they were to pass judgment, they had opportunity or time to read this mass of evidence.

Mr. President, day before yesterday I sent up to the document room to inquire how many copies of the hearings had been taken out, and I was informed that but 41 had been removed from the document room—not enough to supply half the Members of the Senate; and so far as I am advised not a single copy had been sent to any citizen in private life.

No Senator can evade his responsibility for a consideration of the evidence and an independent conclusion upon the facts; and for the consolation of any Senator whose conviction may tremble before the superstitious suggestion which has been made that every Senator who voted for LORIMER has been defeated for reelection I desire to call attention to the reverse of that suggestion. When I look around the Senate I am unable to find the brilliant Beveridge of Indiana in this Chamber—the first of the so-called anti-Lorimer Senators to "bite the dust." And where is the late vibrant Senator from Nebraska, Mr. Burkett? Where is my good friend Frazier of Tennessee? And how fares it with the worthy and respected Senator from Oregon [Mr. BOURNE], and my good friend the Senator from Nebraska [Mr. BROWN], and the chivalrous PERCY of Mississippi, and that splendid old newspaper man from Iowa, Mr. Young? All these opposed LORIMER on the former hearing.

In this case the Senate is both prosecutor and judge, a dual relation that demands the greater care and hesitancy in resolving the burden of proof for a judgment of conviction. The duties of the prosecutor are done; you now sit as judges. And in that connection it may have occurred to some minds that the present tendency to criticize this body would be in some degree relieved by the expulsion of Mr. LORIMER, that your pride and the dignity of membership in this body would be protected or augmented by the expulsion of a Member enjoying popular disfavor. The merit of the Senate must be inconsiderable if it labors under such a necessity. There is enough and more of Pharisaism in public life. Col. Roosevelt declines to break bread at a public banquet with an American citizen, convicted of no crime and proven guilty of no personal act of moral turpitude, and chosen by the legislature of his State to sit in this body. He has not heretofore been so choice in his table mates. Un-American, undemocratic, and un-Christian charlatanry of this kind produces scoffers, not converts, to the cause of progress and reform. The same gentleman charges a large number of the leaders of his party with being accessories before or after the fact to grand larceny.

There is another fact in this case that should have weight. I do not suppose that as many as 20 Senators have read all the evidence in this case. Seven Senators were assigned as a subcommittee to hear it on the first trial, and a special committee of 8 Senators to hear it on this trial. Of these 15 Senators, composed of 8 Republicans and 7 Democrats, 11 have agreed in their findings in favor of Senator LORIMER and 4 only to the contrary. In the first trial the members of the committee, with the exception of Senator Frazier of Tennessee, were unanimous, and on this trial they stand 5 to 3 for acquittal, and of the 5, one Senator—one of the ablest and truest in this body (the senior Senator from Washington, Mr. JONES)—voted against LORIMER on the first trial and has entirely changed his mind after a patient and impartial hearing of the evidence in a long and protracted sitting.

This is the judgment of the men who have heard the witnesses, observed their aspect and bearing, and were better able to weigh their credibility. I have not the slightest pride of opinion that makes me desire that my conclusion on the facts, or the conclusion of the committee, be sustained by the Senate. I merely suggest that the repudiation of the majority report by the Senate would constitute a substitution by the Senate of the conclusion of Senators who have not heard the witnesses, and who have not been charged with the specific duty of considering it exhaustively, for that of your committee which has proceeded upon the unpleasant duty assigned them with the utmost patience and deliberation, and with that opportunity for weighing the testimony which is regarded as indispensable to a judgment upon the facts by every civilized system of law.

I heard all the evidence in both trials, the last covering about 9,000 pages of printed testimony; observed the witnesses, their demeanor, and manner of testifying; and I was not convinced, or reasonably satisfied, that LORIMER's election was secured by corrupt methods. I know that many people who have neither heard the evidence nor read it believe that LORIMER is guilty. I am sitting under my oath as a judge, and if I knew that every man in the United States believed LORIMER not entitled to his seat, I should decide the case according to my conclusions upon the law and evidence, whatever the result. Should I decide against my judgment and conscience, I would be unworthy to sit in the Senate. I would lose my own self-respect and be unfit to associate with honorable men. For a judge or juror to decide a case in accordance with what he believes would be pleasing or displeasing to the general public would show him unworthy to sit on the bench or the jury. Can any man, however honest and able, who has neither heard nor read the evidence, or who does not know the law applicable to it, be competent to decide such a question? Should any man who has not even read the evidence justly condemn those who have? If so, our entire administration of justice is wrong; our political convictions erroneous, and all functions of government should be left to a vote of the people. Until the people, in the exercise of their plenary power, assume the duty and right to pass upon solemn matters pending before this body it behooves the Senate to give effect to our ancient institutions. Among them is a system of justice which is deaf to popular clamor, entertains no presumption of guilt, and acquits in the absence of a definite and conscientious conviction to the contrary.

The people have not heard the evidence as I have. They have not taken an oath to do impartial justice according to the Constitution and the laws. I have. I can not render judgment upon their convictions, nor can they transfer to themselves my punishment if I violate my own. I would be unworthy of my place, if, for any fears of public retribution or disapproval, or for the sake of securing popular favor, I should disregard the convictions of my judgment and conscience. If every member of the Legislature of Alabama and every citizen of the State should demand that I should yield to the popular clamor for the conviction of anyone, upon their belief about the facts, contrary to my judgment, my convictions, and my oath as a Senator, I should promptly resign my commission and permit them to choose a successor who might be more willing than I to sacrifice his honor and self-respect for a seat in the Senate. I have taken no oath and made no promise to cast my vote according to the edict of the press. I ran before the wind of no popular temporary issue; I rode into this Chamber upon no hobby selected for political effect. I believe that the dignity of a Senator is not consistent with catch-penny platforms, patent issues, or maudlin generalities, and that my presence here is based upon the conviction of my people that upon all public questions my experience, and my record of service in the past, justified them in relying upon me to consider patiently each question in the light of the public welfare and vote my convictions. I am not convinced from the evidence that WILLIAM LORIMER had any knowledge or notice whatever that corrupt means were used to secure his election, or that his election was actually secured by corrupt methods or practices. I shall therefore vote against a judgment of ouster and leave the matter to the people of the State of Illinois, which, through her legislature, formally selected Mr. LORIMER to represent her in this body.

Mr. JONES. Mr. President, in view of the discussion that has been had on this case, thorough and complete as it has been in the Senate, I would not take the time of the Senate to dis-

cuss it at all were it not for the fact that on the former hearing I voted against Mr. LORIMER, and on this hearing I expect to vote to sustain his right to a seat in this body.

I do not think that it is necessary for me to say that my action on the former hearing was based on a conviction made up from the record in that case as to what a Senator ought to do, nor do I think it necessary for me to say that in this case my change of opinion has been forced upon me by reason of the testimony and the record made in this hearing.

I have been impressed as never before with the importance of seeing witnesses on the stand, hearing them testify, and considering their characters as they appeared upon the witness stand in determining the force and effect that shall be given to their evidence, and that has had much to do with my change of opinion with reference to this case.

There seems to be abroad in the land the opinion among the people that a vote for Mr. LORIMER is a vote to sustain bribery and corruption, and that the man who casts it approves bribery and corruption, and that a vote against Mr. LORIMER is a vote against bribery and corruption in elections, and that the man who casts it is the special enemy of such bribery and corruption. I judge this by remarks that I hear and by letters that I receive. I regret that there is such a sentiment throughout the country. It is not true. The men who vote for LORIMER are just as strongly opposed to bribery and corruption as those who vote for him. It is the duty of every Member of the Senate to so vote and so express himself as to show to the country that this Senate is independent, so far as a matter on which it acts as judges is concerned, of political clamor and political passion and prejudice, and that every man here votes his honest conviction based upon the law and the evidence, and to prove to the people of the country that this Senate is worthy of the Senates that have preceded it. We should do all in our power to eradicate the feeling throughout the country of distrust of public officials, of distrust of men in authority and in high place, that seems to influence the masses. It seems to me that this feeling in the country has had more to do with the situation with reference to this case than almost anything else.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. Certainly.

Mr. SMITH of Michigan. Mr. President, it is my respect, my very high respect, for the Senator from Washington which prompts me to interrupt him at this point. I know that he is thorough and honest and fearless and that his investigation into this case has satisfied him that the course he intends to pursue is the appropriate and proper one, but I must confess to a sense of irritation over the covert and insinuating intimation that has run through every speech that I have listened to in this Chamber on this case since it was reopened, challenging either the honesty or the integrity or the fairness or the courage of those who disagree with the Senator from Washington and his colleagues.

I have read this case through from top to bottom. I know the evidence and have satisfied myself as to the course I ought to pursue, and it is not in obedience to any public clamor. I hold my seat here as highly honorable as the seat of any Member. But if I am convinced, I will say to the Senator from Washington, that around the election of Senator LORIMER there is more bribery and perjury, more dishonor and infamy, than ever surrounded the election of a Senator to this body, it is my duty to say so. Clamor outside or inside of this Chamber has no influence whatever with me, and the rule of men here who arrogate to themselves superiority and control of the deliberations has no terror for me either.

I suggest to the Senator from Washington that it is worth a man's political life in this Chamber if he opposes certain elements who pretend to control our course. I have encountered that spirit from the time I entered here, and, undismayed by it, I propose to do my duty as I have the light to see it. The intimation of lack of courage is false, and I resent it both in the name of my colleagues who have reached a conclusion similar to my own and myself.

Mr. JONES. Mr. President, I was unfortunate in my expression if I gave the Senator just cause to conclude that I was referring to Members of the Senate. I was referring to the state of the public mind outside of the Senate, and I was just going to proceed to say what the Senator from Michigan has said much better than I can say, that however there may be those who may intimate that Members of the Senate will be controlled in their action by anything other than their honest convictions upon this case, I myself do not believe it. I am willing and glad to concede to every Member of this body the same honest conviction, the same conscientious devotion to duty, the same courage to carry out his convictions that I claim for myself. I want the declaration that he has so well made to go to the country that the Senators who are voting to sustain the right of Senator LORIMER to his seat in this body are just as much the enemies of corruption and of bribery as are the Senators who vote to exclude Senator LORIMER from this body. I am glad he made that declaration. I would like every Senator to make it because it is absolutely true, but those outside of this Chamber opposing Senator LORIMER seek to give the opposite impression. This is not fair, it is not just, and those of this body who know it is not true should say so in no uncertain tone.

I desire to say that so far as I am concerned after hearing the testimony in this case, after weighing it from every standpoint possible, after spending days and weeks and months in regard to it, after attending, I think, every day of the hearing except two and hearing practically all of the witnesses, I was convinced that Senator LORIMER's election was not secured by corruption, and being convinced of that fact I can not do other than vote to sustain his right to a seat in this body.

In saying that I want to repeat that I do not impugn the motives or the courage or the honest conviction of any Senator on this floor, and much less the courage and honesty of the Senator from Michigan and his colleague, for whom I have the greatest respect and in whose courage and honesty I have the greatest confidence.

There are many outside this Chamber who seem to think that those of us who do not believe Senator LORIMER's election was secured by corruption should disregard that belief and vote to exclude him. None in this Senate believe that, and they should so declare to the country.

Mr. President, this committee was appointed to investigate the charges of corruption in connection with the election of Senator LORIMER, at the request of the Legislature of the State of Illinois and upon allegations of the existence of new and material evidence that was not brought out on the former investigation. The former judgment of the Senate was not vacated, has not been vacated, and is not now vacated, and was not affected by the action of the Senate in the appointment of this committee, nor was the question of its vacation given any special consideration, although it was stated by some when the resolution to appoint this committee was pending that they would not vote for the resolution except because of the allegations of new evidence.

This committee was appointed, and more than 8,000 pages of testimony have been taken. In my judgment, not a scintilla of competent and credible evidence has been produced showing corruption in the election of Senator LORIMER.

The Senator from Michigan refers to perjury and declarations of corruption, and all that sort of thing, surrounding this case. There is no question but that there is perjury in this case. Perjury? Perjury? Perjury? Yes; but it is perjury on behalf of those and on the part of those who attack the seat of Senator LORIMER. I do not say that there is no perjury on the part of some who have been brought, as it were, to the support of the contention of Senator LORIMER. I think there has been. There is perjury on both sides of this case; but, to my mind, the question is, Was there corruption in the election of Senator LORIMER, and was his election secured by corruption?

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield further to the Senator from Michigan?

Mr. JONES. Certainly.

Mr. SMITH of Michigan. When I referred particularly to perjury I referred to the testimony of Link, which the Senator from North Dakota [Mr. MCCUMBER] referred to the other day.

Mr. JONES. I will say to the Senator it is my intention to refer to these particular witnesses a little later and give my view of their testimony.

Mr. SMITH of Michigan. They have been referred to. For fear that my statement might seem to be amiss, I simply wanted to say, if the Senator from Washington will permit me, that Mr. Link, before whom the alternative of the penitentiary or his home was held up before his eyes, committed perjury twice—first when he said he was not at St. Louis, and reaffirmed it on his oath when the district attorney told him not to add perjury to his crime. "I am not adding perjury." The district attorney reached down under his chair, took out the register of the hotel, handed it to Link, and said, "Is that your name? Did you write it? Were you there that day?" "Yes." "And why do you say you were not?" "I lied." That is his language, "I lied." He had perjured himself before this dreadful picture was held before his eyes, and it was time to hold this picture before his eyes and at least attempt to deter him from further crime.

I can go through the case and cite instance after instance of perjury. Far be it from my purpose to put this on the shoulders of the Senator from Illinois. I know that he has not perjured himself. If he had risen in his place in this Chamber when the charges were first made against him and made the statement that he made at the close of the last hearing, instead of inviting this investigation I would have accepted his statement as absolutely true. But it passed that point, and the details before us and can not be ignored. The attempt of men who had not been true to cover up their tracks, scurrying from place to place to avoid the officers of the law, shielding themselves behind flimsy privileges, was sufficient to attract my attention, and I have given it very careful study.

The conclusion that I have been forced to reach I reached reluctantly, because 10 years of service with the Senator from Illinois, in which our personal relations were most cordial and pleasant and honorable, admonished me that I ought to have some deep, substantial, solid reason for impugning his title. I think that exists in this testimony and shall govern myself accordingly.

Mr. JONES. Mr. President, I am glad the Senator brought this point up, although I expected to touch on it later. Yes; Link committed perjury, and yet he is one of the witnesses relied upon to show that LORIMER should be excluded. The Senator seems to conclude that because Link denied he was at St. Louis, when in fact he was, is proof that he was bribed to vote for LORIMER. I do not question the fact that Mr. Link had a reason for denying that he was at St. Louis. It was not, however, the fact that he had gotten money for voting for Senator LORIMER. It was the fact that he got money, and he knew it, out of a "jack pot," or fund for retarding or advancing certain legislation in the Legislature of Illinois. He knew he got it at St. Louis. He was afraid he would be arrested for this, and that is the reason he denied being in St. Louis. There is not one line of evidence from the beginning of this case to the end of it that shows that Mr. Link ever received, ever was promised, or ever expected to receive a single dollar for his vote for Senator LORIMER, and the Senator from Michigan can not find one word in the testimony that tends to show that he got that money for voting for LORIMER, except as he may infer it from the statement of White, that he got money for voting for LORIMER and that Link was there when he got his money. Nowhere in all of Link's testimony and in all of his statements to the prosecuting attorney of Cook County does he say that he expected a single dollar. Upon the contrary, he swears repeatedly and states to Wayman, and Wayman swears to it, that Link always contended he was never promised and never received a single cent for voting for WILLIAM LORIMER for Senator. When it is conceded that Link got some money for some other reason, is it fair or just or reasonable to conclude that he got other money for voting for LORIMER when there is no proof to show that he did so?

Mr. SMITH of Michigan. From whom did he get his money?

Mr. JONES. He got his money, if he got any, from Lee O'Neil Browne.

Mr. SMITH of Michigan. The leader of the Lorimer forces in the legislature—the acknowledged leader.

Mr. JONES. No.

Mr. SMITH of Michigan. The bellwether.

Mr. JONES. No.

Mr. SMITH of Michigan. The man whose name was to attract all other Democrats to his support.

Mr. JONES. No. I fear the Senator has not read this testimony.

Mr. SMITH of Michigan. Do not be so sure.

Mr. JONES. When he says he has, I accept his statement.

Mr. SMITH of Michigan. Do not be so sure.

The PRESIDENT pro tempore. Senators should address the Chair before interrupting other Senators on the floor. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. Oh, certainly.

Mr. SMITH of Michigan. I guess the Senator from Washington spoke hastily when he said I had not read this testimony.

Mr. JONES. I did not say the Senator had not read it.

Mr. SMITH of Michigan. I am very familiar with the testimony, and I spoke particularly of the perjury charge, because perjury attempts to cover up something wrong.

Mr. JONES. I admit that; and I admit that it was intended to cover up something wrong in this case, but it was not connected with the election of LORIMER, and there is no proof to show that it was connected with the election of LORIMER. Even with a perjury charge pending against or over him and with the promise of immunity and the assurance of immunity if he would connect LORIMER with this money, Link never connected him with it in any way, shape, or form, but continually said that it had nothing to do with his vote for the Senator. That is what he said to the last. If it was for his vote for Senator, why did not he say so? Why should he conceal it when he admitted that he got it improperly? When he admitted getting money at St. Louis from Browne there is no earthly reason why, if it was money for his vote for LORIMER, he should not say so; and when he persistently denies it it is the strongest possible proof that he did not get it for that reason.

I should like to have the Senator—and I will yield to him for that purpose—point out anywhere in the record some testimony that with reasonable directness shows that Link got the money for voting for LORIMER. I do not deny that he got it from Browne, who represented certain interests in the legislature. I want to say that there is just as much, yes, there is more, evidence in this record that the money that was distributed at St. Louis came from other sources than there is that it was in connection with the election of Senator.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. Certainly.

Mr. SMITH of Michigan. I have gathered the impression from a careful reading of the case that the moment the inquiry into the title of Mr. LORIMER's seat was begun the scurrying among the jack-pot crowd began; and if those two things were not related, why did they all disappear from their homes, gather at out-of-the-way places under suspicious conditions, and then lie about having been there?

Mr. JONES. Mr. President, this scurrying to and fro, and so forth, began when the jack-pot story was published. This story involved the jack pot as well as the senatorial election, and that is what these men would naturally do when they knew that they had gotten money out of that legislature improperly. When this matter was brought out it was brought out under the title of the jack pot. White's story was about and connected with the jack pot, as well as the senatorial election, and they knew very well that this matter would be investigated.

I submit to the Senate—of course, if the Senator draws other conclusions from it I know that he draws them honestly—if it was not the natural thing, the reasonable thing to expect these men to scurry about and deny their presence at St. Louis, and so forth, because of their connection with the jack-pot fund, regardless of any senatorial election. I want to ask whether or not it is fair to disregard their connection with the jack pot in connection with these conferences and in connection with these denials, and to conclude absolutely that Senator LORIMER's election was the cause of it? The Senator from Michigan honestly looks at it that way, while I do not, and I am just as honest in my viewpoint as he.

Mr. SMITH of Michigan. Mr. President, I want to say one word more if I may without intrusion.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Michigan?

Mr. JONES. Certainly.

Mr. SMITH of Michigan. I tried very hard to dissociate the jack pot and all that followed it from the case of Senator LORIMER, and I was unable to do so. I think the jack pot was formed before the senatorial election took place; I think it was formed for other purposes than the election of a Senator; but it was the most convenient whip imaginable for Lee O'Neil Browne to use on the heads and shoulders of members of that unholy band to bring about the election of a Senator, and I connect the two. I do not believe that they can be truthfully separated one from the other. I even go so far as to connect this evil attempt to besmirch the character of Mr. Funk with the circumstances surrounding the election of a Senator, and yesterday a jury sitting in a Chicago court dismissed it——

Mr. JONES. Oh, Mr. President, I do not think——

Mr. SMITH of Michigan (continuing). Because of lack of every element of honesty, although it was intended to blacken the character of a witness who had collaterally come into the Lorimer case.

Mr. JONES. Mr. President, I want to ask the Senator from Michigan if he believes that the fact that proceedings of that character were brought had any effect upon any member of this committee in the consideration of this case?

Mr. SMITH of Michigan. I think it was intended to terrorize a witness who thought he knew something leading up to the bribery in this case.

Mr. JONES. It was brought long after he testified before the committee.

Mr. SMITH of Michigan. I know it was; but it was to blacken his character.

Mr. JONES. Does the Senator think that that had any effect upon the committee or any member of the committee in considering this evidence?

Mr. SMITH of Michigan. It is the case of Henning——

Mr. JONES. Yes.

Mr. SMITH of Michigan. I think it was intended to influence public opinion against Mr. Funk and destroy his testimony against Hines.

Mr. JONES. There is nothing in the record to indicate or show anything of that kind, and I hope the Senator does not think this case influenced them in any way.

Mr. SMITH of Michigan. I have a very high opinion of them; but the committee did not know the character of the Hennings; the committee did not know but that Funk had alienated the affections of Mrs. Henning from her husband—the committee did not know their character—but somebody knew that it was not true, and the facts came out this morning, to the eternal damnation of those who instigated that false charge in order to bring crime upon crime and protect men who were close to the fire.

Mr. JONES. I do not know that I really ought to say to the Senator from Michigan that I gave no attention whatever, and that in my judgment not a single member of the committee give any attention whatever to the case against Mr. Funk. We made no inquiries as to those charges or the character of those making them. I gave no thought to the charges. We ought not to have to say this to him or this Senate. There is nothing in the record about the case to which he refers, and it is absolutely unjust and unfair to Senator LORIMER to connect him with it.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Certainly.

Mr. CRAWFORD. I think the Senator from Washington knows that, so far as I am personally concerned, the fact that the Senator, after the second hearing, changed his views has not in any way lessened my estimation of the Senator from Washington or my confidence in him.

Mr. JONES. I know that.

Mr. CRAWFORD. I have been somewhat puzzled, however, to know how the Senator from Washington reconciled the position that he takes that the jack-pot fund and the payment of the money to Link and others is entirely dissociated from the election of Senator—the Senator may fully cover it in his speech—but I wanted simply to call attention to this situation, which impresses me very strongly.

It seems to be admitted by the Senator from Washington, and was admitted by the Senator from Vermont [Mr. DILLINGHAM], whose discussion of this testimony was certainly judicial and impartial from his standpoint, that the charges of a corrupt use of money by Lee O'Neil Browne and of the corrupt payment of money by Lee O'Neil Browne to these people at St. Louis did actually occur. How does the Senator explain the significant fact that the men who received this money were Democrats who voted for a Republican, Senator LORIMER, and that the man who paid the money assumed to conduct a campaign in behalf of Senator LORIMER in the direction of securing these votes for him? There certainly can be no question about the fact that Lee O'Neil Browne, after his conferences with Mr. LORIMER and with Speaker Shurtleff, started out and undertook to gather together these votes for Mr. LORIMER.

Here is the man who handled this corrupt fund and paid it. These men have never explained where it came from. Link said he would not do it, because it would involve in trouble men whom he did not want to so involve; but the man who got the money from some source and was guilty of these corrupt actions and the men who received the money were the men who were voting for this Senator, and Browne undertook the job of getting them to vote for this Senator.

Mr. JONES. I think I will explain that as I get along a little bit further, although I will say this: I do not take a position with reference to the jack pot quite so broadly as do some of the other members of the committee. I do not believe there is any proof here of the existence of what has been generally known as a corruption fund, or a jack-pot fund, with reference to the Illinois Legislature. I do not believe that it was "reeking" with corruption and bribery, as some assume, and there is no proof that such was the case. I have collected nearly all of the testimony in the record with reference to a jack-pot fund or a corruption fund, which is understood to have been a fund contributed by different interests in the Illinois Legislature for the purpose of distributing it after the legislature had adjourned; and you can not find any testimony throughout this record, other than rumors and gossip and such, as I venture to say, you hear in connection with almost any legislature throughout the country, proving the existence of such a fund. I intended to submit this so-called testimony to the Senate, but I will not take the time to do so. It consists wholly of rumor, gossip, joking remarks, beliefs, and current newspaper reports, as an examination of the record will show. The specific instances referred to during the last 10 or 12 years to show the existence of such a fund really demonstrate to the contrary. There is one instance given with reference to an offer of $200,000 to the speaker of the Illinois Legislature for his influence in connection with a certain bill. That was a specific offer to the speaker of a specific amount, to be paid at that time, if you please, and not to go into a fund to be distributed at the close of the legislature. The only other instance, as I remember, was in connection with a traction bill. That was a charge of an attempt to corrupt the legislature with reference to that particular measure by the bribery of members, and not the contribution to a common fund that was to be distributed afterwards.

I am satisfied from the testimony in this case that there was no general corruption fund in the forty-sixth general assembly. The testimony goes to show that before the meeting of that legislature steps were taken to prevent what were called "hold-up" bills and "regulator" measures, which it was denied had been introduced in previous legislatures. Some of the railroad companies, which had been held up or claimed that they had been held up before, called Gov. Deneen to a meeting before the legislative session began and asked him to cooperate with them in resisting this class of corrupt practices and the introduction of this class of legislation. Speaker Shurtleff also testifies to the fact that, at the invitation of some of the transportation interests, he went to a dinner with them, where they discussed these matters, and asked him to help them to relieve the legislature from such a condition as that. So that when the Forty-sixth General Assembly of the Legislature of the State of Illinois met, it met apparently under different conditions from those under which previous legislatures had met. It met under conditions that the interests that had been contributing, if they had been contributing, to a corruption fund theretofore, had, as I think some one has expressed it, signed a declaration of independence, and they did not intend to be held up any more. There is no proof other than that of the existence of such a fund, and most of the witnesses said that all they ever heard of a corruption fund was from the newspaper reports.

I want to say that if the people of this country are going to accept as conclusive newspaper suggestions of corruption, there is not a legislative body in this country which, according to their reports or suggestions or insinuations, will be free from a corruption fund. There will be no great political gathering throughout the country, if these newspaper suggestions are taken as correct, that will be free from corruption.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. JONES. Certainly.

Mr. KERN. Does the Senator from Washington agree with the statement of the Senator from Vermont [Mr. DILLINGHAM], expressed in a colloquy with the Senator from Missouri [Mr. REED] the other day, that Lee O'Neil Browne distributed some kind of a fund at St. Louis to certain boodling members of the legislature in June following the term of the legislature?

Mr. JONES. Oh, yes; I will agree to that.

Mr. KERN. And if the Senator agrees to that, has the Senator's mind come to that conclusion from the evidence in the case?

Mr. JONES. Yes, sir.

Mr. KERN. From what evidence—from the evidence of the men who received the money?

Mr. JONES. Well, upon the suggestions that have been made, some by the Senator from Michigan.

Mr. KERN. From the circumstances of the case as developed by the evidence—is not that true?

Mr. JONES. Certainly.

Mr. KERN. Then, does the Senator from Washington believe that Robert E. Wilson distributed another fund or some other money in St. Louis in July?

Mr. JONES. I do not think he distributed any other fund.

Mr. KERN. Did he distribute money there?

Mr. JONES. Possibly so; but it came from the same fund.

Mr. KERN. Very well. Then, is it not true that that evidence of the distribution of money by Lee O'Neil Browne in June and by Robert E. Wilson in July and the payment by Broderick of money to Holstlaw is entirely new evidence that

was not conceded at all by the friends of Senator LORIMER in the previous investigation?

Mr. JONES. Certainly not. That evidence was all brought out in the other investigation and was all considered by the Senate.

Mr. KERN. But did not the friends of Senator LORIMER here in the former investigation utterly discredit that testimony as to the distribution of money by Lee O'Neil Browne and Robert E. Wilson?

Mr. JONES. I am not here to say what the friends of Senator LORIMER did. I do not know just what relevancy the Senator attaches to that matter at this point. I expected to consider it just a little bit later in connection with the res adjudicata proposition. The Senate, however, passed on all this evidence when it made its decision.

Mr. KERN. I wanted to get the views of the Senator on that question, as to what is and what is not conceded by the majority of the committee.

Mr. JONES. Some of the friends of Senator LORIMER, according to my recollection, admitted the payment of this money, but denied that it was paid in connection with the election. But it is immaterial, so far as I am concerned, what the friends of Senator LORIMER admitted or conceded. I do not recognize that I am here as a friend of Senator LORIMER or as an opponent of Senator LORIMER. I am here to try to reach a correct judgment as one of the judges in this case, upon all of the evidence as I see it and as I view it, and not as some one else looks at it, whether friendly or unfriendly to Mr. LORIMER.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator further yield to the Senator from Indiana?

Mr. JONES. Certainly.

Mr. KERN. I will ask the Senator if the Burrows committee, in its report, did not utterly discredit the testimony that sought to fasten upon Lee O'Neil Browne and Robert E. Wilson the distribution of these sums of money in June and July?

Mr. JONES. That may be true.

Mr. KERN. I am asking if it is not true.

Mr. JONES. That may be true, but it has no weight with me in connection with this case. I am not going to decide this case upon the testimony in the Burrows investigation, except as it may have to come in here because some of the witnesses then examined are dead. I am deciding this case upon the testimony in this investigation.

Mr. KERN. I want to ask the Senator whether or not part of the same testimony which fixes upon Lee O'Neil Browne the payment of this money and which fixes upon Broderick the payment of the money does not show that part of the money was paid to Beckemeyer as Lorimer money and whether or not the testimony——

Mr. JONES. No; I can not admit that.

Mr. KERN. Wait a minute.

Mr. JONES. But wait. The Senator has put one question and suggested that the testimony shows that money was paid to Beckemeyer as Lorimer money. I want to say that in my judgment the testimony does not show that a single dollar of the money paid to Beckemeyer was Lorimer money.

Mr. KERN. Did not Mr. Beckemeyer so declare?

Mr. JONES. He did not. After repeated attempts to get Mr. Beckemeyer to testify that he got money for voting for LORIMER he told Wayman that when Browne handed him the money he said it was Lorimer money. That is the testimony, and he denied to the last that he expected or was promised a dollar for his vote for LORIMER.

Mr. KERN. I will ask the Senator whether or not Mr. Holstlaw, whose testimony must be received as true if Broderick's testimony is false, did not explicitly declare that Mr. Broderick told him when he paid him the $2,50 that that was the Lorimer money?

Mr. JONES. He did not.

Mr. KERN. Did he not testify that when he was solicited to vote for LORIMER, after he said he intended to vote for him, whoever solicited him said, "There is $2,500 in it for you"?

Mr. JONES. I think that is the language Holstlaw testified to—that after he had told Broderick he was going to vote for LORIMER Broderick said, "There is $2,500 in it for you."

Mr. KERN. Are we not now discussing the question of whether or not there was Lorimer money there to be paid out? And if Holstlaw told the truth when he testified to that, does not that indicate that there was Lorimer money there to be paid out? And does not——

Mr. JONES. Just wait right there. I want to say to the Senator that I do not believe Holstlaw told the truth when he said Broderick said to him, "There is $2,500 in it for you." I will take up that matter a little bit later.

Mr. KERN. Will the Senator explain why he accepts Holstlaw's testimony as true on the main point and discredits it on this point?

Mr. JONES. I will give my views of Holstlaw's testimony a little later on. You can not find any important witness in this case whom you will not have to discredit on one point if you believe his testimony on some other point, and that is especially true as to those upon whom the case against Mr. LORIMER rests.

Those who are opposed to Senator LORIMER can not sustain their position without discrediting the witnesses upon whom they rely to exclude him from this body. When they say Beckemeyer cast his vote for Lorimer money, they say Beckemeyer lies when he says he did not do it. When they say Link accepted money for his vote for LORIMER, they say Link lies when he says he did not do it. When they contend that Holstlaw voted for LORIMER because of Lorimer money, they say Holstlaw lies, because he swore to the end he did not, and that it had no influence upon his vote. And so it is with all the witnesses, except White, upon whom they rely to exclude Senator LORIMER.

Mr. KERN. I had understood the Senator to say that there was no testimony here, save that of White, connecting Senator LORIMER's election with the distribution of the money. Does the Senator forget the testimony of George W. Meyers, who testifies that Lee O'Neil Browne, who was active in Senator LORIMER's interest, said to him, when soliciting his vote, that there was "plenty of the ready necessary" if he would vote for Mr. LORIMER? Does he consider that as of no value, or does he disregard Mr. Meyers's testimony altogether?

Mr. JONES. I hope the Senator does not think I have overlooked Mr. Meyers's testimony, because I have not. I may say right here that I think, under the circumstances, Mr. Meyers's testimony is very improbable. It does not seem reasonable to me that one member would go to another on the floor of a legislative body, without any caution or secrecy or anything of the sort, and offer him a bribe and go away without asking him to say nothing about it—and that, too, just before the vote was to be taken, nor does it look reasonable that Mr. Meyers would have kept quiet at that time if such a suggestion had been made to him. I do not know what Mr. Browne suggested to Mr. Meyers. I do not believe he made the suggestion Mr. Meyers says he made, because Mr. Meyers himself testifies that at the close of that conversation, when he told Browne he could not vote for LORIMER, Browne suggested to him that he go and see Speaker Shurtleff; and he said he went and saw the speaker, and the speaker asked him if he could not vote for LORIMER, and he said "no." Nothing more.

That was the end of the conversation. There was no suggestion of corrupt influence, no suggestion of money, no suggestion of place or profit, or anything of that sort. Mr. Meyers did not attach any special importance to whatever Browne did suggest. He was not offended; I do not believe he thought any attempt was being made to bribe him, and I do not believe any such suggestion was made.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator further yield to the Senator from Indiana?

Mr. JONES. I do.

Mr. KERN. One more question, and I will not disturb the Senator further.

If the Senator believes that Lee O'Neil Browne did distribute the money in June, 1909, then he must believe that Lee O'Neil Browne committed perjury when he testified before the committee that he did not distribute it. That being true, does not the Senator think the testimony of Mr. Meyers, whose character has not been impeached at all, ought to be given equal credence with the testimony of a man who the committee concede has committed perjury?

Mr. JONES. Nobody has impeached the character of any witness in the hearing, except as the witnesses may be contradicted by each other.

Mr. KERN. No; but there has been such testimony adduced before the committee that the majority of the committee are now compelled to admit that Lee O'Neil Browne committed perjury when he testified that he did not distribute money in St. Louis in June, 1909.

Mr. JONES. He is not the only one who has committed perjury in this case.

Mr. KERN. That is true.

Mr. JONES. The case of those against Senator LORIMER is based and buttressed on perjury, and nothing else. White is a perjurer time and again, and the Senator must admit it. Beckemeyer was a perjurer time and again; everyone must admit it. Link was a perjurer, and all must admit it. Holstlaw perjured

himself before the committee time and again, and no one will deny it.

So it is with practically all of these important witnesses. They are not entitled to belief to any extent. Therefore, when men like these were confronted with indictments and threatened with prosecutions for perjury, and they were told, or it was suggested to them, "If you will connect LORIMER with this case, we will dismiss these indictments," it would be expected that every one of them would jump at that bait to save himself.

These are the men upon whose testimony we are to exclude Senator LORIMER from this body. These are the methods pursued to get their testimony. They have confessed to bribery in one form or another. They have admitted perjury, but none have been prosecuted for any of these confessed crimes.

Think of it, Members of the Senate—and I hope the country will consider it when it thinks calmly of this case. Link admits that he got money in connection with corrupt practices in the legislature. He admits perjury. He never has been prosecuted. White admits that he got money in connection with corrupt practices. He says he was bribed to vote for LORIMER. He says he was to get money from the "jack pot" and he says he got it. He never has been prosecuted. He has never even been indicted. Beckemeyer admits that he got money for corrupt practices in connection with the legislature. He admits perjury. He never has been prosecuted. It is claimed that Luke got money for corrupt practices and for bribery, but he was never prosecuted. It is claimed that Shephard got money in the same corrupt way. He goes scot-free. It is claimed that Clark got money corruptly. He never was prosecuted. It is claimed that Holstlaw admits he got money. He admitted it under the pressure of an indictment for perjury and under insinuations and intimations that if he would connect LORIMER with the matter he would get an immunity bath, and he got it. He never has been prosecuted from that day to this, either in connection with the deal in which he admits he was corruptly engaged or in connection with the Lorimer matter or for admitted perjury. No one was prosecuted and brought to trial but Lee O'Neil Browne. All these men went scot-free in order to get evidence against Browne; because it was felt that Browne's conviction insured LORIMER's exclusion from this body. Browne was acquitted by a jury of 12 American citizens sworn to try the case on the law and the evidence. That counts for nothing, however, and, according to some, our jury system is a farce. Really, is it any wonder that a jury, believing in a "square deal," as all Americans do, should refuse to convict a man on the evidence of such men as White and Beckemeyer?

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator further yield to the Senator from Indiana?

Mr. JONES. Yes.

Mr. KERN. If the Senator believes that all these men who were in St. Louis in June and July were perjurers, and their testimony before the committee was perjured testimony, utterly unreliable and unworthy of belief, where is the testimony upon which the Senator from Washington and the Senator from Vermont base their asseveration to the Senate that Lee O'Neil Browne did distribute money in June, 1909, and that Robert E. Wilson distributed money? The Senator says the testimony to that effect is false; that it is the testimony of perjurers. Yet two members of the committee come here and state before the Senate that they have no doubt Lee O'Neil Browne did distribute that money.

Mr. JONES. Mr. President, I did not say their testimony in that respect was false and I did not say I had no doubt about it.

Mr. KERN. Oh!

Mr. JONES. I did not say that. I am willing to concede it for the purposes of this case. I will say frankly to the Senate that I have some doubt about it, but I am willing to concede it for the purposes of this case for the reason that, in my judgment, there is no testimony anywhere in this record that connects Senator LORIMER or his election with that transaction. On the contrary, I think it clearly appears throughout the testimony that these men connected Senator LORIMER with it in order to secure immunity from prosecution for their own crimes. There were some of them, whatever else may be said about them, who were brave enough and honest enough not to go so far as to connect Senator LORIMER with it. Beckemeyer and Holstlaw are the only two men aside from White who connect Senator LORIMER with this matter at all; and right here I will point out how I think it happened that Beckemeyer connected LORIMER with it.

On the former hearing of this case I did not attach any importance whatever to the contention that these witnesses had been forced to testify as they did by what are known as "third-degree" methods on the part of the prosecuting attorney of Cook County. I assumed that they were men of ability, men of courage, men of more than ordinary sense and judgment, and that they would not be influenced or browbeaten by any prosecuting attorney. I have changed my mind in that respect. I saw Beckemeyer on the stand—a weak, vacillating, nervous, fearful, easily controlled and easily frightened man—he is the very kind of man that the methods pursued by the prosecuting attorney of Cook County would influence and affect wrongly.

I do not condemn the prosecuting attorney of Cook County. I suppose he did not do any more than any other prosecuting attorney with his ability and energy would have done under the circumstances. He was endeavoring to convict somebody. He was endeavoring to convict Lee O'Neil Browne. I do not question his motives at all. Charges against Lee O'Neil Browne had been brought to his attention in connection with LORIMER's election and he was trying to prove them and convict Browne as the most effective way to discredit LORIMER. He was doing his duty as he saw it.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. I do.

Mr. CRAWFORD. Does the Senator indorse the statement which, as I recall, was practically made by the Senator from North Dakota [Mr. MCCUMBER], that Mr. Wayman practically put words into the mouths of Link and these other witnesses, told them that they must swear to them, and undertook to dictate to them the things they must say in order to secure the immunity that was granted to them? Is there anything in the record that sustains any such charge?

Mr. JONES. I do not know that I would go quite that far, although the record will very nearly sustain such a charge. We do not all view these things alike. We do not all attach the same importance to a suggestion or a statement in the testimony. The Senator from North Dakota may be satisfied in his mind that that is a correct statement. I would hardly go that far myself. But I do say that the prosecuting attorney of Cook County, who is a very forceful man, a very strong man, a man of domineering manner that would affect a man like Beckemeyer in that way, pressed Beckemeyer and Luke and Link very strongly, and, I think, made it plain to them what he wanted and what statements from them would bring them immunity. I do not say he wanted them to lie, but he wanted them to tell what he thought was the truth, and if they said that they would get immunity. That Beckemeyer lied to get immunity, I have no doubt.

Mr. CRAWFORD. Mr. President, it has always seemed to me that that was a very serious charge to make against a prosecuting attorney—that he was going so far to make a case in this matter that he was compelling these men to swear to falsehoods in order to secure immunity, and was practically putting in their mouths the words which he insisted they should utter in order to secure immunity.

I must say that I examined with care the testimony in the former record and in this record with a view to ascertaining whether or not such a charge was well founded. I read Wayman's testimony and all the testimony, and it does seem to me that the charge is without foundation. It seems to me that the utmost the record shows the State's attorney insisted on was that they should tell the truth; not, as the Senator from North Dakota seems to assert, that they should tell only part of the truth and withhold part of it, except as there was involved a conflict of jurisdiction between Sangamon County and Cook County.

I should like to know where the testimony is upon which the charge is made that the State's attorney of Cook County imposed as a condition that these men should testify to falsehoods in order to secure immunity.

Mr. JONES. I do not make that charge myself, and I do not propose to go into the record here with reference to all the testimony in this respect. I want to say, as I said before, Mr. Wayman is a very forceful man and would, no doubt, be considered by a weak man like Beckemeyer as very domineering. I have no doubt that he went after Beckemeyer hard and strong, and Beckemeyer was what we term browbeaten or "third degreed." This is the situation with reference to Beckemeyer. Beckemeyer had denied that he was at St. Louis, as I remember it.

Mr. MCCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. JONES. Certainly.

Mr. MCCUMBER. In reply to the suggestion made by the Senator from South Dakota [Mr. CRAWFORD] that he saw

nothing in the testimony that would show any attempt upon the part of the State's attorney to secure less than full evidence, let me ask the Senator from Washington if time and again the State's attorney did not request Mr. Link not to answer certain questions before the grand jury because they would incriminate him?

Mr. JONES. Oh, yes.

Mr. McCUMBER. And the basis was not because of lack of jurisdiction but because if he went beyond a certain matter it would incriminate him, and that, as a matter of fact, he should not be incriminated any more than he was.

Mr. JONES. There is no question about that. The Senator from South Dakota, I think, concedes that.

Now, as to Beckemeyer, I am going to point out right here why I think Beckemeyer connected LORIMER with this money. Beckemeyer was at St. Louis. He denied that. He was indicted for perjury. That was the point. He was brought up to Chicago. He was taken before the grand jury, and he denied that he was at St. Louis. An indictment was brought against him. Then it was suggested that he could tell something else. He went before the grand jury again, and he told a little bit more. Finally, after he had been before the grand jury about three times, he told the grand jury that he was at St. Louis; that he had received a thousand dollars from Browne and $900 from Wilson. But this did not relieve him. This did not take away the indictment. This was not enough. Apparently the prosecuting attorney did not give him any hope of immunity. He had not gone far enough. He had not yet connected LORIMER with either transaction. His sick wife was held up before him, and the result that would come to him in his family relation in case this indictment was made public and he was prosecuted under it weighed upon his mind.

I am not going to tell the Senate how he was taken to saloons and other houses, how he was taken by the officers and all sorts of influences brought to bear upon him; but he could not get immunity for what he had said thus far. He no doubt had heard and knew that they were trying to convict Browne of bribery, not in connection with corrupt purposes in the legislature, but in connection with the election of LORIMER. He was a lawyer. He knew what was wanted. So he no doubt said to himself: "If I will connect LORIMER with this matter, then I think that will get me release." He then went into Mr. Wayman's office and told Mr. Wayman that when Browne gave him a thousand dollars he said, "This is Lorimer money"; and that secured him immunity. He was permitted to go home immediately. That was what was wanted.

I want to say that from his manner on the stand, and judging of him as the man he appeared to be, and from all the circumstances, I have no doubt in my mind that Beckemeyer connected LORIMER with that thousand dollars for the sole purpose and in the hope of securing immunity, and for no other reason whatever.

Mr. KERN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. JONES. Certainly.

Mr. KERN. Was not that proposition expressly negatived by Mr. Wayman and his assistants in the office?

Mr. JONES. Mr. Wayman testifies that Mr. Beckemeyer did not say at any of the three times he appeared before the grand jury that anything was said about LORIMER when this money was handed to him by Browne, but that he told it to him in his office after he had been before the grand jury three times, and then he let him go home.

Mr. KERN. No; Mr. President, that was not my question. My question is whether or not Mr. Wayman and his assistants did not expressly and explicitly negative the idea that this man had been coerced by any word or promise on their part.

Mr. JONES. Oh, Mr. President, I have a right to form my judgment as to the testimony in this case and the effect of it. It is not denied by Mr. Wayman that what I have said is the truth. Of course, Mr. Wayman would deny that he coerced Mr. Beckemeyer; but I want to say that, taking Mr. Beckemeyer as he is and Mr. Wayman as he is, the circumstances that I have related were the very strongest possible coercion that could be brought upon Beckemeyer.

I do not question the honest judgment of other Senators who do not look at this matter as I do, but I will state my conclusion. From all the evidence and circumstances I am firmly convinced that Beckemeyer connected LORIMER with that thousand dollars simply and solely for the purpose of getting immunity.

Take Link. He was dead before this committee started its investigation, and we had to take the testimony on the other hearing. My recollection is that he first denied he was at St. Louis. Then he was threatened with an indictment. I believe he was not indicted for perjury, but he was threatened with an indictment. The Senator from North Dakota [Mr. McCUMBER] read the testimony in regard to the matter. But with all the suggestions that were made to him, with all the inducements that were held out to him, he did not connect LORIMER in any way, shape, or form with this money, but he denied it time and again.

From the beginning to the end he denied that anything was said by Browne when he handed him this money in regard to LORIMER. He expressly denied that LORIMER's name was mentioned. If Browne had said to Beckemeyer, "Here is your Lorimer money," would he not very likely have said the same thing to Link? Yet Link denied over and over again, with a threat of perjury held before him, that Browne said anything about LORIMER. Wayman, in his testimony, corroborates Link to the extent of saying that Link contended with him, as well as before the grand jury, that Lorimer money had nothing to do with his vote and that Browne said nothing about LORIMER when he handed the money to him. It is said, and the country believes, that Link confessed to getting money for his vote for LORIMER. This is not true. On the contrary, he swears time and again that he did not get any money for voting for LORIMER, was never promised any, and never expected any.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. REED. I do not desire to interrupt the Senator, but I want to get his view. This same man denied, did he not, that he got any money at all?

Mr. JONES. Oh, yes. I have not touched on that, I will say.

Mr. REED. There was some coercion, the Senator claims, brought to bear upon him. He then admitted he did get money.

Now, is it the view of the Senator that that coercion resulted in him telling what was not true, admitting there was coercion, or did the coercion result in nothing more than getting the truth?

Mr. JONES. I am admitting that the coercion got him to tell the truth. I am contending that when he said that, it in no way connected LORIMER with it. I expressed the opinion awhile ago that I had some doubt upon the distribution of the money, but I am willing to admit it for the purposes of this case, and to concede that Link was paid money at St. Louis.

Mr. REED. I am trying simply—not to interrupt the Senator——

Mr. JONES. That is all right. I am not objecting to the interruption.

Mr. REED. It appears that there has been great complaint made by several Senators about harsh methods being used with these gentlemen.

Mr. JONES. If the Senator will permit me, I have not accused the prosecuting attorney of Cook County of using harsh methods. I have simply told the Senate what he did, and from that I make up my mind as to its effect on these men after seeing them on the stand. Other Senators, of course, can make up their own minds from the information they have.

Mr. REED. Those harsh methods or those methods, whether harsh or otherwise, did get this man to admit certain facts which you now concede were the truth, so that the result of the pressure, whatever it was, was not to get a falsehood from him but to get the truth from him. It therefore appears to be admitted that these gentlemen did get money. Now, from what source does the Senator understand that money came?

Mr. JONES. I will come to that a little later on.

Mr. REED. I wish the Senator would discuss it for my benefit.

Mr. JONES. Very well. I will say now, because I am simply trying to bring out the facts and reasons for my conclusion in this case, I believe if money was paid to these men by Browne it came from the liquor interests of the State of Illinois. That is where I believe it came from. It was admitted in the record that Lee O'Neil Browne represented the liquor interests in the legislature. All these men—White, Luke, and so forth—were liquor men. It is shown in this record that the liquor people were active in the forty-sixth general assembly, and they were about the only interests the record shows which were active, especially with reference to legislation. My theory is that Lee O'Neil Browne, as the representative of the liquor interests, had placed in his hand money to do with practically as he saw fit, and that he distributed this money to these men, for what purpose or for what reason I am not going to go into especially, but probably to keep their good will and support in the future. As some of them testify, there was a "bunch of good fellows" in the legislature, and who would be more likely classed as a "bunch of good fellows" than these liquor men?

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield further to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. REED. The Senator says that it is his theory mainly that this was liquor money. He, of course, is more familiar with the record than I am. He heard the testimony, and I did not. Is there any evidence whatever in the record that the money was furnished by the liquor men, or is that a mere inference and theory outside of the record?

Mr. JONES. I will say that it is based very much as I see it upon the same theory and upon the same basis that our friends connect Senator LORIMER with this money. I think other Senators may not look at it as I do, but I have almost a conviction, so far as I am concerned, taking all this record into consideration, that that was the source of that money.

Mr. REED. But the Senator says that there is utterly no evidence whatever to connect Senator LORIMER with the furnishing or the expenditure of any money.

Mr. JONES. Except White.

Mr. REED. Now having contended there is no evidence to connect LORIMER with the furnishing of any money, the Senator declares that he believes the money came from the liquor interests upon the same theory that it is claimed LORIMER furnished the money, by which I take it he insists that as there is no evidence in his view that LORIMER furnished the money there is therefore no evidence that the liquor men furnished the money. Consequently he concludes that the liquor men did furnish the money. That does not seem to be a logical position.

Mr. JONES. No; the Senator does not state the position of the Senator from Washington correctly. The Senator simply stated that from the record in this case his theory or opinion is that that is the most probable source of this money. There is no direct evidence in this case. There is no evidence that would be admissible in a court of law showing that the money was furnished by the liquor interests of the State of Illinois. Neither, as I said, is there evidence that would be admissible in a court of law showing that Senator LORIMER raised any of this money. I take it that in a case like this, the proper rule to apply is that if there is any theory inconsistent with the theory that attacks Senator LORIMER'S seat upon which these alleged bribery charges can be sustained that theory must be accepted; that is, the presumptions will all be in favor of the sitting Member and his right to a seat in this body; and if my mind is as strongly convinced—and it is more strongly convinced in this case, that the money came from some other source as from the senatorial source, then I must find for the Senator.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Certainly.

Mr. CRAWFORD. I ask the Senator if there was any specific legislation pending in the Illinois Legislature in relation to the liquor interests?

Mr. JONES. There was.

Mr. CRAWFORD. What was it.

Mr. JONES. A local option measure.

Mr. CRAWFORD. Was it voted on at that session?

Mr. JONES. The bill was referred to the committee of the house that had charge of that character of legislation, and the committee reported the bill to the house—my recollection is unanimously—and when it came up for passage a few amendments were put in, and it was defeated.

Mr. CRAWFORD. Was there a roll call?

Mr. JONES. I am not sure, but I think there was a roll call.

Mr. DILLINGHAM. I think I can explain that. It was in the testimony of Mr. Hull.

Mr. JONES. Yes.

Mr. DILLINGHAM. His testimony was that it was a bill that forbade brewers to have any interest in the local saloons. My recollection is that the bill was of this nature; that it forbade the brewers and distillers to have any interest in saloons in any part of the county or in any part of the State, and that bill was reported favorably by the whole committee unanimously. It went up to a second reading and was vigorously urged at the time of the second reading, and it looked as though it was going to pass. It came to a second reading in the afternoon. When evening came and it passed to the third reading nobody had any interest in it.

Mr. CRAWFORD. That was in the house?

Mr. DILLINGHAM. That was in the house. Mr. Hull testified that he then took it up and tried to get the bill to the third reading, and out of the committee of 24 that had reported it favorably 14 voted against it, only 2 for it, and 8 did not vote.

Mr. CRAWFORD. That was in committee?

Mr. DILLINGHAM. No; that was in the house of representatives, showing that of the committee which had reported it favorably 14 of them voted against it when it came to a third reading, 8 did not vote at all, and only 2 voted for it.

Mr. JONES. Browne was really considered as the representative of the liquor interests in the legislature.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield further to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. CRAWFORD. I wish to ask a question.

Mr. REED. I beg pardon.

Mr. CRAWFORD. Was this bill considered in the senate?

Mr. DILLINGHAM. I do not think the evidence shows that it was.

Mr. CRAWFORD. Was any temperance legislation considered in the senate?

Mr. DILLINGHAM. I think there was general legislation, but I do not recall any specific legislation. The legislature was very sharply divided between what were called the "wets" and "drys." That was the issue.

Mr. CRAWFORD. It would require some legislation to create that issue, and as to whether any pending bill was there and voted on——

Mr. DILLINGHAM. I do not recall.

Mr. CRAWFORD. The legislation referred to a moment ago by the Senator——

Mr. JONES. I think the bill was pending but I do not think it came to a vote in the Senate. I yield to the Senator from Missouri.

Mr. REED. I understand the Senator's position to be that in his opinion Browne represented the liquor interests and corruptly used money in their behalf. The Senator also concedes, I take it, that Browne represented Senator LORIMER and was his principal champion in the legislature. Does the Senator have any idea that the liquor money was also used so as to assist Mr. Browne to gain control and influence over the votes in the Lorimer election?

Mr. JONES. I do not think so. At least I do not think it necessarily follows, and there is no proof of it at all, nor do I concede that Browne specially represented Senator LORIMER or that he was his special champion.

Mr. REED. The Senator said it was a band of good fellows who were being paid, and Browne was handling the corruption fund as manager for the liquor interests and also for LORIMER. This money was used to make these men good fellows. Browne then made these good fellows vote, or induced them to vote, for Senator LORIMER. Can the Senator draw the line where that money ceased to be potential in favor of LORIMER and where it began to be potential in favor of the liquor business?

Mr. JONES. The Senator has put a great many things in his question that I have not in mind and that I do not concede can be shown by the testimony here. I do not believe that these men expected any money at the close of the legislature. I do not believe that Beckemeyer expected to get any money. I do not think that Link expected to get any money. My idea is——

Mr. REED rose.

Mr. JONES. Of course there is no use for us to argue over my theory because it is just simply a theory. My idea is that Browne representing those people as their attorney, and so on, had the money. They turned it over to him to use as he saw fit. He was under no obligation to turn any of it over to these people and had no agreement with them to turn anything over. They did not know that he had any money. They were not expecting any money. But for reasons probably known only to himself, that I can surmise, he gave them something. He may not have given them anything like the amount he had; he may have given them all of it; I do not know. I am simply giving the Senator my theory, which I think is supported just as much by facts, if not more, than the theory of those who contend that this money was used in connectoin with the election of Senator LORIMER. I can conceive how Mr. Browne might have a fund of money to be used for certain legislation yet not be intrusted with any money to be used in connection with the election of Senator.

Mr. REED. Do I understand the Senator to contend——

Mr. JONES. I expected to get to the matter of Senator LORIMER'S title a little bit later on.

Mr. REED. Just one moment and I think I shall not interrupt the Senator again. I have been trying to get his view. Do I understand the Senator to contend now that Browne had this liquor money, given by direction or indirection, and promised none of it to any of these men in the legislature; that they did not expect to receive any of it, but that when the legislature had adjourned he then generously donated them some money? Is that the Senator's theory?

Mr. JONES. I will say that upon the testimony of those who testified against Senator LORIMER here that same question might be asked with reference to them. It is contended here that Holstlaw got money for voting for LORIMER, and yet, according to his testimony, he told the people that he was going to vote for LORIMER before any suggestion of money. On the same theory, Broderick could have kept the money and kept it in his pocket. So, with reference to assuming that this money was senatorial money, these men did not expect anything. They had not been promised anything. They had not talked with anybody to hold out any inducement to them. Therefore, even if it was senatorial money, he could have kept it all.

Mr. REED. But the Senator, Mr. President, is not a Yankee, and therefore he ought not to answer a direct question by shifting the ground to some other place and asking another question, in effect. I want to get really the Senator's viewpoint.

Mr. JONES. Does not the Senator think that he has got my viewpoint in regard to that?

Mr. REED. I wish to know whether the Senator really means to tell us that a lot of scoundrels got together in the legislature——

Mr. JONES. Oh, no; I did not suggest anything of that kind.

Mr. REED. Well, a lot of gentlemen got together.

Mr. JONES. No; I did not suggest anything of that kind. I did not suggest that any of them were getting together in the legislature.

Mr. REED. Well, there were a lot of gentlemen in the legislature.

Mr. JONES. I have no doubt there were. Some seem to think there were not.

Mr. REED. And Browne went down to East St. Louis and then and there divided up some money; and these gentlemen did not know what they were getting it for; there had been no prior arrangement that they should get it, no hint that any money should come to them, and they had become Browne's adherents, friends, and followers without any expectation or hope of reward, and Browne, meeting them down there, simply handed them this gratuity. Does the Senator really think now that that ever happened in the whole course of the world's history?

Mr. JONES. I am inclined to think so.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. Certainly.

Mr. POMERENE. I understand the Senator from Washington concedes from the evidence in the record that there was a jack pot.

Mr. JONES. I will say to the Senator that I said a while ago I did not take quite the same view that some of the other members of the committee did with reference to the existence of a jack pot in the legislature, using that term in the sense that it is used throughout the record, in that there was a fund contributed from various sources which it was understood would be distributed at the close of the legislature. I said my judgment was that that condition did not exist in the forty-sixth general assembly, and gave my reasons for it.

Mr. POMERENE. In any event it seems to be the opinion of some of the members of the committee that there was a corruption fund of some sort. I think it can be reasonably inferred from what has been said in the course of this discussion that some of those legislators were corrupted, without now having reference to the purpose of the corruption, and that Mr. Browne——

Mr. JONES. I want to say to the Senator that I will not concede that myself; that is, there is nothing in the record here to show that any member of the legislature aside from White ever expected anything for any action that he took in the legislature.

Mr. POMERENE. I will then assume that it has been conceded by others that there was this corrupt fund, that members of the legislature were in fact corrupted, and that Mr. Browne played a part in this corruption. Now, assuming that to be the fact, as I understand, the Senator was elected on May 26. The legislature adjourned on June 1.

Mr. JONES. On June 4, I think.

Mr. POMERENE. Early in June, in any event.

Mr. JONES. Yes.

Mr. POMERENE. And this fund was distributed partly on June 21 and partly in July. Now, that being the case, is it not just as reasonable to suppose that this money was used for the purpose of corrupt methods in the election of a United States Senator as it is to suppose that it was used with reference to legislative matters?

Mr. JONES. I do not think so. I will tell the Senator why, and I will do it right here. I intended to cover it later on. If there was a fund for the purpose of influencing legislation, it was collected along as the legislature progressed from time to time. The question of Senator LORIMER's candidacy did not become a question before that legislature until about 10 days before the election. He did not definitely decide to be a candidate until, I think, four or five days before his election, and there is no suggestion anywhere which is entitled to any credit that anybody or any agency or any interest contributed to raise a fund or took any interest in the collection of a fund to promote Senator LORIMER's candidacy.

Nobody appeared at the legislature in his behalf; no special interest of any kind in the State of Illinois was represented there urging his election; nor was there any suggestion that they had contributed to his election or to any fund. So it seems to be a far-fetched suggestion to conclude that necessarily, because there may have been a fund in reference to legislation collected during the entire session of the legislature and because Senator LORIMER was elected, a contribution was made from that fund to assist in his election. It was a legislative fund anyway, if there was any fund at all, and I do not believe that the senatorial matter was connected with it in any way, shape, or form, and there is nothing in the record upon which I myself could base a belief in such a proposition as that.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington further yield?

Mr. JONES. Certainly.

Mr. POMERENE. It seems to me the work of the legislature had been completed——

Mr. JONES. Oh, no. The Senator is mistaken in that. Practically all the legislative work of the session was right there at the close, almost like every other legislative body.

Mr. POMERENE. The Senator from Washington did not wait until I had concluded.

Mr. JONES. I beg the Senator's pardon.

Mr. POMERENE. The work of the legislature was completed before there was any distribution of this fund. The Senator from Washington has just stated that there was no interest there represented in the election of Senator. It seems to me as I have read this record—and I have read most of it—that there were certain very powerful interests that were at work.

Mr. JONES. What interests?

Mr. POMERENE. The tariff question was connected with this proposition. A leading lumberman, not to mention the name now——

Mr. JONES. I wish the Senator would mention the name.

Mr. POMERENE. Mr. Hines was there, and took an extremely active interest in this matter.

Mr. JONES. The Senator is mistaken about that. Mr. Hines was not at Springfield at all.

Mr. POMERENE. Possibly that is correct. When I said "there" I meant having some connection with this election.

Mr. JONES. I do not want the Senator to understand me to say that nobody that was connected with the interests was not interested in Senator LORIMER's election. I did not say that. I said there was nobody at Springfield and no interest represented there and no agents of those interests. I am going to take up the Hines matter in a very short time; and possibly right now, if the Senator will allow me.

Mr. POMERENE. I think perhaps the Senator made his statement a little too broad when he said that there were no interests connected with this matter.

Mr. JONES. I wanted to confine it to the legislature and before the legislature.

Mr. POMERENE. But it seems to me that the Senator has not yet made clear why this fund should be distributed with reference to legislative work, rather than with reference to the election of a Senator. I do not mean to say, so far as the discussion has gone, that it had reference to one rather than reference to the other; but it seems to me that it is just as reasonable to suppose, assuming for the sake of the argument that there was a corruption fund, that it was distributed, and that it was distributed by Mr. Browne; but we have the same right to draw the conclusion that it was distributed with reference to the election of a United States Senator as we have to say that it was used with reference to legislative work.

Mr. JONES. I want the Senate to understand that I am not conceding that the testimony shows that there had existed in the Illinois Legislature this so-called corruption and jack-pot fund; I know that there were rumors and gossip and newspaper reports about it, as I have already said; and that is the sole testimony upon which it is based; yet conceding that there was a corruption fund, it has always been contended that that corruption fund was raised in connection with legislative matters, in which certain people or corporations or individuals or associations were interested. Therefore, if the fund was contributed

for that purpose, it would be expected to be handled with reference to legislation, and it would be the reasonable inference that it would be used in that way.

The election of a Senator is certainly distinct from legislative matters. A corporation would be interested in a bill affecting corporation interests, and yet it might not take any interest whatever in the election of a United States Senator and would not be connected in any way, shape, or form with it. So it seems to me that any jack-pot or corruption fund, in the sense usually used in connection with the Illinois Legislature, was and must have been understood to be a fund in connection with legislative matters and not in connection with the senatorial matter. We have no right to assume and there is certainly nothing in the record showing that Senator LORIMER knew anything about such a corruption fund or that those who were promoting his election, other than Lee O'Neil Browne, may have known about it; and yet Lee O'Neil Browne was not supporting Mr. LORIMER because of a special interest in his election, other than for reasons that we shall take up later on, but for the purpose of ending the deadlock, for the purpose of defeating Hopkins, for the purpose of getting rid of this question, he gave him his support; and while it is said here that Lee O'Neil Browne led his followers, the record does not show it; the record does not establish it. We called almost every member of the legislature, especially the Democrats who voted for Senator LORIMER, and they gave good and valid and reasonable reasons for doing so, independent of Browne. So I can very naturally see how they might have had a corruption fund in connection with legislation and yet it have had no connection whatever with the election of a Senator. I do not know whether I have made my view clear in regard to that or not, but there is nothing in the record that I see which impels me toward the conclusion that the legislative jack pot, if there was a legislative jack pot, was connected with the senatorial election in any way whatever.

Mr. POMERENE. Then it seems to be the Senator's opinion that, assuming that there was a corruption fund in the possession of Mr. Browne as trustee, he was such an honest trustee that he would use that fund only for the purpose of corrupting legislative matters and not use it for corruption in other directions.

Mr. JONES. I see no reason why he should use it for corruption purposes in connection with the senatorial election. There was nothing special that Browne hoped to receive out of it, except what any other Democrat might get for voting for Senator LORIMER, which is the reason given by some people that they thought possibly it would be well to have a friend here; they recognized Senator LORIMER's human nature, and that he would probably pay some attention to those who had befriended him, just like every man would pay some attention to those who had helped or assisted him. Some thought it a good thing from a party standpoint, and others wanted to end the contest and get home, and many were personally very friendly to LORIMER, and all were against Hopkins. There is nothing in this record to show that Browne expected to get anything out of the election of a United States Senator, or that any such expectation influenced him in his support of LORIMER, and nothing to warrant him in diverting any legislative fund which he may have had to secure the election of a Senator. He was to gain nothing by it.

Mr. DILLINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Vermont?

Mr. JONES. I do.

Mr. DILLINGHAM. I want to make the suggestion that the Senator from Washington has been speaking about an hour and a half, and I observe that he has got through only three pages of his manuscript. The whole time has been taken up with interrogatories on first one question and then on another, and he has had no opportunity whatever to deliver the address which he has prepared and in which he gives his reason for his action. After yielding an hour and thirty minues to interruptions of that kind, I think that, in fairness to him, he should be permitted to proceed with his speech.

Mr. JONES. Mr. President, I appreciate the friendly interest of the chairman of the committee, but I will say that in these interruptions I have covered a whole lot of my speech further on, which will therefore not have to be taken up, so that the Senate is probably losing no time and I am enjoying the interruptions very much.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. REED. I have taken the liberty of asking the Senator from Washington a few questions, and, therefore, am one of the parties guilty of the interruptions.

Mr. JONES. The Senator is not guilty of anything wrong.

Mr. REED. I rather dislike the idea that interruptions are regarded by any Senator as mere interruptions. I have been trying to get the Senator's view for my own benefit. I have to vote on this case, and I have a good deal of respect for the Senator's opinions. He sat on this investigating committee, and he has announced that he intends to vote differently from the way he voted before. Therefore, it seems to me that whatever light he can shed, and is willing to shed, upon these matters will help some of us who more desire to get at the truth than to listen to a very excellent speech.

Mr. JONES. The Senator will give me credit for not objecting to interruptions at all.

Mr. REED. The Senator has been very courteous and very kind; and I desire to get a little more light.

Mr. JONES. I appreciate the suggestion that possibly I have given the Senator some light.

Mr. REED. At least the Senator has elucidated his own opinions; and it is a very different thing for a man sometimes to listen to the opinions of another than to listen to his reasons for the opinions. There is a matter that troubles me some, that I should like to get the Senator's view upon. I will have to take a moment to state it. It seems to be conceded by everybody that Lee O'Neil Browne was the agent of Mr. LORIMER.

Mr. JONES. Mr. President, I do not concede that he was an agent of Mr. LORIMER; I contend that he was a friend of Mr. LORIMER, and was simply doing what he could as one individual member of the legislature to secure Democratic votes for Mr. LORIMER when Mr. LORIMER became a candidate. In the matter of his being an agent in the way of binding Senator LORIMER by a promise or by the distribution of money or anything of that kind, I do not think there is anything that shows that at all. He was no more the agent of Mr. LORIMER than were several other Democratic members there of possibly not quite so much prominence as Mr. Browne, but who interested themselves in Mr. LORIMER's behalf.

Mr. REED. Well, I will try to get language that is unobjectionable. It seems to be conceded that Mr. Browne was very active in securing the election of Mr. LORIMER; it seems to be conceded by the Senator who has the floor that Browne was the agent of the liquor interests; that he had a fund derived from the liquor interests or elsewhere for distribution; and that he did distribute that fund to certain members of the legislature.

Mr. JONES. Well, they all swear that they did not expect anything for voting for LORIMER excepting White, and there is nothing in the record that, to my mind, impels me to believe that they did expect anything for their vote for him.

Mr. REED. Then, can the Senator explain whether he really thinks that money or the expectation of money in the Illinois Legislature influenced the votes of any of those men now charged with corruption or whether he thinks that their votes were simply votes cast in accordance with conscience and principle?

Mr. JONES. That is, you mean in connection with the election of Senator?

Mr. REED. I mean in connection with anything.

Mr. JONES. I will say to the Senator that there is nothing in the record here that shows or even indicates that any of those people except White voted upon any measure hoping to get any compensation or pay for it, and they all swear to the contrary.

Mr. REED. And the Senator's view, then, is that neither money nor the expectation nor hope of money had any influence in tying these men to the fortunes or to the dictation of Mr. Browne?

Mr. JONES. I think not; that is, there is nothing shown in the record to that effect, and there is nothing to show that they were tied to the fortunes or dictation of Browne. They recognized him as the leader of their faction, because he had received a majority vote for minority leader, and that is all.

Mr. REED. Well, the Senator means direct. Does the Senator——

Mr. JONES. Well, I want to say to the Senator——

Mr. REED. Does the Senator mean to say that it is his judgment, after hearing all this evidence, that there has not been some kind of understanding that the men who had adhered to the fortunes and followed the dictation of Mr. Browne would receive compensation?

Mr. JONES. I will say to the Senator that I think this case is to be decided, of course, upon the record, and there is nothing

in the record which, to my mind, indicates that any of these people expected anything for their votes upon any of these measures or that they to any extent followed the dictation of Browne. I might have an opinion, of course, in trying to explain their action in view of what happened after the legislature adjourned, and I might think that possibly they did expect something of that kind, although I have no special reason to think so unless it is with reference to the man Holstlaw. I have a theory—there is no direct evidence to support it—with reference to Holstlaw in connection with his evidence in regard to his campaign, in connection with the source from which he got his money, and in connection with his disposition and the character of the man that he either had an understanding or that he expected in some way to be reimbursed for his campaign expenses. As I have said, there is no real direct evidence to support a theory of that kind.

Mr. REED. I do not want to be importunate about this matter, but I have a very grave reason in my own mind for wanting to get the Senator's real opinion. The Senator, of course, says there is no evidence, and I take it he means direct evidence.

Mr. JONES. Well, neither direct nor really indirect.

Mr. REED. But taking into consideration the fact that these men rallied to the standard of Browne; that they obeyed his will and followed his dictation——

Mr. JONES. Now, Mr. President, I do not think the Senator ought to state it in that way. There is no evidence here that they obeyed Browne's will or his dictation on legislation or other matters either.

Mr. REED. Well, they voted with him.

Mr. JONES. Oh, yes; sometimes and sometimes not.

Mr. REED. And they went to him for advice; they selected him as leader; he became in fact their leader; afterwards they went to St. Louis where this money was divided up, and certain sums of money were indubitably paid to Mr. White by Mr. Browne, as shown by Mr. White's letters. Now, what I am trying to get from the Senator is this: Does he not believe he is warranted in the conclusion from this record that these men expected to get money from or through the hands of Mr. Browne in consideration of their services and friendly offices in the legislature?

Mr. JONES. I will say frankly to the Senator that I do not think so.

Mr. REED. That is the answer I had thought the Senator would make. Then, the Senator thinks that, without any agreement, express or implied, without any understanding whatsoever, Mr. Browne sent for or had these members of the legislature assembled at St. Louis; that he paid them this money or caused it to be paid, and that without any understanding, express or implied, in advance he wrote these letters to Mr. White asking him to meet him, and paid him various sums of money which he has admitted receiving.

Mr. JONES. I have no reason to think otherwise.

Mr. REED. I thank the Senator for his courtesy.

Mr. JONES. I desire to say with reference to the suggestion of the Senator in regard to Mr. Browne being the leader and these people following him, and so on, that I assume that the Legislature of Illinois is very much like other legislative bodies. I have noticed from my service in the Senate and in the other branch of Congress that men usually follow those who have been selected as leaders, and some one is usually selected as a leader by the minority as well as the majority. I have never thought that there was anything wrong about that. I can remember how in the House of Representatives when we came in to vote on a proposition we usually asked how so and so was voting, and then we voted that way; and I have noticed that our Democratic friends in this body usually vote together upon every important proposition, and I see nothing wrong about that.

Mr REED But Mr. President——

Mr. JONES. And I would like to see the Members on this side of the Senate follow that course a little bit more than they do.

Mr. REED. Will the Senator pardon me another question?

The PRESIDENT pro tempore. Does the Senator from Washington yield further to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. REED. The Senator says that it is customary to follow leaders and vote as a unit and that that is done in the Senate. Does he know of any instance where in this body or in any other honest legislative body the members have afterwards gone out and cut up a lot of money among themselves?

Mr. JONES. Oh, the Senator does not mean to ask a question like that seriously with the suggestion it implies. Of course the Senator from Washington intimated nothing of that sort.

Mr. REED. No; but I am trying——

Mr. JONES. But there is no reason to assume simply because men got some money after the Illinois Legislature had adjourned that all the members or any considerable number of them or any of them who were in what was known as the Browne faction supported Browne or followed Browne in the hope or expectation of getting money. The Democrats of the House of Representatives of the Illinois Legislature had a very active contest over the minority leadership. Leadership there means something, just as it means something in the National House of Representatives. There were two candidates in the minority for speaker. Browne received a majority of the Democratic votes, and he received practically all the Democratic votes when it came to voting for speaker. After two ballots practically all of them voted for a Republican. After the speaker was elected Browne was recognized as the leader of one faction, just as another gentleman was recognized as the leader of another faction. The members of each faction did not vote together upon all propositions. They frequently divided, but they recognized him as leader, just as all legislative bodies recognize men as leaders. There is nothing in this record to show that the men who followed Browne or took him as their leader did so in the hope or expectation that they would receive anything during the legislature or after the legislature. If we are to infer that because many of the men who followed Browne and voted for Senator LORIMER were corrupt, we could with equal justice draw the same conclusion with reference to other legislative bodies.

Browne's faction was not the only faction that supported Senator LORIMER when it came to a vote. A large number of what was known as the Tippitt faction of the Democratic Party voted for Senator LORIMER. While it is suggested that possibly one or two members of the legislature received pay from Tippitt, I submit that there is no proof in this record to show anything of the kind, and that it is an absolute injustice to a man who was elected six times to the Illinois Legislature and who was honored and respected by all of his neighbors and his people to infer and insinuate that, simply because some poor drunken member of the legislature who had followed Tippitt was flourishing a little money, he got that money from Mr. Tippitt. I think such an inference is unjust, unreasonable, and unfair, and if it is to be followed, then no recognized leader in any legislative body is safe from suspicion and infamous suggestion. Others may not agree with me in regard to that, but that is the way I look at it.

I might just as well now refer to these other members of the legislature and give my reasons for thinking that they did not receive money for voting for Senator LORIMER. This whole case is buttressed about Charles A. White. It is not necessary for me to go through and analyze his testimony. That has already been done most completely by the Senator from Vermont. I simply want to call the attention of the Senate and the attention of the people who are insisting that this was a corrupt election to the fact that it must be determined primarily upon White's testimony. While I will admit that a man without character, a man without any moral conception of what is right and just, while I will admit that a perjurer and a blackmailer—not a man merely charged with blackmailing, but a self-confessed perjurer and a self-confessed blackmailer, a man who confesses that he lied time and again for the purpose of securing something from one of his best friends, a man who is contradicted, whose testimony is impeached time and again in this record, and impeached conclusively upon material propositions—while I will admit that such a man can tell the truth sometimes, I do think that his testimony ought to be scanned very closely; I do think that he ought to be supported by strong and conclusive corroborative evidence before we should believe him and overturn the testimony of a man with a record, with a character, and with a reputation like that of WILLIAM LORIMER, and especially so when not one Senator who heard the testimony on this hearing or the other one contends that WILLIAM LORIMER was personally guilty of improper conduct in connection with his election or that he was cognizant of any such on the part of any of his supporters. I will admit, with the Senator from Indiana [Mr. KERN], that the character, the record, and the reputation of WILLIAM LORIMER should not overturn convincing proof of corrupt practices in connection with his election; but, gentlemen of the Senate, I want to say that I do not believe we ought to overturn a character like that and a reputation like that and repudiate the testimony of such a man upon the testimony of a man like White, unless it is corrobo-

rated so as to prove almost conclusively that White's testimony where it involves Mr. LORIMER is true and correct.

What kind of a man is WILLIAM LORIMER? His personal character is above reproach. He is temperate in his habits, chaste in his conversation, honest in his dealings, and of unquestioned veracity. His word is as good as his bond in private life, in business dealings, and in politics. He is gentle in manner and considerate in action. He is sympathetic, tender, conciliatory, frank but firm in his opinions and convictions. A good neighbor, a faithful friend, a fair foe, a model husband and father with an ideal home life. That is the kind of a man WILLIAM LORIMER is personally. If he differs from other men in Illinois politics, it is in this: He is honest, true, and courageous in politics as in private dealings. His word given is never broken. A promise made is always kept. He never deceives. If he is for you, you have no doubt of it; if he is against you, you know it. Slow in promising, he is faithful in performance. He is true to his friends and followers in defeat, and never forgetful of them in victory. Always ready to help when in his power the humblest citizen regardless of politics. These, with great executive ability, are the elements of his success. Whatever the people may think from the reports they have read, this is the kind of a man WILLIAM LORIMER is—in character, home, business, and politics. If we are to condemn a man like this on the evidence of a man like White unless clearly and conclusively corroborated, then why should the people expect a man to live an honorable and upright life either in his private life, his business dealings, or in his political activities? How can anyone hope to escape the perjurers and blackmailers if an upright life counts for nothing against perjury and avarice?

I will admit that White a few years ago had a good reputation. While he was at work down at St. Louis he received some nice recommendations from his employers, and I have no doubt that those recommendations were given in good faith and were deserved at that time. Here is the way I look at it: The highest wages White had ever received, I think, were about $2 or $2.25 a day. In the forty-fifth general assembly of Illinois he was selected as a representative of the labor interests, and he was paid $6 a day and his expenses. He left his work, went to Springfield, and fell in the way of high living and dissipation and riotous associates. When the legislature was through he had to go back to work at $2 or $2.25 a day, and he found he could not maintain his high living. He saw somewhere that some labor man had obtained $5,000 as a bribe from some interest to induce him to use his influence in its behalf, and he took the money without doing the work for which it was given and used it for himself; he heard also of another labor man who got $20,000 for doing the same thing, and he used the money for his own benefit; and I have no doubt but that he said to himself, "That is a good way to get money; I can not live on this wage of $2 or $2.25 a day, as I have been living; I do not like this kind of life; and I am going to the legislature. I have heard there have been rumors of corruption up there and chances of getting money, and I am going there. I will make some money in that way. I will get better wages than I am getting now and not have this hard work. The pay is $2,000 for a session, and I can get much more on the side."

So, he got himself nominated for the legislature; he was elected, and went to the legislature; and he tells this committee and the country that he went there for the purpose of disclosing and exposing corruption. He went to the legislature; he continued his riotous living; he became worse and worse. The dissipation shown in this record on the part of White is really appalling. He got his $2,000, but it was all used up in two or three months. He made trips to Chicago; took his friends there, and they went to all sorts of disreputable resorts and places, and his money did not last long. If he got money from Browne, it was soon spent. After his return from his trip with Browne in August, it entered his mind and heart that he could extort money from LORIMER, and he told Zentner and Sturmer that he voted for LORIMER and he could say he got money for it and LORIMER would have to put up. Then, apparently, he conceived the idea that he would get money by connecting LORIMER with some part of his ill-gotten money. He must concoct a bribery story, so he says that Browne came to his room in Springfield on the night of May 24 and took him to his (Browne's) room and there entered into a deal with him by which Browne was to pay him money for the election of Senator LORIMER.

Mark you, he says that that was the first time any man had spoken to him in regard to voting for Senator LORIMER—May 24. Is that true? If it is not true his whole story relating to LORIMER is stamped as a pure fabrication. Homer Shaw came before our committee and he impressed me, like he impressed all the other members of the committee, as being one of the most honorable, high-class men who came before the committee. He was a Democrat. He did not vote for LORIMER. He tried to maintain the Democratic organization, and yet he testifies unequivocally in substance that White told him a week or 10 days before that he expected to vote for LORIMER. White denies it. But I do not believe there is a member of our committee who will not say that Shaw must be believed with reference to that proposition. Shaw had no incentive to lie. He did not lie. He told the truth. Senator LORIMER also swears that White told him several days before the election that he would vote for him. So White lied when he said that May 24 was the first time he had been spoken to in regard to the election of Senator LORIMER.

Further, Shaw testifies to White's dejected appearance in the subsequent session of the legislature, and of his telling Shaw that he regretted his vote, and that his people would not have very much to do with him. White denies this, but there can be no doubt in the mind of anyone who saw the two men as to which told the truth. White lied in this also.

Again, with reference to the night of May 24, White, in order to bolster up his story, said that Otis and Sidney Yarbrough were there; that they were in his room when Browne came there. At the former hearing one of these Yarbroughs was not called. I remember that I wondered why he was not called. Both the Yarbroughs were called before this committee. They both testified in support of White's contention that they were in Springfield the night of May 24; that they were in that room when Browne came there; and yet, mark you, the testimony in this record shows, and it shows it conclusively, that one of the Yarbroughs, at any rate, was not in Springfield that night. It shows that White and the two Yarbroughs were in Chicago on Sunday, May 23; that they stayed there that night, and that one of them remained there while White and the other one went to Springfield, arriving there about 11.41 the night of May 24.

I will not go into and analyze the testimony, but I assert, and no member of this committee will contend otherwise, that White perjured himself when he said the two Yarbroughs were in his room in Springfield on the night of May 24, and that the Yarbroughs perjured themselves when they swore they were there. They lied when they said they saw Browne that night, and White lied when he said Browne promised him money for his vote for LORIMER. The minority of the committee have nothing to say in their report or in their speeches about the Yarbroughs. Their perjury was too plain, not only from the contradictory evidence produced, but from their own testimony and their manner on the stand. If White lied in stating that the two Yarbroughs were present, and he did, why should we believe him at all? Can anyone believe him? This is a material part of his story. It is clearly false, and the whole Lorimer story should fall with it. Why did the Yarbroughs swear to it? They were close friends of White. One had been given a place by him. They seemed to be willing to go any length for him. One of them admitted, in the Browne trial in Chicago, of writing a letter saying, in substance, this: "I will go to hell for White, and in his interest," and he was perjuring himself to sustain White's story, because White wanted it corroborated. There is no question but that White's story as to the 24th of May is absolutely false. He had told Shaw and LORIMER before this that he would vote for LORIMER. The Yarbroughs were not in his room that night. Browne did not come to his room and did not promise him a thousand dollars for voting for LORIMER. This story is simply a part of his blackmailing scheme.

White has made no confession in this case. He has simply written a story of corruption in which he was an actor to sell and sold it. Under the claim that he was going to the legislature to expose corruption he got money corruptly, according to his own story. He did not expose the corruption. He used the money. He had a good time. His funds were out. He must raise some money or his good time would end. How could he do it? He conceived the idea, as I said before, that he would make Browne and LORIMER put up. After he and Browne had returned from a trip in August, after the legislature adjourned, he was at the Briggs House in Chicago; he was drinking. He was there with two men, named Zentner and Sturmer, and they testified to this statement on the part of White.

White said that he was going to take a trip in the fall; that he was going down to O'Fallon; he was going down to visit his people, and then go down to New Orleans, then to Cuba, then come up to New York and have a good time. These men suggested to him that he must have considerable money. White said, "No; I have not a lot of money, but I am going to get it, and I am going to get it without working." Then Zentner asked him how he was going to get it. White said,

"That Lorimer crowd, and our old pal Browne, too, have got to come across good and hard when I say the word, and I am going to say it." Sturmer then asked White whether he had anything on them, and White said, "No; I ain't. I got the worst of it down there in Springfield, but that makes no difference. I voted for LORIMER, and I am a Democrat, and I can say I got money for voting for LORIMER. Do you suppose that they can stand for it a moment? I guess they will cough up when I say the word to them."

We are asked to exclude a man from this Chamber upon the testimony of a man of that character, a man who in his drunken condition gave up possibly the inner thoughts of his mind and who said, "I voted for LORIMER; I did not expect anything, but I can say I got money for it, and they will have to cough up." This is corroborated by Zentner in every particular. This was the first conception of the plan to extort money from LORIMER and the beginning of the White story.

Now, what sort of a man is White? James W. Doyle, an honest laboring man, a machinist, of Springfield, was about the legislature representing labor, and he testifies to a conversation with White, as follows:

He said to me, "How is railroad legislation coming on?" I said, "All right." He said, "You fellows are the damnedest, cheapest bunch I ever saw. How do you expect us fellows to live around here on wind?" I said, "I do not know. I have not got a dollar to give you or to cite you as to where you can get any. I am surprised at your making that statement, elected as you were." Somebody stepped up, and the conversation ended there.

Doyle is not impeached. Doyle is a man of reputation and character. There is no reason in this record why we should conclude that he was stating anything that was not true. It simply illustrates the character of White as demonstrated all the way through this record.

Then Officer O'Keefe, with whom White was placed in Chicago, testified to a conversation he had with White after White had been on the stand in the Browne trial. White stated to O'Keefe, in substance, that he had lied in his testimony.

Officer O'Keefe testifies that White, in substance, admitted that he testified falsely, referring to his testimony in the Browne trial.

Senator KENYON. That he lied on the witness stand?
Mr. O'KEEFE. Yes, sir.
Senator KENYON. At the time he told you he lied on the witness stand you knew another case was coming up—that the jury would discredit?
Mr. O'KEEFE. Why, the case was still on, sir. This was the first trial when I knew that he lied.
Senator KENYON. Oh, it was during the first trial?
Mr. O'KEEFE. Yes, sir.
Senator KENYON. But the case was complete?
Mr. O'KEEFE. Yes, sir.
Senator KENYON. He told you then that he had lied?
Mr. O'KEEFE. Yes, sir.
Senator KENYON. That he had lied under oath?
Mr. O'KEEFE. He was sworn, anyhow; yes, sir.

Then in pursuance of this plan that he had conceived White went to writing a story. He did not call it the Lorimer scandal; he did not call it the Lorimer election; he did not call it the Lorimer bribe. He called it "The jack pot." That was the title of his story. And what did he do? While he was writing his story he wrote a letter to Senator LORIMER, which appears in the record—a pitiful sort of letter—setting forth his bad condition, and asking for some help, a letter that would appeal to any man of the disposition and character of Senator LORIMER, and would appeal to any man who had been favored by the writer. Yet White on the stand said that in that letter he lied. I do not say he lied. He says he lied.

He wanted something from LORIMER he could use against him in his story. He says so. That letter did not bring anything. So he finally concluded that he would make a straight blackmailing proposition to Senator LORIMER, and he wrote and told him that he had written a story of the legislative proceedings of the Illinois General Assembly, and suggested to him that he had been offered $2.50 a word for that story, and that there were about 30,000 words in the story. In other words, he suggested to Senator LORIMER that he ought to put up $75,000 for that story.

White says on the witness stand that his statements in that letter were lies and that he had not received any offer, but he hoped to get something from Senator LORIMER that he would be able to use against him. He did not get it. In the meantime he was also writing to Browne. The record contains letters from White to Browne and from Browne to White—letters from White to Browne telling Browne that he did not know where the next meal would come from; telling Browne that he was in dire distress, asking to borrow some money, and he inclosed a note in one letter for money, which he trusted Browne would send him. Browne sent him some money and gave him some good advice. And yet on the witness stand he testified that his statements in those letters were lies; that they were untrue; that he wrote in that way in the hope that he would get something from his friend Browne that he could use against him. He got money on these misrepresentations, and he used it for his own purposes.

But finding he could not get anything from LORIMER, he wrote to Everybody's and several other magazines, and, getting nothing from them, he says that some one suggested—Mr. Wright—that the Chicago Tribune would buy his story. He went to the Tribune people and made a proposition to them. Asked them what? Keeley, of the Chicago Tribune, says that White asked him $50,000 for his story. White says Keeley is a liar. I do not believe it. I think White lied when he said he did not ask him $50,000. He did ask him $50,000 for that story. Keeley would not pay it.

Finally he came down to $4,000. The Tribune people said they would give him $3,500 for the story if he would agree to corroborate and sustain it, and he agreed to do it. The sale was made. He started out to corroborate his story.

It is very significant as showing White's character that about the 28th or 29th of April, a day or two before this story was to be printed, he threatened not to go through with his story. White had been down in southern Illinois with a man by the name of Turner or Tierney trying to corroborate his story, talking with the different members whom he had implicated. He had gotten away from Turner. Turner was over in St. Louis. White was in East St. Louis with a couple of friends. He had been carousing around and did not have any money. He went to a hotel to get a room. He told the night clerk he had no money, and the night clerk said, "I can not let you have a room; it is contrary to the orders of the proprietor." White asked for the proprietor; but he had gone to bed and he could not get him. So White said, "Call up Turner, over in St. Louis, at the St. James Hotel." The night clerk sent the message and they got Turner. White wanted Turner to "put up" for him; and this is what Mr. Ellerhof says White said:

Mr. White said that he was down there broke; had no money; that Turner was across the river having a good time, and he was over there broke and could not get any lodging for himself and his friends.

* * * * * * *

Mr. HANECY. Did White say anything to you as to what he would do if the Tribune did not do something for him?
Mr. ELLERHOF. Yes. He said he would not go through with it. If he did not get settled up by Monday morning he would not go through with it.

Through with what? Through with the story that he had turned over to the Tribune for $3,500 and that he is now trying to sustain and corroborate? If they did not put up money for him, he would not go through with it.

Mr. HANECY. Did he say anything about wanting money and wanting it damned quick?
Mr. ELLERHOF. Yes, sir. He said, "I want money and I want it damned quick."

He then had them telephone to Chicago, to the Tribune office, and they got a Mr. Hammer, who was said to be the editor of the Tribune. Mr. Hammer told Mr. Ellerhof to let White have a room, saying the Tribune would settle for it. Ellerhof said he could not do it, because it was against his orders. Then Ellerhof said White started out of the door and said, "I will show you what influence I have got, from the governor down."

This shows that White was ready to "throw down" even the Tribune if he could not get a little money for his expenses there.

Soon after he had written or while he was writing his story he talked to Mr. Webb, his attorney at East St. Louis, and asked him about the matter. He talked to him about the "jack pot." He did not say anything about the election of LORIMER. He did not say anything about having gotten money for that, but talked about the "jack-pot" money. Webb advised White not to publish his story, saying that it would very likely get him in the penitentiary. What did White say?

Mr. HANECY. What did he say in reply to that?
Mr. WEBB. He said he did not care; that he had been deceived; he had been promised more money than he had received, and he intended to have what had been promised him; that if he did not he would drag down those involved with him, and they would all go down together.
Mr. HANECY. What was his language—"I do not care a damn"?
Mr. WEBB. Yes, sir; he used that term.

I think Mr. Webb impressed the committee as a man of reputation and a man of truth. There is no doubt that White made those statements to him and he was evidently referring to the "jack-pot" or legislative money. If the senatorial election had been connected with it he would surely have said something of it to Webb.

I could take from the record the statements of other witnesses showing White's avaricious nature and his blackmailing character; but it is not necessary. I have given enough to show his character. I have given enough to show the character

of the man and the purpose for which he prepared his story. If it be true that he got money from the "jack-pot" fund, that he understood he would get money from the "jack-pot" fund, it is not unreasonable to conclude that White conceived the idea that he could make money by connecting LORIMER with the matter, and from his statements and actions this conclusion is irresistible.

In my judgment, Shaw's story is correct that White told him 10 days before the election that he expected to vote for LORIMER. I have no doubt that White voted for LORIMER without any expectation or hope at the time of getting any money. I have no doubt that he voted for LORIMER without any promise of any money. I have no doubt that he afterwards conceived the idea that by connecting LORIMER with the matter he could make money out of it, and he did it; and he took his story to the worst enemy Senator LORIMER has in this country and sold his story to them.

I do not charge the Tribune with using the story corruptly; but they were glad to get it. The Tribune's policy had been for years to drive LORIMER out of Illinois politics. It would employ any means to do it. The character of the Tribune's opposition to Senator LORIMER and its desire to get something to use against him are well exemplified in the story Mr. Keeley told on the stand of a man named Glavis coming to him and telling him he knew of some books that would implicate Senator LORIMER while a Member of the House, and saying that if Keeley would pay him $750 he would get those books for him. Keeley paid the $750. No books were secured. He admitted that he had been buncoed, and that the books never were produced. Nobody seemed to know anything about them. The chances are, the probabilities are, the indications are, that Mr. Glavis, simply presuming upon the intense hostility of the Tribune to Senator LORIMER, concocted his story and got from them $750, which they paid with the hope that they would find something they could use against LORIMER.

This is White's story, and he is the only man that says anywhere in this record that he was promised anything for voting for LORIMER or that he hoped to get anything for voting for LORIMER. I do not believe he ever was promised a cent. I do not believe he expected a cent. There is absolutely no corroborative evidence that he got his money for voting for LORIMER. It is so plainly a blackmailing scheme and is so full of perjury that it is entitled to no credit. It is said he confessed. The country believes he confessed. He did not confess. He wanted money. He wrote his story. He sold it. He was never arrested. He was never indicted. He was never prosecuted, and is scot-free to this day.

The country thinks—and those who know better keep on saying—that Beckemeyer, Holstlaw, and Link have confessed to receiving money for their votes for LORIMER, and upon these continued false statements the people have largely formed their opinion of this case. These men have not so confessed. Upon the contrary, every one of them has denied from the beginning to the end that he was promised anything for voting for LORIMER, that he expected anything for voting for him, or that he voted in the expectation or hope of getting anything. Not one of them connects LORIMER with this matter except Beckemeyer, and he does not do it until he is threatened with the penitentiary upon an indictment for perjury; and then he simply goes so far as to say that Browne said when he handed him the thousand dollars that it was "Lorimer money." But he contends after that, and until the very close, and contends now, that he did not hope for, did not expect, and was not promised a single dollar. And Mr. Wayman, the prosecuting attorney of Cook County, who had him indicted, and who talked with him privately and otherwise, says Beckemeyer contended the same thing to him all through his conversations with him.

I have no doubt, as I said awhile ago, that Beckemeyer connected LORIMER in this way only and solely to secure immunity, to be relieved from this indictment. He went before the grand jury three times and never mentioned LORIMER's name. This brought no immunity, and then in a private conversation with Wayman he used LORIMER's name, as above stated, and he was at once released. He simply lied to get immunity.

We hear a good deal about Holstlaw. He was a member of the State senate. In my estimation, even White is a better man and more entitled to our respect and pity than this man Holstlaw. Words can not express my opinion of or contempt for Holstlaw. There is some excuse for White, if you can excuse anybody for such a thing, as swearing falsely, trying to get money corruptly, in order to live high. But there is absolutely no excuse whatever for Holstlaw. He was a man worth from $100,000 to $200,000, respected in his community, of great profession of piety; and yet he is a man always looking out for and trying to get money for nothing. He is avaricious beyond expression. He will take a dollar at any time and from any source and ask no questions, and thinks it all right. He has no perception of immorality in connection with the receipt of money. In a furniture deal he was on a committee to purchase for the State, and suggested to the representative of the furniture people that there "ought to be something in it." He wanted about $2,000. Finally they promised him $1,500. He did not think there was anything wrong about that. On the stand before the investigating committee he said he did not think there was anything wrong about it. He said it did not come out of the State; that the agent of the company simply took it out of his commission, and he thought he might just as well have it as anybody; and he regretted very much that he finally did not get it, and expressed that regret on the stand before this committee.

That is the kind of man Holstlaw is. The prosecuting attorney's office at Springfield found out about this furniture deal. They found a letter that he had written to one of the representatives of the furniture company. When Holstlaw came back from a church convention in Baltimore, to which he was a delegate, he was called before the grand jury and asked if he had written a certain letter, and he said "No." Then he was allowed to go out of the grand jury room, and they indicted him for perjury. They then advised him of his indictment.

As soon as Holstlaw learned of the indictment for perjury he remembered that he had written the letter, and wanted to go back and explain the matter. He requested of Mr. Burke, the prosecuting attorney, possibly through one of the deputy sheriffs, to be allowed to come back before the grand jury and explain. Burke sent word to him that he would not be permitted to come back unless he told all he knew about the Lorimer deal.

My recollection is that the Senator from Vermont [Mr. DILLINGHAM] yesterday gave the impression that LORIMER was not mentioned until the time a statement was being prepared in the office of his attorneys. But he overlooked the testimony of Mr. Holstlaw in which he said that one of the deputy sheriffs came to him and told him that Burke would not let him come back until he told all about the Lorimer deal. That was repeated, and he told that to his attorneys. Then his attorneys talked with Burke, and they brought back the same word.

What about Holstlaw? Is he a brave man? Is he a courageous man? No! He is more cowardly in his nature than White himself; more cowardly than Beckemeyer; more cowardly than Link. Holstlaw was ready to swear to anything in order to get immunity. He passed an almost sleepless night, he says, thinking over this matter. He had also put up a cash bail of $5,000; and I have an idea that the possible loss of that $5,000 worried him more than almost anything else. He was ready to swear to anything the next morning in order to get immunity, and to get back his $5,000.

Then Holstlaw told his attorneys this Lorimer story. First Burke sent word that he would not let him off until he told all about the Lorimer deal. I do not contend that Burke was in any conspiracy in regard to the matter. I think probably Burke had sized up Holstlaw. He knew his connection with corruption in connection with the furniture deal, and he probably thought he would "take a chance" on getting something out of him in connection with LORIMER.

Holstlaw, with his cowardly nature, with his avaricious disposition, was looking for any opportunity to get rid of that indictment. He was willing to say anything, and he knew that connecting LORIMER with corruption would get him immunity. Burke insisted on a written statement. So he told his attorneys who had been recommended to him by the sheriff's or prosecuting attorney's office of the furniture deal, and then that Broderick came to him the day before the election, I believe it was, and said, "We will elect Senator LORIMER to-morrow," and he said, "Yes; I am going to vote for him." Then Broderick said, "There is $2,500 in it for you." He told his attorneys that Broderick's statement had nothing to do with his vote; that he intended to vote for LORIMER anyhow; and that he did not expect anything for his vote. They prepared a statement, and prepared it in the way that they knew would bring immunity to this man. They prepared that statement, not as Holstlaw had given it to them, not as Holstlaw intended, but prepared it so as to make Holstlaw say that Broderick had said he would give him $2,500 if he voted for LORIMER. That was the idea. In other words, that statement was prepared in the way of a direct confession that he had received $2,500 in consideration of his vote for LORIMER.

He read it over, probably, in a hurry. He said himself he did not pay much attention to it. No; he did not care. He wanted to get immunity. He was ready to sign anything that would get it for him. And it is significant that his attorneys

would prepare a statement of that character for their client, a statement that made him confess that he had voted for a United States Senator for a consideration, when he had told them that there was no consideration for his vote; that he had intended to vote for LORIMER before; that he would have voted for him anyhow; and that he did not expect anything for his vote, and that the $2,500 was not paid him for his vote. Notwithstanding he had told his attorneys that, they did not put anything of that kind in this statement. Not only that, they wrote the statement, as I said, in such a way as to make him confess he received $2,500 for his vote. That would be hard to understand if the record did not show by a number of reputable and reliable witnesses that at the very time these men were preparing this statement for Holstlaw, as his attorneys, they were employed by the Chicago Tribune in connection with the White story. Senators, what do you think of such action? What do you think of attorneys acting for their client preparing a statement for him contrary to his statement to them, and acting at the same time for the political opponents of Senator LORIMER, and framing that statement so as to support their contention in regard to his election? What do you think about their preparing a statement for their client to sign making him confess to bribery, when he had told them the contrary? I am not surprised that he signed it. Many a man signs an affidavit prepared by his attorneys. It often does not state exactly what he intended. He does it innocently. Holstlaw did not intend what was put in that statement. He probably paid little attention to it when he signed it. He wanted immunity. He was willing to sign almost anything to get it and the return of his $5,000. Holstlaw swears now, and swore from the beginning, and swore repeatedly, that the statement in that declaration was not correct, and that he had not been promised and he did not expect a single dollar for his vote for LORIMER. What reason was there for him not to tell the truth in regard to this matter before this investigating committee? He was not under indictment then. An order of immunity had been entered in the court. There had been a judgment of the court giving him immunity for the furniture deal and for the Lorimer matter. There was no earthly reason why he should not tell the truth, and, in my judgment, he did tell the truth when he said he did not expect and did not get a dollar for his vote for LORIMER, and his vote for LORIMER was just as honest a vote, so far as any corruption in connection with it was concerned, as the vote of any man in that legislature.

Why, Holstlaw had told his neighbors, days before the election, that he was going to vote for LORIMER; he had told quite a number, and he named quite a number of men whom he told he was going to vote for LORIMER. It was known about the legislature that he expected to vote for LORIMER if he was a candidate. And what reason would there be for his asking for something for his vote, or expecting something for his vote?

But the suggestion comes—and it has already been suggested by some of the Senators—why did Broderick pay him $2,500 if he had not promised to do it? Broderick did not pay Holstlaw $2,500. He paid him $3,200; that is what he paid him, if he paid him anything. He paid him $2,500 at one time and then $700 at another time—$3,200 altogether. No one contends that he got more than $2,500 for voting for LORIMER, and yet he says that when Broderick paid him the $2,500 he said there would be $700 more, or some more soon, showing that it all came from the same source. You can take Holstlaw's story from any angle, and there is nothing in it that supports the theory or the contention that he voted for LORIMER with the hope or expectation, or under a promise, of receiving money. He never had the talk with Broderick that he relates. He may have told him he would vote for LORIMER, but Broderick never told him he would get $2,500 for it. It is incredible that he would do so when he knew Holstlaw was going to vote for LORIMER. He would not do it so openly and boldly as related by Holstlaw, and there is absolutely nothing in the record showing that Broderick was taking any special interest in LORIMER's election or that he expected anything from his election or that he had received any money from any source to assist in LORIMER's election. No; that $3,200 came from some other source, and was paid to Holstlaw for some other reason; what, I do not know.

This committee has been unable to find where that money came from. I have my opinion, based upon certain facts appearing in the record and pointed out by the Senator from Vermont in his remarkably able and exhaustive speech. Holstlaw knew before he entered into his campaign for his election that he would be reimbursed for his expenses, and that was the purpose of the $3,200. This is the character of the men and the character of the testimony upon which it is expected to deny Senator LORIMER his seat. I can not analyze it all. It is easy for anyone to find something in the several thousand pages of the record to sustain any contention he may desire to make. If he simply wants to find something in the record pointing to a given theory, he can find it. I have tried to weight all the evidence from every standpoint, and I concede that other Senators have done the same thing. I am firmly convinced that these men did not get any money for voting for LORIMER.

I am firmly convinced that they did not vote for him in the hope or expectation of getting any money; and, believing that as strongly as I do, I can not vote otherwise than to sustain his right to a seat here.

It is suggested in the minority report that there were other men who got some money for voting for LORIMER, and they mention Representative Wheelan. What is the basis for charging that Wheelan got money for voting for LORIMER? Absolutely nothing, except that he voted for him and that, I think in October of that year, he paid $1,900 for a home, paying $1,000 down, I believe, and giving a mortgage for the balance, and that there were some hundred-dollar bills in this payment. That is all they have got in the record to connect Wheelan with the election of LORIMER corruptly. He voted for him. Several months afterwards he bought him a home. I want to submit, Senators, that if you are going to convict men on testimony like that, there is no man elected to the United States Senate but that somebody can bring something against him, bring up the fact that some man who voted for him had a little money a short time afterwards, and say that he should be excluded from this body.

What did the committee do with reference to Wheelan? Why, we called Wheelan before us. He gave his testimony. He told about the money he had paid for that home. He told about the $100 bills that he had, and told where he got them. What did we do then? We did not stop there. We called the men that he said he got the money from, and inquired of them with reference to their private affairs and their business relations, and had them explain where this money came from. One of these men had been prosecuting attorney of his county, a man of reputation, standing, and ability. He loaned Wheelan some money; $700 I think it was. He told where he got the money and explained all about it. We called the other man, from whom Wheelan got $300, a hard-working man, a stonecutter I think he was. He had saved up a little money. He loaned Wheelan $300. He had three $100 bills. He told how he got them. He said that he had had money in one bank and took it out and put it in another bank, and he had saved up some money in small bills, and he put that in and took it out in $100 bills. But it is contended that Wheelan sold his vote for LORIMER and that these facts prove it. I can not accept such proof as showing corruption, but I find no fault with other Senators who may see in those transactions evidence conclusive of corruption. If they do prove corruption, however, it seems to me it will not be very difficult to show corruption in connection with any election. No man is safe, however innocent he may be.

Then they say Tippit, the other Democratic leader, or, rather, the leader of the other Democratic faction of the legislature, was corrupt. They said he paid money to Blair for his vote for LORIMER, and therefore Tippit's vote is corrupt. Senators, I agree with the contention that the bribe giver is just as corrupt as the bribe taker. I do not know but he is worse, if there is any difference in degree. And if Mr. Tippit was corrupt, if Mr. Tippit did pay this money to Blair for his vote for LORIMER, then his vote was corrupt and should be excluded.

But what is the proof that Tippit furnished Blair money? Poor Blair! I feel sorry for him, wrecked body and mind by drink, a man who had had considerable practice as a lawyer and of good native ability. The testimony shows that while he was in the legislature he was drunk pretty nearly all the time. The poor fellow was drunk, also, when he came before our committee, and he told a rambling, inconsistent story. Yet I am not surprised at that. He could not have told a consistent story in the condition that he was in. The testimony shows that he probably was in Olney on a certain day, and the next day he was up at Centralia, where they had a ball game. Somebody saw him with some money. Tippit says that he did not see Blair in Olney, which was his home. Some one unfriendly to Tippit swears that he did see Tippit and Blair together in Olney; and from this they contend that Tippit bribed Blair, or, rather, paid Blair for his vote for LORIMER. Tippit had been elected six times for 12 years, to the legislature of his State. Nobody attacks his reputation for truth and veracity—a man of high character, of high standing in the community and the Democratic Party. Yet on this testimony they conclude that he paid Blair this money and that he paid it to him for his vote for LORIMER. Blair denies that he accepted money for his vote; that he was ever promised any money for his vote; that he ever got any money for his vote, or that he

ever expected any money for his vote. He tried to explain where the 100 dollar bills came from. He said that he had saved up some at home, that his wife was keeping it, that he went down there before the ball game and got the money, and so on. We can not harmonize the statements in Blair's testimony with each other, but I submit that there is absolutely no proof that is to be regarded and considered as competent proof that shows that Blair received a dollar for his vote for LORIMER, or that it shows that Thomas Tippit ever paid him a dollar or ever promised him a dollar for his vote. So it is with the other members that they suggest must have been corrupt in connection with the election of LORIMER.

My judgment of the testimony in regard to it is that it is just as lacking in force, just as lacking in evidential relevancy, as that with reference to Tippit or Blair or Wheelan. They voted for LORIMER and they afterwards participated in some business transactions, which they explained fully and clearly, and all of which appeared to be perfectly honest and legitimate.

Now, I desire to notice the new testimony, the testimony upon which the Senate ordered a reinvestigation of this case.

First, I think I will say that the political situation, as I look at it—the political situation in Illinois—resulted inevitably in the election of WILLIAM LORIMER as United States Senator. As I look as those conditions I can not see why WILLIAM LORIMER should pay one dollar, even if he was disposed to do so, in order to secure his election. There was no earthly reason why he should do it. All the political conditions pointed to his election when his candidacy was brought up or suggested to the legislature. The Senator from Indiana [Mr. KERN] the other day spoke of the stage setting with reference to the political conditions as surrounding the election of Senator LORIMER, and he said that the Nation was divided into two great political parties differing on the tariff, and that that issue was before the country and being talked about everywhere. He said we were in extra session here trying to revise the tariff downward, and that the people of Illinois were sharply divided on this great question, and that it is inconceivable that so many Democrats would vote for Senator LORIMER—a Republican, a stalwart Republican, a man disagreeing with them upon all the fundamental principles of their party—unless they were corruptly influenced.

Mr. President, that was not the proper setting to give this question. The stage setting should not be in the National Capitol, should not be in national politics, but the stage setting for this senatorial election should be in the State of Illinois, where factional differences rent each party, and especially the Republican Party. Local divisions affected the people more than anything else. They were not looking at the national issues; they were looking at the State situation; they were looking at the State issues, at the State conditions, and we went at great length into these conditions in this hearing, as the record shows. That the Republican Party in Illinois was divided into factions; that the great political leaders of each faction were suspicious of each other; that they were charging each other with deception, with treachery, and all that sort of thing, is clearly shown. One thing, however, stands out prominently throughout this record and throughout the history of Illinois politics, as brought out by the testimony before us, and that is that with all their criminations and recriminations, with all their charges of treachery and violated promises, no suggestion is made that WILLIAM LORIMER has ever been untrue or unfaithful to a friend; that he ever had made a promise that he had not kept; that he ever violated his plighted word. I want to say that when a man can go through the politics in Illinois without some charge of that kind being brought against him it speaks more eloquently than anything that I can say for his truthfulness, manliness, and uprightness not only in his private or personal life but also in his political conduct.

Then they had had a great contest, rather a great agitation, over the deep-waterway proposition. Senator LORIMER had taken a very prominent stand with reference to this matter. He had gone up and down the State talking about the proposition. He had gone down the canal, down the Illinois River, down the Mississippi River, taking some of his colleagues with him in order to create a sentiment in favor of this great proposition. It was one in which Illinois and her people were vitally and specially interested. LORIMER had for years been the leader in the movement, not only in the State but in Congress.

Two divergent opinions were advanced in connection with it as to the best way to accomplish the result desired by all. One indorsed by the governor of the State, which was opposed by LORIMER; the other, indorsed by Senator LORIMER, was opposed by Gov. Deneen. This divided the forces in the legislature, irrespective of party affiliation. The Democratic Party was apparently in the minority, and largely favored LORIMER's idea. The Republicans were divided into political factions, and upon the canal issue. Senator Hopkins had secured the plurality vote in the primaries, but it was charged, apparently with some foundation, that he had not expected to abide by the primaries if it did not go his way, and therefore there were many in the legislature who did not consider the result of the primaries binding on them. He appeared to have no real, earnest, sincere friends in his own party and he was especially unpopular with the Democrats of the State. LORIMER was especially popular with the Democrats and with the members of his own party, regardless of factions.

I have taken from the record some statements made with reference to Senator LORIMER and Senator Hopkins and their relations to the Democrats that I want to submit as showing the political conditions not in the Nation, but in Illinois and at the State legislature. In my judgment, the members of the Illinois Legislature in considering the election of a Senator did not consider very much whether he was for a high tariff or a low tariff; whether he was a standpatter or a progressive. They were influenced almostly solely by local conditions, local differences, and the local effect. Many Republicans wanted to defeat Hopkins, and practically all the Democrats wanted to defeat him. With them it was anything to defeat Hopkins, there being no hope of electing a Democrat. That was the sole proposition with some of them. Thomas Tippit, the leader of one faction, said:

> At one week's end adjournment when I went to my home my wife suggested to me that Mr. Wilson, ex-Democratic State treasurer of Illinois, wanted to see me when I came home.

I want to say Mr. Wilson was the only Democrat elected to a State office in Illinois since the war up to that time. He was elected State treasurer.

> She stepped to the telephone and called him and told him I had come. He said he was indisposed; that he wanted to see me. I went over to his house, which joins my property, and he said, "What I wanted to see you about was this: Can not you Democrats get together and unite on some liberal Republican and beat that man Hopkins?" I said, "Yes; but what will become of us?" He said, "It will not hurt you; it will not hurt you."
>
> Mr. HANECY. When you quoted what you said, "What will become of us?" you touched your breast—you meant yourself?
>
> Mr. TIPPIT. Yes, sir. I meant what would become of us if we voted for a Republican for United States Senator, you understand. He said, "It will not hurt you; you can not elect a Democrat"—which we all knew. After further conversation I said to him, "Whom would you suggest?" "Well," he said, "I would say Shurtleff."
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> Senator KENYON. Was this before the legislature met?
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> Mr. TIPPIT. That was probably in February or March; I do not believe it was later than March.
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> Senator KENYON. Was it after the legislature had met?
>
> Mr. TIPPIT. Oh, yes.
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> Mr. HANECY. He said it was at the end of a week's session; at a week-end adjournment.
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> Mr. TIPPIT. Yes; during the deadlock. He said, "I would suggest Shurtleff." I said, "Well, we have talked about that very thing; we have talked about Shurtleff; we do not think we could get enough votes for Mr. Shurtleff." I said, "What do you think of Mr. LORIMER?" I am referring to Mr. Wilson, you understand, who was not a member of the house. He is the first Democrat that has carried Illinois, I think, since the war. He said, "I do not like Mr. LORIMER so well, but anybody to beat Hopkins."

And he advised him to vote for LORIMER.

Now, that is from a prominent Democrat outside of the legislature. He was conferring with the leading Democrats of the legislature, and he gave his opinion as to what was wise for them to do. Anything to beat Hopkins was his advice, and there is no suggestion that he was acting corruptly. Mr. Tippit also stated:

> I could state further that it was my information, has been my information, and is now, that the election of Mr. LORIMER to the United States Senate was favored by Adlai E. Stevenson, late candidate for governor.

And you all remember that Mr. Stevenson was Vice President of the United States, and yet the Senator from Indiana would have us to believe that the bipartisan support given to Senator LORIMER was corrupt and that the support given him by Mr. Stevenson is to be condemned. Is there any Democrat in this Senate who believes that Adlai Stevenson would countenance corruption or a corrupt alliance, or that he was acting corruptly when he urged Democrats to vote for LORIMER? While it is true that many Republicans supported Adlai E. Stevenson for governor, there is nothing in the testimony showing that Mr. LORIMER supported him. They said LORIMER's friends supported him, and that Stevenson got a whole lot of Republican votes. That is true. Was it wrong for Democratic candidates to seek Republican votes? Was it proof of corruption that they got them? It was the natural result of the condition in Illinois. Some of the Republican witnesses said there were Republicans who voted for Stevenson not because they were Lorimer people, not because they liked Stevenson, but because they did not like Deneen; they did not like the Republican State administration. There was State-wide opposition to Gov. Deneen and the State administration regardless of Mr. LORIMER, and

the attempt to hold LORIMER responsible for Deneen's small majority is unjustifiable.

Mr. Tippit said that he was informed that Mr. LORIMER had met with the Democratic committee and agreed to support Stevenson for governor. Mr. LORIMER emphatically denied this. Mr. Tippit said that he had been told this by somebody. He did not know it of his own knowledge, but he had been told that Senator LORIMER met with the Democratic State committee and agreed to support Stevenson; but Mr. LORIMER denies that. He said that he was not present with the committee, made no agreement of the kind, and no member of the committee testified to anything of that character. I think I have a statement from the National Democratic committeeman, showing just the contrary, which I will read a little later on.

Homer E. Shaw also testified as to the Democratic sentiment toward LORIMER. He, as I said, was one of the strongest men, and impressed me as being one of the most reliable men that came before our committee. Senator KERN was asking him as to the various reasons given by the members of the legislature for voting for LORIMER, and he said:

Mr. SHAW. They gave various reasons, Senator. I do not know that any of them said they were going to vote for Senator LORIMER, but there was a large number of Chicago Democrats who were extremely friendly to LORIMER, and we simply made no headway whatever in talking party politics to them.

Mr. Shaw tried to organize the Democrats of the legislature, and hold them from voting for any Republican. He got about 25, I think it was, to go into his organization; but that was all he could get, beause of the personal friendly feeling toward LORIMER.

Senator KERN. They seemed to have personal friendship for him?
Mr. SHAW. Personal friendship; yes.
Senator KERN. And they based their friendly feeling toward him on that?
Mr. SHAW. Yes.
Senator KERN. When you formed this organization first, was it understood that LORIMER would be a candidate for the Senate?
Mr. SHAW. Yes; I think it was rumored. I think that was the reason this organization was formed.
Senator KERN. You felt that he was the most formidable Republican?
Mr. SHAW. I knew that from the start. I knew that if any Republican could be elected on Democratic votes in the State of Illinois it would be WILLIAM LORIMER.
Senator KERN. You thought he was the one Republican who could probably get more Democratic votes than anyone else?
Mr. SHAW. Yes.
Senator KERN. You say that was your impression from the start. You mean from the beginning of the senatorial——
Mr. SHAW. From the day he was first voted for.

Senator LORIMER got 1 vote, I think, from about the 13th of May.

Senator KERN. From the day he was first voted for?
Mr. SHAW. Yes. He was voted for a great many days before he was elected, receiving just a few votes.
Senator KERN. And that was what you had to fight more than anything else—to get members of your organization?
Mr. SHAW. That seemed to be the principal trouble.
Senator KERN. The feeling toward LORIMER?
Mr. SHAW. The feeling toward LORIMER; yes. In fact, we made no headway with the Chicago people at all.

Mr. Lantz, a Democratic member of the legislature from Cook County, had a talk with Senator LORIMER possibly two weeks before he was elected, and says, as he recollected it:

The house had adjourned and Mr. LORIMER called me over and we sat and talked about the general condition of things, and he asked me what I thought about his being a candidate for United States Senator. I said that nothing would please me any better than to see him elected United States Senator. He wanted to know what I thought about the Democratic end of it supporting him, and I said, "Mr. LORIMER, I know that there is a very strong sentiment among the Democrats here that if the opportunity is ever offered to them they will vote for you for Senator. As to the extent of that sentiment I have no definite knowledge, but I know that it is extremely strong in your favor. If you can get votes enough by a combination of Democrats and Republicans, I would advise you to be a candidate."

Mr. Lantz voted for Gov. Deneen on one ballot and was affiliated with the Tippitt faction more than any other.

Democratic Senator Isley, who voted for Mr. Stringer to the end, said:

Mr. HANECY. That is not what I asked you, Senator. There was no Republican that you knew who stood as high with the Democrats because of the waterway fight Mr. LORIMER had made as Mr. LORIMER?
Mr. ISLEY. That is probably true.

And he goes on to say that Mr. LORIMER had a great many friends among the Democrats in the general assembly, having also stated that the Democrats had more knowledge of Senator LORIMER than any other Republican in the State.

Representative Espy, Democratic representative, said that he liked Senator LORIMER personally, and "I voted my own judgment, which was that I thought I was doing the best thing for the Democratic Party when I voted for Senator LORIMER."

There were some suggestions throughout the record here by some of the witnesses that they advised the Democrats to vote for LORIMER because they thought it would divide the Republican Party, and I submit that from a partisan standpoint that was a valid reason and a good reason, and the events have certainly justified this contention.

Representative Espy also says that while they were calling the roll on the final ballot he went into the speaker's room and Senator LORIMER asked him to vote for him, and "I told him I would, and went back and did it in 10 minutes. They were calling the roll then."

Mr. Browne's reason for supporting Senator LORIMER and the arguments that he used with his colleagues to secure their support—and they are good ones—are found on page 4922. (Vol. 4.) And on page 4925 he states that in all the conferences he had with Senator LORIMER there were no suggestions made as to the kind of arguments he should use with his colleagues.

Mr. Campbell, a Republican representative who voted for Hopkins, said this, as showing the views of some of the Republicans in regard to this matter, and those who were not friendly to Mr. LORIMER:

Mr. HANECY. You heard it generally talked of by Republicans and Democrats in Springfield before Mr. LORIMER was elected, that Mr. LORIMER was the most popular Republican with Democrats in Springfield or in the State, did you not?
Mr. CAMPBELL. Oh, yes.
Mr. HANECY. That was common talk there, was it not?
Mr. CAMPBELL. Yes.
Mr. HANECY. And that was largely because of Senator LORIMER'S campaign in the interest of the deep waterways measure, and because of what they claimed was his pleasing personality in coming in contact with people. Will you not please speak and not nod in answer?
Mr. CAMPBELL. I did not know whether you wanted me to answer that. Yes; I will say yes, sir, to that.
Mr. HANECY. The reporter might not get the nod.
It was the common talk in Springfield, before Senator LORIMER was elected, and all through that session, that Mr. LORIMER could get more votes from the Democratic members than any other Republican in the State, was it not?
Mr. CAMPBELL. Yes, sir.
Mr. HANECY. And those talks and those rumors were in no way coupled or connected, directly or indirectly, with any improper influences, were they?
Mr. CAMPBELL. Not to my knowledge.
Mr. HANECY. It was general talk, early in that session of the legislature and down to within a few weeks before Mr. LORIMER'S election, that Mr. LORIMER was not a candidate and did not want the Senatorship, but wanted to remain in the House, was it not?
Mr. CAMPBELL. I do not know whether I heard that or not. Possibly that is true; yes, sir.

I want to call this to the attention of the Senate as a significant circumstance, that from the beginning, when Senator LORIMER was approached by his friends in regard to being a candidate for the Senate, he absolutely refused, and said he did not want to leave the House of Representatives; that he occupied a position there upon the committee having charge of the waterway matters that he did not want to give up. Gov. Deneen himself testifies that he urged Senator LORIMER to be a candidate for the Senate, and that Senator LORIMER said no, he would not be. Senator LORIMER suggested to Deneen that they ought to get together and elect Shurtleff. Deneen said that he thought probably he could do it, but he urged him not to do it. He said, "If you have the power to elect Shurtleff, you have the power to elect yourself, and you ought to use it in a way that would increase your power and influence. You ought to be a candidate yourself." LORIMER told him no, and it was not until about 10 days before the election that Mr. LORIMER consented to be a candidate for the Senate.

I submit that the record shows that Mr. LORIMER was acting in perfect good faith in telling his friends that he did not want to be a candidate, and that he would not be a candidate for the Senate. Senator LORIMER did not consent to be a candidate until it appeared that no other Republican could be elected. Some of the Democrats feared that the Republicans might get together just before adjournment and elect Hopkins. The Democrats were afraid of that; they were afraid the Republicans would elect Hopkins; and hence they wanted to vote for LORIMER. Judge Cantrell, State committeeman from the southern part of the State, a man of high reputation and great influence in his party, not a member of the legislature, was asked by many Democrats for his advice as to voting for LORIMER, and he stated that he did not give his advice as a member of the State committee, but said:

"If I were a member of this general assembly I could tell you what I think I would do. In my judgment, it is good politics to vote for Senator LORIMER, for this reason: It is absolutely impossible to elect a Democrat. They had been in session there all those months, and the people throughout the country were getting tired of their doing nothing, and I said, 'I think it is good politics. Of course, if you could elect Mr. Stringer, you ought to vote for a Democrat.' But it had gotten to the point where they were voting complimentary votes for everybody around and were really making a farce of it on our side, as I thought. I said that, in my judgment, it was good

politics to vote for Mr. LORIMER; and I gave as a reason for it—if that is proper for me to state."

Mr. HANECY. Yes; go on and tell what you said.

Mr. CANTRELL. That at that time there was a breach in the Republican Party—I had been somewhat familiar with the Republican conditions in my State for some time and I knew the two factions very well, the Lorimer faction and the Deneen faction, and I knew there was a break, and I said, "It will do more to widen that breach than anything we can do if you can elect LORIMER. It is either LORIMER or Hopkins, and of the two men personally I prefer LORIMER."

He says that he made these statements publicly and that everybody knew his position. My recollection is that he also states that 10 or 15 members of the legislature talked to him in regard to the matter. Mr. Donahue came before the committee. He was one of the strong men who testified and impressed the committee with his integrity, with his devotion to principle, and with his intelligence. He voted for Stringer all the way through, and this is what he said:

Mr. HANECY. You never knew or heard of any money being used to induce anybody to vote for Senator LORIMER, did you, before the Charlie White story that was published in the Tribune?

Mr. DONAHUE. No; I did not.

Mr. HANECY. It was common talk in Springfield at that time that Senator LORIMER was more popular with more Democrats than any other Republican in Illinois, was it not?

Mr. DONAHUE. That was the talk, and I guess that was true to a certain extent.

Mr. HANECY. And that was largely true, not merely because of Senator LORIMER'S personality, but because of his activity in the deep-waterway matters, was it not?

Mr. DONAHUE. Well, I do not know now. The reasons, I think, that we assigned for it were that there was a strong feeling against the present administration and LORIMER was never a very ardent supporter of the administration; at least that impression went out. I mean the present State administration.

You will note that they were not thinking about national affairs, about the tariff proposition, or anything of that sort, but it was the State administration; it was the State condition that was influencing the members of the legislature.

That may have made him popular to a certain extent among Democrats.

Mr. HANECY. That is, a great many Democrats were for Shurtleff, because Gov. Deneen was against him?

Mr. DONAHUE. That is right.

Mr. HANECY. And there were a great many Democrats for Senator LORIMER for Senator because Gov. Deneen was against him?

Mr. DONAHUE. That is right; yes. That is the way they were up and down my country. I felt that way to a certain extent myself. I did not believe very much in the present State administration, and of course that feeling was pretty general among the Democrats.

The Democratic national committeeman from Illinois, Mr. Roger Sullivan, came before the committee, and he throws considerable light upon the conditions there. It has been suggested by some that Senator LORIMER and Mr. Sullivan had a sort of a bipartisan alliance under which they worked together for mutual benefit. Mr. Sullivan was asked in regard to that.

Mr. HANECY. Did you tell Mr. Marble—

Mr. Marble was one of the committee's attorneys—

that Mr. LORIMER had more political friends among Democrats in Illinois than any other Republican whom you knew of in the State?

Mr. SULLIVAN. I told him that he had a great many friends among the Democrats, and that he always had affiliated with the Democrats to a great extent, and that he was constantly boring into the Democrats by doing favors and things that would naturally get some of them; and I think I told Mr. Marble that I thought he was a very dangerous man from our point of view.

That suggests a statement contained in an address by one of the Senators—I think by the Senator from Indiana [Mr. KERN]—that Senator LORIMER, by reason of his connection with politics in Illinois, had done a great many favors to Democrats, and that the record shows that he had secured positions for thousands of men, and this is held up against him. Is a man to be condemned for standing by his friends or doing a favor for a man when he comes to him and asks him to do it, whether in office in Cook County or whether as a Member of the House of Representatives? I venture to say that there is not a Senator in this body who, when a man comes and asks him to do something within the range of his official duties, does not do it without asking him his politics; and I venture to say that, if it comes to securing a position in an honest sort of way, an honorable position, there is not a man here who would ask whether the man applying for it is a Democrat or a Republican, unless he had somebody whom he wanted especially to favor in connection with that place. To me, instead of a matter of condemnation it is a matter of commendation that Senator LORIMER has stood by his friends and has stood by those who have helped him; and that in his official life, when men have applied to him for assistance, he has given it without asking whether they were Democrats or Republicans.

Again, Mr. Sullivan said:

I think that possibly in the past he has been able to do more with the Democrats than any other Republican I know of.

Mr. HANECY. And when you say because of favors he did for Democrats, you mean that whenever anybody went to Mr. LORIMER for favors Mr. LORIMER never stopped to ask him whether he was a Republican or a Democrat or a supporter of his or his enemy. That is a fact, is it not?

Mr. SULLIVAN. I do not think he ever stopped because the man was a Democrat. He generally helped them if he could. That is his reputation, anyway.

That may not be a good reputation for a man to have in Indiana, but it is in my State.

Mr. HANECY. It is a fact, is it not, that there is not anybody whom you know of in the State of Illinois who could get more Democratic votes, without regard to the Democratic leaders or the Democratic organization, than Mr. LORIMER?

Mr. SULLIVAN. Any Republican?

Mr. HANECY. Any Republican.

Mr. SULLIVAN. I should say that was so. Now, you know there has been a little sentiment created against Mr. LORIMER, and whether it would be so to-day or not I would not say.

Then pages 4412 and 4413 give Mr. Sullivan's ideas with reference to Republicans supporting Stevenson, and also give a very good idea as to the changing character of Illinois political affiliations, and show that a man might be a friend of Mr. LORIMER one year and working for him, while the next year he might be opposed to him and working for somebody else, and that Republican votes for Stevenson were cast for Stevenson, not because they were friendly to LORIMER, but because they were unfriendly to Deneen. Those who desire to get a pretty fair idea as to political conditions in Illinois can get it by reading Mr. Sullivan's testimony.

Mr. Sullivan also states that he has sufficient knowledge to affirm that no compact or agreement was made by the Democratic executive committee, or with any committee representing them, for Republican support of Stevenson, but they took advantage of the factional differences in the Republican Party to help Stevenson. This answers Tippit's statement to which I have heretofore referred.

George Alschuler was a Democrat, elected from Senator Hopkins's own county. He became a candidate for the legislature largely by reason of his antipathy to Hopkins and his desire to have him beaten for reelection to the Senate. He says this:

It made no difference to me who the man was, whether Mr. LORIMER or any other Republican of standing in the State, because I was there to do what I could to accomplish the defeat of Mr. Hopkins. The first day I went down there I commenced working against him as much as I could. I think it was three or four days previous to his election that Mr. LORIMER became an avowed candidate, although I think Senator McElvain voted for him a week before, gave him a vote, if I am not mistaken.

Bear in mind that George Alschuler was elected unanimously as the leader of the minority of the Democratic members of the legislature in the forty-seventh general assembly, following the election of Senator LORIMER and after he had voted for LORIMER for Senator.

It seems that the Democrats before the legislature was organized had some idea that they, being so much in the minority, might decide to vote for some Republican. Alschuler had that in mind, and he was so much opposed to Hopkins that he wanted to be sure that anything he might do might not tend to result in the election of Hopkins; and it seems that Browne, in seeking to be minority leader, was taking a paper around to every Democrat to sign who wanted to support him. He brought this paper to Alschuler, and Alschuler said:

When it came to signing up I said, "Mr. Browne, I do not believe in this signing up. I am for you and I will vote for you." He said, "There are several here who will not sign up unless you do." I remember very plainly that I said to Browne at that time, "All right; I will sign up under one condition." He wanted to know what that was, and I said under the condition that if the time ever arose that Mr. Hopkins—no; I do not think I put it in that way—that I wanted him to pledge me that he would never be for Hopkins; knowing, as I said before, that there were a number of Republicans who were antagonistic to Hopkins and who would not vote for him. Then I signed up, and from that time on, of course, Mr. Browne and I consulted, off and on, at different times.

That illustrates the intense opposition, especially on the part of the Democrats to Mr. Hopkins, and generally their desire to elect some one other than he, and that they were willing to vote for any Republican in order to defeat Hopkins. Then Alschuler stated that some argument was made that to elect LORIMER would have a tendency to break up the machine in Illinois. I submit that in view of the sentiment throughout the country now against machines that ought to have been considered a very laudable purpose. The cry now is "anything to crush the machine" or "to break the machine," even if a new one must take its place; and one of the purposes of the election of LORIMER, according to Alschuler, was to break up the machine in Illinois.

Senator KERN. Which machine were you referring to?

Mr. ALSCHULER. The Hopkins machine. And with others I used the argument that Hopkins in all his career as Congressman and Senator never had had a kind word to speak of a Democrat; that in his addresses he had vilified them; and that any of them who had heard him speak would bear me out in the statement I made. A great many of them were very anxious to defeat him. They had nearly all heard him deliver speeches. There is such a thing as having decency among

political enemies, but Hopkins was vicious toward the Democratic Party at all times, unreasonably so, and was very unpopular, and I honestly felt——

There he was interrupted by the Senator from Indiana [Mr. KERN] who was very persistent in his inquiry of the Democratic members in regard to Senator LORIMER'S attitude on national questions and his adherence to national policies. The answers almost invariably show that they did not consider those things at all; that it was the local and State conditions that moved them. For instance, Senator KERN asked:

Senator KERN. And so far as you knew, they were both strictly loyal Republicans?

Referring to Hopkins and LORIMER—

Mr. ALSCHULER. Yes, sir. It made no difference to me who it was. I was there to try to defeat Hopkins, right from the start.

Senator KERN. Even if you had to vote for a stronger Republican than Hopkins in order to do so?

Mr. ALSCHULER. Yes.

I am not going to take the time to read some additional statements that I have here from Senator Donahue in regard to these matters; but they carry out exactly the same idea that the great result the Democrats wanted to bring about at that session of the legislature, so far as the Senatorship was concerned, knowing that they could not elect their own man, was to beat Hopkins, and they would vote for any Republican to do it.

Right at this point, because I have the memorandum here, I am going to refer to a little matter that I do not think really amounts to anything; yet something was attempted to be made out of it during the hearing, and I think some suggestions regarding it were made by the Senator from Indiana in his speech. That was in regard to the large number of janitors employed in the forty-sixth general assembly. The impression was given that many persons were given positions where they had nothing to do, and that those positions were given to them from improper motives, or something of that sort. A great many questions were asked as we went along during the testimony in regard to those janitors. Some men said, "Oh, yes; there were 150 janitors, and some of them had nothing to do"; and they never saw any of them doing anything, and it seemed to be taken for granted that there was a loose way of filling places that were not necessary. Yet there was one witness who came before the committee who did not take mere gossip and mere suggestion in regard to this matter, and that was Mr. Donahue. Mr. Donahue was asked about this:

Senator KENYON. We have had testimony before us that there were 150 janitors in that session. Is that correct?

Mr. DONAHUE. I do not think it is correct.

Mr. Donahue was asked to give the reasons why he made this answer. He was not speaking carelessly; he was not speaking loosely; he was not speaking from mere rumor or suggestion or newspaper report; but he had actually investigated the matter, and this is what he said of it:

I know there was a statement of that kind made, and I called at the auditor's office to get a report. The auditor is required by the constitution of the State to publish a detailed report of the number of employees during the session of the legislature.

Senator KENYON. Have you that report with you?

Mr. DONAHUE. No; I have not. I looked the matter up and found out that was not true.

Senator KENYON. That was after the testimony given in this committee?

Mr. DONAHUE. I think the committee of seven wrote it up a year ago last summer. They were some reformers that were reforming the State, and I think they made a statement that there were 300 or 400 employees, and I had business down at Springfield, and I called at the auditor's office. I knew he was required to have a list of the employees, and to publish it, because no money can be taken out of the State treasury except by warrant of the State auditor and cashed by the treasurer. You can get the list there. He had a published statement of it, and the other statement was not true.

Senator KENYON. How many janitors were there?

Mr. DONAHUE. If I recollect correctly, if I averaged them all up during the time of the employment, some men were only employed a day and some would be employed probably 4 days, and some 10 days, and I think they averaged probably 50 or 60 all told.

Mr. President, this shows the political conditions in the State of Illinois; it shows that the conditions in the Republican Party pointed toward Senator LORIMER and that the conditions in the Democratic Party pointed almost irresistibly to Senator LORIMER as the only man who could defeat Senator Hopkins. His election was the logical and almost inevitable outcome of the political conditions and the expenditure of a single dollar was wholly unnecessary, even if there had been any inclination to resort to bribery or corruption.

The testimony shows that at one time during the session of the legislature there was a serious proposition made to elect Gov. Deneen, and Senator LORIMER favored it. He was not a candidate; he did not want to be elected; he was ready to elect Gov. Deneen; but Gov. Deneen decided that he would not take the office. Then it was suggested that Shurtleff, having received a large vote for speaker among the Democrats, could probably secure the Democratic support; but it was found that he could not secure enough of the Republican votes to elect him. So it went on through that legislature, until finally, when they were getting near the time of adjournment, when everybody was tired and the Democrats fearful that the Republicans would get together and elect Hopkins, were ready almost to a man to support Senator LORIMER, and a great many of Gov. Deneen's friends, outside of the legislature and in the legislature, voted for Senator LORIMER; and he was elected. "But," it is said, "charges of corruption were made the day of the election and subsequently."

There was some talk, or rather hints, of corruption like you will find in or at the close of every political contest. I do not believe I have ever been familiar with any hard political contest where the defeated candidate or his friends did not charge that corruption was used to defeat him; and not long since the papers were filled with charges that corruption was being used in behalf of candidates for the highest office in the gift of the people. If we are to believe newspaper reports, if we are to take rumors and suggestions as conclusive, if we are to take the statements of those disappointed by defeat or their friends as absolutely true, then we will have to conclude that there is no purity in our political contests and in our political institutions.

If I believed this, I would despair of the Republic. I do not believe it. There were some suggestions made and opinions expressed that men had been corrupted; that members of the legislature had been improperly influenced; and it was suggested—and this was the principal reason given in the record for the suspicion that members voted corruptly—that it could not be explained why 53 Democrats should vote for a Republican except on the theory that there was something wrong about it. That suggestion was made on the floor of the Senate the other day.

I wish the Senator from Montana [Mr. MYERS] were here, because I desire to refer to a suggestion that he made in his address. He said this:

But I say, in a legislature where there is a close and a serious contest and a Democrat votes for any Republican for the position of United States Senator it is a strong presumption, to my mind, that there is something wrong either with his head or his morals, or both, and probably both.

And he goes on further and comments along this same line as follows:

I have heard and read long, entertaining, and learned explanations of why those 53 Democrats in the Illinois Legislature voted for Mr. LORIMER, a Republican.

Mr. MYERS entered the Chamber.

Mr. JONES. I see the Senator from Montana is now present. I am referring to a statement he made in his address the other day in regard to 53 Democrats voting for a Republican, in which he said:

I meet those arguments with the simple declaration that whenever there is a serious contest in a legislature over the election of a United States Senator, and when under those circumstances a Democrat who is a member of that legislature votes for a Republican for United States Senator there is something the matter either with his head or his morals, or both.

I should like to ask the Senator from Montana whether or not he would make the same statement with reference to a large number of Republicans voting for a Democrat?

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. Certainly.

Mr. MYERS. I am not now arguing that kind of a case. When we get to that kind of a case I may have something to say about it. But, nevertheless, I will waive that and answer the Senator's question now, and say yes; that in a closely contested election, where a few votes may turn it one way or another, and there is a chance for the Republicans to defeat a Democratic candidate for United States Senator, if the Republican members of the legislature are sincere and honest in their convictions, and vote for a Democratic candidate for United States Senator, when there would be a chance otherwise to defeat him, there is something the matter either with their heads or their morals, probably; generally both.

Mr. JONES. Of course, the Senator from Montana did not intend to reflect upon any Member of this body who has secured his election in this sort of a way and against whom no question has been raised and against whom, in my judgment, no question can be raised or ought to be raised; but it did seem to me that the statement by the Senator from Montana, that the simple fact that 53 Democrats voted for a Republican was proof almost conclusive that they were wrong in their heads and in their morals, was something which the Senator really did not intend to say, because one of the honorable Senators in this body, one of the honorable Senators on this investigating committee, was elected to this body after a contest, a serious contest, by the vote of 32

Republicans and 34 Democrats, and his majority on that ballot was only 2.

Yet, as to that Senator, no man will charge that because he, a Democrat, got those Republican votes they were corrupt or that he was guilty of corruption; and though some people were to charge it on this floor, I would not believe it. I am satisfied that the political conditions in the State of Tennessee when my honored colleague, the Senator from Tennessee, was elected reasonably explain the Republican vote being cast for him, and I will say that for one I am glad they cast it, and I am glad they sent him to this body.

Mr. LEA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES. With pleasure.

Mr. LEA. A statement referring to my election having been made, I desire that all the facts in the case be known.

It is true I received 32 Republican votes when I was elected, but the contest that day was between Democrats; and those Republicans who had voted for me had previously, by cooperation with one faction of the Democrats in Tennessee politics growing out of a condition occasioned by the murder of a former Senator, elected 10 members of the two highest courts in Tennessee, a governor, a railroad commissioner, three members of the election commission, and the speaker of the house, and had cast their votes for other Democrats who were candidates for the Senate before they voted for me; and on the ballot on which I was voted for the real contest, as far as the Republicans were concerned, was between two Democrats.

Mr. JONES. The Senator did not need to make that explanation so far as I am concerned. I simply wanted to meet the statement of the Senator from Montana, that the mere fact that 53 Democrats had voted for a Republican was evidence that they were wrong in their heads and in their morals, with the showing that Republicans had voted for a Democrat in proportionately the same number, and no suspicion, even, had arisen of corruption.

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. Certainly.

Mr. MYERS. The Senator from Washington has not given my full statement on that occasion. I went further and said that it was sufficient to challenge suspicion, and to my mind was a presumption that there was something the matter under such circumstances with the head or the morals of the legislators. I did not say it was a conclusive presumption or that it was proof.

I did not have in mind, however, the instance of the Senator from Tennessee, which the Senator from Washington has referred to. In that case there being no charge of anything being wrong with the morals of those Republican legislators, it is possible that from a political standpoint there was something the matter with their heads. I believe that Republicans generally render the greatest service of their lives to the country when there is nothing the matter with their heads under such circumstances.

Mr. JONES. Of course I understand the Senator from Montana did not have the case of Tennessee in mind when he made the declaration. If he had, I do not think he would have made it at all. It is peculiar, to say the least, that Democrats are believed corrupt when they vote for a Republican, but Republicans are not corrupt when they vote for a Democrat.

In order that I may do no injustice at all, I will read again the exact language the Senator used in his address the other day:

It is a strong presumption, to my mind, that there is something wrong either with his head or his morals or both, and probably both.

Mr. MYERS. Under such circumstances they have to show me that the election was right.

Mr. JONES. Mr. President, so much for the political conditions in Illinois, which to my mind, as I have said, pointed inevitably to the election of Senator LORIMER by that legislature, and that too without the necessity of the expenditure of a single dollar corruptly. The political situation disclosed in this record, in my judgment, would of itself justify my vote in this case in favor of Senator LORIMER instead of against him as it was before.

Mr. President, I desire to notice for a short while the allegations of new evidence upon which this reinvestigation was ordered by the Senate. It was charged in the Senate that there was some evidence available which was not available when we had the other hearing and when the Senate rendered its verdict. It was alleged that one Clarence S. Funk had stated that Edward Hines had told him that a hundred thousand dollar fund had been raised for the election of Senator LORIMER, and that Mr. Funk was asked that his company contribute to that fund.

This was investigated by the Illinois Legislature. They passed a resolution asking the Senate to reinvestigate this matter. The Senate passed a resolution appointing a committee to do it, and we looked into it. We investigated it thoroughly and fully, and we reached the conclusion that not only had Mr. Hines not made this statement to Mr. Funk, but that even if he had made it to Mr. Funk, there is absolutely no proof in this record that any such fund was raised, or that any such fund was raised by Mr. Hines or contributed to by him, or that any such fund or any part of it was expended by Mr. Hines in assisting in the election of Mr. LORIMER. Now, I am not going into the testimony in detail, but I am going to notice it just in a general way.

Clarence S. Funk says that Mr. Hines made a certain statement. Edward Hines says he did not make it. Now, of course, anyone who believes Mr. Funk, regardless of Mr. Hines, regardless of the witnesses corroborating Mr. Hines, will conclude that the $100,000 fund was raised. But I submit that according to this record Mr. Hines is just as reputable a man in business, in private life, in personal character and standing in his community as Mr. Funk is; and in saying that I do not disparage Mr. Funk's character in any way, shape, or form. Mr. Funk says that he met Mr. Hines in the Union League Club in Chicago, and that Mr. Hines said to him: "You are just the man I am looking for. Several of us raised a hundred thousand dollar fund to elect Mr. LORIMER. I am going out now getting some of our friends to put up to take care of it. We had to act quickly;" and that he thought Mr. Funk or his company should put up about $10,000. That is the substance of what occurred, Mr. Funk says.

Mr. Hines denied this story absolutely, and I want to call the attention of the Senate to the discrepancies that appear in Mr. Funk's story as related by Mr. Kohlsaat and as related by Mr. Funk himself.

Mr. Kohlsaat is the man who brought these matters to the attention of the Illinois Legislature. He had written letters to Members of the Senate while we were considering this proposition. He wrote a letter to the Senator from New York [Mr. ROOT], in which he stated this:

Sometime last June—

By the way, the testimony shows here that this conversation occurred in May instead of June.

Some time last June I met a friend who is general manager of a Chicago corporation with a capital of over $25,000,000. He said, "I have been intending to call on you for some days to tell you of an incident that occurred right after LORIMER's election a year ago. I had a visit from Edward Hines, the lumberman, and he told me that LORIMER's friends had had the opportunity of electing him to the Senate by putting up $100,000; that they had only a few days before the adjournment of the legislature and could not take the time to go around and raise the money, so a half dozen of LORIMER's friends—

Now, Mr. Funk in his version of this story of Mr. Hines does not mention any number of men that Mr. Hines had suggested—

"So a half dozen of LORIMER's friends underwrote the $100,000 and gave it to the proper agent"—

Mr. Funk does not say in his narration of the conversation that Mr. Hines said that they had raised this money and given it to an agent—

"LORIMER was elected and we are now asking some of the corporations to pay in their share. I am taking care of the down-town district, and another man (mentioning his name) has charge of the stock yards"—

Mr. Funk in his relation of the conversation as stated by Mr. Hines does not say anything about Mr. Hines saying he had taken the down-town district and that another man had taken the stockyard district, mentioning his name—

"We figure that your share will be $10,000." My friend answered substantially as follows: "I can not give you any money, for two reasons: First, we are not in that kind of business; and, second, if you have gotten yourselves into a hole, why should you expect us to pull you out?"

Yet Mr. Funk says nothing about anything of that sort in his relation of the conversation had with Mr. Hines, although Kohlsaat got his story from Funk. To accept Funk's statements as true is to declare not only Mr. Hines a perjurer, but also Mr. Baker, Mr. Carney, and Mr. Tilden, because Mr. Funk says that Mr. Hines said, "You send this money to Ed Tilden."

Of course if Hines said that to Funk, Hines had had some prior conversation with Tilden, and had some understanding with him about receiving this money. Yet Mr. Tilden swears positively that nothing of the kind had occurred; that he never received any such money, knew nothing of any such fund, and had nothing whatever to do with it, and neither Mr. Hines nor anyone else had ever said anything to him about it.

It is said that Mr. Funk is a man of high character and of great business attainment. So far as the record shows, the same can be truthfully said of Mr. Hines. His character is unimpeached, and his business standing unexcelled. So it is with Baker, Carney, and Tilden. Against Baker and Carney no charges whatever are made in connection with the election of Senator LORIMER. They have no interest in the matter one way or the other, and their testimony is as impartial as testimony could be. The record shows that Carney and Baker were with Hines at the time the alleged conversation took place. They swear they were present and they all substantially corroborate Hines and contradict Funk. Upon what theory or in accordance with what rules of evidence can we say that Funk's uncorroborated word shall be held to outweigh that of Hines, Baker, Carney, and Tilden? You can do it only by wanting to believe Funk and by wanting to disbelieve Hines, Baker, Carney, and Tilden.

That Hines would have the good sense and the cunning to absolutely conceal his activity in the raising and distribution of such a fund, and then have no more caution than to openly and boldly state to a casual acquaintance in a public place that he had done that which would send him to the penitentiary for years, is incredible. It seems to me it is a most significant circumstance that while nobody can trace any of this money to Hines, while nobody can find where he drew out any money for this fund, while nobody can find that he had anything to do, through agency or otherwise, with matters at Springfield, while he was so cunning as to conceal all this, yet it is claimed that he was so incautious and so foolish as to openly and publicly make this statement to a casual acquaintance. It is too incredible for me to believe.

Hines may have thought he had done much to secure Senator LORIMER's election. He was no doubt impressed with what he considered the confidence placed in him by men of power and influence in the Republican Party, and he may have magnified his own efforts and boasted of them. But I am convinced that he never made the statement attributed to him.

It was suggested by the Senator from Indiana [Mr. KERN] that it is a suspicious circumstance that Mr. Hines went to his bank upon his arrival in Chicago on the morning of the election; and it is suggested by inference that he went there to get money to be used in connection with Mr. LORIMER's election.

If Mr. Hines had money at that bank and drew it out, he could draw it out only by check, and there would be a record made of it. The experts of the committee examined the records of the Continental Bank and found no evidence of such a transaction. They examined the books of Edward Hines and of the Edward Hines Lumber Co. and its subsidiary companies and of the banks in which they had deposits. They found no trace of any corrupt fund or corrupt payments.

This would be the only theory upon which Mr. Hines's visit to the bank would be suspicious. We are not told, however, that the experts of the committee examined the accounts of that bank and found no trace of any suspicious transaction. Yet this is a fact; and if Mr. Hines had gone to the bank to secure money for this purpose, that fact would have appeared. If he had drawn out a large sum then or near that time it would have given rise to suspicion, but he did not.

No one except Funk has been found to say that he was approached by Hines and asked to contribute to this fund. Yet Funk's statement of what he claims Hines said to him would indicate that Hines had been seeing others, or expected to see others, and ask them to contribute to this fund. If any other persons had been approached in a similar way they very likely would have said something about it. If Hines openly approached a casual acquaintance like Funk on a matter of this kind, he would have appproached others, and we would have heard more of it; but we are asked to believe that Hines, a friend of LORIMER, went to Funk, an enemy of LORIMER, and openly and brazenly told him that LORIMER's election was bought and asked him to contribute to the corruption fund.

There appears to have been no suggestion that Funk should say nothing about the matter, that he should keep it quiet, or that he should treat the suggestion in confidence. The story is so improbable and so incredible upon its face that it deserves no consideration whatever; and in view of the fact that Hines is corroborated by absolutely disinterested witnesses, as well as by the testimony of those who may be said to have an interest, and yet who are of just as high character as Funk, no credence at all is to be placed in Funk's story.

It is not necessary to notice Hines's version of this conversation. But I submit that his version of the conversation which he testifies took place between him and Funk is entirely reasonable, in no wise improbable, and a very natural one. It is clearly shown that there was a conversation at the Union League Club between Mr. Hines and Mr. Funk on, I think, the 27th day of May. Mr. Hines states that Mr. Funk congratulated him upon the election of Senator LORIMER. This was natural. There was nothing improper about that. He then made the suggestion to Mr. Hines that Mr. LORIMER had no doubt been put to considerable expense. That was a very natural suggestion. There was nothing unreasonable about that, and nothing improper about it. He then suggested that the Senator should not have to bear all of this expense, and that his people would be glad to contribute it.

While I do not believe in contributions by corporations to candidates for office, whether successful or not, there is nothing especially improper in a suggestion after the election that they will bear some of the expense, although I am satisfied that if this suggestion had been made to Mr. LORIMER—as it probably was made, through Mr. Hines—he would not have accepted it. No special complaint seems to be made of great interests openly contributing to the expenses of candidates for nomination to the highest office in the Republic. I think it a shame that it is done, and I hope the time will soon come when public opinion and statute law will not tolerate it.

This did not suggest an unusual course. It was a very natural suggestion. In view of the fact that Mr. Funk and his people had not been very friendly to Senator LORIMER, and in view of the fact that as a Member of the House Mr. LORIMER had opposed some matters in which they were interested, it was natural that Mr. Funk should desire to get on friendly terms with Mr. LORIMER, and he no doubt thought this was a good way to accomplish that result. Personally I have no doubt that this suggestion was made to Mr. Hines by Mr. Funk.

To a certain extent Senator LORIMER corroborates Mr. Hines. He testifies to a conversation, a few days after his election, in which Mr. Hines told him that Funk wanted to meet him. Mr. Hines testifies that Funk said he would like to meet the Senator. Mr. Hines said he told him he would do what he could toward having him meet the Senator, and he testifies to a conversation on the following Sunday, when he mentioned the matter to Senator LORIMER. Senator LORIMER at first did not care to meet Mr. Funk, because he considered him one of his strong enemies; but when Mr. Hines told him of his anxiety to meet him, he said he would do it. Mr. LORIMER says he does not remember whether or not Mr. Hines suggested to him that Mr. Funk might pay some of his expenses, but that if Mr. Hines did suggest anything of this kind he told him that his expenses did not amount to anything; that he neither smoked nor drank, and that all the expense he was put to was for his trips to Springfield and return, which he would have had to incur anyway on account of the controversy over the waterway proposition.

According to all the rules of evidence and according to human experience, Funk's story is unbelievable. There is no truth in it, and it should be given no consideration by this body. What his motives were in giving it out, I do not propose to discuss.

In an attempt to bolster up his story, Funk relates another conversation which he says occurred sometime after this first conversation. He testifies before the committee that after the 15th of February, after an editorial had appeared in one of the Chicago papers charging the raising of a $100,000 fund, Mr. Hines came to his office, greatly agitated, and tried to explain to him that their conversation of a few days before—note it had, in fact, been almost a year before—had been misconstrued, or that Funk had misunderstood it, or something of that sort. Mr. Funk passed it off, and Hines went away.

Before the Senate committee, and before the Helm committee, Mr. Funk said that this second conversation occurred after the appearance of the editorial of February 15, 1911. Mr. Hines, however, came before the committee and proved by his own evidence, by the evidence of his employees, and by the records that he has kept for 20 years that he was not in Chicago from the 15th of February until some time in March, thus showing conclusively that the alleged second conversation could not have occurred as Mr. Funk said it occurred. Then, at another hearing, in another place, when Mr. Funk realized the situation he was in, he changed his testimony and swore that the second conversation occurred in January. He never advised the Senate committee or suggested to it that any such mistake had been made. Yet I have here the record of the testimony taken before the Union League Club, of Chicago, wherein Mr. Funk now says that the second conversation occurred after the appearance of the editorial in January.

Senators, I wonder if any other testimony is being concealed in this case, in order that in case the Senate shall now vote to seat Mr. LORIMER it may be used as the basis of a demand for another investigation?

I call the attention of the Senate to this testimony, which was not suggested to the Senate committee by Mr. Funk, as showing that when the record before our committee had demonstrated the impossibility of the truth of Mr. Funk's story as to this second meeting, at another hearing he testified that it was in January.

Why did not Mr. Funk come before our committee and say that, unless it was for the reason that after Funk had given this further testimony, Mr. Hines also showed conclusively by the records of his office and by the employees of his office that Funk could not be correct in his amended statement, because Hines was not in Chicago within the dates stated by Mr. Funk for the second visit, as fixed by the January editorial.

Mr. LEA. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES. Yes.

Mr. LEA. If the Senator will yield to me a minute, I think he unconsciously does Mr. Funk an injustice.

Mr. JONES. I do not want to do that.

Mr. LEA. My recollection of Mr. Funk's testimony is that on the first occasion he stated that he could not testify positively as to the date; that Judge Hynes, Mr. Hines's lawyer, then said that the date of the editorial in the Record-Herald referring to the $100,000 fund was February 15; whereupon Mr. Funk said, "If that editorial was on February 15, the conversation with Mr. Hines was after that."

In point of fact, Judge Hynes was in error. The editorial in the Record-Herald did not appear on February 15; it appeared in January. On page 599 of the record of the investigation Mr. Hynes asked this question:

Mr. HYNES. Now, with respect to the visit you say Hines paid you along about the time of the editorial in the Record-Herald, referring to $100,000, give us the time of that as near as you can recollect it.
Mr. FUNK. I can not fix the time definitely.
Mr. HYNES. Well, the date of the editorial was the 15th of February, 1911. In your testimony before the Helm committee you stated, "Mr. Hines came to my office in a day or two or a short time, it may have been more than a day or two, but a short time after the editorial appeared." Is that your best recollection then?
Mr. FUNK. Yes; that is my recollection then.
Mr. HYNES. Is that your best recollection now?
Mr. FUNK. I am inclined to think I am mistaken about that now. I think it was later than that now, later than a few days after.

Meaning a few days after the editorial referred to. So it was Judge Hynes and not Mr. Funk who fixed the date as February 15.

Mr. JONES. The editorial referring to the $100,000 fund was an editorial of February 15. That editorial was called to Mr. Funk's attention before the Helm committee at Springfield; and it was after that, he said, that this second conversation occurred. I think there was another editorial in January also referring in some way to this matter. So that may account for the difference. But I simply state the fact that at this other hearing Mr. Funk changed his testimony; and then Mr. Hines showed conclusively by his records that such a conversation could not have occurred between the dates then placed and named by Mr. Funk, just as conclusively as he showed it with reference to the editorial of February 15.

That is all I care to say with reference to the testimony of Mr. Funk. I do not say Mr. Funk intentionally misrepresented that conversation. There was some misunderstanding, some misconstruction, of it. Weighing the matter according to the rules of evidence, what do we find? Mr. Hines contradicts Mr. Funk. Mr. Funk has nobody to substantiate his story. Mr. Hines has the testimony of two or three disinterested witnesses who were present, and who verify his version of the conversation.

Therefore I say that from this record, which shows Mr. Funk and Mr. Hines to be men of equal reputation and equal business standing, the Senate can not say, in my judgment, in accordance with the rules of weighing evidence, that it is shown here that Mr. Hines did make this statement. But whether Mr. Hines made it or not, there is not one line of evidence in the record or anywhere else that shows that Mr. Hines contributed a single dollar to a fund for the election of Senator LORIMER, or that he helped to raise or expended a single dollar for that purpose, except as it may have been for telephone or telegraph messages from Washington City, and there is not a word of evidence that any such fund was raised by anyone, to be used in the election of Mr. LORIMER. Mr. Hines was not in Springfield during the session of the legislature, and had not been there for years, and was not there afterwards until the Helm investigation.

As showing the real recklessness with which Mr. Funk testifies, I want to call the attention of the Senate to this testimony given by Mr. Funk. When asked how he knew that Mr. Hines preferred LORIMER for Senator, he said: "Why, you would see his name in the papers every day in connection with activities at Springfield, and hear it as a matter of general talk in the streets." Then Mr. Hynes, the attorney, asked him:

You spoke, Mr. Funk, of Mr. Hines's activities at Springfield. What did you have reference to there?
Mr. FUNK. Why, it was a matter of common talk that he was very active down there.
Mr. HYNES. What did you understand he was doing down there?
Mr. FUNK. Pulling wires for the election of Senator LORIMER.
Mr. HYNES. What do you mean by that? What was he doing? How long was he down there in Springfield before the election?
Mr. FUNK. I do not know.
Mr. HYNES. How long before the election did you hear that?
Mr. FUNK. I heard it frequently.
Mr. HYNES. How long before?
Mr. FUNK. Just about the time the matter came to a head.
Mr. HYNES. How long had he been down there?
Mr. FUNK. I don't know.
Mr. HYNES. How long had you been hearing that?
Mr. FUNK. I do not know how long he had been there.
Mr. HYNES. Give me your recollection.
Mr. FUNK. I have no recollection as to when he was there.
Mr. HYNES. Have you any recollection as to anybody saying that he was in Springfield active about the election of LORIMER?
Mr. FUNK. I have a very distinct recollection that he was down there, and he was very busy there, and also in Washington. That was a matter of common talk.
Mr. HYNES. How long did you understand he was down in Springfield?
Mr. FUNK. I do not know, Senator, anything about the length of time.
Mr. HYNES. Do you remember anybody who told you that he was down at Springfield active there in pulling wires for Senator LORIMER?
Mr. FUNK. I think that was a matter of common talk.
Mr. HYNES. Can you tell me anybody that said it?
Mr. FUNK. I met a great many people that talked about it. I can not recall any particular man that made that particular statement.

Mr. Funk testifies to those things as facts, but the fact is that Mr. Hines was not in Springfield at all during the session of the legislature, had not been there for years, and was not there for a long time after Senator LORIMER's election. Yet Mr. Funk stated that he heard frequently about his activities at Springfield in behalf of Senator LORIMER. He surely did not hear of Hines's activities at Springfield, because he was not there. Does this not discredit his version of his conversation with Hines? Was he not as likely to be mistaken in this as he was of Hines's activities at Springfield?

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Oklahoma?

Mr. JONES. Certainly.

Mr. GORE. I would like to ask the Senator from Washington if the issue of veracity between Mr. Funk and Mr. Hines was passed on by the Union League Club?

Mr. JONES. I suppose so; but that cuts no figure here.

Mr. GORE. Did they sustain the veracity of Mr. Funk or did they sustain the veracity of Mr. Hines?

Mr. JONES. They probably sustained Mr. Funk on the same ground upon which a great many people outside of that club have sustained Mr. Funk.

Mr. GORE. Mr. President——

Mr. JONES. I can not yield for anything of that kind here.

Mr. GORE. Just one more question. Both those gentlemen were members of that club?

Mr. JONES. Yes.

Mr. GORE. And Mr. Hines was expelled from the club?

Mr. JONES. I do not know. If so, it has no weight with me in this case, and has no place here. Those who did it were not under oath and simply expressed their own individual opinions and prejudices.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. Certainly.

Mr. REED. I understand the effect of the Senator's argument now to be that Mr. Funk was not telling the truth, because he stated that Hines had been active at Springfield, when in fact Hines was not there, and that from that the Senator draws the inference that Funk is an untrustworthy or forgetful witness.

Mr. JONES. I made the statement that he was rather reckless in his testimony.

Mr. REED. I want to ask the Senator if it is not true that Mr. Hines himself testified that he actively interested himself in the election of Senator LORIMER?

Mr. JONES. No; he did not——

Mr. REED. And that he went to the State of Illinois bearing a message from the President of the United States and from Mr. Aldrich, and that he had conversations with Mr. LORIMER in the State of Illinois concerning his candidacy and urging him to become a candidate?

Mr. JONES. But Senator LORIMER refused.

Mr. REED. And that he further testified that he communicated at Springfield, Ill., with Gov. Deneen with regard to

this subject matter; and if that does not constitute activities at Springfield?

Mr. JONES. Mr. President, of course if the Senator would construe that as "activities at Springfield," I do not question his construction of it; but I want to suggest to him that all that occurred practically on the day of or the day before the election.

Mr. REED. Oh, no.

Mr. JONES. Mr. Hines telephoned and telegraphed Senator LORIMER a day or two before the election, and he arrived in Chicago the morning before the election, and there he telephoned Gov. Deneen. Now, if that constituted activities at Springfield which would justify Mr. Funk in testifying in the way he did, of course the Senator is entitled to that construction of it. I can not so construe it, and I am sure Mr. Funk did not mean it that way.

Mr. REED. If the Senator will pardon me further, I would like to know how the Senator himself construes this testimony.

Mr. JONES. Just a moment. The Senator puts a great many suggestions into one question or statement. He suggested that Mr. Hines was very active in Illinois supporting Senator LORIMER's candidacy, and conferred with him about it, and so on. All that the record shows is that Mr. Hines talked with Senator LORIMER once in April, and suggested that he be a candidate for the Senate, and Senator LORIMER told him that he would not be, that he did not want to be, that he did not want to leave the House, and that that ended it with Mr. Hines. He did not take any further interest in Senator LORIMER's election until two or four days before, when LORIMER's name was mentioned, and he talked with Aldrich and PENROSE, and telephoned and wired LORIMER, as I have already explained. Instead of urging LORIMER, he suggested others for the place. So activity shown by Mr. Hines in behalf of Senator LORIMER at Springfield no more shown by him in Washington than one friend would naturally show for another.

Mr. REED. If it would not interrupt the Senator, and I do not desire to add anything that would be regarded as unpleasant, I would like——

Mr. JONES. The Senator could not do that.

Mr. REED. Not with my personal feeling toward the Senator; I could not do it intentionally. I hold him in the highest regard. But I would like, as the Senator and I differ so widely in regard to this matter, to read now from the record the testimony of Mr. Hines himself on this matter. I think the Senator has overlooked or forgotten a great many statements Mr. Hines made with regard to his activities.

Mr. JONES. I desire to say to the Senator that I have simply summed up my conclusions. I do not intend to go into the details in connection with the testimony of Mr. Hines. They have been gone into pretty fully in the report of the committee. They have been gone into by the Senator from Vermont and by other Senators here, and I have taken up much more time now than I expected, and I do not intend to go into details with respect to Mr. Hines's testimony. I do not intend to attempt to harmonize any apparent inconsistencies that there may be in it. I have summed up my conclusions from the whole testimony and have given them to the Senate. I am convinced that Mr. Hines did not make these statements as Mr. Funk says they were made. I am convinced that Mr. Hines did not do any more in behalf of Senator LORIMER than any other friend would do for a friend in a legitimate way, and probably not nearly so much. There is nothing to show that he contributed a single dollar or helped to raise a fund or to expend a dollar or distribute a fund in aid of Senator LORIMER's election. Those are my firm convictions and conclusions from all the evidence after allowing for all inconsistencies that may appear and any action on Mr. Hines's part that may be construed against him. The Senator can weigh the testimony just as well as I. I can not go into it in detail, and the Senator will hold his conclusions and I can hold mine.

Mr. REED. In view of that, I will not insist on further taking the Senator's time.

Mr. JONES. A witness, Cook, was also called to testify as to the alleged statements by Hines, in order to bolster up Funk's story. Cook's unfriendly feeling toward Hines was plainly shown during the testimony. He seemed to have an intense desire to say something that would reflect upon Hines and show an improper connection with Senator LORIMER's election. It appeared that he was talking about Hines on almost every occasion and at every opportunity. I have no doubt but that many things which he had read had been thought about by him so much and repeated by him so much that he came to believe that they had actually occurred within his own knowledge. I am convinced that he misconstrued statements, innocent in themselves, and then testified to them as construed by him rather than as they were uttered.

Mr. Cook testified as to a conversation with Mr. Hines in the Grand Pacific Hotel in Chicago. He was asked to state the exact language of this conversation as nearly as he could. (Vol. 1, p. 626.)

Mr. COOK. Mr. Hines replied, saying that he was having a hell of a time. He said: "For instance, there is old STEPHENSON. After I went to work and elected him, he goes down to Washington and starts working for free lumber." He says, "What do you think of him, and in the lumber business, too!" "Then," he says, "those southern Democrats," he says: "There is the worst bunch I ever tackled." [Laughter.] Then he says: "You get them all fixed up to-day and to-morrow they flop." [Laughter.] "Then I have to go and fix them all over again." [Laughter.]

Mr. HEALY. Was anything else said, Mr. Cook, on that occasion?

Mr. COOK. Why, Mr. Turrish then asked Mr. Hines how they were getting along in the senatorial deadlock in Illinois. Mr. Hines replied by saying: "I will tell you, confidentially, LORIMER will be the next Senator from this State." He says: "We had Boutell fixed for the Senatorship. He had promised to work to keep the $2 duty, the present duty, on lumber; but when the lumber schedule came out before the Ways and Means Committee, Boutell was working for free lumber." He said, "I immediately took the matter up with Senator Aldrich, and it was decided that I have a talk with LORIMER. I went and saw LORIMER. He will stand pat. He will listen to reason. He will do as he agrees to do." He says, "I have got it all fixed. LORIMER will be the next Senator from Illinois."

Now, Mr. Hines denies this conversation and this version of it by Mr. Cook; but even if he had admitted it, there is nothing especially in this conversation to indicate that Mr. Hines had been interesting himself in the election of a Senator in improper ways, but that he thought he had found a man who could be elected and would vote satisfactorily on the tariff. But we do not have to take the testimony of Mr. Hines alone for this conversation. We can exclude his testimony entirely and take the testimony of a disinterested witness. Mr. Turrish was present at this conversation also, and Mr. Turrish testified in regard to this matter as follows:

Mr. MARBLE. What did he say?

Mr. TURRISH. He did not seem to be very hopeful.

Mr. MARBLE. What did he say? Do you recall what he said?

Mr. TURRISH. The substance of his conversation was that human nature asserted itself in different places when it came to the tariff question.

Now, that is not a very unreasonable statement for a man to make. I do not think there is a Senator here but will indorse that statement as a very good suggestion from Mr. Hines.

That everybody wanted their individual stuff protected, but they wanted their neighbors' on the free list, or words to that effect; and that human nature asserted itself when it came to that. In the course of the conversation I said to Mr. Hines: "Mr. STEPHENSON, being a lumberman, is all right, isn't he?" He said, "No; STEPHENSON is an uncertain quantity."

Now, to that extent, or to a certain extent, that corroborates Mr. Cook, although it does not refer to Mr. STEPHENSON in that connection; and anybody who has ever seen Cook or heard him testify would understand why he stated it in that way.

That he had done business for him for 20 years or more, and that he really did not know where he stood on the lumber question; he was undecided.

Mr. MARBLE. Was there anything further said about Mr. STEPHENSON?

Mr. TURRISH. No; nothing. That was the substance of what was said.

Mr. MARBLE. All right; what next?

Mr. TURRISH. Then there was some reference made to a Member of Congress who had made a very good argument, who understood the situation pretty well, by the name of FORDNEY.

Now, Members of the Senate who know about the contest over the tariff in another branch of this Congress will see in that a very reasonable statement as it refers to Mr. FORDNEY.

Mr. MARBLE. Who made that reference to Mr. FORDNEY?

Mr. TURRISH. I do not remember whether I did—whether I spoke to Mr. Hines about FORDNEY's argument or what I had read in the papers about what he had been saying—or whether Mr. Hines mentioned it.

Mr. MARBLE. Very well. What next?

Mr. TURRISH. That is about all that was said.

Mr. MARBLE. Was there any reference to Congressman LORIMER or Senator LORIMER in that conversation?

Mr. TURRISH. Senator LORIMER's name was mentioned.

Mr. MARBLE. By whom?

Mr. TURRISH. It was mentioned by Mr. Hines; and I do not remember whether he said he was a candidate or whether he would be elected or what. My memory is hazy on what was said about it.

I suggest that if Mr. Hines had said that Mr. LORIMER would be elected, that he had it all fixed, Turrish would have remembered it.

Mr. MARBLE. Did he say a candidate for what?

Mr. TURRISH. For the Senate.

Mr. MARBLE. Is your memory clear that he was mentioned in connection with the Senate?

Mr. TURRISH. His name was mentioned, but I can not just place it in that way. Either that he was a candidate, or, I think, he said he would be a candidate.

Mr. MARBLE. You think he said that he would be a candidate?

Mr. TURRISH. Yes.

Mr. MARBLE. Are you clear that he was mentioned in connection with the Senate at all?

Mr. TURRISH. Yes, sir; I think so. I think that I spoke about the Illinois deadlock at that time, and I think that is how it came up.

That is, Turrish spoke about the Illinois deadlock himself. Then it would be very natural that Mr. Hines might mention those who were spoken of in connection with it.

Mr. MARBLE. Then Mr. Hines told you that?
Mr. TURRISH. Well, in the conversation, as I remember it, Mr. Hines said Mr. LORIMER would be a candidate, or was a candidate, or words to that effect.
Mr. MARBLE. Do you remember any reference to Senator STEPHENSON as "old STEPHENSON" in that conversation?
Mr. TURRISH. No, sir.
Mr. MARBLE. Do you remember any reference to the southern Democrats or their attitude toward the lumber schedule?
Mr. TURRISH. No, sir.
Mr. MARBLE. Would you say that there was no reference to the southern Democrats and their attitude toward the lumber schedule?
Mr. TURRISH. I did not hear any.
Mr. MARBLE. You did not hear any?
Mr. TURRISH. No.
Mr. MARBLE. You did not hear Senator STEPHENSON referred to as "old STEPHENSON"?
Mr. TURRISH. No, sir.
Mr. MARBLE. You are sure of that?
Mr. TURRISH. I am sure.
Mr. MARBLE. Did you hear any reference to Congressman Boutell, of Illinois?
Mr. TURRISH. It seems to me that Congressman Boutell's name was mentioned, but I can not recall in what particular. I think in the course of the conversation his name was mentioned, but I can not recall in what way.
Mr. MARBLE. Do you recall whether or not it was mentioned in connection with the Illinois senatorship?
Mr. TURRISH. I could not tell.
Mr. MARBLE. Do you remember Senator Aldrich's name being mentioned?
Mr. TURRISH. No, sir.
Mr. MARBLE. Would you say that it was not mentioned?
Mr. TURRISH. I did not hear it.
Mr. MARBLE. You will say that you did not hear it?
Mr. TURRISH. I did not hear it.

Mr. Cook then gave an account of a telephone talk that Mr. Hines had from his room in the hotel at Chicago with, as he says, Gov. Deneen. This alleged conversation is so contrary to human experience and human action that it is incredible and would need no contradiction. It is, however, shown to be false in every essential particular and in every suspicious circumstance, and shows to what length Cook would go against Mr. Hines. Mr. Cook says that after he had been in the room four or five minutes the phone rang and he answered it; that the operator asked, "Is Mr. Hines there?" to which he said "Yes." The operator then said, "Here is Springfield; here is Gov. Deneen," and that he called Mr. Hines to the phone. He then heard this conversation (p. 628, vol. 1):

Mr. COOK. He said, "Hello, hello, hello, is this you, Governor? Is this Gov. Deneen? How are you this morning, Governor? Now, I just left President Taft and Senator Aldrich in Washington last night. They tell me that under no consideration do they want Hopkins returned. Now, LORIMER must be elected. I will be down on the next train, prepared to furnish all the money that is required. Now, don't stop at anything. LORIMER must be elected."

Now, there is the conversation that Cook alleges was had by Mr. Hines in his room over the telephone with Gov. Deneen.

It is significant that when Cook testified before the Helm committee he said that the telephone operator said "Here is the governor," but he is very positive in his testimony before this committee that the operator said "Here is Gov. Deneen."

Mr. Hines shows very conclusively that this talk he had over the telephone from Mr. Cook's room at the hotel was with Senator LORIMER and not with Gov. Deneen.

Mr. Hines had had a talk with Gov. Deneen a short while before this when he arrived in Chicago.

Senator LORIMER had left a message there for him to call him up and not to come on to Springfield. Mr. Hines called up Senator LORIMER and told him of this message, and it was suggested that he talk with Gov. Deneen. He called up Gov. Deneen and told him the message, and the governor said, "All right," or something of that kind. LORIMER had told Hines, "When you talk with Gov. Deneen then call me up and let hear what he says."

Therefore it is clear that, when Mr. Hines telegraphed from Cook's room at the hotel, he was telephoning to Senator LORIMER and not to Gov. Deneen; that Mr. Cook's version of that story is simply made up out of probable suggestions that he saw in newspapers or by reason of the fact that he thought by connecting Gov. Deneen with this conversation it would injure Mr. Hines in some way. Gov. Deneen testified with reference to the interview that he had with Mr. Hines; and his testimony does not corroborate Mr. Cook in any particular whatever. The statement made by Cook that Mr. Hines said, "Meet me at Springfield with all the money that is necessary," is not only incredible, but it is denied by Mr. Hines, and it is denied by Gov. Deneen that anything whatever was said between him and Mr. Hines with reference to Hines coming down with the money that was necessary or with reference to money at all. Mr. LORIMER also testified with reference to his conversation with Mr. Hines, and he denied that anything was said in regard to money. I have no doubt but that Mr. Cook heard Mr. Hines mention the word "governor" in his talk, because Mr. Hines no doubt told Mr. LORIMER that he had talked with Gov. Deneen, and probably Cook heard him say "Gov. Deneen," and connected that with the telephone operator, and so on. This whole conversation alleged by Cook to have taken place in his room is not only incredible, but is it contrary to all human experience, and it is absolutely contradicted and refuted by the testimony of Mr. Hines, of Gov. Deneen, of Senator LORIMER, of Mr. Wiehe, and also of Mr. O'Brien, who was Mr. Cook's friend, who were in the room at the time and heard no conversation of the character testified to by Cook. I submit to the Senate that Cook's story is not entitled to any credit whatever.

In connection with this alleged new testimony I desire to notice some statements made in the speech of the senior Senator from Wisconsin [Mr. LA FOLLETTE], when he urged the appointment of a new committee to investigate the charges against Mr. LORIMER. He had some affidavits, and upon these affidavits he urged the appointment of this committee. It seems that the Helm committee, the committee of the Illinois Legislature, had employed a Mr. Coan as an investigator, and Mr. Coan made affidavits as to what certain persons had told him and would testify to if they were called before the committee.

Mr. President, I had prepared extracts from this testimony, which I intended to read into the RECORD, but I am not going to take the time to do it. I am simply going to say that Senators will probably remember the statements that the Senator from Wisconsin [Mr. LA FOLLETTE] submitted and the affidavits which were made by this man Coan as to statements made by Shelley B. Jones, by Mr. Culver, and by others. The committee called the persons referred to by Mr. Coan, and, without exception, every one of those persons denied absolutely and unqualifiedly the statements made by Coan, which the Senator from Wisconsin submitted to the Senate in behalf of the resolution to appoint this committee. Senators who may be interested in the matter, if they will refer to the testimony of those individuals, will find that they contradict Coan in every essential particular. So impressed was the committee with reference to the unreliability of Coan that not one member of the committee asked that he should be called before the committee. Coan gave the impression that many witnesses had refused to go before the Helm committee because they lived outside of the State of Illinois. When those witnesses were asked whether they were requested to come and testify they said, no; they were not asked to do so. Some of them were asked to sign affidavits, which, when they looked over them, they refused to make. Those affidavits of Coan purported to give conversations that Hines had with those people in regard to Senator LORIMER's election. They are absolutely disproven by the witnesses who appeared before the committee, and it was shown that there seemed to be a concerted attempt on the part of somebody to show in some way that Mr. Hines had made statements with reference to the raising of this hundred-thousand-dollar fund, and that he had raised it or contributed to it, and, as in every other case of this kind, the proof has absolutely failed.

Mr. President, after trying to weigh all the testimony fairly and impartially, I am firmly convinced that Edward Hines did not raise any fund to be used to secure Mr. LORIMER's election and that he did not spend a dollar improperly to bring it about. All that he did to assist Mr. LORIMER was confined to his talks with leading Republicans here in Washington and advising Senator LORIMER of their views and of his talk with Gov. Deneen. All this was done as a friend and is to be commended rather than condemned.

William M. Burgess, a witness before our committee, swears to a conversation he had on a train with Mr. Wiehe in which he alleges that Wiehe said there was a jack pot for the election of Senator LORIMER and that he had contributed $10,000 to it. Wiehe denies unqualifiedly making any such statement. Take his testimony against that of Burgess and consider the improbability of any man in his right mind openly in a smoking compartment of a Pullman car stating that he had contributed $10,000 to a fund to be used in the election of a Senator. It is incredible to me how a fair and unbiased mind can accept such a statement as true. Wiehe's positive denial is supported by the testimony of four or five other witnesses so conclusively that not only does the evidence preponderate against the Burgess story, but it absolutely overwhelms it.

Unless we disregard all the rules for weighing testimony and considering the credibility of witnesses the allegations upon which this reinvestigation was ordered are not substantiated. Competent testimony of their truth is utterly lacking, and if the Senate is to vacate its former judgment in favor of Senator LORIMER's right to a seat in this body it must do it on testi-

mony submitted on the same points brought out and considered when the former judgment was rendered.

I have already considered this evidence and I have already given the reasons why I think that it is not only not as strong as it was before, but that it has been clearly and conclusively shown that the former evidence is so discredited as to make it appear conclusively that corruption was not necessary and was not used or practiced in the election of Senator LORIMER.

At any rate there has been an utter failure to secure any new material evidence proving corruption in the election of Senator LORIMER, and if he is excluded it must be done on evidence adduced or available when the Senate rendered its former judgment.

Senator LORIMER, through his attorney, at the close of the hearing interposed a plea of res adjudicata. It is urged that this plea should have been interposed sooner. In my judgment it was not necessary to interpose it before the committee at all. The proper time to raise this issue was when the committee had made its report and a resolution was introduced attacking Senator LORIMER's right to his seat. He put in this plea as soon as all the evidence was in. This investigation was ordered because of alleged new evidence, and it was not until the hearing was closed that the new evidence was complete. It is suggested that the committee should have raised this question sooner and not taken the testimony that it did take. It was not for the committee to pass upon this question. That is a proposition to be decided by the Senate itself. Senator LORIMER surely loses no rights because the committee did not present this question to the Senate sooner. The plea is made and the Senate must act upon it. It must act as a court, fairly and judicially. The Senate is by the Constitution made the sole "judge of the elections, returns, and qualifications of its own members." In this case no question of policy is involved. We are to pass not upon the advisability of the election of Senator LORIMER, not upon his fitness for the place, but upon the legality of his election. Was his election legal or illegal? That is the question, and it does not require any legal knowledge to tell us that it is question for judicial decision and not a matter of legislation. In acting upon it we act as judges and not as legislators. This is in accordance with reason, law, and precedent. Senator Edmunds, of Vermont, said, in the case of Henry W. Blair, on March 10, 1885:

> The Senate in sitting upon such a question sits as judges. The Constitution says so. We are not defining policies; we are not setting up expediencies; we are not carrying on party warfare; we are sitting as the solemn judges sworn to try and determine the election and qualifications of a gentleman who presents himself to be a member of this body.

Justice Folger, in People against Hall (80 N. Y., 117), said:

> When it is said, on such occasion, to either house of the legislature, "You are to be the judge of the election of the members of your body," there is a specific conferment of this particular power.
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> * * * * * * *
>
> The power thus given to the houses of the legislature is a judicial power, and each house acts in a judicial capacity when it exerts it.

In People against Mahaney (13 Mich., 481) Justice Cooley, than whom there is no higher authority, said:

> While the constitution has conferred the general judicial power of the State upon the courts and officers specified, there are certain powers of a judicial nature which, by the same instrument, are expressly conferred upon other bodies or officers; and among them is the power to judge of the qualifications, elections, and returns of members of the legislature. The terms employed clearly show that each house, in deciding, acts in a judicial capacity.

When the right of Mr. James Harlan to a seat in this body as a Senator from the State of Iowa was under consideration, Senator Pugh of Ohio said:

> What does our decision amount to. The Constitution does not make our decision upon the question of elections a legislative act. The legislative powers of the Senate are to be exercised coordinately with the House of Representatives, but the power which we exercise in deciding upon the election of a Senator is our power. It is judicial in its character. The Constitution uses the very word that constitutes it a judicial act—"Each house shall be the judge of the elections, returns, and qualifications of its own members"—and our act in deciding upon an election is as completely a judicial act as is the action of the House of Peers in Great Britain when they hear a writ of error to an inferior court.

When this case was heretofore pending in the Senate, Senator CUMMINS said:

> If we are judges, as I believe we are * * * and speaking for myself alone, I intend to be governed by the evidence we have before us and the law as it has been established.

It is useless, however, to multiply authorities upon a proposition that is so plain and self-evident under the language of the Constitution itself—"The Senate is the judge of the elections, returns, and qualifications of its Members"—that any man who reads can understand its import without any legal knowledge; and I am glad to say that during this discussion, at any rate thus far, I have heard no Senator take any different position, but all have taken the position that this is a judicial act and that we act as judges.

Sitting as a court and as judges, we should act without bias, passion, or prejudice, and in accordance with the well-known and well-settled principles of judicial procedure. Such principles have been evolved in the progress of the ages from the experiences of men to insure justice, preserve liberty, and perpetuate good government. To disregard them is reactionary; to follow them is progression. To violate them is tyranny; to adhere to them is liberty. To ignore them is to undermine the safeguards of justice, liberty, law, and government; to respect them is to repel anarchy, preserve liberty, and perpetuate the Republic.

Chancellor Kent, referred to the provision making each House the sole judge of the elections of its Members, says:

> And, as each House acts in these cases in a judicial character—

And I call attention to this not for the purpose of showing that we act as judges, but that we should follow judicial principles and precedents—

> its decisions, like the decisions of any other court of justice, ought to be regulated by known principles of law, and strictly adhered to for the sake of uniformity and certainty.

Justice Cooley also said:

> In determining questions concerning contested seats the House will exercise judicial power, but generally in accordance with a course of practice which has sprung from precedents in similar cases.

It is urged that if the Senate is the only body that can act on this question it can do as it pleases. The Senate has exclusive jurisdiction of this question and it has the power to act to-day one way and to-morrow the other, but has it the right to do so? It is the universal holding of the courts, unless there is an express statutory provision to the contrary, that a judgment becomes final and can not be reopened by the court after the term at which it was rendered unless steps are taken for that purpose before the close of the term.

I desire to call the attention of the Senate to that proposition, that it is a universal holding of the courts that, while they may have the power to do it, they have not the right to open or vacate a judgment after the term at which it was rendered unless steps were taken during that term to reopen it.

In Bronson *v.* Schulten (104 U. S., 410) Justice Miller said:

> In this country all courts have terms and vacations. The time of the commencement of every term, if there be half a dozen a year, is fixed by statute, and the end of it by the final adjournment of the court for that term. This is the case with regard to all the courts of the United States, and if there be exceptions in the State courts they are unimportant. It is a general rule of the law that all the judgments, decrees, or other orders of the courts, however conclusive in their character, are under the control of the court which pronounces them during the term at which they are rendered or entered of record, and may then be set aside, vacated, modified, or annulled by that court.
>
> But it is a rule equally well established that after the term has ended all final judgments and decrees of the court pass beyond its control unless steps be taken during that term, by motion or otherwise, to set aside, modify, or correct them, and if errors exist they can only be corrected by such proceeding by a writ of error or appeal as may be allowed in a court which, by law, can review the decision.

Now listen:

> So strongly has this principle been upheld by this court—

That is, the United States Supreme Court—

> So strongly has this principle been upheld by this court that, while realizing that there is no court which can review its decisions, it has invariably refused all applications for rehearing made after the adjournment of the court for the term at which the judgment was rendered. And this is placed upon the ground that the case has passed beyond the control of the court.

The Supreme Court of the United States has the power to vacate a judgment after the term at which it is rendered, but it says it has not the right to do so; and that it has uniformly refused so to do.

Shall the Senate sitting as a court, shall we acting as judges, disregard this well-settled rule of judicial action and procedure, sanctioned not only by the highest courts of the various States of the Union, but by the United States Supreme Court itself?

This case went to final judgment after a full hearing and argument. The session closed. No steps were taken to reopen the case, although there were those in the Senate who knew of the alleged facts that might be brought to the attention of the Senate and upon which this reinvestigation was finally ordered. Not only did the session close, but the Sixty-first Congress closed. The Sixty-second Congress is now asked to set aside a judgment solemnly given by the Sixty-first Congress. The membership of the Senate has been greatly changed. One-third of its Members have been elected since that judgment was rendered. We have the power to set aside the judgment already rendered. Will we exercise that power? This involves more than the seat of Senator LORIMER. It means a violation of orderly procedure, a reversal of Senate precedents, and a disre-

gard of the judicial decisions of the highest courts of the country. It furnishes a precedent for party action which may threaten the very life of the Republic. If done, it will be done in the name of progress, but it will be progress back to the days when might made right and justice rested in the strong arm. Such action on our part will set an example that will lead to disrespect for law and undermine the Constitution itself. Acting as a court, sitting as judges, and following universally established judicial procedure, what is our duty upon a plea of res adjudicata?

On March 1, 1911, the following resolution came to a vote in the Senate:

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

On the call of the roll this resolution was determined in the negative by a vote of yeas 40, nays 46, and the judgment of the Senate in the Sixty-first Congress was that Senator LORIMER was legally elected to the Senate of the United States by the Legislature of the State of Illinois. This was a final judgment after a full investigation by a court of exclusive jurisdiction. The Sixty-second Congress is now asked to vacate that judgment. According to the law of the courts we have lost the right to take such action, and to do so is to fly in the face of the decisions of all of the courts of Christendom. The doctrine of res adjudicata has been recognized by the Senate itself, and to refuse to act upon it in this case would be to go contrary to the precedents of the Senate.

In the first session of the Thirty-fifth Congress Graham N. Fitch and Jesse D. Bright were declared entitled to their seats as Senators from the State of Indiana. At the second session of the Thirty-fifth Congress a memorial was presented, representing that it was the wish and desire of the State that Lane and McCarty be admitted to the Senate as the legally chosen Senators from the State of Indiana. This was referred to a committee, which submitted a report reviewing the history of the case and of the resolution adopted at the first session, and which said:

The resolution was under consideration in the Senate and fully debated at several subsequent times, and was finally, after the rejection of several proposed amendments, passed by the Senate without amendment or alteration. In the opinion of the committee this resolution (no motion having been made to reconsider it)—

I desire to say right here that of course everybody concedes that there was no motion made to reconsider the decision rendered with reference to WILLIAM LORIMER in the Sixty-first Congress.

In the opinion of the committee this resolution (no motion having been made to reconsider it) finally disposed of all questions presented to the Senate involving the respective rights of the Hon. Graham N. Fitch and the Hon. Jesse D. Bright to their seats in the Senate as Senators from the State of Indiana for the terms stated in the resolution. It appears by the memorial that the Legislature of Indiana, at its recent session in December last, assumed the power of revising the final decision thus made by the Senate of the United States under its unquestioned and undoubted constitutional authority to "be the judge of the qualifications of its own Members." Under this assumption it also appears by the journals of the senate and house of representatives of the State of Indiana, the Legislature of Indiana, treating the seats of the Senators from that State as vacant, proceeded, subsequently, by a concurrent vote of the senate and house of representatives of the State, to elect the Hon. Henry S. Lane as a Senator of the United States for the State of Indiana, to serve as such until the 4th of March, 1863, and the Hon. William Monroe McCarty as a Senator for the same State, to serve as such until the 4th of March, A. D. 1861. Under this action of the Legislature of Indiana those gentlemen now claim their seats in the Senate of the United States.

It may be conceded that the election would have been valid and the claimants entitled to their seats had the Legislature of Indiana possessed the authority to revise the decision of the Senate of the United States that Messrs. Fitch and Bright had been duly elected Senators from Indiana, the former until the 4th of March, 1861, and the latter until the 4th of March, 1863.

In the opinion of the committee, however, no such authority existed in the Legislature of Indiana. There was no vacancy in the representation of that State in the Senate; and the decision of the Senate, made on the 12th of June 1858, established finally and (in the absence of a motion to reconsider) irreversibly the right of the Hon. Graham N. Fitch as a Senator of the State of Indiana until the 4th of March, 1861, and the right of the Hon. Jesse D. Bright as a Senator from the same State until the 4th of March, A. D. 1863.

The decision was made by an authority having exclusive jurisdiction of the subject, was judicial in its nature, and, being made on a contest in which all the facts and questions of law involving the validity of the election of Messrs. Fitch and Bright, and their respective rights to their seats, were as fully known and presented to the Senate as they are now in the memorial of the Legislature of Indiana, the judgment of the Senate then rendered is final and precludes further inquiry into the subject to which it relates.

A brief was submitted by McCarty and Lane urging that the doctrine of res adjudicata did not apply. After much discussion the following resolution was adopted by a vote of 30 to 15:

Resolved, That the committee be discharged from the further consideration of the memorial of the State of Indiana, and that the resolution of the Senate adopted June 12, 1858, affirming the right of Graham N. Fitch and Jesse D. Bright as Senators elected from the State of Indiana, the former until the 4th day of March, 1861, and the latter until the 4th day of March, 1863, was a final decision of all the premises then in controversy, as conclusive, as well upon the Legislature of Indiana and all persons claiming under its authority, as upon the Senators named in the resolution.

In the first session of the Fifty-fourth Congress the question of the right of HENRY A. DU PONT to a seat in the Senate as a Senator from the State of Delaware was raised, and it was finally decided by a vote of 31 yeas to 30 nays that he was not entitled to his seat. In the second session of the Fifty-fourth Congress a memorial was presented from Mr. DU PONT, alleging that he was justly entitled to his seat and asking that the question of the validity of his election should again be investigated and acted upon. This was referred to the Committee on Privileges and Elections. The committee submitted its report, and held that the doctrine of res adjudicata applied to that case.

The Senator from Montana [Mr. MYERS], in his address the other day, referred to this case and suggested that it was not in point. He suggested that a new Senator had been elected from Delaware, and that the rights of a third party had intervened, and therefore that case was not in point as compared with this case.

The new Senator from Delaware had not been elected when the second memorial was presented to the Senate and referred to the committee, and the committee in its report does not refer to the claims of any other person to a right to a seat in this body. It does not consider any third person in connection with this matter. Its decision is based squarely upon the doctrine of res adjudicata and upon any intervening rights. The committee said:

New Senators have entered the Chamber since the resolution just cited was adopted. Nothing else has changed. The case then stated and acted upon is the case now stated.

In my view the present case is exactly like the du Pont case. I do not consider the alleged new evidence as amounting to anything; and conceding even that the facts as brought out in the former hearing and brought out in this hearing have the same strength and weight—which I do not concede—then the two cases are the same, so far as the doctrine of res adjudicata is concerned. This case, in my view of it, is upon exactly the same basis as the du Pont case:

The simple question is: Whether the Senate, notwithstanding its decision of May 15, 1896, will now admit Mr. DU PONT to a seat?

The majority of your committee now, as then, are of the opinion that this decision of the Senate was wrong.

Note that, that the majority of the committee were of the opinion that the decision in the du Pont case originally was wrong, and the decision in that case was rendered by a vote of 31 to 30—only 1 majority.

But the Senate is made by the Constitution the judge of the elections, qualifications, and returns of its Members, and its judgment is just as binding in law, in all constitutional vigor and potency when it is rendered by one majority as when it is unanimous.

It is clear that the word "judge" in the Constitution was used advisedly. The Senate in the case provided for is to declare a result depending upon the application of law to existing facts, and is not to be affected in its action by the desire of its Members or by their opinions as to public policies or public interest. Its action determines great constitutional rights—the title of an individual citizen to a high office and the title of a sovereign State to be represented in the Senate by the person of its choice. We can not doubt that this declaration of the Senate is a judgment in the sense in which that word is used by judicial tribunals. We can conceive of no case which can arise in human affairs where it is more important that a judgment of any court should be respected and should stand unaffected by caprice or anything likely to excite passion or to tempt virtue. When the Senate decided the question it was sitting as a high constitutional court. In its action we think it ought to respect the principles, in giving effect to its own decision, which have been established in other judicial tribunals in like cases and which the experience of mankind has found safe and salutary.

In conclusion, the committee said:

But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their mind as to the law or fact which is involved.

It seems to us very important to the preservation of constitutional government, very important to the dignity and authority of the Senate, very important to the peace of the country, that we should abide by this principle. There are few greater temptations which affect the conduct of men than the temptation to seize upon political power without regard to the obligation of law. To act upon the doctrine upon which this petition rests would expose the Senate to the temptation to reverse its own judgments and to vacate or to award seats in this Chamber according as the changing majorities should make possible. If such practice should be admitted it would, in our opinion, go far to weaken the respect due to this body and the respect due to constitutional authority.

In my judgment, this case is on all fours with the du Pont case. The facts in this case are no stronger against the right of Mr. LORIMER to a seat in the Senate on this investigation than they were on the former investigation. There is no new testimony. Therefore, the same proposition exactly is put up

to the Senate now that was before the Senate in the du Pont case.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. Certainly.

Mr. BORAH. Suppose there had been newly discovered evidence?

Mr. JONES. I will say to the Senator that I will touch upon that matter just a little later on.

It is said that the plea of res adjudicata is a technical one, and that the people of the country would not be satisfied to have this case decided upon this theory. It is urged that the people of the country would not understand what is meant by it. It is urged that the people will be puzzled to know why the Senate confirmed the title of Mr. LORIMER to a seat in this body when the answer is given that it was res adjudicata, and it is suggested that they will not be satisfied with such an answer or with such action by the Senate. I have more confidence in the judgment and intelligence of the people of the country than that. They know that when a man has been tried once upon a charge and acquitted that he can not be tried again, and that such a rule is in the interest of justice and not to shield crime. They know that when a matter has been litigated and final judgment rendered in the court of last resort that such a case can not be reopened and that such a rule is founded upon justice, and that such a rule is absolutely necessary to protect the weak from the strong, and they understand that the application of this doctrine rests not so much upon the interest of Mr. LORIMER himself, but that it rests upon the welfare of the country itself.

In the report of the committee on the du Pont case this language is used, and it is well for us to consider it here:

> But there is no case known in other judicial tribunals in which a final judgment in the same case can be rescinded or reversed merely because the composition of the court has changed or because the members of the court who originally decided it have changed their mind as to the law or fact which is involved.
>
> It seems to us very important to the preservation of constitutional government, very important to the dignity and authority of the Senate, very important to the peace of the country, that we should abide by this principle. There are few greater temptations which effect the conduct of men than the temptation to seize upon political power without regard to the obligation of law. To act upon the doctrine upon which this petition rests would expose the Senate to the temptation to reverse its own judgments and to vacate or to award seats in this Chamber according as the changing majorities should make possible. If such practice should be admitted it would, in our opinion, go far to weaken the respect due to this body and the respect due to constitutional authority.

Senator Hoar, whose honesty, integrity, patriotism, and devotion to the interests of the people will not be questioned, said in connection with the du Pont case:

> Although parliamentary proceedings differ in form from those of courts, the great rule on which the safety of all human property and transactions depend, established in courts of justice, ought in substance to govern us here.
>
> There has been an application on the part of Mr. DU PONT—whom I respect personally, whom I eagerly desire should have a seat in this body, and who I think ought to have had one on the merits of his case—to reopen that case. No newly discovered evidence is suggested; no fraud or mistake is suggested. The reopening of the case would be merely a reconsideration of a question of constitutional law which this great constitutional court has decided once. That is all he asks, and that is all he would obtain if his prayer for a reopening of the case were granted.
>
> That petition was referred to the Committee on Privileges and Elections, and after a very able and interesting argument in favor of Mr. DU PONT by Mr. Garland, late Attorney General—and it is not necessary to say that any argument that gentleman makes will be able and interesting—the committee unanimously decided this morning that there had been an adjudication by the Senate and that nothing further remained to be done. It was unanimously decided with the exception of one member, who was not prepared to determine what was his duty at the particular time.
>
> Mr. President, I propose to act upon that doctrine. I think it is very important for constitutional government, very important to the dignity and authority of the Senate, very important for the peace of the country that we should stand by these principles.
>
> It is a very unpleasant thing to me that Mr. DU PONT is not to take his seat, and that some one else is to take it. But it would be a very bad thing for every citizen of this country unless the Senate of the United States could act and could be known to act upon great questions where right and righteousness are involved in pursuance of a law other and higher than its own desire.

The question as to the effect of a judgment of the Senate is not a party one and has never been a party one. Democrats and Republicans alike have agreed as to its finality.

Senator Pugh, in discussing a judgment of the Senate, said:

> What was the object of all that, if it decided nothing, if the same question can be mooted again and at any future time? I have not said that that decision is absolutely infallible, but I have said that it is an end of that case as to all matters then alleged. If any new causes of disqualification can be shown as to either of the present Senators, that is open; but the judgment is conclusive of all the premises then before the tribunal.

Senator Green said:

> Where a question is decided in the affirmative or negative neither side can bring it up again. It is a matter adjudicated; it is a matter settled; there is no power to supervise.

Senator Bayard, of Delaware, said:

> It is perfectly immaterial whether the judgment is right or wrong, the rule of finality is founded on the great principle that it is the interest of the Republic that there shall be an end to litigation. There is no other ground upon which it can be sustained. There must be an end to all strife at some time, and courts of justice have adopted it and adhered to it invariably, that a final judgment can not be reheard, but with certain exceptions, one of which the honorable Senator from Vermont has pointed out. You may impeach it on the ground of fraud committed upon the ccurt by the original proceedings—

There can be no contention made here that there has been any fraud committed upon the Senate, unless it be that fraud has been committed in behalf of the Senate, not in behalf of Senator LORIMER, but against Senator LORIMER.

> But you can not undertake to reargue it after the term of the court has expired in which the judgment was pronounced, on the ground that the court committed an error in judgment. No such case can be found, and it is on that great principle that there must be an end at some time to decisions in the nature of judicial proceedings. Sir, if I read the Constitution of the United States rightly, the power to judge of the election of its own members, their qualifications, and their returns, is given for the protection of the body, not for the personal rights of the parties. No matter in what mode the question arises in which the body has formally decided that the party is entitled to his seat, the judgment is conclusive unless a motion for reconsideration is made within the rules and orders of the Senate, and it can not afterwards be reversed.

Senator Edmunds, one of the greatest lawyers that ever occupied a seat in this body, said:

> This question was fairly debated when the gentlemen on the other side were in a majority in this Chamber. Without a party division, gentlemen on both sides, voting according to the light they had and not dividing upon party lines, settled this identical question. The Senate in sitting upon such a question sits as judges. The Constitution says so. We are not defining policies; we are not setting up expediencies; we are not carrying on party warfare; we are sitting as the solemn judges sworn to try and determine the election and qualification of a gentleman who presents himself to be a Member of this body. We have come to a decision, just as the Supreme Court of the United States sitting 200 feet from us comes to a decision in a great variety of cases where the judges differ—five one way, four another, or whatever it may be, a difference of opinion. The decision of the court is announced. What would become of that court if the next time a similar question came up the whole thing was opened again and the contest was gone over repeatedly from year to year and time to time in order to see which should get in the ascendency upon all questions? Nothing would be settled, and the court would be destroyed, and justice, too, for that matter.
>
> How is it different here? When we have come to a decision, even in a case of doubt, having come to it fairly, not in a time of party heat, or by a party vote, when we, after full deliberation, have come to a decision which carries out confessedly the objects of the Constitution to keep the representation of a State full, should we not stick to it; or are we, every time a similar question comes up about elections, to reverse our decisions, retry them, hold them of no force, and thus keep this body continually in a turmoil over questions of representations in it that come from the States? However doubtful it might have been—it did not seem to me so, to be sure, but however doubtful it might appear to the minds of gentlemen who voted in the minority—it appears to me that, once decided and decided in favor of representation, it would be better to follow that as an established precedent which carries out the objects the Constitution has in view.

Of course, this language was uttered with reference to a case that might be considered a technical one, and decided purely upon questions of law. Yet it coincides with the decisions of the courts, that when a question is settled by the court of final jurisdiction that decision stands.

Every element essential to the doctrine of res adjudicata is present in this case. The Senator from Montana declares that the former judgment of the Senate has been vacated by the action directing a further or new investigation. This is not correct. Senator LORIMER is still a Member of this body. The verdict of the Senate that he was legally elected has not been reversed. The appointment of this committee was not the vacation of that judgment. If it had been Senator LORIMER would not be a Member of this body now and further action by the Senate would be unnecessary. All that was done by the Senate was to appoint a committee without vacating its former judgment to make a further investigation and report to the Senate. The committee has acted, its report is submitted, and now the Senate is considering the question whether or not it will vacate its former judgment and declare Senator LORIMER not entitled to a seat in this body. This is the proper time to interpose the plea of res adjudicata. It is not a technical plea, as I have already said, but it is a substantial right that every party to litigation possesses, not alone in his own interest but in the interest of the Government itself. There should be an end to litigation, and this rule has been in the interest of justice invoked more strongly against the sovereign than against the individual. As a general rule, the State has no right of appeal from a judgment or verdict against it, while the defendant has almost uniformly a right of appeal. In this

case the Senate of the United States stands in the place of the State as complainant. The judgment has been against it and in favor of the individual. There is no appeal to either party, because the Senate is the sole and supreme judge in the case. It can now overrule the plea of res adjudicata only by asserting its supreme power over the question at issue. It can exercise the power of an absolute despotism if a majority of its Members see fit to do it, but in doing it it will violate and trample under foot every principle of legal procedure that the courts respect and that have been found necessary to preserve life, liberty, property, and happiness.

All the elements of res adjudicata are present in this case. A competent tribunal, invested with complete jurisdiction to try the issue, has rendered a final judgment. The parties to the former judgment are the same parties now interested in this controversy. The issues and causes of the action now are precisely the same as they were when the judgment, which is sought to be vacated, was rendered. Under all judicial rules under these circumstances the former judgment is an absolute bar not only as to what was actually litigated but to all matters that might have been litigated under the issues in the case, and the issue in the case was the right of Senator LORIMER to a seat in this body. That involved the determination of every proposition that could be presented on one side or the other of it.

Suppose the judgment which the Senate rendered had been against Senator LORIMER. Is there anyone who would contend that the Sixty-second Congress would give him a rehearing upon any ground that he might allege? I do not think so. If we exclude him now, would we hear him next session or next Congress if he should ask for a rehearing on newly discovered evidence? I venture to say we would not, under any circumstances. Shall we apply one rule to him and another to the Senate? We should not and we can not, except by the arbitrary exercise of the power we possess. Under the doctrine of res adjudicata it is uniformly held by the courts that where the issues are the same the bar of former judgment exists to the points actually decided, and also to all the points and questions which might have been litigated under the issues in the former proceeding. This rule has gone unchallenged for more than half a century, and has the approval of an unbroken line of cases in the highest courts in the land. In the case of Cromwell *v.* County of Sac (94 U. S., p. 352), the United States Supreme Court says:

> In considering the operation of this judgment it should be borne in mind, as stated by counsel, that there is a difference between the effect of a judgment as a bar or estoppel against the prosecution of a second action upon the same claim or demand and its effect as an estoppel in another action between the same parties upon a different claim or cause of action. In the former case the judgment, if rendered upon the merits, constitutes an absolute bar to a subsequent action. It is a finality as to the claim or demand in controversy, concluding parties and those in privity with them not only as to every matter which was offered and received to sustain or defeat the claim or demand, but as to any other admissible matter which might have been offered for that purpose. Thus, for example, a judgment rendered upon a promissory note is conclusive as to the validity of the instrument and the amount due upon it, although it be subsequently alleged that perfect defenses actually existed of which no proof was offered, such as forgery, want of consideration, or payment. If such defenses were not presented in the action and established by competent evidence, the subsequent allegation of their existence is of no legal consequence. The judgment is as conclusive, so far as future proceedings at law are concerned, as though the defenses never existed. The language, therefore, which is so often used, that a judgment estops not only as to every ground of recovery or defense actually presented in the action, but also as to every ground which might have been presented, is strictly accurate when applied to the demand or claim in controversy. Such demand or claim, having passed into judgment, can not again be brought into litigation between the parties in proceedings at law upon any ground whatever.

The courts go so far as to hold almost uniformly that newly discovered evidence furnishes no ground for avoiding the bar of a former judgment on the same issues and between the same parties or their privies. There are some cases in which verdicts will be set aside and new trials granted for newly discovered evidence, but in such cases there are certain well-defined limitations upon granting such new trial. The granting of a new trial on the ground of newly discovered evidence is cautiously exercised by the courts, and the strictest rules are applied in considering an application on such a ground. The evidence newly discovered must be "of such a character and strength that it is reasonably certain that it would have produced an opposite result if produced at the trial," and must be incontrovertible and conclusive.

Mr. BORAH. Mr. President——

Mr. JONES. I think I will cover the point that the Senator has in mind in a moment. If I do not, interrupt me.

> The evidence must not be merely cumulative or corroborative or merely intended to impeach some of the witnesses in the former trial.

The alleged new evidence upon which the new investigation was ordered is not only not incontrovertible and not conclusive, but it does not to any degree impeach the judgment of the Senate or furnish a basis for impeaching that verdict. Whatever new evidence has been produced that is admissible and relevant is merely cumulative or corroborative, and, in fact, impairs the testimony against Mr. LORIMER and further sustains and confirms the justice of the judgment already rendered by the Senate.

It is another almost universal rule that the alleged newly discovered evidence must have been actually discovered after the time of the former trial, and the party seeking the new trial must excuse his failure to produce the new evidence by showing that he failed to discover it notwithstanding the exercise of due diligence. If the party knows of new evidence at the time of the former trial, such knowledge is a complete bar to the granting of a new trial on this ground.

In this case the alleged new evidence was known to those who had actual charge of what might be called the prosecution which resulted in the verdict of the Senate, and the circumstances of it were actually known to some of the Senators who participated in the rendition of that judgment. Even if such evidence were relevant and conclusive, it is a species of tyranny to vacate our judgment by reason of this evidence. If such a rule is to be followed, no man's seat here is safe. Trial after trial may be had at the instance of the Senate until by changing membership and factional or party tyranny a minority may become a majority and a verdict of exclusion rendered in violation of precedents, law, right, or justice.

Mr. BORAH rose.

Mr. JONES. I think I will get to the point which the Senator has in mind in a moment.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. Yes.

Mr. BORAH. What I wanted to say was that the doctrine of res adjudicata never can apply so long as a right to move for a new trial on the ground of newly discovered evidence exists. So long as the judgment is not final, so long as the right to move for a new trial still exists, so long as the statute provides for a rehearing the principle of res adjudicata does not adhere in the case at all.

Mr. JONES. Certainly. I have stated that. But what I contend now is that the time has passed, under the decision of the Supreme Court of the United States and all the courts of last resort in the country. The Supreme Court of the United States says that it will not reopen a case after the term unless proceedings are taken before the term expires looking toward the reopening; and I take it that in this case the decision was rendered in the Sixty-first Congress, and that if it was intended to reopen it a motion to reconsider, or something of that sort, should have been taken in that session; but that now we are in a new Congress, and, while we have the power, it is, under all legal principles, beyond our right to do it.

Mr. BORAH. Mr. President, in connection with that I want to call attention to a single sentence from the report of Senator Hoar and others in the du Pont case, because, if I understand the doctrine of res adjudicata, this sentence refutes the argument which they have previously presented. It says:

> We do not doubt that the Senate, like other courts, can review its own judgments where new evidence has been discovered.

And so forth.

That is not true with reference to the princple of res adjudicata in courts at all. The doctrine of res adjudicata applies when the judgment becomes final. So long as you have the power to hear newly discovered evidence the principle of res adjudicata does not obtain.

If it be true that you can review it here by reason of newly discovered evidence at any time, then it is never a final judgment. If it be true that it is never a final judgment, the doctrine of res adjudicata does not apply.

Mr. JONES. But I contend that it has passed beyond our right to review it, and that the judgment rendered by the Sixty-first Congress was a final judgment; and as no steps were taken before the expiration of that Congress, it became absolutely conclusive upon the Senate. I thought that I had presented some pretty strong authorities upon that proposition. I do not disagree with the contention of the Senator. My contention is that the right to review this judgment had expired by the expiration of the Sixty-first Congress.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Texas?

Mr. JONES. Certainly.

Mr. BAILEY. Mr. President, I agree largely with what the Senator from Washington has said, but I can not agree that the term of the Senate ever expires. The Senate is a continuing body. If it were a case in the House of Representatives,

then surely the Sixty-third Congress would have no power to review the judgment of the Sixty-second Congress. But this body does not terminate in that way.

The Senator from Washington has made one suggestion which appeals to me very strongly, and that is that the Senate must be able to grant a new trial either way or it can not grant a new trial at all. Suppose the judgment of the Senate had been adverse and the seat of the Senator from Illinois had been vacated, and the governor, in the absence of a legislative session, had appointed his successor; could he, if he had procured new evidence, have come to the Senate and obtained a new trial, and could the Senate have reversed its judgment and put his successor out of the body?

Mr. JONES. I do not think the——

Mr. BAILEY. That is one of the difficulties which undoubtedly must address itself to every Senator when we come to have a reopening, although that I concede ought to have controlled us, if it controlled us at all, when we granted the motion for a rehearing.

Mr. BORAH. Mr. President, of course if there ever comes a time in the Senate when its action shall have become final, so that the Senate has no power to review it, then, whether we call it res adjudicata or simply apply it by the doctrine of analogy, the argument which the Senator is making would be conclusive upon my mind. But I do not understand how it can be said that the judgment of this Senate is ever final with reference to anything which pertains to legislation, or incidental to our power as a legislative body.

We can review it next year or five years from now just as well as we can to-day or within a year.

Mr. BAILEY. No; we can not. We can repeal what we have done, but that is not a review of it. I think the Senator would find it necessary to make that distinction. Of course, what the Senate does is not forever done and may be undone; but the Senate must repeal any order or resolution or vote; it can not reconsider it at any subsequent session.

Mr. BORAH. When I use the word "repeal," of course I mean to do that which amounts to a review of our previous action. We may recall it or set it aside, one way or the other. But it all results in what we would say in court amounts to a review of the action, or it amounts to a repeal or cancellation of the order, or whatever you may call it.

Mr. BAILEY. But the Senate takes no judicial action, except when it comes to judge of the return, election, and qualification of its own Members, and when it sits as a court of impeachment. In all other cases it is purely legislative, and I take it that the rules which apply to courts will generally apply to us in our judicial capacity; and I think that while the Senate would have the power to grant a new trial upon a motion accompanied with an allegation that new and material evidence had been discovered, it ought to be careful even there; and yet I can not escape the difficulty mentioned by the Senator from Washington, and the power to grant a new trial must exist, if it exists at all, in the granting body upon the application of either side.

Mr. BORAH. If the Senate should render a decision here to the effect that a man was not entitled to a seat and should discover that there was fraud in the presentation of it and that he was, as a matter of fact, entitled to the seat, why has it not the power to cancel that action and set it aside?

Mr. BAILEY. For the very sufficient reason that two bodies can not occupy the same place at the same time, and if the Senate vacated that seat, and that seat was filled by the legislative authority of the State or in the recess of the legislature by the governor's appointment, the Senate certainly would have no power to turn the appointee or the man elected from its door. It would be an incurable mistake.

Mr. BORAH. I have no doubt that the Senate would have that exact power. So far as the subsequently elected Senator is concerned, if his predecessor was legally elected, which the reversal of the Senate's former action would establish, then the last man was never elected in contemplation if there was no vacancy. In the case of Gholson against Claiborne the House seated two Members.

Mr. BAILEY. Oh, no; it did not seat them. It declared no election.

Mr. BORAH. I beg pardon; it did seat them.

Mr. BAILEY. It did not.

Mr. BORAH. I beg the Senator's pardon.

Mr. BAILEY. The Senator is mistaken. That was the case of Prentiss and Word against Claiborne and Gholson, and it was decided that there was no election by the casting vote of James K. Polk, who was then the Speaker of the House.

Mr. BORAH. If I am not mistaken—and I have the facts here, and I do not think that I am mistaken—Gholson and Claiborne appeared in the House of Representatives for seats in the House upon this state of facts. The President had called an extra session of Congress. The governor of Mississippi had issued a call for an election, and had confined the call to the term covered by the special session.

Mr. BAILEY. That is true.

Mr. BORAH. Gholson and Claiborne appeared, and they were seated for the special session. Afterwards the other parties who had been elected in the general election appeared, and the House reversed its former decision against the specific plea of res adjudicata, and unseated Gholson and Claiborne, and it also unseated the other two men and declared that there was no election. After these men had participated for one Congress, the House reversed its decision against the specific plea of res adjudicata and unseated them and also seated the other men.

Mr. BAILEY. It did not exactly do that. Of course there is no such proceeding known to our Constitution and laws as an election for a special session. A man is elected to Congress for a full term or for an unexpired term, but there is no such proceeding known as an election for a special session. Claiborne and Gholson, under the call of the governor of Mississippi, were elected to that special session. At the regular election Prentiss and Word were elected, and they appeared at the first regular session of the Congress to take the oath. The question arose on that state of facts, and finally the House decided against Claiborne and Gholson, and also decided against Prentiss and Word. That is largely political, and the decision, as I recall—I have not examined it in 25 years, probably, but the decision as I recall was made by the casting vote of the Speaker of the House, who was James K. Polk, and who, by the way, though roundly denounced for that decision, was afterwards, very shortly afterwards, elected President of the United States.

Mr. BORAH. When Gholson and Claiborne were challenged, after having been in the House for several months, they made this claim—Gholson or Claiborne, one of them—for both:

> I consider this whole case settled and concluded by virtue of the judgment of the House, a judgment founded upon a full knowledge of the law and the facts, a judgment that prevented us from entering upon a canvass that subsequently took place and restrained the majority of our friends from the exercise on this occasion of their elective franchise; a judgment which the House had the express constitutional power to pronounce and which once pronounced can not be reviewed or reversed without injustice to the parties and disparagement to its own dignity.

The question was specifically and clearly raised in that hearing, because their right to the seat had been challenged when they first appeared.

Mr. BAILEY. I think if it was so——

Mr. BORAH. The House heard it and determined that they had a right to a seat. When they appeared the second time they said, "You have determined this once; this same question was adjudicated before; it is final." But the House reversed its decision and unseated them and also unseated the other party.

Mr. BAILEY. Mr. President, if there was any serious controversy as to their right to sit in the special session it had escaped my memory. I do not recall it. I have no doubt the Senator is right about it, because he seems to have recently reviewed the controversy; but the House practically decided that question both ways, and consequently I would not regard the decision in that case as controlling, because it decided that neither Claiborne and Gholson nor Prentiss and Word were entitled to sit for the balance of the term. Obviously one or the other decision is wrong. It is one of those unfortunate political decisions which have too often discredited the proceedings of the other House. I mean historically; I do not mean that that is done now. I am glad to say it is very much less frequent just now than formerly. I am afraid that they have transferred to the Senate of the United States the habit of deciding these questions upon other considerations than the law and the evidence.

Mr. JONES. Mr. President, I desire to suggest to the Senator from Texas that I did not intend to convey the impression that the Senate ends with the Sixty-first Congress. My contention is that it is just exactly like the Supreme Court. The Supreme Court is a continuing body, but it has its regular terms, and it has held that while there is no power to review its decision it will not vacate a judgment after the term expires in which that judgment was rendered unless some steps were taken during that term to vacate it. So I contend that the Senate itself, a continuing body, it is true, has its regular terms, even more clearly defined than the terms of the Supreme Court. At the end of the Sixty-first Congress all bills died. If we had a bill then pending, we would have to reintroduce it in the Sixty-second Congress. In that sense the term ended in which that judgment was rendered, and in analogy with the Supreme Court decision, unless some steps were taken to reopen that

judgment before the Sixty-first Congress expired, I contend that we have no right to attempt to reopen it in this Congress. We have the power to do it; we can decide for Senator LORIMER to-day and reopen the case to-morrow and decide against him to-morrow. If we decided it in his favor in this Congress, in the Sixty-third Congress, before his term expires, we could reopen the case, vacate the judgment, and say that he is not entitled to a seat; but my contention is that we ought not to do that; that, under the decisions of the Supreme Court and following the rules of the Supreme Court, we have no right to do it. This seems to me to be too clear even for argument.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I do.

Mr. BORAH. If the Senator from Washington means to say nothing more than that, as a matter of policy, it is unwise to reopen such cases except upon an extraordinary showing, and that ordinarily the policy of permitting that which has been settled to remain settled, and only in exceptional and extraordinary circumstances should we violate that rule, I would agree with him perfectly; but I utterly reject the doctrine that the principle of res adjudicata applies in this body at all, except where we are created by the Constitution of the United States to be a court. The right to pass upon the title to a seat in this body is merely incidental to our legislative power; the legislative power is paramount to that; and the incidental power takes on the quality of the paramount power and follows the quality of our legislative business.

Mr. BAILEY. If the Senator from Washington will permit me, the Senator from Idaho does not mean to say that our power to judge of the elections, returns, and qualifications of our own Members is a legislative power.

Mr. BORAH. No; I do not mean to say that it is legislative. I say it is a quasi judicial power, but incidental to our existence as a legislative body. Therefore our legislative capacity fixes the quality of this incidental power, and we are no more bound by it than we are bound by legislative action. That is my position.

Mr. BAILEY. Well, if the Senator were to take that view, he would find himself confronted by the incontrovertible proposition that the Senate itself by undertaking to repeal a law passed last year could not do it; it could not undertake to review it; it could not move, Mr. President, that the proceedings upon bill so-and-so be reopened or that a new hearing be granted. You would have to introduce your bill to repeal that law; it would have to go to a committee; and then, if it passed this body, it would have to go to the other body, and it would have to receive the approval of the President before it could become effective. After we lose the right to make a motion for the reconsideration of a matter, there is no proceeding known to this or to any other legislative assembly to undo what has been done except by a repeal.

Mr. BORAH. Precisely; but of course the other House would never have anything to do with the question of proceeding with reference to a title to a seat here. That question is always open to this body to consider, and the body is not bound by its previous action any more than it is bound by its previous action with reference to allowing a claim here.

Mr. BAILEY. But what I was responding to was the Senator's suggestion that this, by any sort of analogy, could be likened to our legislative power. I think this is as distinct from our legislative power as it is from our right to vote upon articles of impeachment. I think, probably, it is more separate and apart from it than our specific right to adopt our own rules. As to electing our officers, I think if we elected an officer, we would have a right at any time to supersede him by the election of another officer. That is not a judicial proceeding; it does not bear any analogy to a judicial proceeding; but I think in a case of this kind we must follow the rules of the court as closely as possible, and I think we could not reopen this matter, except upon the allegation of new and material evidence.

I voted to reopen this case upon that allegation, solemnly made here by resolution adopted by the Senate of the State of Illinois and transmitted to us under the seal of that great State. If they had not alleged new and material evidence, I should not have voted to reopen the case, and I so stated to the Senate at the time. If, however, I had been impressed with the view that, upon the adjournment of the Senate, that was the end of the term, I could not have voted even then to have reopened the case, because as a judge of a court, except in a case where there was a special statute that provided for it in certain cases, I never would at the beginning of the next term of my court hear any disappointed or unsuccessful suitor to move for a new trial. If I had taken the view that the adjournment of the Senate was the end of the term, much as I would have regretted to have differed with everybody in the Senate—for everybody was in favor of the motion just as I was—I still would have voted against it; but I felt that upon the allegation of newly discovered and material evidence the Senate was entitled to reopen that case for the purpose of doing justice to itself, to the State of Illinois, and to the country. That was what moved me to interpose the suggestion I made to the Senator from Washington a moment ago, that the Senate could hardly be considered to have adjourned its term in this sense.

Mr. BORAH and Mr. FLETCHER addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Washington yield?

Mr. JONES. I yield to the Senator from Idaho, who, I believe, wishes to reply to the Senator from Texas.

Mr. BORAH. Mr. President, I only want to say a word in answer to the statement of the Senator from Texas. Of course when the Senator from Texas voted to reopen this case he did it precisely the same as a judge would do who made an order for a new trial in a case. That being true, if he had the power to vote for the reopening of the case, it would have the same effect as when the judge granted the new trial. Thereafter the doctrine of res adjudicata passes from the consideration of the tribunal entirely, because the moment the new trial is granted that principle is destroyed. It only applies when the judgment is final and when there is no longer any power to grant a rehearing on the ground of newly discovered evidence. Therefore I do not think the Senator from Texas and myself disagree at all, for when he voted for that he simply exercised the power which a Senator has, and which the Senate as a whole has, to reopen such a case whenever, in the judgment of the Senate——

Mr. BAILEY. And grant a new trial.

Mr. BORAH. Yes; and grant a new trial. Whether we should grant a new trial or not is a matter which appeals to our judgment and our conscience at the time the presentation is made; but that we have the power to do it in 1 week or in 10 weeks or in 10 years thereafter I have not a particle of doubt.

Mr. BAILEY. Oh, no; not 10 years. The term of a Senator is only 6 years, and after that time you would lose your jurisdiction.

Mr. BORAH. Unless we lengthen the term of a Senator, like we are proposing to lengthen the term of the President.

Mr. BAILEY. I hope the Senator will get up that proposed amendment to the Constitution immediately after we dispose of this matter.

Mr. BORAH. I will be glad to see it come up; but I am going to vote against it when it does come up.

Mr. BAILEY. I hate to see the Senator wrong upon that question.

Mr. BORAH. I am erring these days very rapidly. Mr. President, I want to read here a single paragraph from the minority report of Senator Collamer and Senator Trumbull in the Fitch, Bright, Lane, and McCarty case, which has been referred to, because it takes the view that I maintain:

> The power of the Senate to judge of the election and qualification of its own Members is unlimited and abiding—
>
> Whether it be for 6 years or 10 years—
>
> It is not exhausted in any particular case by once adjudicating the same, as the power of reexamination and the correction of error or mistake incident to all judicial tribunals and proceedings remains with the Senate in this respect, as well to do justice to itself as to the States represented or to the persons claiming or holding seats. Such an abiding power must exist to purge the body from intruders; otherwise anyone might retain his seat who had once wrongly procured a decision of the Senate in his favor by fraud or falsehood, or even by papers forged or fabricated.

That position was sustained by Mr. Collamer, by Mr. Trumbull, by Mr. Seward, by Mr. Fessenden, and a number of the most distinguished Members of the Senate at that time. When the second case was presented—I have forgotten now who the claimants were—the doctrine of res adjudicata was repudiated by such men as Allison and Anthony and Blaine——

Mr. BAILEY. Mr. Blaine was not a lawyer.

Mr. BORAH (continuing). And Conkling and Senator Hoar, who was then a member of the Elections Committee, although afterwards he signed the du Pont report. It was repudiated by that class of men who were then in the Senate; and I think that I am not without company and not without authority when I say that the right of the Senate to pass upon this matter is an abiding one, and is not exhausted by once exercising that power.

Senator Collamer opposed the doctrine of res adjudicata, saying:

> I can not regard it as true that a decision made by either House of Congress in relation to a Member's right to a seat is conclusive. The power of the Senate to judge of the elections and qualifications of its Members is not exhausted by once resolving upon the subject. It is an abiding and continuing power. * * * Now, Mr. President, the ques-

tion is, Has the Senate the right and power and is it their duty, when respectfully applied to, to reexamine their decisions in relation to seats of Senators? I think they have the power. I think they should perform it.

Senator Trumbull, of Illinois, said:

"But," says the Senator from Ohio, "this is a judicial decision, and the Senate acts in a judicial capacity." He then proceeded to argue at length in answer to this, and contended that the doctrine of res adjudicata did not apply and that no Senator should "shield himself under the plea of res adjudicata."

I desire also to refer to the case of Corbin against Butler, South Carolina, in the Forty-fifth Congress.

On February 13, 1877, David T. Corbin presented his credentials for the term of six years commencing March 4, 1877. March 2, 1877, M. C. Butler presented his credentials for the same term commencing at the same date. The credentials of both parties were sent to the Committee on Privileges and Elections. On November 26, by a vote of the Senate, the committee was discharged from the consideration of the Butler credentials. Upon November 30, upon motion of Senator Thurman, and by a vote of 29 to 28, Butler was sworn in. No motion was made to reconsider, no reservation looking to any further contest. On the 26th of March, 1878, Corbin presented his petition, asking for further inquiry. There was no issue of fact practically in the matter. It was all a question of law as to which one was elected by the legislature of the State. A majority of the Committee on Privileges and Elections reported in favor of seating Senator Corbin. The minority filed its views, raising specifically the question of res adjudicata, saying:

The petition now before us is a mere, sheer, naked proposition that the Senate at a subsequent session shall revote on the identical question, facts, and issues on which the Senate voted and decided at a former session.

So this question of res adjudicata was specifically before the Senate, discussed, and considered. The matter was finally decided in favor of Butler and as against Corbin by a vote of 25 to 36. So it may be said that this vote of the Senate sustained the plea of res adjudicata.

Among those who voted against the plea of res adjudicata were Senators Allison, Anthony, Blaine, Chandler, Conkling, Edmunds, Hoar, Ingalls, Morrill, Oglesby, and Windom. These are some of the more conspicuous names. It is particularly important to remember that Senator Hoar was a member of the Committee on Privileges and Elections and that he voted against the plea of res adjudicata.

Mr. FLETCHER. May I interrupt the Senator from Washington long enough——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES. Yes.

Mr. FLETCHER. To continue a little further, reading from that interesting report by the committee in the case to which the Senator from Idaho has referred. He will find that the committee went on further to say:

The decision was made by an authority having exclusive jurisdiction of the subject; was judicial in its nature; and, being made on a contest in which all the facts and questions of law involving the validity of the election of Messrs. Fitch and Bright, and their respective rights to their seats, were as fully known and presented to the Senate as they are now in the memorial of the Legislature of Indiana, the judgment of the Senate then rendered is final and precludes further inquiry into the subject to which it relates.

Mr. BORAH. Mr. President, from what is the Senator reading?

Mr. FLETCHER. I am reading from that report.

Mr. BORAH. The Senator is not reading from the report from which I read.

Mr. FLETCHER. I am reading from the report of June 12, 1858, rendered in the Thirty-fifth Congress.

Mr. BORAH. The Senator is reading from the majority report, and I was reading from the minority report.

Mr. FLETCHER. I was reading from the report of the committee.

Mr. BORAH. Well, I said I was reading from the report of Senator Collamer and Senator Trumbull, and I stated who supported them in that minority view. I did not, of course, state that it was a majority report.

Mr. FLETCHER. The suggestion, Mr. President, that this is a legislative or a quasi legislative proceeding, I think is also erroneous on the part of the Senator. The Constitution of the United States vests legislative power in the Congress as an entity, which includes both Houses. This proceeding has nothing to do with the other House; it is confined alone to the Senate; it is a judicial proceeding, as mentioned in the report from which I have read, and as decided in the case of the New York Indians against the United States, in One hundred and seventieth United States Reports, at page 23. In that case the Supreme Court of the United States said of a resolution adopted by the Senate alone:

It can not be considered as a legislative act, since the power to legislate is vested in the President, Senate, and the House of Representatives.

It not being a legislative act, it is purely a judicial act. I would say further, in connection with the decision once rendered by the Senate in this case, that if that decision had been adverse to the Senator from Illinois and he had been ousted, he could not have appeared here again and insisted upon a reexamination. It would have been absolutely final and conclusive as to him. The very essence and underlying principle of the doctrine of res adjudicata and the doctrine of estoppel is the principle and essence of mutuality. That decision, which is final as to him, must be final as to everybody else. If that decision is final as to him, it is final as to the Senate, because otherwise it could not be mutual.

Mr. BORAH. Mr. President, I want to trespass just a moment to read an excerpt from a decision of the Supreme Court of the United States wherein it says:

In some cases it is difficult to draw a line that shall show with precision the limitation of powers under our form of government. The executive in acting upon claims for service rendered may be said to exercise, if not in form in substance, judicial power. And so a court, in the use of the function essential to its existence, by the adoption of rules or otherwise, may be said to legislate. A legislature, too, in providing for the payment of claims exercises a power in its nature judicial, but this is coupled with the paramount and remedial power.

So the court holds that, while these bodies may exercise, either as a whole or separately, that which is quasi judicial in its nature, it does not take on the qualities of a judgment as rendered by a court, and that the body may go back and review it. I quote another paragraph from a late decision:

The nature of the final act determines the nature of the previous inquiry. As the judge is bound to declare the law he must know or discover the facts that establish the law. So when the final act is legislative the decision which induces it can not be judicial in the practical sense, although the questions considered might be the same that would arise in the trial of a case. If a State constitution should provide for a hearing before any law should be passed, and should declare that it should be a judicial proceeding in rem and the decision binding upon all the world, it hardly is to be supposed that the simple device could make the constitutionality of the law res adjudicata, if it subsequently should be drawn in question before a court of the United States. And all that we have said would be equally true if an appeal had been taken to the supreme court of appeals and it had confirmed the rate. Its action in doing so would not have been judicial, although the questions debated by it might have been the same that might come before it as a court, and would have been discussed and passed upon by it in the same way that it would deal with them if they arose afterwards in a case properly so called.

The mere fact that a legislative body exercises at times a final judgment, as in passing upon claims or in passing upon the title to a seat, the mere fact that these incidental powers necessary and indispensable to its existence as a legislative body are in their nature judicial does not give them the character of a judicial procedure such as we know it when it is had in a court of competent jurisdiction. The very object and the purpose of a court are to terminate a case, to have an end to it, to set people at peace, and the very object and the very nature of a legisaltive body are to have open at all times the question of reviewing its procedure whenever it feels proper to do so.

Mr. JONES. I can not agree with the Senator from Idaho that the Senate is not acting as a court in this matter. The sole issue is, "Was there such corruption in the election of Senator LORIMER as to vitiate his election?" The decision of that question ought to be made entirely on the evidence, and we can not sit other than as judges, and no consideration other than the evidence adduced should weigh in rendering our decision.

When it comes to practical results I imagine the Senator from Idaho and I will not be far apart, as I shall show later on. Of course he, taking the position that this is not really a court or a judicial matter, will not agree with me on my argument based on that proposition. But I have very decided opinions on this question, and I have tried to present them plainly this afternoon. I believe they are fully sustained by authority of the decisions of the courts and by the precedents in the Senate itself.

I have already pointed out that it is the general rule of the courts that no court has a right to vacate its judgment after the expiration of the term at which it was rendered, and that such a rule is adhered to by the Supreme Court of the United States, though there is no power in the Government to overrule this court if it should see fit to take a different course.

In other words, the power of the Supreme Court over its decisions is absolute, just the same as the power of the Senate over its decisions is absolute. The Senate may decide this case to-morrow in favor of LORIMER, and the governor of the State may send a Senator here, and yet the Senate has it in its power—the next Congress, even—to bring up the question and say the man appointed by the governor is not entitled to his

seat and that Senator LORIMER is entitled to it. But I venture to say the Senate would never exercise any such power. It would not have the right to exercise it, although it had the power to do so.

I have already quoted from Bronson *v.* Schulten (104 U. S., 410), showing the rule followed by the United States Supreme Court in reference to opening a case after the term closed. As I said a moment ago, I use the word "term" in connection with the Senate in the same sense as we use the term "the expiration of the term" as applied to a court. The Supreme Court is a continuing body, just as the Senate is a continuing body, but it has its regular term, like the Senate of the United States has its term.

The Senate of the United States should show proper respect to its own judgment. If it does not, how can it expect others to do so? If it vacates a judgment in one case simply because it has the power to do so, why may it not act that way in other cases? What is to prevent a partisan majority from unseating any Member of the opposite party? Anyone can see the dire condition that such a rule might bring about. The reasons which called for the enforcement of the doctrine of res adjudicata by the courts apply even more strongly to the Senate. In the case of the Northern Pacific Railway Co. *v.* United States (168 U. S., 49), the court said:

> This general rule is demanded by the very object for which civil courts have been established, which is to secure the peace and repose of society by the settlement of matters capable of a judicial determination. Its enforcement is essential to the maintenance of social order, for the aid of judicial tribunals would not be invoked for the vindication of the rights of person and property if, as between parties and their privies, conclusiveness did not attend the judgments of such tribunals in respect of all matters properly put in issue and actually determined by them.

The enforcement of this rule by the United States Senate is essential to the very stability and perpetuity of our form of government. Under the foregoing rule and principles this Senate would not question the right of Mr. LORIMER to his seat even though new evidence had been produced to impeach him, his right having been determined by the Sixty-first Congress.

Now, I will answer the question the Senator from Idaho presented some time ago, and in answering him I think I will place myself on about the same basis that he takes in this matter, so far as its decision is concerned. In my view of this case it is not necessary to express an opinion as to what the Senate should do in case new evidence was produced showing corruption in the election of Senator LORIMER, because no such evidence has been produced; but I will say for myself that if new and substantial evidence had been discovered, showing conclusively that he had secured his election by corruption, I would not feel bound to follow these principles to the limit, but I would feel that the Senate would be justified in the maintenance of its own integrity and honor in vacating its judgment and denying to Mr. LORIMER a seat in this body.

In making that statement I realize that I am going contrary to what I believe to be the rule laid down by the courts, but if I were convinced beyond a reasonable doubt—I think I would have to be convinced that far upon a rehearing—by the evidence produced that the election was secured by corruption, I think I would vote to exclude the Member in order that the integrity of the Senate might be preserved and in accordance with my belief in fair and honest elections.

Mr. BORAH. How would the Senator, sitting as a judge, get the newly discovered evidence before him if he holds to the doctrine of res adjudicata in reference to a judgment?

Mr. JONES. I think I can explain that by stating that my position is a little different from that of the Senator. I do not understand and I do not believe that the Senate has yet vacated its former judgment. I do not believe that the passage of the resolution appointing the committee was a vacation of that judgment. I did not vote for it with that idea. I voted for it simply for the purpose of reinvestigating the facts, so that they might be properly presented to the Senate, and the Senate then could determine whether it would vacate its judgment. That judgment still stands as the judgment of the Senate, and will so stand until we finally act on the resolution now pending.

Mr. BORAH. What would be the position of a judge sitting upon a bench in reference to a matter which was claimed to have been closed by a final judgment, who should say, "Notwithstanding this matter was closed, notwithstanding the fact that I have no power to review it, I will hear the evidence to see if you have any newly discovered evidence, and if I find that you have I will ignore this doctrine of res adjudicata"?

Mr. JONES. Under the rule which I have read from the courts—I recognize the force of the Senator's suggestion—I am willing to admit the difference between this body and a regularly constituted court, and will lay down the proposition to that extent, differing from the inflexible rule in the court. I recognize the fact that if I am to adhere in accordance with the rule laid down absolutely, then I will not make this exception. But I am willing to make it, and I think I have a right to make it. I do not believe that we have granted a new trial in this case as a court grants a new trial. We simply appointed a committee to go out and investigate and report the facts to the Senate, and then the Senate is to decide whether or not the judgment is to be vacated.

Of course, a new trial in the Senate differs from one in a court. When a court orders a new trial it vacates its judgment. The Senate does not do it. The Senate, after it vacates its judgment, is concluded. It does not go any further. We make the investigation beforehand and present the facts to the Senate, upon which the Senate determines whether or not it will vacate the judgment, and then, it seems to me, is the proper time for the rule of res adjudicata to be applied.

As I said, I am willing to apply it absolutely, except in cases where on a new investigation evidence is produced which shows almost conclusively that the election was corrupt. Then, when the Senate comes to take final action, I would vote in favor of the purity of the election.

This matter is just like almost any other legal proposition. While we are all presumed to know the law, almost all of us look at it in a different way, and none differ so much as to what the law actually is as the lawyers.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. JONES. Certainly.

Mr. CRAWFORD. I do not want to detain the Senator, but I simply call attention to this thought: The mere fact that in passing upon this case and similar cases the Senate exercises a judicial power, or a quasi-judicial power, does not mean that in exercising that judicial power, or quasi-judicial power, the Senate is bound to follow the rules that courts have adopted for the exercise of the judicial powers vested in them. The Senate can exercise this judicial power, or quasi-judicial power, in any way it sees fit. So that in no sense, except by a rather far-fetched analogy, are these rules that the courts have adopted binding upon the Senate. The Senate has fixed no rule for procedure, except that in the very few cases that have been cited it has declared its attitude, and in those cases there have been minority reports.

So, I fail to see the force of quoting in extenso from the rules of courts when, as the Senate, we simply possess a judicial power that we can exercise in any way we see fit.

Mr. JONES. I have been very unfortunate, Mr. President, if I have not made clear my position in that regard. I have said, time and again, that the Senate has absolute power to do exactly as it pleases with reference to this matter. It is bound by no rule in this respect. It is not even bound by the Constitution. The Constitution leaves its powers absolute and despotic.

As I have said before, we could decide in favor of Senator LORIMER to-day, and we could decide against him to-morrow, and at the next session we could again decide in his favor, and at the following session we could decide against him, and 10 years from now we could pass a resolution declaring that Senator LORIMER was entitled to his seat at a time when we said he was not. But I venture to say we would not do that.

We have absolute power over this matter, and it is simply a question of how we should exercise it. It is simply a question whether we will act in accordance with well-settled rules and principles, or whether we will act arbitrarily according to the whim or opinion of the majority. I have been contending that we should exercise the power in line with the precedents in the Senate itself and in accord with similar rules adopted by the courts, and especially by the Supreme Court of the United States, which is not bound by the action of any other tribunal, whose decisions can not be reviewed by any other tribunal, and which has held that when it has rendered a judgment and the term has expired and no steps are taken to reopen it, it will not do so; that while it has the power, it has not the right to do it. That is all. That is simply my position.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES. I will yield, though I would like to get along.

Mr. REED. Is not that the very distinction between the courts and the Senate? Of course, the courts have repeatedly refused to inquire into a judgment after the term of court has expired, unless some motion is filed to carry the case over; and invariably the refusal of the court has been upon the single ground that under the law they have no jurisdiction or power after the term has expired.

The Senator has conceded that this body does have the power that is under discussion. When he makes that admission, he admits that the rule adopted by the courts has no potency here. The courts refuse to interfere from lack of power, whereas the Senator concedes that we do possess the power. I think when he concedes that he concedes the entire argument.

To conclude what I started to say, there are a number of States that have changed the law and have provided for review upon petition filed a year after the term has expired. In one State that I have in mind I think the limit is three years. In the States where the law has been so changed that the court does possess the power it is frequently exercised.

So we come back to this: The courts refuse to interfere because of lack of power under the law, and only for that reason. We possessing the power under the law have full right to exercise it if conscience and right demand such exercise.

It seems to me the Senator concedes the whole question when he concedes that we do possess the power.

Mr. JONES. Mr. President, I did not concede that the courts refused to exercise this power because they did not have the power to do it. I contend that the Supreme Court of the United States has the power, but that of its own volition it refuses to exercise it, for the reasons given.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator further yield to the Senator from Missouri?

Mr. JONES. I do not believe it is necessary to pursue that phase of the matter, but I yield.

Mr. REED. While the Supreme Court might brutally do a thing, the Supreme Court is bound by the Constitution and the law. The law is so written that if it did exercise the power it would violate the law. Therefore, it does not possess the power, except as it may exercise arbitrary force. When we are speaking of a power we are speaking of a legal power and a legal right. The Supreme Court did not possess it; hence it refused to exercise any other power than a legal power. But here we do have the legal power. That is the distinction.

Mr. JONES. The Supreme Court of the United States has the legal power, Mr. President. There is no constitutional or statutory provision prohibiting the Supreme Court of the United States from opening a judgment after the expiration of the term. But while it has the power to do it, it has refused to do it, not because of legal or constitutional restrictions, but simply because it does not think it is the proper rule to follow.

However, that is not this case. No new evidence has been discovered impeaching Senator LORIMER's title, or showing clearly or at all that his election was secured by corruption. On the contrary, I am absolutely convinced that he was honestly elected and that his right to a seat in this body should not be questioned. For this Senate to vacate the judgment rendered at the preceding Congress is to violate the unbroken precedents of the Senate itself and to invoke the rule of might instead of the rule of right.

I believe it my duty to decide this case as a judge and not as a partisan or a factionalist. I have endeavored to weigh the evidence in its entirety and to reach a verdict in accordance with the law and judicial procedure that has been evolved in the progress of civilization for the purpose of insuring justice to the individual and protection to the State. In saying this I do not intend to suggest even that any of my colleagues are acting differently. I do know, however, that many people in this country would have us act differently. There are great and powerful newspapers who would have me voting against Senator LORIMER regardless of my conviction of his innocence, and they advocate this under the guise of progress and good government. Many seem to think the question has become a public or national one, and a vote on this matter is taken as an evidence of progress or reaction, as an evidence of devotion to the interests of the people or as an evidence of enmity to honest elections, as an evidence of hatred of bribery, or as an evidence of its approval.

There are those in the country who will say that those who vote for Senator LORIMER approve bribery and corrupt election. There are those in the country who will say that a vote cast against Senator LORIMER is a vote cast against corruption and bribery. I know Members of the Senate do not look at the matter in that way. I know Members of the Senate do not look upon those who vote for Senator LORIMER as approving corruption and as approving bribery. I think every Senator ought to make it plain to the people of the country that this case must be decided upon its merits, and that those who vote for or against Senator LORIMER are each just as patriotic and just as devoted to the principle of purity in elections as any others.

There is a spirit of intolerance abroad in the land that is to be deplored. This is not a political question and it ought not to be made one. It ought not to be decided in any factional spirit. It ought not to be decided on impressions or beliefs, but upon conviction based upon the law and the evidence.

Is it possible that when a man is charged with dishonesty and corruption he is to be convicted and condemned because he does not agree with the popular idea upon some political question? Has it come to this, that the people prefer representatives who will subordinate their honest convictions to popular clamor not only upon legislative matters but upon judicial issues as well? Is there any fair man who, if charged with a crime, would like to have the jury pass on his case according to public opinion instead of according to the evidence? Is there a fair, honest man who, serving on a jury and convinced that the man he is trying is innocent, would disregard the law and the evidence and bring in a verdict of guilty because the popular impression is that he is guilty? And yet there are thousands who have not read the testimony, or much less heard it, who can see nothing but corruption in a vote for Mr. LORIMER by those who have seen the witnesses on the stand, heard their testimony, and are convinced of his innocence.

Some say the people have read the evidence. I deny it. The people have read biased, garbled, partisan extracts of the evidence, but there is no paper in the land that has printed all of the evidence or any considerable part of it. Those who have printed the most have printed that part of the evidence which supports their views. Papers favorable to Senator LORIMER have printed that part of the evidence favorable to him. Papers unfriendly to him have printed parts of the evidence that are unfavorable. The papers taking a special interest in the matter are those unfriendly to Senator LORIMER. This is natural. Our enemies are always more active against us than our friends are for us, and when we consider that most of the great daily papers of Chicago are against Senator LORIMER and have in season and out of season presented this case in a biased and unfriendly way, while practically all of the papers outside of Chicago have said but little one way or the other, we can fully understand why the people have honestly obtained the impression that there is no doubt but that his election was secured corruptly. Added to this, the so-called progressive papers have espoused the reactionary spirit of presuming a man guilty until he proves his innocence, and have even gone so far as to disregard and ignore all the principles of justice that have come to us through the ages and propose to decide this question by the rule of might rather than by the rule of right.

Some Democrats believe Senator LORIMER innocent; some believe him guilty. Some Republicans believe him innocent; some Republicans believe him guilty. All progressives know he is guilty. Is it possible that it is progression to assume a man guilty because he is charged by some one with an improper act? That is not my idea of progress. Is it progress to hold a man dishonest and corrupt who does not agree with us? I do not believe in that sort of progress. Is it progress to refuse a man a seat in this body because he does not believe in one political faction or follow certain political dogmas? That may be progress for awhile, but the American people will not adhere to it long. Our people are, on the whole, fair and just. They will not long admire or approve the judge who makes his decision to suit their view and will rather than his honest convictions; and, fully appreciating the public impression regarding this case, I shall cast my vote trusting in the justice and fairness of the people to approve adherence to honest convictions of duty, even though they may not agree with one's judgment. Men are threatened with political oblivion if they do not act in a certain way, and it is peculiar that self-styled progressive newspapers and individuals who are opposed to domination and tyranny in politics seem to exert their utmost to compel men to vote in accordance with their views. This is a confession of the weakness of their cause and would be ridiculous if it were not so serious.

The distinguished Senator from Indiana said that it is suggested that the people are not interested in this question. I have never heard such a suggestion made. The people are interested in this question. They are interested, however, in having it decided justly and honestly. If Senator LORIMER was elected corruptly, they are interested in the verdict accordingly, but, Mr. President, if he did not secure his election by corruption they are even more interested in having us so declare. The people are interested in this question not as a matter of legislation, but they are interested in having the Senate acting within its rights and acting as a court in doing justice to Senator LORIMER according to its honest convictions of the evidence which it has taken and with which it ought to be more familiar than they. The people expect us to do our duty regardless of public clamor and prejudice.

The Senator from Montana said:

I do not care what public opinion is.

Of course, he did not mean it exactly that way. We do care for public opinion. I care for public opinion. I like to please my people by my course here. It is far easier to act in accordance with the opinion of the people than against it, but, like the Senator from Montana, I purpose casting my vote pursuant to my convictions of duty under the law and the evidence as I see it in this case. Some may condemn me for it and applaud him for his vote, and yet he and I vote on exactly the same sense of duty and responsibility.

He says that public opinion "has nothing to do with the trial of this case. Public opinion is not a part of the record in this action."

That is my position exactly.

The enemies of Senator LORIMER, however, the newspapers that have been filling their columns with opinions, editorials, and statements as to what Senators should do here and what the effect will be upon them if they do not vote in a certain way, do not act on this theory. They seem to think that it is their place to create a public sentiment that will dash against the doors of this Senate and overcome the convictions and judgments of its Members and compel them against their will to disregard the evidence, pay no attention to the justice and merits of this case, but to deprive Senator LORIMER of the seat which the solemn verdict of the Senate has confirmed to him.

I do not want to believe that there is a Senator here who will do it; and it would seem important to declare, so that the public may read, that this Senate proposes, no matter what its verdict may be, to cast its verdict not in pursuance of public clamor and public demand, but in pursuance of what it believes to be the law and the evidence and the merits of the case. This has gone so far that strong men, fair-minded men, who desire to do what is right, have given up, as it were, in disgust, and said, "Let us end this matter, put LORIMER out, and close the case." A great newspaper in my State has practically taken this position. A very good friend of mine, running a newspaper in my home town, has said "LORIMER should go on general principles." Has justice fled to brutish beasts? Have we lost all sense of fair play? Have we, as a Nation and as a people, embraced the principles of lynch law? It looks like it. We believe in fair play. We have heard much of the square deal, and the people believe in it. Has Senator LORIMER had a square deal? Is he having a square deal now? When the people of this country come to consider the methods pursued in this case and the tremendous influences that have been brought to compel and coerce the Senate against him, they will revolt at what has been done.

When these charges were made testimony was taken, and the trial was begun in the Senate. While we were sitting as a court and acting as judges the President of the United States attempted to influence some of the judges against Mr. LORIMER and enlisted the powerful influence of an ex-President of the United States against him. I have a great admiration for President Taft. I believe in his ability, his statesmanship, his honesty, his integrity, and his courage. When the people understand him, when they realize what he has accomplished in the line of real progress and for the good of the people, they will appreciate how greatly he has been maligned and misrepresented; but this yielding on his part to popular clamor in this case is one blot on his record that never will be effaced. Letters from men representing powerful newspapers and powerful influences were written to the Members of the Senate in confidence, stating alleged facts of which the writers had no knowledge but which had been given to them in confidence and the truth of which they vouched for. If this is to be tolerated, is there any Member of this Senate who is safe from such insidious attack?

An ex-President of the United States, both loved and trusted by the people as no President in the history of the Republic, was sought out by a bitter enemy of Senator LORIMER, and was told by him of statements made by another enemy of LORIMER, but as a friend of the ex-President Mr. Kohlsaat assured him that statements of which he had no knowledge were true, and on this assurance and while a committee of the Senate was making its investigation the ex-President denounced Mr. LORIMER with the apparent purpose of inflaming public opinion against him. Even though the first Senate committee was in session these alleged facts were not called to its attention. The Senate was allowed to pass judgment. That judgment was in favor of LORIMER, and then and not till then these secret statements were made public and this new investigation had, and these statements upon which the ex-President acted are shown to be untrue and unfounded.

Will the American people stand for a deal like this? Is that the square deal of which we are so boastful? Then, after the Senate had deliberately voted in favor of Senator LORIMER, this whole power was enlisted against him. Allegations of new evidence were made. The evidence which had been brought to the attention of some of the Senators before the former judgment was rendered and which fairness to the Senate and fairness to Senator LORIMER required should have been presented before the verdict was rendered and a new Senate, a Senate one-third of whose membership had been elected since that verdict, was asked to reinvestigate this question. A further investigation was ordered. While it has been pending threats have been made that Senators would be defeated because of their votes. A former President of the United States, as a candidate for nomination to the Presidency, made this question an issue in his campaign, and, with no opportunity for defense, Mr. LORIMER has been held up to scorn and obloquy before partisan audiences, and we in this Chamber are told that unless we deprive him of his seat we will lose our own. Is there a man with real American blood in his veins who with a calm judgment and in the presence of his own conscience will say that this is a square deal?

Mr. President, I have heard the testimony in this case; I have seen the witnesses testify; I have tried to measure and weigh all of the testimony. I am convinced that the testimony does not show that there were any corrupt practices exercised in the election of Senator LORIMER. I am satisfied that his election was the natural outcome and the inevitable outcome of the political situation in Illinois. I am satisfied that the new evidence upon which this Senate was asked to reopen this case has absolutely failed to materialize. I am satisfied that Senator LORIMER holds his seat in this Senate by just as perfect a title as any Member here. My conscience and my judgment coincide with that view. Believing that, I can not vote otherwise. I would not vote otherwise if every man, woman, and child in my State asked me to do it. I want to please them, but I must please my conscience first. If I go to political oblivion in the future by reason of my vote on this case, I will go at peace with my own conscience and with the satisfaction of having done what is just and fair and right as I see it. I would rather retire from this honorable body with the approval of my own conscience and judgment than to retain a place here indefinitely by disregarding my convictions as to my duty. No, Mr. President; I will not seek place and power and honor at the sacrifice of an approving conscience.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. The Senator from Utah.

Mr. SMOOT. The Senate has been in session now for over seven hours.

Mr. BORAH. Will the Senator yield for just a moment?

Mr. SMOOT. Certainly.

Mr. BORAH. I desire to have permission to put into the RECORD, in connection with some remarks I made awhile ago, some excerpts from the CONGRESSIONAL RECORD on this subject which we were discussing.

The PRESIDENT pro tempore. Without objection, consent will be granted.

The matter referred to is as follows:

[From the Congressional Globe, February 11, 1859, pages 957 and 958, part 1, second session Thirty-fifth Congress.]

INDIANA ELECTION QUESTION.

Mr. SEWARD.

* * * * * * *

It is answered to this proposition which I have submitted; that the Senate has already decided the question as to the title of these seats; that the decision is a judicial one; final, absolute, irreversible; and so one which can not admit of reconsideration. This seems to me an extraordinary proposition. I can not conceive upon what ground it can be claimed that any decision which has ever been made by this body is incapable of reconsideration. I can conceive of a mistaken theory of the constitution of the Senate which leads to this extraordinary conclusion. I imagine that Senators coming from a different forum, coming from the bar, coming from courts of justice, and familiar with their proceedings and practices, suppose that when the Senate decides upon a question of elections or of privilege like this it pronounces a judgment and similar to the judgment of a court; and then they invoke the principle that the deliberate judgment of a court from which there is no appeal and which has no power of reconsideration is final. I take issue with the whole of this theory, from beginning to end. It is true the Constitution does say that each House of Congress shall be the judge of the qualifications of its own Members; but it uses the word judge in the sense of considering and determining a legislative question, not in a sense which converts this legislative body into a tribunal or court of justice. It is of the very essence of the constitution of the Senate that it is not in any case judicial except when it sits as a court for the trial of impeachments, and then it is called no longer a Senate, but is called a court, and expressly constituted a court by the organic law. In all other cases it is a legislative body.

The order which has been adopted with regard to this Indiana question is but a resolution, a legislative act, a gathering of the sense of a majority of the Senate, conclusive and final until reconsidered or repealed or abolished or legislated away by another resolution or by another law. Suppose a seat should be granted here, on due consideration of credentials, which should afterwards be ascertained to be forged. Must the guilty incumbent nevertheless retain a place among us and unite in deciding on the interests and policy of this great

Nation? Must he do so, even excluding a legal and true representative of the State misrepresented?

This is the very essence of a legislative body in this country, that it is bound by no precedents, that it is governed by no paramount law except the Constitution of the State or of the United States. Where the Constitution of the United States does not restrain its action, it is at liberty to act upon its discretion, upon its sense of justice, to-day, and to reverse to-morrow what it did to-day, and to reverse 50 years hence what it did 50 years ago. All legislative bodies—the Parliament of England and parliaments everywhere—have always been governed by this principle. Even in those semijudicial transactions, those acts which assume something of a judicial character, affecting personal and individual rights and estates, acts of confiscation and of attainder, in the British Parliament they are perpetually reconsidered; sometimes the next day, even before the sentence of deprivation is executed; sometimes the next year, sometimes 10 years, sometimes 50 years, after they have been executed, and they are reversed at pleasure.

Mr. SEWARD. Mr. President, the constitution of a court is entirely different from the constitution of a legislative body. It is of the very nature of a court of justice that it is directed by laws written and prescribed by a superior power, and to which it must conform its judgment. It must, moreover, proceed upon the evidence or testimony received. It can and must exclude all knowledge of the subject matter of the merits of any case which it examines, except what is submitted to it by parties litigating before it; it must conform to laws and precedents which have been established by itself or by higher tribunals or legislatures. Now, how different is this from the form in which questions are heard, tried, and determined here? We take no testimony; that is to say, we need to take none. We act upon information communicated to us, no matter by whom received, no matter in what way, even on information existing in our own breasts, which we may, if we choose, suppress. We act not necessarily in obedience or conformity to any precedents, but upon our own sense of right, necessity, and expediency with regard to the public welfare. Insomuch as we have no guidance except the Constitution, which is silent in regard to the great mass of matters which come before us, as we have no formal testimony submitted to us, it follows that we may err; that we do often err; and it is because we can and may and must err so often that we are made responsible to the people to answer for the manner in which we discharge our great duty, at the expiration of limited terms of service, that the people may judge whether we decided in all cases rightly, whether we decided wisely, whether we decided justly. But insomuch as we may err so often and must err so often, we also have always a right to review and correct our errors; legislative errors are not corrected by hired tribunals, but only by themselves. We can only correct our errors by reconsidering our judgments ourselves. If we neglect or refuse to do so, the people will dismiss us and call into our places those who can, and, if need be, will, revise all our doings and correct all our errors.

I protest, therefore, sir, in the outset against the doctrine which, by fanciful analogy, transfers from the law books of the courts to this Senate Chamber the principle of res adjudicata. I deny that any decision which the Senate can make, any law which it can pass, is final and is not always and forever a subject of reconsideration.

[From the Appendix to the Congressional Globe, pt. 2, Feb. 14, 1859, pp. 135, 136, 137, 35th Cong., 2d sess.]

INDIANA ELECTION QUESTION.

Mr. FESSENDEN. If the Senator will allow me, I desire merely to ask him a question of law on the point which he is arguing. Suppose the charter of a city gives to the board of common council, or the board of aldermen, as they all do, to decide upon the elections of their own members. Suppose either body, the aldermen or the common council, decides on a certain day that a certain person whose seat is contested is legally elected. On a subsequent day the board reverses that decision by a vote and decides that he is not legally elected. He files his petition for a mandamus in the court having jurisdiction to compel the council to admit him to a seat. Would the court, in view of those two decisions, feel bound to issue the mandamus without compelling him to show, in addition, that he was actually elected? Would they say that the first decision was binding, that they could not reverse it, and that they would not ask who was elected?

Mr. SEWARD.

* * * * * * *

Why, sir, we have sat here hour after hour, and learned gentlemen of the law discuss the question of the effect of a resolution of the Senate by analogies derived from the practice and proceedings of courts of the common law. We have had analogies between the proceedings of the Senate and the process of mandamus in the State courts, together with parallels between our own resolutions and judgments, final and interlocutory, in the tribunals of other countries. We have had the decision of the Senate, made in the form of resolutions, pronounced by worthy lawyers to be in effect identical with judgments in rem, borrowed from the civil law. Because a judgment of mandamus, or some other final judgment, entered upon a record, instead of an interlocutory order, is, without some provision made for its review, held final in the courts, it is alleged, most illogically, that the resolutions of this body are final and irreversible.

Sir, when you have declared that the Senate has ever made a decision which was final and irrevocable, then you have ascertained one decision of this Senate that was infallible; and the body that has power to make one infallible judgment has the power to make more. So each Senate may anticipate and usurp the functions of its successor. The principle, then, for which our assent is demanded is that the resolutions and orders of this Senate upon the subject of elections are infallible. Gentlemen tell us we must acquiesce out of respect to the Senate; that we must submit, though we think they are wrong; we must not question them.

* * * * * * *

I am claiming only the vindication of the principle for which I contend, namely, that its decisions are always open to review, and that the Senate never pronounces a final judgment upon anything.

RECESS.

Mr. SMOOT. Mr. President, the Senate has now been in session for over seven hours, and I understand that there is no Senator who desires to proceed this afternoon. I therefore move that the Senate take a recess until 10 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 14 minutes p. m., Wednesday, July 10) the Senate took a recess until Thursday, July 11, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 10, 1912.*

The House met at 12 o'clock noon.

Rev. John Compton Ball, of the Metropolitan Baptist Church, Washington, D. C., offered the following prayer:

Our heavenly Father, in the opening moments of this day's proceedings, we stand in reverence before Thee, thanking Thee for past mercies and pleading that Thou wilt continue the same unto us. Let Thy benediction, we pray Thee, rest upon our land and every citizen thereof, and especially do we pray that Thy blessing rest upon this House of Representatives as its Members plan for the present and future betterment of the people.

We pray, O God, that the power of Thy spirit may be with us as a country and that we may ever stand before the nations of the earth as the exponent of the things that are right and pure and good. In the name of Christ our Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

COTTON STATISTICS.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that the Committee on the Census be discharged from the further consideration of the bill (H. R. 19403) authorizing the Director of the Census to collect and publish cotton statistics, with Senate amendments, to the end that I may move that the House disagree to the Senate amendments thereto and ask for a conference.

The SPEAKER. Of course the House understands that this is Calendar Wednesday, but it seems to the Chair that little conference matters like this might be gotten out of the way. The Chair is not ruling upon it, but is making a suggestion.

Mr. MANN. What is the purpose of this, Mr. Speaker?

Mr. HOUSTON. Mr. Speaker, I am asking that the Committee on the Census be discharged from the further consideration of this bill in order that I may move to disagree to the Senate amendments and ask for a conference. I will say that this is quite an urgent matter, in view of the fact that the special agents who go out to gather this information are due to start out on the 1st of August, and it is very necessary that the laws on that subject be codified, which this bill does, that they may know just under what rules they are to collect these statistics.

Mr. MANN. I would suggest to the gentleman that where a bill with Senate amendments is referred to a committee in this way, if he wishes to discharge the committee by unanimous consent, it is only fair to the minority that we have notice of that in advance, so that we may examine the amendments.

Mr. HOUSTON. Mr. Speaker, I will state that this matter was brought before the Committee on the Census, and it was the unanimous view of the committee, both majority and minority, that this course be taken, and the committee recommended it.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I will ask the gentleman to let it go over for the present, so that we may look into it.

The SPEAKER. The gentleman from Illinois objects.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, with Senate amendments thereto, disagree to all of the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the naval appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees on the part of the House: Mr. PADGETT, Mr. GREGG of Texas, and Mr. FOSS.

COTTON STATISTICS.

Mr. HOUSTON. Mr. Speaker, I now renew my request for unanimous consent to discharge the Committee on the Census from the further consideration of the bill (H. R. 19403) authorizing the Director of the Census to collect and publish cotton statistics, with Senate amendments thereto, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The SPEAKER announced the following conferees on the part of the House: Mr. HOUSTON, Mr. SMALL, and Mr. CRUMPACKER.

MRS. C. N. GRAVES—CHANGE OF REFERENCE.

Mr. TURNBULL. Mr. Speaker, I ask unanimous consent to change the reference of the bill (S. 1302) for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr., from the Committee on Claims to the Committee on War Claims.

The SPEAKER. Is there objection?

Mr. MANN. What is the bill?

Mr. TURNBULL. It is a private claim. The bill has passed the Senate and was referred to the Committee on Claims in the House, whereas it should have been referred to the Committee on War Claims.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

DEPARTMENT OF LABOR.

The SPEAKER. This is Calendar Wednesday and the call rests with the Committee on Labor. The bill under consideration is H. R. 22913, to create a department of labor.

This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Missouri [Mr. RUSSELL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22913, a bill to create a department of labor, with Mr. RUSSELL in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 22913) to create a department of labor.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. WILSON of Pennsylvania. Mr. Chairman, this bill proposes to establish a department of labor and to change the present Department of Commerce and Labor to a department of commerce. It provides a secretary of labor, who shall be a member of the President's Cabinet; three assistant secretaries, a Solicitor of the Department of Justice for the department of labor, a chief clerk, a disbursing clerk, and such other clerks, inspectors, and special agents as may be provided for by Congress. It transfers the Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration, the Immigration Service at large, the Bureau of Labor, and the Commissioner of Labor from the Department of Commerce and Labor to the department of labor. It changes the title of the Bureau of Labor to the bureau of labor statistics, and the Commissioner of Labor to the commissioner of labor statistics, and transfers the duties of the Commissioner of Labor to the commissioner of labor statistics, including those imposed by the Erdman Act. It authorizes the collection and publication of statistics relative to the conditions of labor and the products and distribution of the products of the same, and authorizes the secretary of labor to call upon other departments of the Government for such statistical data as they may have wished would be valuable for that purpose. It authorizes the secretary of labor to act as mediator and to appoint commissioners of conciliation in labor disputes, thereby giving the influence of the Government toward industrial peace. It directs the secretary of labor to investigate and report to Congress a plan of coordination of the activities of his office with the activities of the present bureaus, commissions, and departments, in order to harmonize and unify such activities, with a view to further legislation to further define the duties and powers of the department of labor.

Mr. Chairman, for many years there has been a great demand for the establishment of a department of labor in which the great labor interests of the country might be represented in the President's Cabinet. There are in the neighborhood of 30,000,000 of workmen employed in the United States, and notwithstanding that fact, notwithstanding the fact that the great bulk of our people are wageworkers or farmers, there has been no representative of labor in the President's Cabinet up until this time. One of the beneficial features, one of the most important features, there is in this bill is the feature in the section which gives to the secretary of labor the power to act as mediator or to appoint commissions of conciliation in trade disputes. Those who have had experience in trade disputes know that in their early stages when the tension is not great, when both sides to the controversy are in a receptive frame of mind, that some one who has the confidence of both parties, acting as a mediator, would be in a position to bring the contending parties together and thereby avoid industrial disputes to a great extent. It is not to be expected, it can not be hoped, that giving this power to the secretary of labor would entirely avoid industrial disputes, but it would tend to reduce them to the minimum.

When a trade dispute is inaugurated or begun is the time to act as a conciliator or as a mediator. When it goes on until the workmen have reached the point that they consider that the employer is a bloodthirsty oppressor of labor, and the employer has reached the point when he considers that the workmen are anarchists and lawbreakers, then there is little hope or little chance to avoid a settlement of the difficulty until some one of the parties to the contest has been exhausted; but if we reach the controversy before it has reached that stage, then you are in a position to bring the contending parties together and allow them to work out the solution of their own problem. It is not intended to give to the department of labor or the secretary of labor powers of arbitration or in any manner convey to him powers that would be of an arbitrary nature. Personally, I do not believe that compulsory arbitration is possible. With compulsory arbitration, if it were possible, two things might occur, one of which would be that the workmen might be compelled to accept conditions and to work under conditions that they feel to be onerous, that they feel to be unjust, that they do not want to work under yet are compelled to work whether they want to or not, and a condition of that kind is slavery. On the other hand, if it is compulsory arbitration then the employer of labor might be compelled to employ men and continue operations at a loss until his entire property had been swept away. Both conditions are wrong. And in addition to that compulsory arbitration is unfair to the wageworkers. There has been a great deal said throughout the country with regard to compulsory arbitration, and that it ought to be placed in our laws in order to protect the general public. But with compulsory arbitration there is a clean-cut dividing line between profit and loss that protects the employer of labor against any unfair or unjust decision on the part of arbitrators in rendering their decisions.

There is a direct and clean dividing line to guide them in rendering their decision that would protect the employer against any injustice or unfair decision, but with the employee, on the other hand, it is different. There is no distinct dividing line there. The standard of living is a flexible proposition that may be enhanced or lowered and the workman still live. He has no distinct dividing line to protect him, and hence compulsory arbitration entered into under those circumstances would be unfair and unjust to the workingmen, and the only condition under which arbitration can be entered into that would be fair and just to the wageworker is when arbitration has been determined upon and the necessary safeguards have been agreed upon in advance to protect the wageworker in the results of the arbitration.

Mr. HOBSON. Will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. HOBSON. Does this bill contemplate the determination by the bureau of the conditions of arbitration?

Mr. WILSON of Pennsylvania. No.

Mr. HOBSON. Or do not the contending parties have to agree themselves mutually to the arbitration?

Mr. WILSON of Pennsylvania. I am simply stating that this bill does not go so far as to provide for arbitration. It goes to the extent of providing for mediation. It provides for conciliation; it provides for the officer of the Government having that standing which comes with being an officer of the Government and having the influence of the Government behind him, acting as a mediator between the contending parties, acting at the very inception of it before feeling has become strong between the contending parties.

Mr. HOBSON. I was just bringing it up because I did not understand the gentleman to mean that arbitration could not be properly guaranteed for both parties in advance.

Mr. WILSON of Pennsylvania. The only way in which arbitration can be entered into between employer and employee, in which the rights of both parties can be properly protected, is by both parties getting together and agreeing upon the basis upon which arbitration shall be entered into.

Mr. HARDY. Will the gentleman yield just a moment?

Mr. HOBSON. Certainly.

Mr. HARDY. I would like to ask if the gentleman has made somewhat of a complete study of the Canadian system, which seems to be very much on the line of the provisions of this bill—a mere system of persuasion or mediation?

Mr. WILSON of Pennsylvania. This bill does not go so far as the Canadian system goes.

Mr. HARDY. The Canadian system, as I understand it, has one provision that no lockout or strike shall be declared until an effort has been made through the medium of the board of conciliation provided by their law.

Mr. WILSON of Pennsylvania. This law does not provide for keeping workmen at work, either of their own volition or otherwise, pending negotiations. The Canadian law provides that the workmen can not be locked out in a body and the workmen can not strike in a body until after the commissioner has made an investigation.

Mr. HARDY. This law does not so provide?

Mr. WILSON of Pennsylvania. This law does not so provide.

Mr. HARDY. And is not that the main difference between this and the Canadian system?

Mr. WILSON of Pennsylvania. That is the principal difference between the Canadian law, which does not work satisfactorily to the wageworkers, I may say to the gentleman, and the provision in this law providing for mediation and conciliation.

Mr. HARDY. Is the gentleman prepared to give the House the information as to how many disputes have been under consideration by the Canadian commission and how many have been adjusted satisfactorily to both parties?

Mr. WILSON of Pennsylvania. No; I am not in a position to give the gentleman that information.

Mr. HARDY. I just wanted to say that my reading on that subject has led me to the conclusion that that measure in Canada probably has worked with remarkable success, though not perfectly, however, and it may be that the omission of that provision in this bill is a wise one, but it seems to me it is well worth considering.

Mr. WILSON of Pennsylvania. In my judgment, no law should be enacted in the United States that would prohibit the workingmen from ceasing to work either individually or collectively whenever, in their judgment, the conditions were not satisfactory to work under.

Mr. HARDY. I wanted to make this suggestion, that it seems to me it was a little like peace propositions adopted on the resolution of Bryan prohibiting nations from going to war until after an effort at adjustment and arrangement as to peace; that labor and capital both might be benefited by a temporary delay before resort to last measures. That is the only compulsory feature of the Canadian law, and that might be a wise provision in this bill.

Mr. WILSON of Pennsylvania. In my judgment, it would not be a wise measure. I do not believe we should introduce into our laws the idea that any workman, no matter who he is, should be required to labor against his will except for punishment for crime.

Mr. LONGWORTH. Mr. Chairman, does the gentleman yield to me for a question?

Mr. WILSON of Pennsylvania. Certainly.

Mr. LONGWORTH. Does this bill come with a unanimous report from the committee?

Mr. WILSON of Pennsylvania. This bill comes with a unanimous report from the Committee on Labor.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to his colleague?

Mr. WILSON of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. On the question of arbitration, which seems to be referred to only in section 9, it is provided—

That the secretary of labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes.

And so forth.

The authority given by this paragraph to the secretary of labor goes no further than the employment of commissioners of mediation?

Mr. WILSON of Pennsylvania. That is all. The only power that he has is to act himself as a mediator or to appoint commissioners of conciliation. That is as far as his power goes in an effort to bring the contending parties together and to let them, when brought together in the proper frame of mind, work out the solution of their own problems.

Mr. MOORE of Pennsylvania. If a department like this is to be created I should like to see it made effective, and I should like to see it do some good to those whom it is intended to benefit. I would like to know, therefore, whether in the event the secretary of labor, acting as mediator, determining a question, or arriving at a judgment in some dispute as between employer and employee, would have any power whatever to enforce his judgment?

Mr. WILSON of Pennsylvania. Absolutely none.

Mr. MOORE of Pennsylvania. Then what would be the advantage in having this legislation?

Mr. WILSON of Pennsylvania. The great advantage lies in the fact that you would have a great official of the Government who can go to both parties engaged in the dispute and endeavor to bring them together, just as the Erdman Act operates in interstate commerce at the present time.

Mr. MOORE of Pennsylvania. Suppose the mediators appointed by the secretary should, after hearing both parties or making such investigation as they deemed necessary, report that the employers were wrong, and the employers should then refuse to abide by their judgment?

Mr. WILSON of Pennsylvania. This bill does not provide for any report on the part of the secretary while acting as a mediator, or any report on the part of the commissioners of conciliation. Their sole duties are to endeavor to bring the contending parties together and to allow them, when brought together, to work out the solution of the problem before them.

Mr. MOORE of Pennsylvania. And then leave the whole question to public opinion?

Mr. WILSON of Pennsylvania. Yes; then leave the whole question to public opinion and to the judgment of the contending parties.

Mr. MOORE of Pennsylvania. Then, in the event of the workingmen or employers asking for arbitration or mediation, contending that the judgment is not fair to them, and declaring that they will not abide by it, we get no further under this bill than we were before.

Mr. WILSON of Pennsylvania. This bill provides for the rendering of no judgment whatever in a particular dispute. It provides for a person in authority endeavoring to bring the two parties together, so that they may solve the problem themselves in their own way, using the force of public opinion, as a matter of course, in the effort to adjust the difficulty.

Mr. MOORE of Pennsylvania. Suppose there should be a contractual relation between the employer and the employee? That is to say, an employing bricklayer should have an agreement with the bricklayers employed by him, and there should be a difference of opinion as to the meaning and terms of an agreement or a contract and a dispute should arise over that difference of opinion. Would there be any power vested in the department of labor that would permit the secretary to enforce the terms of the agreement so ascertained?

Mr. WILSON of Pennsylvania. There is nothing in this bill that would permit the department of labor to intervene in a case of that kind, except in a friendly way. Unless the contract itself provided the means of adjustment, the two contending parties would either have to adjust the difference themselves or take it into the courts for adjustment.

Mr. MOORE of Pennsylvania. To the courts?

Mr. WILSON of Pennsylvania. That is the only recourse they have now, and this does not change that.

Mr. MOORE of Pennsylvania. Then the gentleman admits, so far as the creation of this department is concerned, that in matters of dispute between employer and employee the department would simply accentuate the differences?

Mr. WILSON of Pennsylvania. Not at all. It would simply do as the Commissioner of Labor does now, and as the chairman of the Interstate Commerce Commission does now, under the Erdman Act. It would simply give to the secretary of labor the power not only in disputes relative to interstate commerce but in other disputes, to go in and act as a mediator, as a friend of both parties, in an effort to bring the two parties together so that they could solve the problem themselves.

Mr. MOORE of Pennsylvania. That is done now, so far as it is possible to do it, through the Commissioner of Labor?

Mr. WILSON of Pennsylvania. That applies only in interstate commerce, and does not apply in anything else.

Mr. MOORE of Pennsylvania. But in the event of a railroad dispute the Commissioner of Labor would step in, if conditions warranted it, and would offer his services as mediator?

Mr. WILSON of Pennsylvania. That is true in that instance, and that instance only; but under the Erdman Act he has no power to compel either side to accept arbitration or to compel either side to accept his views in connection with the controversy. This does not propose to give to the secretary of this department any power other than to use his friendly offices in an effort to adjust disputes.

Mr. MOORE of Pennsylvania. I am as anxious as the gentleman is, of course, to alleviate the condition of labor and to improve that condition wherever possible; but in view of the fact that the Bureau of Labor now does the work that is provided for in this bill, upon the admission of the gentleman, I am wondering whether the bill goes any further except in the creation of a department and in providing places for those to be employed in the department, and whether it does anything that is not now done by the Bureau of Labor.

Mr. WILSON of Pennsylvania. The bureau has only limited authority. Its authority is limited to cases arising in transportation and interstate commerce. This does not limit the

secretary of the department of labor to any one particular line of commerce or industry, but gives him the authority to exercise his good offices in any case where a trade dispute arises in an effort to bring the contending parties together.

Mr. MOORE of Pennsylvania. The gentleman has made a study of this question. He is aware that there was no department of commerce or of labor, with a seat at the Cabinet table of the Nation, prior to the creation of the present Department of Commerce and Labor in 1903.

Mr. WILSON of Pennsylvania. That is true. There never has been a department of labor the head of which had a seat in the Cabinet. There was a Department of Labor, but the head of that department was a Commissioner of Labor, who did not have a seat in the President's Cabinet. When the present Department of Commerce and Labor was created the Department of Labor was made a Bureau of Labor and made a part of the Department of Commerce and Labor.

Mr. MOORE of Pennsylvania. In one of the subdivisions of the earlier part of the bill, where it is proposed to separate the work of the assistant secretaries, provision is made for the agricultural industry. Does not the gentleman think he would run afoul of the Department of Agriculture in that respect?

Mr. WILSON of Pennsylvania. No. There are in this country in the neighborhood of 5,000,000 agricultural laborers, not farmers in the sense of being owners or lessors of their farms, but laborers who work for wages; and the purpose of this bill is in connection with the 5,000,000 agricultural laborers who work for wages.

Mr. MOORE of Pennsylvania. I think the gentleman will admit that those agricultural laborers have received an incidental benefit, as the farmer himself has received a direct benefit, for many years from the creation and operation of the Department of Agriculture.

Mr. WILSON of Pennsylvania. There is no question in my mind that every citizen in the United States, no matter what position in life he occupies, has received benefit as a result of the creation and conduct of the Department of Agriculture.

Mr. MOORE of Pennsylvania. The gentleman also knows that the Department of Commerce and Labor was created after the Department of Agriculture, and that the purpose of the establishment of the Department of Commerce and Labor was to foster, promote, and encourage the industries and the commerce of the United States; that is to say, the interest of the employer and the interest of the employed not engaged in agricultural industries.

Mr. WILSON of Pennsylvania. Yes; and the principal purpose of it was to promote commerce.

Mr. MOORE of Pennsylvania. Upon which industry depends.

Mr. WILSON of Pennsylvania. No. The reverse is the case; commerce depends upon industry.

Mr. MOORE of Pennsylvania. Each depends upon the other.

Mr. WILSON of Pennsylvania. This proposes to establish a department of labor.

Mr. MOORE of Pennsylvania. I think the gentleman would not utterly withdraw capital from industry, would he?

Mr. WILSON of Pennsylvania. I would not withdraw capital from industry. In fact, I would assist industry as far as I possibly could assist it without injuring other interests.

Mr. MOORE of Pennsylvania. And the gentleman would not withdraw the employer from the employed, but would have them work together, would he not?

Mr. WILSON of Pennsylvania. I think that a lifetime of work in the line of endeavoring to bring employer and employee together for the purpose of making wage contracts satisfactory to both parties, without resorting to the strike—a lifetime of work along that line is a sufficient answer to the gentleman's question.

Mr. MOORE of Pennsylvania. I understand the gentleman's intense interest on that subject, and I have followed it as closely as I could. The Department of Commerce and Labor, however, was created in response to a demand that had existed for nearly 100 years for the recognition of commerce. Those who were in favor of the creation of a department of labor entered into the discussion, which resulted in the creation of the Department of Commerce and Labor.

Mr. WILSON of Pennsylvania. There had been a demand for a department of labor and there had been a demand for a department of commerce prior to the enactment of the law creating the Department of Commerce and Labor, and there was great disappointment in the minds of the wageworkers of this country when, instead of having a department of labor, with a representative of labor in the President's Cabinet, there was this compromise measure providing for a Department of Commerce and Labor.

Mr. MOORE of Pennsylvania. Now, then, I want to ask the gentleman another question. The Department of Commerce and Labor as created in 1903 having been a compromise between those who sought a department of commerce separate from a department of labor and those who sought a department of labor as a separate department, is the gentleman dissatisfied with the Department of Commerce and Labor as it exists to-day so far as results in promoting the industrial and commercial interests of this country are concerned?

Mr. WILSON of Pennsylvania. Mr. Chairman, the purpose and intent and manner in which the Department of Commerce and Labor is constructed make it impossible for that department as constructed to give the same attention and the same care and bring the same experience to the consideration of labor matters that would be the case if the department of labor was constructed as proposed in this bill, and consequently we ask for the establishment of a department of labor.

Mr. MOORE of Pennsylvania. Then the time has come, in the opinion of the gentleman from Pennsylvania [Mr. WILSON] and his committee for a separation of commerce and labor into two parts; that is to say, that commerce shall be looked after by a department of commerce and labor shall have a separate place at the Cabinet table.

Mr. WILSON of Pennsylvania. That is my opinion and the opinion of the committee whose bill I am presenting at this time.

Mr. KENDALL. Will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. KENDALL. I do not want to encroach on the gentleman's time, but I desire to suggest in response to what was said by the gentleman from Pennsylvania [Mr. MOORE] that at the time the proposition was pending in the Congress for the establishment of a Department of Commerce and Labor, it was suggested by the gentleman from Illinois [Mr. MANN], who wrote the report on the bill establishing that department, that one of the reasons which has been urged why the labor department should not be included in the new department is that there ought to be created a secretary of the labor department with a seat in the Cabinet.

Mr. MANN said:

> Whether this is likely to be done in view of the conservative action in creating new Cabinet officers in the past, it is not for your committee to judge at this time. But it will be as easy to create a secretary of labor if the Department of Labor is, for the present, included in the new department as it would be if the Labor Department is left out by itself. In fact, it seems much more likely that the Labor Department will grow in the scope of its work, and hence be more likely to warrant the creation of a new Cabinet officer to represent labor interests if the proposed action is taken than would be the case if the Labor Department is left as it now is.

So it was contemplated at that time that the contingency would arise in the development of the labor of the country when and where a separate department ought to be established.

Mr. WILSON of Pennsylvania. That seems to be the judgment of the committee that reported the bill at that time, and of the gentleman from Illinois [Mr. MANN], who wrote the report. My judgment is that the time has now come when there should be a separate department of labor, and when there should be a representative of the great labor interests of the country in the President's Cabinet.

Mr. KINDRED. Will the gentleman yield?

Mr. WILSON of Pennsylvania. I will yield to the gentleman from New York.

Mr. KINDRED. I have followed the gentleman's remarks with interest. Do I understand from what he has said that it is quite clear there is no provision in this bill which compels arbitration in labor disputes through statutory agencies and agencies of the courts?

Mr. WILSON of Pennsylvania. There is nothing in this bill that provides for arbitration in any form in labor disputes, except in so far as the Secretary of the department, or the conciliators selected by him, may be able to bring parties to an agreement to submit their dispute to arbitration.

Mr. KINDRED. Which is entirely voluntary.

Mr. WILSON of Pennsylvania. Which is entirely voluntary.

Mr. KINDRED. May I ask the gentleman one more question? To what extent will this bill increase the expense to the Government for carrying out the purposes similar to those which are now being carried out by other departments of the Government?

Mr. WILSON of Pennsylvania. The increased expenditure I have not figured up.

Mr. SULZER. It will be very little more.

Mr. WILSON of Pennsylvania. It provides for a Secretary at $12,000 a year.

Mr. SULZER. And three assistant secretaries and a solicitor.

Mr. KINDRED. The idea is that a great deal more will be accomplished in this direction at a very little more expense.

Mr. SULZER. That is true.

Mr. ESCH. Mr. Chairman, will the gentleman from Pennsylvania yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. ESCH. I notice this bill if enacted would provide machinery for conciliation in labor disputes looking to industrial peace. I would like to know whether this would be supplemental to the Erdman Act in case of railroad disputes, or would it supplant that act?

Mr. WILSON of Pennsylvania. The Erdman Act would still remain in existence, and the powers that are conferred on the Commissioner of Labor relative to the Erdman Act are still retained by the Commissioner of Labor. All of the powers and duties that are now held by the Commissioner of Labor are transferred to the commissioner of labor statistics, which is made a part of the department of labor.

Mr. ESCH. But the Commissioner of Labor under the Erdman Act is only one of the conciliators, the other being the chairman of the Interstate Commerce Commission.

Mr. WILSON of Pennsylvania. Yes; and this bill does not affect that part of it whatever. This bill does not change the Erdman Act. It does not remove any of the powers that are conferred by the Erdman Act. On the contrary, it still retains in the hands of the commissioner of labor statistics the power now held by the Commissioner of Labor.

Mr. ESCH. And would it be possible under this act to have a proceeding under the secretary of labor in a labor dispute occurring on interstate carriers that would be outside of the Erdman Act?

Mr. WILSON of Pennsylvania. That would be possible.

Mr. ESCH. Might not that lead to some conflict?

Mr. WILSON of Pennsylvania. I think not.

Mr. ESCH. The Erdman Act, as the gentleman well knows, worked very successfully.

Mr. WILSON of Pennsylvania. That is true. It has worked very satisfactorily so far, and undoubtedly will continue to work satisfactorily as long as it is in the hands of men who understand how to administer it. It is a great deal a matter of administration, and the success of the provisions of this bill will in a great measure depend upon the administration. There is no question of that in my mind, but it does not seem to me that there is any conflict whatsoever between the provisions of this act and the provisions of the Erdman Act, and the committee, for the purpose of preserving the Erdman Act intact, so that there will be no interference with it whatever, was careful to retain in the hands of the commissioner of labor statistics the power that now rests in the hands of the Commissioner of Labor.

Mr. ESCH. That would be true if the Commissioner of Labor was the sole conciliator under the Erdman Act, but he is not. He is only one of two. Does the bill preserve the power given, for instance, to the chairman of the Interstate Commerce Commission, admitting that the same power is reserved to the Commissioner of Labor?

Mr. WILSON of Pennsylvania. We do not disturb the power in the hands of the Interstate Commerce Commission. We do not disturb that power in any shape or form; but what we do is to transfer that part of the power which rests in the hands of the Commissioner of Labor to the hands of the commissioner of labor statistics. We change the name of the Bureau of Labor to the bureau of labor statistics and change the title of the chief of that bureau to the commissioner of labor statistics. We transfer the powers now held by the Commissioner of Labor to the commissioner of labor statistics, and do not in any manner change the powers conferred by the Erdman Act.

Mr. ESCH. Will it not be necessary to amend the Erdman Act by changing the title of the Commissioner of Labor?

Mr. WILSON of Pennsylvania. No; this does that.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Pennsylvania. Yes.

Mr. HOBSON. Mr. Chairman, I am in complete accord with the gentleman's ideas and give my hearty support to this measure, but I am anxious to find out just how far this authority extends in connection with conciliation, whether there is the essence of compulsory arbitration. To make a concrete case, suppose that neither the employer nor the employee requested mediation on behalf of the proposed secretary of labor? Would there be any authority under this act for him to intervene in the interest of the public?

Mr. WILSON of Pennsylvania. There would be authority for him just the same as if either one or both had asked for his interference. The power, however, itself is limited. Even though neither party may ask for his interference, it is his duty and right under this bill to act as a mediator, or, in other words, to go to the contending parties and endeavor to bring them together. Having used all his influence and powers in that direction then his power ends. He has no power to compel either side to accept any decision arrived at by him or to compel them to enter into arbitration to settle these disputes.

I may say to the gentleman that if this bill contained any element of compulsory arbitration or anything which, in my judgment, led to compulsory arbitration I would be opposed to it myself. I am opposed to compulsory arbitration.

Mr. COOPER. May I ask the gentleman a question?

Mr. WILSON of Pennsylvania. I yield to the gentleman.

Mr. COOPER. Have not we had in actual practice an illustration of what would be the course of procedure if this bill be enacted into law? I refer to what took place during the great anthracite coal strike and the ensuing trouble when delegations from various parts of the country came to this city and insisted that there was not coal enough in many parts of the Nation to supply the people's needs, and that the Government must take action or the people would resort to force. Thereupon President Roosevelt intervened and appointed a board without any power whatever to render a judgment, but simply authorized by him to hear both sides and make what the board might think would be equitable suggestions, and to do what it could to bring about an amicable adjustment of the difficulty.

Mr. WILSON of Pennsylvania. That was an instance in which the influence of the President of the United States was used for the purpose of getting both parties to the controversy to agree to submit their contentions to a commission, and they further agreed to abide by the decisions of that commission.

Mr. COOPER. It was voluntary on their part, not compulsory at all.

Mr. WILSON of Pennsylvania. It was voluntary on their part. There are from time to time examples in the work under the Erdman Act that practically operates in the same way. It is the means by which the influence of public sentiment may be centered through the secretary of labor for the purpose of bringing the contending parties together.

Mr. TRIBBLE. May I ask the gentleman a question?

Mr. WILSON of Pennsylvania. I yield to the gentleman.

Mr. TRIBBLE. The Department of Commerce and Labor has such authority and power. What is the reason you can not enlarge upon the power of the department of labor and avoid the establishment of another department and save the expense of the department which you propose?

Mr. WILSON of Pennsylvania. The principal reason is this: That the Department of Commerce and Labor as constituted at the present time would undoubtedly attract the attention of the head of that department to the subject of commerce to the exclusion of the question of labor, and that the head of the department, having his attention focused upon commerce, when he comes to the counsels of the President there is where his sympathies would be and there is where his information would lie, whereas if you have a department of labor, the head of which has his attention centered exclusively upon great labor problems, then when he goes into the President's Cabinet he goes in with the influences surrounding him, with the information in his possession relative to that, and it makes a great difference in his counsels with the President.

Mr. TRIBBLE. Well, if you provide by law what the department should do and hold it down to the rules that should govern that department, I do not see why that would not be sufficient.

Mr. WILSON of Pennsylvania. There is no way in which you can enact by law any method that will guide a man's sentiments except to surround him with a work that will guide his sentiments.

Mr. TRIBBLE. You can put that work on the Commerce and Labor Department.

Mr. MANN. Will the gentleman yield for a question?

Mr. WILSON of Pennsylvania. I yield to the gentleman.

Mr. MANN. Is the gentleman familiar with the so-called Lee bill?

Mr. WILSON of Pennsylvania. I have read the bill, but I have not given it close study.

Mr. MANN. The Lee bill is reported and is on the Calendar of the House. It proposes to revise the Erdman law and proposes to authorize the appointment of a commissioner of mediation and conciliation and a board of mediation and conciliation. If this bill is passed, would there be any necessity to pass that bill, or if that bill should pass would there be any necessity to pass this bill?

Mr. WILSON of Pennsylvania. In my judgment, if this bill is passed, the scope of conciliation and mediation would be as wide as the country itself, and consequently any other measure dealing solely with conciliation and mediation would not be necessary.

Mr. MANN. Now, may I ask the gentleman further? The Erdman Act refers to labor disputes upon railroads—transpor-

tation companies—and authorizes the Commissioner of Labor, members of the Interstate Commerce Commission or Commerce Court to be authorized to act as mediators. That applies only to railroad labor, to railroad disputes.

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. The Lee bill proposes to revise that and proposes to make it applicable to railroad labor and labor engaged in coal mining, where the coal enters into interstate commerce.

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. Now, this bill, as I understand it, proposes to make no limitation of labor disputes in which interstate commerce is not involved——

Mr. WILSON of Pennsylvania. There is no dividing line in this bill.

Mr. MANN. In other words, under this bill if there is a strike or a threatened strike between the owners of a local street car company and street car employees wholly within the limits not only of the State, but municipality, the Secretary of Labor is authorized to interfere.

Mr. WILSON of Pennsylvania. He is authorized to act as mediator or appoint commissioners of conciliation if, in his judgment, it is wise or necessary.

Mr. MANN. I know the gentleman has not a very high opinion of those gentlemen in the House who ask what constitutional authority there is for these things.

A MEMBER. Yes; he has.

Mr. MANN. The gentleman said yesterday he did not have, and said it very plainly. I would be glad to ask the gentleman's opinion how far the General Government should go in connection with the manufacturing industries into those industries which are purely local and which involve in no way whatever interstate and foreign commerce?

Mr. WILSON of Pennsylvania. If this bill gave to the Secretary of Labor the power to interfere in any manner so as to compel the acceptance of his opinions or his views by any employer or employee engaged purely in local work, I would not be in favor of it, because of the fact that under those circumstances the power would belong purely to the States. But this does not give to the Secretary any power to say to any man engaged in any kind of work, either interstate or otherwise, that "you must accept these things; you must accept this condition; you must arbitrate; you must settle your dispute." In fact, it only gives him the power to act in a friendly way to bring the parties together. And I know nothing in the Constitution that would prevent any officer of the Government using his friendly offices toward bringing contending parties together in that manner.

Mr. MANN. If the gentleman will permit, I think he and I will agree that the subject of compulsory arbitration is impracticable. Does the gentleman remember the Townsend bill——

Mr. WILSON of Pennsylvania. I do.

Mr. MANN (continuing). Which I think the gentleman was not in favor of?

Mr. WILSON of Pennsylvania. I opposed the attempt to bring it up for consideration.

Mr. MANN. It did not go as far as this case.

Mr. WILSON of Pennsylvania. It went a little further in some respects.

Mr. MANN. No. The Townsend bill attempted to confine itself to disputes which might involve interstate commerce and only authorized the collection of information in making recommendations.

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. This would authorize the Secretary to appoint a board of conciliation in a labor dispute of any kind anywhere. Of course, neither one can put their recommendation——

Mr. WILSON of Pennsylvania. This does not provide for making any recommendations of any kind whatever.

Mr. MANN. It does not provide you shall make a recommendation, but, of course, it contemplates making recommendations and permits making recommendations. What else is it for unless it is to make recommendations? How can you get men together unless you recommend something to them? Now, does not the gentleman believe——

Mr. WILSON of Pennsylvania. There is a great deal of difference, if the gentleman will permit, in making recommendations to the parties to the dispute and making recommendations to the public at large relative to how the dispute should be settled. They are entirely different propositions.

Mr. MANN. Does not the gentleman believe it is inevitable that if this provision goes into the law authorizing the Secretary to appoint commissioners of conciliation in labor disputes, that he must then enlarge or extend the law so that those commissioners shall have authority to take evidence?

Mr. WILSON of Pennsylvania. No.

Mr. MANN. I do not know what they will do. If they have not any authority to take evidence, swear witnesses, and take testimony, what else can they do?

Mr. WILSON of Pennsylvania. There is an immense field for them to work in, the one I mentioned when I began my remarks on this subject, and that is the field of getting the two parties to a dispute together before they have reached that point where they are at each other's throat; before they have reached the point, as I said before, where the employer looks upon the employee as an anarchist and a lawbreaker, and the employee looks upon the employer as a bloodthirsty tyrant and oppressor of labor.

If you can get them together before they reach that point, then you can accomplish some good. If you can not get them together before they reach that point, the contention will go on until one or the other of the parties will be exhausted.

Mr. HARDY. Will the gentleman permit an interruption? It is right at that point, it seems to me, that the wisdom of the provision preventing a strike or a lockout for a reasonable time and until after this effort to get together had failed might well be worthy of consideration.

Mr. WILSON of Pennsylvania. I may say to the gentleman I am unalterably opposed to any act of that kind that will restrain workingmen from ceasing their employment whenever in their judgment it is advisable to do so.

Mr. HARDY. Just one moment. It was to that part of the gentleman's former remarks that I wished to make one suggestion. I do not believe we ought to undertake by law to interfere and force the individual to remain at work.

But let us suppose there is an organization that proposes to call a strike and force the individuals to quit work, or, on the other hand, an employers' organization that would want to make a lockout, to close everything; not that the individual laborer should be compelled to work for 1 day, 2 days, or 10 days, but the Canadian system provides that, as an organization, there should be no strike called until after the effort at mediation has been made, not interfering with the individual liberty of the single citizen; but something should be done that would be an effective effort to compose differences, and the question with me is whether your bill will have the effect you intend—that is, to conciliate—if the parties begin by ordering a lockout or a strike and get into the very condition of irritation that you speak of before the effort at conciliation is made.

Mr. WILSON of Pennsylvania. Whether it is right to call a strike, for the rank and file to order a strike, or not is a matter for the workingmen themselves to determine. As to their right to do so I would be opposed to the passage of any measure that would interfere with their rights.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has about six minutes remaining.

Mr. WILSON of Pennsylvania. I reserve the balance of my time.

Mr. SULZER. Mr. Chairman, this bill introduced by me provides for the creation of a department of labor, with a secretary of labor, who shall be a member of the President's Cabinet; three assistant secretaries; a solicitor of the Department of Justice for the department of labor; a chief clerk; a disbursing clerk; and such other clerks, inspectors, and special agents as may be provided for by Congress. It transfers the Commissioner General of Immigration, the commissioners of immigration, the Bureau of Immigration, the Immigration Service at large, the Bureau of Labor, and the Commissioner of Labor from the Department of Commerce to the new department of labor. It changes the title of the Bureau of Labor to the bureau of labor statistics and the Commissioner of Labor to the commissioner of labor statistics, and transfers the duties of the Commissioner of Labor to the commissioner of labor statistics, including those imposed by the Erdman Act.

It further authorizes the collection and publication of statistics relative to the condition of labor and the products and distribution of the products of the same, and directs the secretary of labor to call upon other departments of the Government for such statistical data as they may have which would be valuable for that purpose. It authorizes the secretary of labor to act as mediator and to appoint commissioners of conciliation in labor disputes, thereby lending the influence of the Government toward commercial concord and industrial peace. It directs the secretary of labor to investigate and report to Congress a plan of coordination of the activities of his office with the activities of the present bureaus, commissioners, and departments in order to harmonize and unify such activities, with a

view to additional legislation to further define the duties and powers of the department of labor.

It is a matter of much congratulation to all concerned that this bill is now before the House of Representatives for its consideration. For a long time I have been advocating this measure. It has been pending in Congress for the past 10 years, but never before were the advocates of the bill able to get a favorable report from the committee.

However, the Democrats in this Congress have done their duty to the people, and this bill now comes before the House with a favorable report from the Committee on Labor.

The measure, in my opinion, rises above party lines and superior to partisan considerations to the high plane of pure patriotism. This bill is constructive legislation essentially demanded by the country. Labor is entitled to justice, to consideration, and to recognition. It has recognition in the legislative and the judicial branches of the Government, and it is entitled, in my opinion, to recognition in the executive branch of the Government. I know of no measure before Congress to-day that will be more beneficial to the people and more far-reaching in its practical results, as the years come and go, than this bill of mine to create a department of labor.

This bill to create a department of labor is a meritorious measure, and it should meet with the favorable consideration of the membership of this House regardless of party affiliations or partisan considerations. It is the first attempt ever made to systematically classify labor in an intelligent way, and its enactment into law will evidence a disposition on the part of the Government to see to it that labor gets full recognition, the dignity of having a voice in the councils of state, and the opportunity to have its claims dispassionately discussed. Give labor this boon and the labor question will be reduced to the minimum.

The expense of the maintenance of the department of labor will be practically but little more than that of the maintenance of the various bureaus at the present time. These bureaus will all be in the department of labor. I do not think anyone will take exception to the bill on the ground that it is going to increase the expenses of the Government. A little additional expense in a matter of so much public moment as this will be of small consequence to the taxpayers of this country.

I believe that if this bill were on the statute books to-day it would be a long step toward better social, economic, and commercial conditions; a progressive advance along the avenues of industrial peace; that it will go far to allay jealousy, establish harmony, promote the general welfare, make the employer and the employee better friends; prevent strikes, lockouts, blacklists, boycotts, and business paralysis; and every year save millions and millions of dollars of losses which necessarily result therefrom.

If you will look at the statistics you will be startled to realize the tremendous loss to the people of the country entailed by every strike, be the same big or little. Capital as well as labor favors this new department. During the entire time that the bill has been pending before Congress, a period of 10 years, I have never known of a single agency that opposed this bill or sent an objection to Congress against its enactment.

I speak advisedly when I say that capital as well as labor favors this bill, because they both realize that it will go far to solve what is called "the labor problem" and bring about industrial peace; and any agency that will do that is a boon that should be welcomed by every intelligent citizen and every patriotic legislator.

For years this legislation has been advocated by the wage earners of the country. The bill meets with their approbation, and has the approval of the best thought in the land. It has been indorsed by the ablest thinkers in America; by some of the wisest political economists; by professors in our universities; and by the leading newspapers of the country. The time is therefore ripe, it seems to me, for the creation of this department of labor, with a secretary having a seat in the Cabinet, with all the rights and all the powers conferred by this bill.

Many of you remember that when the measure was before Congress to create the Department of Commerce, this bill, substantially as it is before the House now, was offered as a substitute, and was only lost by a very few votes, as the records of that day will show. There was a demand at that time for the creation of a department of labor in preference to the creation of a department of commerce. That demand has grown more insistent every year since. Looking back over the intervening time, I stand here and say that, in my judgment, the creation of the Department of Commerce was wise legislation, but we would have been wiser in that day if we had also created, as a companion department to the Department of Commerce, this department of labor.

The department of labor was not then created. I am not here to find fault with what was then done, but from that day to this I have been voicing through this bill the demand of the industrial workers of America to give them the same recognition in the executive branch of the Government that we then gave to commerce. They are entitled to it, they ought to have it, and no man who realizes that all that we are, and all that we hope to be, is the result of the creative force of labor, in my judgment will object to the enactment of this bill now; and I indulge the hope, and I speak for 20,000,000 honest toilers in America, when I say that this bill will be a law before this session of Congress adjourns.

I am not in sympathy with those who say it may put a little patronage in the hands of the President. I care nothing about that now, nor have I for the past 10 years. That phase of the question dwindles into insignificance when we consider the beneficent results of putting upon the statute books of our country a great constructive act which will do substantial justice to the people who create all the wealth and go far to inaugurate a long reign of industrial peace.

It seems to me the time is now propitious for the creation of this department of labor. It will bring labor and capital closer together, and one is dependent on the other. They should be friends, not enemies, and walk hand in hand along the paths of mutual prosperity.

If this bill becomes a law, it will go far to prevent serious labor troubles in the future. It will do much to solve existing labor problems, and every friend of industrial peace should aid in its enactment. The employers of labor, as well as the employees themselves, whether they belong to trade-unions or not, are all, so far as I have been able to ascertain—and I am well advised—in accord with the principles of this progressive legislation and heartily approve of this constructive bill.

I am a friend of the toilers, and I shall continue to fight for their just rights and for the enactment of this bill until it becomes a law. It is just and right, and sooner or later it must be the law of this country.

I am not provincial. I stand for the rights of man. I believe in justice to all. I am opposed to special privilege. If I am anything, I am an individualist, and I believe in keeping open the door of opportunity for every individual in all this broad land. That is my democracy, and it is true democracy; and I use the word "democracy" not in its political but in its generic sense. Let us be just to all is a fundamental principle of genuine democracy.

There is nothing narrow minded about me. I am no demagogue. I believe in fair play to all. I am opposed to anything that will estrange employer and employee, or cause a breach between capital and labor, and I am a friend of both. I want to give all an equal chance. I want to do all I can while I live to make the world better and happier and more prosperous.

I believe in the dignity of the toiler, the greatness of labor, and I want to do everything I can in Congress and out of Congress to protect its inherent rights and promote its general welfare for the lasting benefit of all the people. I want labor to have as much standing as capital in the Halls of Congress and at the seat of government. We have a department to represent finance; we have a department to represent war; we have a department to represent diplomacy; we have a department to represent our internal affairs; we have a department to represent commerce; we have a department to represent justice—all supported by the wage earners—and in the name of common sense why should we not have a department to represent industrial peace as exemplified by labor, the most important in its last analysis of them all?

The creation of this department of labor will be a long step in the right direction in the commendable movement for industrial peace; and through its agency, in my judgment, the perplexing problems of labor and capital can be quickly solved in a way that will do substantial justice to all concerned.

In my opinion, all labor wants is a fair show, an equal chance, and a square deal—in Congress and out of Congress. Labor is indefatigable and unselfish, sympathetic and consistent. It does not ask for more than its just rights. We hear much about equality before the law. That is all labor wants. It seeks no special privileges and wants none.

Labor makes no war on vested rights. It does not rail at honestly acquired wealth. It is not antagonistic to legitimate capital. It would close no door to opportunity. It would darken no star of hope. It would not palsy initiation. It would strike no blow to paralyze ambition. Its motto is onward with hope; forward without fear. It stands for the rights of man; for the greatness of the individual; for equality before the law; for concord and peace; for equal rights to all and special privileges to none. Capital and labor must be friends, not

enemies. They should act in harmony, not antipathy. Their interests should be mutual, not antagonistic. In our complex civilization each is essential to the other, and they should walk hand in hand. To prosper they must be at peace, not at war. Each is necessary to the other. Both have their rights and both have their limitations. The inherent rights of labor, to say the least, are as sacred as the vested rights of capital.

Labor makes capital, creates all wealth, and should have equal opportunities and as much consideration, but the trouble seems to be that labor does not receive a fair share of what it produces. It is the duty of the just and sagacious legislator, in the interest of our civilization, to see to it that there is less centralization of wealth and a more equitable distribution of the fruits of toil.

Labor should be represented in every branch of the Government. Labor is not of to-day, or of yesterday, or of to-morrow. It is eternal. Dynasties come and go, governments rise and fall, centuries succeed centuries, but labor creates and goes on forever. Labor is the law of life.

No man, in my opinion, can pay too high a tribute to "labor." It is the creative force of the world, the genius of the brawn of man; the spirit of all progress, and the milestones marking the forward movement of every age. Civilization owes everything to labor—to the constructive toiler of the world. Labor owes very little to civilization. Mother Earth is labor's best friend. From her forests and her fields, from her rocks and her rivers, the toiler has wrought all and brought forth the wonders of mankind.

Tear down your temples and labor will rebuild them; close every avenue of trade and labor will reopen them; destroy your towns and labor will replace them greater and grander than they were; but destroy labor, and famine will stalk the land, and pestilence will decimate the human race. If every laborer in the world should cease work for six months, it would cause the greatest catastrophe that ever befell humanity—a tragedy to the human race impossible to depict and too frightful to contemplate.

I stand now where I always have stood, and where I always will stand—for the rights of the toilers, for justice to the workingmen of our country, whose labor creates all wealth—and I will continue in the future, as I have in the past, to do all in my power to advance their prosperity and to promote their material welfare.

Capital must recognize the rights of labor. Capital should be just. Labor has as much right to organize as capital. The right of a man to labor is inalienable, and the right of a man to quit work is just as undeniable. Neither capital nor labor has the right to take the law in its own hands. If capital does wrong that is no reason why labor should do wrong. Two wrongs never did and never will make a right. In a government such as ours, the reign of law will not give way to the reign of force.

The best advice that the most ardent sympathizer can give labor, organized or otherwise, in its struggle for its just rights, for better conditions, for greater progress, and for a more equitable distibution of its fruits, is obey the law. Labor's only hope is here. The law is the shield of the toiler—the sheet anchor of the wage earner. This is a land of liberty, but it is now, ever was, and always will be, liberty under law.

My friends, that is substantially all now that I want to say. I am familiar with the provisions of this bill. There is nothing in this bill to which legitimate exception can be taken. This bill has been carefuly considered by those who are in charge of the legislation. It has been carefully considered by officials of the Government. It is unanimously reported, and, so far as I know, there is not a single objection to it. I hope it will pass the House as unanimously as it comes to the House from the committee, and in order that this bill may pass the House to-day before we adjourn I now ask unanimous consent that all debate on this bill close at 3 o'clock p. m.

Mr. MOORE of Pennsylvania. Will the gentleman yield now?

Mr. MANN. Notwithstanding the generosity of the gentleman from New York, who has just finished a long speech, I think I shall have to object.

Mr. SULZER. Will the gentleman from Illinois now agree to fix a time to take a vote?

Mr. MANN. Debate may not run as long as 3 o'clock.

Mr. SULZER. Very well, Mr. Chairman, I will take the matter up later with the gentleman from Illinois. I will now be glad to answer the questions of the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Has the gentleman withdrawn his request for unanimous consent?

Mr. SULZER. The gentleman from Illinois objected.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from New York [Mr. SULZER] has paid an eloquent tribute to labor. I think that will be admitted on both sides of the House, but the gentleman has not addressed himself very carefully to the details of the bill. That is what I want to ask him about. Some of us had not seen the bill before to-day, and it is only fair that we should have a better understanding with regard to it before we come to a vote. Labor, as the gentleman said, is the creator of all wealth. There can be no dispute about that. Labor has been knocking at the door of Congress for more than a hundred years for recognition at the Cabinet table. There is no dispute about that. Labor did not get that full recognition which it asked for when the Department of Commerce and Labor was created. There can be no dispute about that. But I think the gentleman will agree with me that if the time has come, as the gentleman from Pennsylvania [Mr. WILSON] indicates in his speech it has, when we should separate commerce from labor and create a separate department of labor, we should do it right. I think the gentleman from New York will agree to that.

Mr. SULZER. This bill does that, I will say to my friend.

Mr. MOORE of Pennsylvania. Then I want to ask the gentleman about the bill. Assuming that we want to do what is right in creating this department of labor, let me ask the gentleman if the purpose of the act is anywhere stated in the bill?

Mr. SULZER. It is.

Mr. MOORE of Pennsylvania. Where?

Mr. SULZER. Mr. Chairman, if the gentleman will read the bill, he will find its purposes stated in every section of the bill.

Mr. MOORE of Pennsylvania. I think the gentleman will find that in the bill creating the Department of Agriculture it is provided that the purpose of the department is to promote agriculture. I think in the bill creating the Department of Commerce and Labor the gentleman will find that the purpose of the act is set out to be to foster, promote, and develop commerce and industry.

Mr. SULZER. If the gentleman will read this bill, he will find that it substantially follows all other acts for the creation of departments, and its purpose, as set forth in almost every provision of the bill, is to recognize the rights of labor and promote industrial peace.

Mr. MOORE of Pennsylvania. No; the bill differs essentially from all other bills creating departments in this: One of the first paragraphs provides not only for the creation of a secretary at $12,000 per annum, but for the creation of three assistant secretaries at $5,000 each per annum, whose duties are not defined, except to "supervise" certain information. That is an unusual condition that does not prevail in any other organic law creating a department of which I have knowledge.

Mr. SULZER. The gentleman, I think, is in error about that. At all events, he is too technical. If he will compare this bill with the other acts, he will find that this bill substantially follows the other acts creating the departments.

Mr. MOORE of Pennsylvania. Section 1 of this act simply provides for the creation of an executive department, which shall have a secretary at $12,000 a year. The duties of that secretary are not set forth. Is he to sit there merely as an ornament, as a compliment to labor?

Mr. SULZER. The gentleman is inclined to be supercritical.

Mr. MOORE of Pennsylvania. Not at all.

Mr. SULZER. And his reasoning is very far-fetched. He could say the same about the acts now upon the statute books creating every other department of the Government.

Mr. MOORE of Pennsylvania. No; the duties of those secretaries are defined.

Mr. SULZER. And so they are, as well as they can be, in this bill. Let us not split hairs.

Mr. MOORE of Pennsylvania. Does the gentleman know of any organic act which provides, as section 2 of this act does, for the creation of a first assistant secretary and a second assistant and a third assistant secretary?

Mr. SULZER. Yes.

Mr. MOORE of Pennsylvania. What act?

Mr. SULZER. I think you will find that in the acts creating several departments.

Mr. MOORE of Pennsylvania. Oh, I think there is no provision for the creation of three assistant secretaries. My point is this: If we are to do this thing right in the interest of the common laborer of the land, the man for whom we ought to legislate, the real creator of the wealth of the country, would it not be better to show good faith in this bill, and rather than create expensive offices for those who may be lead-

ers of thought rather than leaders of action, had we not better tell the workingman himself that we are creating this department for his advantage and benefit and that the purpose of it is to foster, promote, and develop and encourage the interests of labor? Do we say that?

Mr. SULZER. Mr. Chairman, in reply let me say to the gentleman that if he is sincere, and I doubt not that he is——

Mr. MOORE of Pennsylvania. I am absolutely sincere in my desire to promote the interests of labor.

Mr. SULZER. Very well. Then he should be willing to take the judgment, so far as this measure is concerned, of the labor leaders of America; and every one of them is in favor of this bill just as it comes from the committee.

Mr. MOORE of Pennsylvania. Is it not true that there is no directive labor clause in this bill, save one which is in section 9, providing for conciliation and mediation, which the gentleman from Pennsylvania [Mr. WILSON] has explained goes no further than to tell this gentleman who sits as secretary over this department that he may bring people together in a friendly way and leave it there, no power, no authority, just to sit there and tell them to get together and do the best they can and leave them to themselves.

Mr. SULZER. My friend, it seems to me, fails to realize that the powers of these various bureaus which will go into this department of labor are all set forth in the various laws creating them. It is not necessary to restate them in this bill.

Mr. MOORE of Pennsylvania. I call to the attention of the gentleman the fact that the purpose is not defined in this bill, and as one who desires to see something substantial accomplished I think it should be set forth, and in good faith.

Mr. SULZER. Mr. Chairman, the bill is not subject to that criticism. I reserve the balance of my time.

Mr. HILL. Mr. Chairman, I represent a district with many labor-union organizations in it. I am for this legislation. I am for it emphatically, and I am for it because I believe it is essential to the welfare of all the working people in Connecticut. I presume this legislation comes under the range of legislation referred to in the letter written by the gentleman from Alabama [Mr. UNDERWOOD] to the new Democratic candidate for the Presidency, in which he states as follows:

As floor leader of the party in the House of Representatives, I wish to say to you that our action between now and the time of adjournment may affect the campaign, and I hope you will not hesitate to advise me freely as to any matters transpiring in Washington which you may consider essential for the good of the cause. With kindest regards,

I am, very truly, yours,

OSCAR UNDERWOOD.

Mr. Chairman, I had supposed that the Senate and House of Representatives were legislating for the people of the United States and not in the interest of any political campaign. I am for this bill for the general good of the United States, and I was exceedingly glad this morning to read in the paper where I saw Mr. Gompers and Mr. Morrison and a number of other gentlemen were at Seagirt consulting with the candidate for the Presidency on the Democratic ticket, and I sincerely hope that they asked him to explain some remarks made by him on this great subject in 1909 in a baccalaureate sermon delivered at Princeton University, contained in the Trenton True American, June 14, 1909. It was delivered on Sunday, the day preceding. The text was from the seventeenth chapter of Luke, tenth verse, which, he says, reads as follows:

We are unprofitable servants. We have not done that which was our duty to do.

Dr. Wilson treated that subject in this way:

You know what the usual standard of the employee is in our day. It is to give as little as he may for his wages. Labor is standardized by the trades-union, and this is the standard to which it is made to conform. No one is suffered to do more than the average workman can do. In some trades and handicrafts no one is suffered to do more than the least skillful of his fellows can do within the hours allotted to a day's labor, and no one may work out of hours at all or volunteer anything beyond the minimum.

And, gentlemen on the other side, this is your candidate for the Presidency.

I need not point out how economically disastrous such a regulation of labor is—

Let me inject: Last night I rose in my place and asked unanimous consent to publish a tariff address of Dr. Wilson, delivered before a tariff commission holding a public hearing for that purpose, held in Atlanta, Ga., in which he aimed to give the official authorities of the United States his views on the tariff. To be sure, that was 30 years old; but he has not changed them since, for he said only a few days ago, or a few weeks ago, in New York that the whole Republican position and platform was "ignorant and preposterous." He appeared in Atlanta as a free trader, and, in my judgment, he is a free trader to-day, and yet a Democrat refused to allow me to publish the remarks of his own candidate for the Presidency on the tariff question. I am giving you now not an opinion 30 years old, but I am giving you a baccalaureate sermon delivered in Princeton three years ago, and it is directly pertinent to this bill.

I need not point out how economically disastrous such a regulation of labor is.

I commend that to my friend from Pennsylvania [Mr. WILSON] and to my friend from Illinois [Mr. BUCHANAN].

It is so unprofitable to the employer that in some trades it will presently not be worth his while to attempt anything at all. He had better stop altogether than operate at an inevitable and invariable loss. The labor of America is rapidly becoming unprofitable under its present regulation by those who have determined to reduce it to a minimum.

Now, I do not believe that, gentlemen. I do not believe my friend from Illinois [Mr. BUCHANAN] or my friend from Pennsylvania [Mr. WILSON] are "unprofitable servants" in this country. I know that the men who live in my district, and who are honest, straightforward workingmen, members of labor unions, are as reputable, as high-toned, as responsible, as industrious, and as faithful as any citizen [applause on the Republican side] in it, whether they be lawyers, doctors, presidents of universities, or men working as "unprofitable servants," as he designates, simply because they belong to a trade-union.

Mr. MOORE of Pennsylvania. Do you believe that Mr. Gompers believes that?

Mr. HILL. No; I do not. And I think it was high time for him as a Democrat to go to Seagirt yesterday and try to reach a working compromise with the candidate of his party.

Let me close this up.

Our economic supremacy may be lost because the country grows more and more full of unprofitable servants.

I am for this bill. I am for doing everything and anything in the way of lifting up, if it needs it, and ennobling labor.

Why, gentlemen, you men from the South do not understand the situation of labor. You are living in the traditions of slavery. Go into the town in which I live, and you will find a working town of working people. We all work. Go to the church which I attend. But for the working people there would be no church there. It is they who contribute, it is they who pay the bills. They are the people that we associate with, one with another, never raising the distinction as to whether a man works or not. You do not live in that kind of a society. But you start your platform with the fundamental doctrine that it is wrong to do anything to encourage such conditions. Let me give it to you. I want you to understand the first plank of your platform in this campaign. It reads as follows:

We declare it to be a fundamental principle of the Democratic Party that the Federal Government under the Constitution has no right or power to impose or collect tariff taxes except for the purposes of revenue.

Where did you get it from? I hold in my hand a little campaign textbook that I prepared for last year. I will tell you where you got it from—that is, where you got it from the last time.

Mr. FOCHT. That was originally in the Confederate Constitution, was it not?

Mr. HILL. That was the last time. The Constitution of the Confederate States of America, 1861, Article I, just as it is Article I of your platform, section 6, says:

The Congress shall have the power to lay and collect taxes, duties, imposts, and excises for revenues necessary to pay the debts, provide for the common defense, and carry on the government of the Confederate States, but no bounties shall be granted from the Treasury nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry, and all duties, imposts, and excises shall be uniform throughout the Confederate States.

Now, does your candidate agree to that? No. You have got it in your platform. He did years and years ago, but in reading one of his books this morning I found another expression of opinion, and it is not 30 years old either. It is a new book, splendidly written, as all his works are. Here is what he says about the fundamental theory of the tariff, on page 175 of Woodrow Wilson's "Constitutional Government in the United States: A series of lectures delivered to the students of Columbia University in 1908." He will have to compromise his views. He has intellectual versatility unequaled by any man of whom I know. I should perhaps call it intellectual elasticity. I like to see a man with mental elasticity that will enable him to change his views within two or three years two or three times.

But here is what he says about this first plank of the Democratic platform, on page 175:

The opponents of the tariff of 1824 objected to the tariff system which Congress was so rapidly building up that it went much beyond the simple and quite legitimate object of providing the Federal Government with revenue.

So that if you gentlemen on the other side want to find arguments in behalf of the first plank of your platform go back to John C. Calhoun. If you want to find arguments in opposition to them, go back to Andrew Jackson, because he refused to allow his legislation and his taxation system to be nullified. You have got this whole thing in extenso away back from the beginning of the Government. This first plank lies at the very fundamentals of State rights—that the Government has no right to lay a tax for the encouragement of industry. It can only lay it for the purpose of raising revenue.

Now, here is what Mr. Wilson says——

Mr. MOORE of Pennsylvania. When?

Mr. HILL. Four years ago. He says:

The opponents of the tariff of 1824 objected to the tariff system which Congress was rapidly building up—that it went much beyond the legitimate and constitutional object of providing the Federal Government with revenue in such a way as to stimulate without too much disturbing the natural development of the industries of the country and was unmistakably intended—

Of course it was—

to guide and determine the whole trend of the Nation's economic evolution—

That is what your platform says we have no right to do in this country—

preferring the industries of one section of the country to those of another in its bestowal of protection and encouragement, and so depriving the States as self-governing communities of all free economic choice in the development of their resources.

In other words, the South said then, "We raise cotton. Because we raise cotton, you in Pennsylvania shall not be protected in your industries. Each State must settle that question for itself and the Government has no right to encourage any industry." And the Democratic Party to-day has harked back a hundred and twenty-five years in the first plank of its platform to the doctrine of John C. Calhoun and his predecessors. I read further:

Congress persisted—

Says Mr. Wilson—

in its course. Nullification failed, as even so much as an effectual protest against the power of a Government of which Gen. Jackson was at the head, never so sure he was right as when he was opposed, and a critical matter of lasting importance was decided—

Says Dr. Wilson—

was decided.

Let me read you the platform again. I will read some more of Dr. Wilson in a minute. I just want to read that platform so that you can see the pertinence of the doctor's suggestion.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. HILL. Not now. Pretty soon I will. I know that these are not the sentiments of the gentleman from Texas [Mr. GARNER]. I know these are not the sentiments of a large portion of the Democratic Party. But you will find also in Mr. Wilson's writings a statement to this effect, that "It is not possible to compound a successful constitutional government out of antagonisms." Now, I know you do not agree. I know that there were 47 of you that stood for a duty on wool, and that a majority of you stood against it, and that you did back down, and that you did compound legislation at least on antagonisms. You can not do it successfully. You have got to stand out for principle and not for compromise in fundamental governmental action. Let me read you from your own platform again. Mr. Wilson says it was decided—"a matter of lasting importance was decided"—and you have harked back to the old doctrine:

We declare it to be a fundamental principle of the Democratic Party that the Federal Government under the Constitution has no right or power to impose or collect tariff duties except for the purpose of revenue.

Andrew Jackson discarded the question of right, as he thought, and exercised the power, and "it was decided," as Gov. Wilson said, at this critical time. The Federal Government was conceded the power. You say that it has no power. He says:

The Federal Government was conceded the power to determine the economic opportunities of the States. It was suffered to become a general providence, to which each part of the country must look for its chance to make lucrative use of its material resources.

Mr. Chairman, I will go into that matter more fully at some other time. I will now make a part of my remarks the short address delivered by Prof. Woodrow Wilson before the Tariff Board in 1882, showing his views then on the question of the tariff and the distinct announcement of his position as a free trader, opposed to all tariffs except merely for the purpose of raising revenue.

I take it there will be no objection, Mr. Chairman, to my printing as a part of my remarks the short address of Prof. Woodrow Wilson, which I will not trouble the House to read now.

The CHAIRMAN. Does the gentleman ask unanimous consent?

Mr. HILL. I will do it now. It is very short, only three pages long.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks by incorporating the address to which he refers. Is there objection?

There was no objection.

The matter referred to is as follows:

Mr. Woodrow Wilson, of Atlanta, said:

"It is not my purpose to represent or advocate any particular interest, but only to say a few words upon the general issues before you on the subject of protection or free trade. This question of the tariff is one which has been under consideration in Congress for ninety-odd years. Early in the century protection was introduced for the purpose of fostering new manufacture in this country. That system was continued down to the time of the war; but since the war it has been upheld professedly for the purpose of raising revenue, and to enable the Government to recover from the indebtedness caused by the war. Free trade, therefore, has been a slumbering question, but it will soon become one of the leading questions in all political discussions, because, now that peace has come, the people of the South will insist upon having the fruits of peace, and not being kept down under the burdens of war.

"As you have already been told, there is a great deal of ignorance and indifference in regard to these questions in the South. The people here have been content to let things remain as they were. Probably this has resulted from the fact that the tariff is an indirect way of placing taxes upon the people, and they do not feel the immediate effects of it. But when the farmers and others begin to investigate these matters, they soon discover that they are, after all, paying these duties for the benefit of a few manufacturing classes. When a farmer discovers that he can buy a jackknife of English manufacture for $1.30, while he has to pay $2 for a knife of American manufacture of the same quality, in order that the American manufacturer of cutlery may compete on equal terms with the British, then he feels that he has a personal interest in these subjects.

"In thinking of this matter of indirect taxation, I am reminded of one of the few playful passages which illumine the utterances of Mr. Gladstone. In introducing his 'budget' in 1861, he referred to direct and indirect taxation, and called them two sisters, the daughters of necessity and invention, one indeed more open and direct than the other, her sister more shy and insinuating; but he said that, as chancellor of the exchequer, he felt bound to pay his addresses to both. We have these two charming sisters in America, but they can not be said to be the daughters of necessity and invention; they are rather the daughters of invention and monopoly. The necessities of our Government are the necessities of the revenue; and it is well known that our Government is not embarrassed from any necessities of revenue; on the contrary, it has an immense surplus. It is undoubtedly a part of true wisdom that the taxes laid by the General Government should be indirect taxes. The province of direct taxation should be left to the States, and in order that the two systems may not clash and overburden the people, it is a part of wise policy that the National Government shall make the most of its taxation indirect.

"No man with his senses about him would recommend perfect freedom of trade in the sense that there should be no duties whatever laid on imports. The only thing that free traders contend for is, that there shall be only so much duty laid as will be necessary to defray the expenses of the Government, reduce the public debt, and leave a small surplus for accumulation. But that surplus should be so small that it will not lead to jobbery and corruption of the worst sort.

"We often hear the question asked by the advocates of protection whether it is a wise and consistent public policy for us to be dependent for supplies upon foreign governments. That was asked in reference to cotton ties. It was said that the cotton tie was manufactured almost wholly in England, and the question was put to the witness, 'Is it a part of wise policy that we should be dependent on England for our cotton ties?' In other words, we fear dependence on foreign manufacturers. Now, gentlemen, what does that mean? There is no danger in time of peace in being dependent on foreign manufacturers, because, if they raise their prices, the inevitable result will be

that Americans will go into the manufacture and undersell them, and their prices must come down again. Therefore we are in no danger in time of peace. So that the argument of the protectionist must be a war argument. Of course, if a war should occur between this country and Great Britain, it would be greatly to the disadvantage of our southern cotton balers to be dependent entirely on the English manufacturer for their cotton ties. So that the protectionist advocates a system which prepares for war, while it has not any consideration for the requirements of the country in time of peace. I ask, is it worth while during 50 years of peace to provide by taxation for one year of war? Is it wise and just to tax the people for a contingency so that millions may be accumulated in the Treasury from the tax on these cotton ties in order that war at some distant period, which no man sees, may be provided for? War will cost a great deal when it comes; let it not be costing us in the meantime.

"Another stronghold of the protectionists is the question of wages. They say, 'How can we compete with the foreigners when the remuneration of labor is so much lower in foreign countries than in our own country?' Well, we can compete with them just as we do in regard to agricultural products. Of course every gentleman knows that our principal agricultural products have no duty imposed upon them. English wheat and other produce may come into our markets free of duty, and there is a freedom of trade in that regard, so far as the farmer is concerned.

"By Commissioner GARLAND:

"Q. Do I understand you to say that there is no duty on wheat?—A. So I understand by looking at the last returns.

"Commissioner GARLAND. Such is not my understanding.

"Commissioner OLIVER. Wheat pays 20 cents a bushel, and the farmers have been asking us to keep that duty on, because they say otherwise it would be imported from Manitoba.

"The WITNESS. Then I was misinformed. But it is a well-known fact that there is a greater disparity in the wages paid for agricultural labor in this country and in England than there is between wages paid in other industries, and although the duties on these agricultural products are lower, our competition with foreigners in this regard is more successful. In other words, we make up for the high price of our wages by the fertility of our land. There is no land in the world that can compare in fertility with the land of the West, and the consequence is, we have an immense advantage in that regard. We have advantages also in other industries, such as in mining and in cotton productions. These are compensations which are provided, and which no human laws can take away.

"There are positive grounds, however, upon which protection can be objected to. It is understood that the protective-tariff policy was adopted in this country in the beginning on the idea advocated by John Stuart Mill and one or two other eminent writers on the subject in England, who said that a new country might with advantage protect its infant industries, provided the tariff which was laid for that purpose was merely a temporary expedient for building up those industries. It was upon that idea that America first established this protective system. What has been the result? These infant industries at first were protected by very small duties, but, instead of growing into manhood and strength, they have gone into weaker decrepitude. They have needed more and more protection as years have gone on, until the climax has been reached at the present time. That ought to overthrow the whole doctrine in itself. But the danger in imposing protective duties is that when the policy is once embarked upon it can not be easily receded from. Protection is nothing more than a bounty, and when we offer bounties to manufacturers they will enter into industries and build up interests, and when at a later day we seek to overthrow this protective tariff we must hurt somebody, and of course there is objection. They will say, 'Thousands of men will be thrown out of employment, and hundreds of people will lose their capital.' This seems very plausible; but I maintain that manufacturers are made better manufacturers whenever they are thrown upon their own resources and left to the natural competition of trade rather than when they are told, 'You shall be held in the lap of the Government, and you need not stand upon your feet.' Such theories discourage skill, because it puts all industries upon an artificial basis. The basis that they rest upon is not that of the skill of the manufacturer; it is because the bounty of the Government is put on his trade which enables him to get more for an inferior article than a foreigner could get for a better article.

"Protection also hinders commerce immensely. The English people do not send as many goods to this country as they would if the duties were not so much, and in that way there is a restriction of commerce, and we are building up manufactories here at the expense of commerce. We are holding ourselves aloof from foreign countries in effect, and saying, 'We are sufficient to ourselves; we wish to trade, not with England, but with each other.' I maintain that it is not only a pernicious system, but a corrupt system.

"By Commissioner GARLAND:

"Q. Are you advocating the repeal of all tariff laws?—A. Of all protective-tariff laws; of establishing a tariff for revenue merely. It seems to me very absurd to maintain that we shall have free trade between different portions of this country, and at the same time shut ourselves out from free communication with other producing countries of the world. If it is necessary to impose restrictive duties on goods brought from abroad, it would seem to me, as a matter of logic, necessary to impose similar restrictions on goods taken from one State of this Union to another. That follows as a necessary consequence; there is no escape from it."

Mr. HARDY. Does not the gentleman realize a very distinct difference between the power of the Government to pass a certain law and the right or the policy of passing it?

Mr. HILL. Oh, I do; and I have just read where your candidate says that the "power" was absolutely conceded at that time and definitely settled.

Mr. HARDY. Will the gentleman permit another question?

Mr. HILL. Certainly.

Mr. HARDY. Has anybody ever denied the power of the Government to pass protective tariffs?

Mr. HILL. Why, yes; the first sentence of your platform adopted at Baltimore denies it right now.

Mr. HARDY. Denies the right of it; but have we not all conceded the effective force of those laws when passed?

Mr. HILL. The gentleman ought to read the platform of his own party. I will read it for him now.

Mr. HARDY. Has any Democrat ever attempted to enjoin the enforcement of any of the tariff laws passed by Congress?

Mr. HILL. Yes, they did; and Andrew Jackson told them that by the Almighty he would hang them on the highest gallows in the country if they did not back down.

Mr. HARDY. The gentleman refers to the nullification proceedings in South Carolina.

Mr. HILL. Yes; that is precisely the thing about which I have been reading to you the language of Dr. Wilson.

Mr. HARDY. But the gentleman realizes that that was decided on the ground that the right to resist the enforcement of a Federal law did not exist in the States.

Mr. HILL. I recognize that, but the gentleman says nobody denies the power of the Government to enforce tariff taxes. Now, let me read to the gentleman, while we are here close together, so that he will never forget it again during this campaign:

We declare it to be a fundamental principle of the Democratic Party——

The gentleman belongs to the Democratic Party, does he not?

Mr. HARDY. I always have.

Mr. HILL. I will read to the gentleman the first plank in his platform.

We declare it to be a fundamental principle of the Democratic Party that the Federal Government under the Constitution has no right or power——

Mr. HARDY. Now, will the gentleman permit me to interrupt him there?

Mr. HILL. Why, certainly.

Mr. HARDY. Under the Constitution they had no right or power, but they violated the Constitution.

Mr. HILL. What are you living under, if not under the Constitution?

Mr. HARDY. But your party has violated it.

Mr. HILL. Are we not living under the Constitution?

Mr. HARDY. Yes; and your party has violated it in passing tariff legislation not for revenue, but for protection.

Mr. HILL. And the people this fall are going to commission us to do it again.

Mr. HARDY. Whenever you announce the purpose of your legislation, if you will entitle your bill for the purpose of protection and not for revenue, your own courts will declare it unconstitutional.

Mr. HILL. The first tariff act that was ever passed in this country, in 1789, an act the effect of which, I think, was misconstrued by Chairman Parker in the Democratic convention, announced its object to be for the purpose of "encouraging the industries of the United States."

Mr. HARDY. And I want to say to the gentleman that if he will show me a law that says its purpose is solely for pro-

tection and not for raising revenue I will show him one that is not constitutional.

Mr. HILL. The gentleman can make that speech in his own time. Mr. Chairman, I rose for the purpose, as our honest Speaker said some weeks ago, to speak for the truth of history. He referred to certain matters that occurred in regard to the tariff act. I refer to statements that have been made since 1909 and brought down to now concerning the Payne tariff bill.*

Let me say that on the passage of the Payne tariff bill the gentleman rose from his seat when the bill was about to be passed, came down in front here, and said that the bill was a violation of the pledges of the Republican Party. The Democratic platform says so now, and he said then it would raise the duties 1.71 per cent. I will ask the gentleman from New York [Mr. PAYNE] if I am not right in my figures.

Mr. PAYNE. I do not recollect the exact figures, but I know it was very high.

Mr. HILL. He said that they would raise the Dingley duties 1.71 per cent. Now, no man can take a tariff bill based on specific duties and figure out what the rate will be when it goes into operation, because he does not know what articles will be imported and what the valuation of those articles will be. Therefore that statement made by the now Speaker of the House, while it was honest from his standpoint—as everything he does is honest, whether it is in a Democratic convention or anywhere else [applause]—nevertheless it was a mistake, because it was impossible for him to figure out what the rate would be.

But from that day to this, notwithstanding the mistake, Democratic speakers have gone on and made these statements, and Democratic conventions have gone on and made these statements, and Democratic platforms have gone on and made these statements, all in utter violation of the fact, as most Democratic political statements—I do not refer to Democrats individually, but most Democratic political statements are in utter ignorance of the facts.

Now, we had a Democratic convention a little while ago. The permanent presiding officer was a distinguished honored, and loved Member of this House. He did not have quite as radical a view on this subject as did the temporary presiding officer. He said that the rate of the Payne tariff bill was 47 per cent, and the temporary officer said it was 50 per cent. Now, I am not going to attempt to reconcile the disagreement between two Democrats. It is hard enough to have to reconcile the disagreements between a Republican and a Democrat, but I am going to give you some facts now in regard to that matter.

Mr. FIELDS. Will the gentleman yield?

Mr. HILL. Of course I will.

Mr. FIELDS. Since the gentleman has drifted into a political speech——

Mr. HILL. Unintentionally.

Mr. FIELDS. Without knowing where the attack comes from, may I ask which one of the Republican parties he is affiliated with?

Mr. HILL. Oh, that is absolute nonsense. I am surprised that the gentleman from Kentucky should ask that question. I am a Republican. I will ask him, Are you a Bryan man or a Tammany man?

Mr. FOCHT. Answer; stand up.

Mr. FIELDS. I am a Democrat.

Mr. HILL. Mr. Chairman, at the Democratic convention a few days ago the temporary presiding officer made this statement:

* The average duties under the tariff of 1789 was 8½ per cent; now the average is 50 per cent.

Both were mistakes. There is no record of the average rate of duty under the act of 1789. The first publication, and the only one, is in the American State papers, volume 1, page 140. The first statement is from October 1, 1790, to September 30, 1791, and the average—and this is the important point, showing how easy it is for eminent gentlemen unwittingly to fall into a mistake—the average for the 34 months' receipts was 8.48, and he says that it is 50 now.

Then it was on all imports, free and dutiable. Now his 50 per cent is on dutiable only. Is it fair? He was wrong in both, but was his statement as he intended to have it fair? The first statement published by the Government is for 1791, where the rate on free and dutiable both is given as 22.24 per cent. It is only 20.1 per cent now, instead of being 22.24, as in 1790, on all free and dutiable as shown by the official records of the Government. To-day, after 34 months of operation of the Payne tariff bill, running through the whole of it, from the day of its passage down to the 1st day of June, it is only 20.1 per cent. Two per cent less than it was in 1790, and not 50 per cent, the rate which the judge indicated by his comparison, mistakenly, to be the rate on all importations. Is it fair?

I am not going to waste much more time on it, except this: He says in 1830 the rate was 32 per cent. It was not. It was only 24 on the dutiable and 17 on the free and dutiable. There were only 26 per cent of the importations that came in free. All through that period of time you have what is a fit illustration of your revenue tariff, a tax on everything, practically, with no free list, or very little, if any.

Do you know, gentlemen, that priding yourselves as you do on the legislation of this session, you have passed but one tariff bill in this Congress that complies with your own platform? That is the chemical schedule. On that you scaled the duties on finished products below the protective points, and you put a revenue tax on $47,000,000 of raw materials which had come in free the previous year under the Payne bill and added directly to the cost of every one of them. That is a fit illustration of a revenue tariff bill, and that is the only one you have passed in accordance with your platform.

Judge Parker said that in 1842 the rate was 32 per cent. It was not; it was 24. He said in 1846 it was 25 per cent. It was not; it was 31 per cent. He said in 1857 it was 20 per cent. It was not; it was 22.45 per cent, and the percentage of free importations was only 14.

I desire now to have the Clerk read from page 420 of Senate reports, second session Fifty-third Congress, volume 13, 1894, a note appearing at the foot of the table of receipts from all sources.

The Clerk read as follows:

NOTE.—In the table of receipts from all sources, published annually in the Finance Report, the column headed "Customs" shows the total annual customs collections from all sources covered by warrant into the Treasury, after deducting expenses of collection. From 1791 to 1850 collectors paid from customs receipts all expenses of their offices and turned the net amount remaining into the Treasury, but from 1850 to the present time they have been compelled by law to turn into the Treasury all amounts collected, while the expenses of their offices are paid by warrants on the Treasury of the United States.

Mr. HILL. Mr. Chairman, I will ask the Clerk to stop right there. When you go back to 1850 it will be seen that you are dealing with a different proposition, as the note states. The collectors prior to that time paid the expenses of collecting the tax and turned in the net amount to the Treasury, whereas now they turn in the whole amount to the Treasury, and the expense of collection is paid by warrants drawn on the Treasury, so that the comparison is not worth a cent. I will ask the Clerk to continue the reading.

The Clerk read as follows:

The figures in the column of the above table headed "Amounts of duty collected" from 1791 to 1866, inclusive, show the annual amounts of duty collected on merchandise only, without any deductions for expenses of collection, and omitting the collections from tonnage, lighthouses, fines, penalties, forfeitures, etc. (Explanation given by Register of Treasury.)

For these reasons the figures of "Duties collected" prior to 1851 in the above table largely exceed in many cases the amount of receipts from customs as shown in the Finance Report, inasmuch as the expenses of collection were of considerable magnitude during the years when the net receipts only were covered into the Treasury. From 1850 to 1866 the receipts in the table in the Finance Report should exceed the duties collected in the above table by amounts of collections from sources other than duties on merchandise, such as tonnage dues, fines, penalties and forfeitures, hospital dues, etc. Since 1866 the duties collected, as shown by the above table, are taken from the accounts of this office. While these data, showing the duties collected on merchandise from 1791 to present time, are somewhat diverse in character, they are the best attainable.

Mr. HILL. As I say, Mr. Chairman, taking the figures back of that date, and basing a comparison upon them, that comparison is not worth a cent, and when the gentleman from Kentucky [Mr. JAMES] and the gentleman from New York, Judge Parker, stated that the Payne tariff bill showed an average rate of duty of 47 per cent according to Mr. JAMES and 50 per cent according to Judge Parker, and Judge Parker comparing it with the rate on the first tariff bill, which covered both free and dutiable, knowing that his 50 per cent referred only to the dutiable, it will be seen that each of them made a mistake.

They sin not against knowledge but against mistaken information. Perhaps that is a little harsh to say, because they could have had the figures of the Payne tariff bill; and I am going to put in the RECORD to-day the complete figures certified to by the Department of Commerce and Labor of every importation made since the 5th of August, 1909—since the Payne bill was enacted—to the 1st day of June, and in two or three days I will put in the figures up to the 1st day of July. I have not got them now, as they are not ready yet, but they will be, and you will get all of this kind of figures you want in this campaign before you get through, gentlemen on the other side of the House:

Imports of merchandise into the United States, showing percentage thereof free of duty, customs receipts, and average ad valorem rate of duty during the 34 months' operation of the Payne tariff law, Aug. 5, 1909, to May 31, 1912, compared with like results under the entire operation of the Wilson and Dingley tariffs, respectively.

Entire period of—	Imports.			Free.	Customs receipts.	Average ad valorem on—	
	Free.	Dutiable.	Total.			Dutiable.	Total imports.
	Millions.	*Millions.*	*Millions.*	*Per cent.*	*Millions.*	*Per cent.*	*Per cent.*
Wilson law:							
35 months[1]	$1,080.4	$1,132.7	$2,213.1	48.8	$485.0	42.8	21.9
Monthly average	30.9	32.4	63.3		13.9		
Dingley law:							
144 months[2]	5,428.5	6,821.5	12,250.0	44.3	3,121.8	45.8	25.5
Monthly average	37.7	47.4	85.1		21.7		
Payne law:							
34 months[3]	2,301.4	2,132.4	4,493.8	51.2	902.6	41.2	20.1
Monthly average	67.7	64.5	132.2		26.5		

[1] Excludes last 4 days of August, 1894, included under McKinley law, and includes July 24-31, 1897, under act of 1897.
[2] Excludes last 8 days of July, 1897, included under Wilson law; excludes Aug. 1-5, 1909, included under Payne law.
[3] Includes Aug. 1-5, 1909, under act of 1897.

NOTE.—A reduction of about $55,000,000 was caused in customs receipts under the McKinley Act, due to reduced imports in the closing months under that act in anticipation of the passage of the Wilson tariff, whose revenues were correspondingly increased. Likewise a reduction of about $45,000,000 was caused in customs receipts under the Dingley Act, due to heavy imports in the closing months under the Wilson law, whose revenues were correspondingly increased.

I will just give a temporary alleviating dose now, and I will go back to the beginning of the Wilson bill, which ran 35 months. The entire dutiable rate of the Wilson bill for 35 months was 42.8 per cent. The whole average for its entire duration was 42.8 per cent on the dutiable articles alone. On the whole bill it was 21.9 per cent. It had a free list of 48.8 per cent. In other words, 48.8 per cent of all the importations under the Wilson tariff law came in free. Now, about the Dingley law. It was in operation 144 months. For that entire period the rate of duty on the dutiable articles was 45.8 per cent, 3 per cent higher than the Wilson bill. The rate on all importations for the entire 144 months was 25.5 per cent. Now you have got the Wilson bill and you have got the Dingley bill—the Dingley bill 25.5, the Wilson bill 21.9. Now, were we faithful to the trust reposed in us by the country? I do not stand here and say that there were no mistakes in the Payne bill. There were, and I was opposed to some of them, but the advantages of that bill, with reference to other matters than mere rates of duty, far outweighed any possible mistakes which were in it. Why? It gave us the customs court, the maximum and minimum system of duties, and, best of all, authorized the tariff board. I will give you the rate of the Payne bill. That bill has been in operation 34 months up to the 1st of June and the average ad valorem for the whole bill for the entire time has been 20.1 per cent. The Wilson bill was 21.9, the Dingley bill was 25.5, and the Payne bill 20.1. Were we faithful to the obligations imposed upon us? The ad valorem on the dutiable list only under the Wilson bill was 42.8; under the Dingley bill, 45.8; under the Payne bill, 41.2. Now, I want to say to you gentlemen when you stand before your constituents, tell them the truth. [Applause on the Republican side.] It will not hurt you; it will not hurt you. If you do tell them the truth, tell them this: Tell them that never in the history of the United States, from 1789 down to now, have there ever been but four years when there was as large a free list—I do not mean aggregate importations, for the country has grown in size, but I mean percentage of all importations—that never in the history of this country from its beginning down to now have there been but four years when the percentage of free importations has been as much as under the Payne tariff bill, and that was when sugar was free under the McKinley bill. [Applause on the Republican side.]

There have been but 14 years since 1820 when the free and dutiable importations put together have had as low a percentage of taxation as they have borne under the Payne tariff law. Now, be honest about it. Tell them these things, make a fair comparison; tell them frankly you do not want protection; tell them you are opposed to all tariffs, as Dr. Wilson said when Commissioner Garland asked him if he was in favor of the abolition of tariffs, and he said, "All protective tariffs." [Applause on the Republican side.] Tell them that. If you believe it, tell them that. If you do not believe it, come out fair and square and say that half of the South today is for a protective tariff, notwithstanding your platforms.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. HILL. Certainly I will yield.

Mr. RUCKER of Colorado. I do not think the gentleman is fair in giving that degree of intelligence to his audience on the Republican side, because he has made this speech to my certain knowledge so many times since I have been in Congress that I do not think he is fair to his Republican colleagues. Now, so far as the speech is concerned as it falls upon Democratic ears it is entirely deaf and has always been——

Mr. HILL. I know that, and always will be; the truth never had any effect upon Democracy.

Mr. RUCKER of Colorado. I thank the gentleman very much as designating me as possibly being one of those who have listened to him attentively. Now, by the way, let me just suggest this. I do not envy the man who is going to try to answer the gentleman from Connecticut [Mr. HILL], because he has traveled all over the earth and back again, but what struck me when he got up first and when he acknowledged he was in favor of the bill——

Mr. HILL. I am.

Mr. RUCKER of Colorado (continuing). He went off and was damning this bill with faint praise in that he spoke about the labor organizations having met the recent Democratic candidate for President.

Mr. HILL. Does the gentleman mean to say that the language of Dr. Wilson, which I read, was "damning the labor organizations with faint praise?"

Mr. RUCKER of Colorado. But the language refers to the labor organizations meeting the nominee for the Presidency. Does not the gentleman know that the labor organizations went before the resolutions committee in Chicago when the convention nominated President Taft, as well as before the resolutions committee at Baltimore?

Mr. HILL. I will just answer the first. I would rather the gentleman would make his speech in his own time. I am for the labor legislation that does the laboring man good, that fills his dinner pail, that makes him a respectable man, and enables him to live like a man and pay his taxes, live in his own cottage, have his day's work for his family, raise his children, and become a good, independent American citizen.

Mr. AKIN of New York. Is that the 1896 dinner pail or the 1912 dinner pail?

The CHAIRMAN. Will the gentleman yield?

Mr. HILL. As soon as I get through with this. There is one other set of figures that I want to refer to. Under the Wilson bill the free list for 34 months was 48.8 per cent, under the Dingley bill 44.8 per cent, and on the 1st day of June it is 51.2 per cent for the entire life of the Payne tariff bill. And I will say to you gentlemen who talk about the cost of living, that during this past year the American people under the Payne tariff law have had a foreign commerce of $4,000,000,000 [applause on the Republican side] with the balance of trade in our favor of $550,000,000. I am told that $1,000,000,000 of foreign products have come into the United States without paying one single cent of duty under the Payne bill during the last fiscal year. You never had a Democratic tariff bill, you never will have under any legislation that is possible for you to frame under the terms of your platform, that will show such a magnificent result as that. And this year, unless the importations of June indicate worse at the end than they did at the beginning of the month, the free list under the Payne tariff bill will be 55 per cent of all the importations. Go home and tell those things to your constituents and William Howard Taft will be elected. [Applause on the Republican side.]

Mr. BUCHANAN. Will the gentleman yield for a question?

Mr. HILL. Certainly I will, if I have time.

Mr. BUCHANAN. Just a question. Did not the Republican convention at Chicago declare for a revision of the present tariff law?

Mr. HILL. Certainly it did.

Mr. BUCHANAN. Why did they do so if we have such a splendid and perfect law now?

Mr. HILL. For the correction of some high duties, and in accordance with the findings of a permanent, independent, nonpartisan Tariff Board on every schedule, and I am for it. Are you? I am for correcting mistakes, whether they are Democratic or Republican.

Mr. GARNER. Will the gentleman yield?

Mr. HILL. I yield to my friend from Texas with pleasure.

Mr. GARNER. I realize the gentleman from Connecticut is undoubtedly the ablest man on his side of the House in presenting the paramount issue——

Mr. HILL. Oh, leave that out.

Mr. GARNER. And I want to ask him if this is the opening gun as outlined at the White House by the committee the other night?

Mr. HILL. The gentleman from Texas [Mr. GARNER] is too high-toned a man to ask such a question. If it was true, I would keep silent. It is not true, and I will say there is nothing to it.

Mr. GARNER. Then the gentleman is not taking advantage of the fact to make a tariff speech, other than to connect the two together?

Mr. HILL. Not in the slightest degree. I did not expect to make this informal talk when I came in here. I will tell you exactly how it came about. I was given certain statements last night. I do not like to make a statement unless I verify it. I was told of a certain baccalaureate sermon of Dr. Wilson three years ago. I went to the Library last night and got the Trenton paper, and have been copying from it this morning. I did not know what was up, and I did not expect to make any remarks at all. I came on the floor of the House and found a bill which was up last Wednesday and which I was for then and which I am for now. The whole trouble about the thing is how you are going to reconcile your advocacy of this bill with the views propounded by your candidate.

Mr. GARNER. It appears from the gentleman's argument that he is trying to show that the Democratic platform and the utterances of Dr. Wilson do not coincide and that they are not together upon the subject of the tariff.

Mr. HILL. Of course they are not.

Mr. GARNER. And I wish to ask the gentleman whether Dr. Wilson is stronger than the platform or the platform is stronger than Dr. Wilson.

Mr. HILL. I do not think either one of them is strong enough to win. [Laughter and applause on the Republican side.]

Mr. GARNER. Does the gentleman honestly believe, under present conditions, that his prophecy that William H. Taft will be the next President will come true in next November?

Mr. HILL. I will ask you a question.

Mr. GARNER. Answer mine.

Mr. HILL. Do you not know that for the last six months I have said, and said, and said repeatedly, that your mistake here in this extra session on tariff legislation would force the issue before the American people next fall to be the tariff, the tariff, and nothing but the tariff, and that William Howard Taft would win because the people of this country, no matter how much they love you or distrust you, are a protective-tariff people, and you can not force free trade down their throats? [Applause on the Republican side.]

Mr. GARNER. Now, then, I realize——

Mr. HILL. I believe, as much as I believe I am standing here, what I have said all the way through, that Mr. Taft would not only be nominated, but that he would be elected. [Applause on the Republican side.] Why, I remember——

Mr. GARNER. I ask the gentleman now——

Mr. HILL. I will tell the gentleman something else.

Mr. GARNER. Let me ask the gentleman this question. I asked it of the gentleman a little while ago. There is not a man in this House, whether on the Republican side or on the Democratic side, who does not believe in the mental honesty of the gentleman from Connecticut. I ask the gentleman this honest question: Does he tell this House to-day that he honestly is of the belief that William Howard Taft will be elected President?

Mr. HILL. I do, and I will tell you why. I have been through this experience once before—probably before the gentleman was born. I was a Liberal Republican in 1872. I trusted the promises of Democrats. I voted for Horace Greeley. The New York Tribune had been the political Bible of my father and my family. I was brought up on it, and when Horace Greeley was nominated by the Liberal Republicans and indorsed, as I thought honestly, by your people—I learned better since [laughter]—I thought that he was right, and I stood with him. And we swept this country up to the first Monday in October, and on the first Tuesday in November we were thrashed out of sight. You people stayed at home, and did not vote according to your agreement. You will do it again. Tammany will sell you out. You know it just as well as I do. [Applause on the Republican side.]

Mr. SULZER. They can not do it. [Applause on the Democratic side.]

Mr. HILL. I have seen them do it over and over again. They want New York City, and they are going to have it.

Mr. AKIN of New York. Will not Bill Barnes sell out?

Mr. HILL. Oh, you are beaten. [Applause on the Republican side.]

Mr. AKIN of New York. Where is Bill Barnes? [Laughter.]

Mr. HILL. You will be at home. You need not worry about it.

Mr. AKIN of New York. Well, and you need not worry about that.

Mr. HILL. You are beaten. You were beaten from the day that it appeared in the convention that the hand was the hand of Esau——

Mr. GARNER. Who is going to buy us? That is what I want to know. [Laughter.]

Mr. HILL. From the day that it appeared that the hand was the hand of Esau, but the voice was the voice of Jacob. [Applause on the Republican side.]

Mr. GARNER. You say Tammany is going to sell. Who is going to buy them?

Mr. HILL. I say you stayed at home. You indorsed Horace Greeley. You went back on your pledges, and you did not vote at all, and the regular Republican nominee was elected. I do not care how many third tickets or fourth tickets or fifth tickets you put up. William Howard Taft will be elected President of the United States on the issue of a protective tariff and against Democratic free trade. [Applause on the Republican side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. ADAMSON having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House that the President had approved and signed bills and joint resolution of the following titles:

On July 5, 1912:

H. R. 22006. An act authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala.;

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

On July 8, 1912:

H. J. Res. 332. Joint resolution appropriating $1,350,000 for encampment and maneuvers for the Organized Militia.

On July 6, 1912:

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 20738. An act for the transfer of the so-called Olmstead lands, in the State of North Carolina, from the Solicitor of the Treasury to the Secretary of Agriculture.

On July 10, 1912:

H. R. 24227. An act to amend section 11 of an act entitled "An act to grant additional authority to the Secretary of the Treasury to carry out certain provisions of the public acts, and for other purposes," approved March 4, 1909.

DEPARTMENT OF LABOR.

The committee resumed its session.

Mr. SULZER. Mr. Chairman, I want to say just a few words. I have some time left. First I will yield to the gentleman from Connecticut [Mr. REILLY].

The CHAIRMAN. The gentleman from Connecticut [Mr. REILLY] is recognized.

Mr. REILLY. Mr. Chairman, I do not attempt to measure swords with my older and more experienced colleague from Connecticut [Mr. HILL] in making a protective tariff speech, but I am impressed by the fact that this afternoon in this House the gentleman is much more confident of the election of William Howard Taft than he was at a recent meeting of Connecticut postmasters. [Laughter and applause on the Democratic side.]

Only this morning—and it seems as if it was rather providential—I received a letter, a part of which I hold in my hand, and in view of the political discussion having developed here, and in view further of the great confidence expressed in the election of the Republican nominee by my colleague, I want to read something that the gentleman from Connecticut said at a recent meeting of Connecticut Republican postmasters along this same line of confidence. I read from the letter in question:

I will retail to you a part of a speech that I heard at the annual banquet of the Connecticut Postmasters' Association, at which I was a guest.

Hon. EBENEZER J. HILL was the speaker, and he prefaced his remarks by asking if there were any reporters in the room, and upon being assured that there were not, he resumed his speech, which he evidently considered of a confidential nature. He began by saying that he was pleased to see all the old familiar faces, but he feared that some of those faces would be missing at the next annual banquet if they did not do better work in the next election than they did in the last.

[Laughter.]

Mr. HILL rose.

Mr. REILLY. I will not yield now.

The CHAIRMAN. The gentleman declines to yield.

Mr. REILLY (reading):

He said further, "You are all creatures of the present administration, and as such are expected to be in harmony with and part of that administration, and, furthermore, notwithstanding orders and statements to the contrary, you are expected to take off your coats and openly work for the continuation of that administration."

[Laughter and applause on the Democratic side.]

The letter continues:

But the part of his speech which will interest you most is that in which he alluded to you. He said, "Behold the man you have sent to Washington to represent this district. Do you know what he is doing? He is voting with the southern Democrats to destroy the manufacturers of Connecticut."

I deny that absolutely. I voted on tariff measures in this House with the majority of this House, and also with a large minority on the other side of the House who are honest in their convictions. [Applause on the Democratic side.]

I voted for tariff legislation that was promised the people of the country by the Democrats in 1910, after they had been deceived by the promises made by the gentleman from Connecticut [Mr. HILL] and other Republicans in 1908. [Applause on the Democratic side.] I deny that I voted to ruin the manufacturers of Connecticut, and I deny that my southern colleagues have voted to do that either. [Applause on the Democratic side.] I am sick and tired of hearing the gentleman from Connecticut, the know-all of tariff legislation, compared to whom the distinguished gentleman from New York [Mr. PAYNE] is a mere piker; no one knows anything but the gentleman from the fourth district of Connecticut—I say I am sick and tired of hearing him, under the guise of protecting the American workingman, getting up here and feeding them with speeches on the tariff. [Applause on the Democratic side.] I say that the Democracy of this House has redeemed its pledges made in 1910 so far as an adverse Senate and a hostile President would permit them; and if the House legislation had been passed by the Senate and approved by the President the people of this country would have been far better off to-day, far better than they will be in listening to this buncombe every few days, under every pretext, that the gentleman from Connecticut [Mr. HILL] can inject into the discussion of bills in this House. [Applause on the Democratic side.]

Mr. SULZER. Mr. Chairman——

Mr. HILL. Mr. Chairman, I rise to a question of personal privilege. I desire to ask the gentleman from Connecticut [Mr. REILLY] if he states on his honor as a Representative that he has quoted my language correctly.

Mr. REILLY. Mr. Chairman, I will state on my honor as a Representative that this is a bona fide letter, received only to-day from a friend——

Mr. HILL. I ask the gentleman fairly and squarely as a Representative from Connecticut if he is responsible for the correctness of the language which he has read on this floor?

Mr. REILLY. I will ask the gentleman from Connecticut if he denies having said that. [Applause on the Democratic side.]

Mr. HILL. I want to ask the gentleman if he states on his honor as a Representative that the language which he has attributed to me was ever uttered by me; not because somebody tells him so, but will he be responsible for the correctness of it?

Mr. REILLY. I will not believe the language I quoted if the gentleman from Connecticut denies it; but until he does deny it I do believe it.

Mr. HILL. Oh!

Mr. SULZER. Mr. Chairman, I believe I have the floor.

Mr. HILL. Mr. Chairman, I emphatically deny the correctness of the language which has been read here by the gentleman from Connecticut [Mr. REILLY]. I have the right to know whether he knows himself that he has read language that he says he attributes to me.

Now, Mr. Chairman, the reason I deny it. I have kept silent in the past on attacks of this kind. I came into this Hall some time last winter when the gentleman from Connecticut was reading a prepared speech in which he accused me of having prepared a woolen schedule while president of a woolen mill and while my son was treasurer of a woolen mill. He did it deliberately. He might have known that it was false if he had wished to have known it. My son had died three years before that time. I had resigned from the vice presidency of the woolen mill prior to assisting in preparing the Payne tariff bill more than three years before. The gentleman from Connecticut knew it and he suppressed the facts on this floor. I say that statements of that kind coming from any man, Republican or Democrat, are not only not worth the paper they are written on, but they make the man unworthy of any credence whatever, either now or in the future. [Applause on the Republican side.]

Mr. SULZER. I have the floor, Mr. Chairman, and I will yield to the gentleman from Connecticut.

Mr. REILLY. Mr. Chairman, the attempt of the gentleman from Connecticut to sidetrack this present proposition by the introduction of another will not succeed. I want to correct the statement which the gentleman made here a moment ago. He said that I knew that he had resigned as the vice president of that Norwalk company. When I made the remarks in the House some time ago I did know he had resigned as vice president, and I said in that speech that he had resigned as vice president. I said also in that speech that he was still a stockholder and still a director in that company. I said that to him in public and privately, and I repeat it now. I said that he had resigned some time before as vice president, so he can not put that up to me as an accusation of being unfair.

I did not know that his son was dead. If I had, I would not have brought his name into the discussion; but the fact remains that his son had been treasurer of the company. The fact that the gentleman from Connecticut had resigned as vice president I stated on the floor, but he is still a stockholder and a director and the controlling interest in that company to-day, and I have nothing to take back in that speech. He can not sidetrack attention from what I quoted here to-day, and they will stand as true until he denies them.

Mr. HILL. Would the gentleman like to have me deny them now? There is no such company now and there was not when the gentleman made his speech. The stock had already been voted as a free gift to others at that time and the concern was out of existence.

Mr. REILLY. When that speech was made, within a month of making it, the annual report of the company was on file in the town clerk's office in Norwalk, the gentleman's home town. There is where my information came from; there was no hearsay, and the town clerk's records were the source of information. [Applause on the Democratic side.]

Mr. SULZER. Mr. Chairman, this is a hot day. [Laughter.] Let us keep cool. [Laughter.] I say this advisedly because I regret that gentlemen get unduly excited now about a matter which is not before the House and which will no doubt be thoroughly discussed on the stump in the cooler days of the autumn. [Laughter.] In view, however, of what the gentleman from Connecticut [Mr. HILL] has said to befog the issue and to direct attention from the bill which we are now considering to something else which will be considered in due time, I want to say that, in my judgment, the people of our country are tired of hearing the gentleman from Connecticut expatiate on the tariff—threadbare subject to him—and they care nothing about his opinion to-day on that topic, but they do care a great deal about what Gov. Woodrow Wilson will say on the subject when he comes to speak. [Applause on the Democratic side.] The people of the country are waiting to hear the speech which Gov. Woodrow Wilson will make to the committee which will

soon officially notify him of his nomination for President by the Democratic Party. I indulge in no prophecy as I look into the sad faces of the gentlemen on the other side of the aisle and read there what they really think and what they truly know, that just as sure as the sun will rise to-morrow morning Woodrow Wilson will be the next President of the United States. [Loud applause on the Democratic side.]

Mr. FOCHT. Will the gentleman yield?

Mr. SULZER. Is it for a question?

Mr. FOCHT. It is for an observation altogether germane.

Mr. SULZER. Never mind the observation. Ask the question.

Mr. FOCHT. I have here a book sold by the millions giving the speeches of a gentleman from New York named SULZER.

Mr. SULZER. Good. Has the gentleman read that book?

Mr. FOCHT. Read it and was glorified in the reading of it.

Mr. SULZER. Then the gentleman knows more now than he did before he read it. [Laughter and applause.]

Mr. FOCHT. Quite true, but we are informed in that book that the said gentleman has carried a Republican district some 20 or 30 times. Why should he do any hurt to the Republicans upon whom he depends for his majority?

Mr. SULZER. That is fine. I am not hurting the Republicans. I am just telling the truth. If that hurts, make the most of it.

Mr. FOCHT. I know that the whole world might sit at the feet of the gentleman and gather wisdom. Anyone who reads the book could not fail to do so.

Mr. SULZER. My friend is too complimentary. However, I do not want to get into a tariff discussion at this time, because I am too anxious to pass this bill to create a department of labor.

In all seriousness I trust we shall not get awry on extraneous matters, but stick to the subject matter which is before the House, to wit, the bill to create a department of labor. Nay, I hope that from now on until we take a vote on this bill Members will confine themselves to the subject under discussion and not discuss other matters wholly irrelevant. For one I am always glad to hear the gentleman from Connecticut [Mr. HILL], and I was gratified to hear him say that he was heartily in favor of the bill before the House. I do not believe there is a Member present here who is opposed to this bill, and if that be so let us pass the bill and then, so far as I am concerned, I will stay here until the cows come home and listen to Members discuss the tariff.

I know something about the tariff myself. [Laughter.] The tariff subject is a good deal like a fiddle. If you understand it you can play any tune on it, but if you do not understand it you can not play on it at all. The gentleman from Connecticut [Mr. HILL] understands the tariff question, and to-day he is playing his old-time tune on it. He has been playing the same tune on it for many, many years, but wait until you hear Woodrow Wilson, the next President of the United States, who understands the instrument, too, play the tune of the people on it. That is what the country it waiting for. Then you will hear the true response from the voters on election day.

But a truce to the tariff to-day. Let us consider this bill for a department of labor, and let us see if we can not pass it before we adjourn. It is a very important measure. It is a nonpartisan measure. It comes to us with a unanimous report, and I would like to see it pass the House before 4 o'clock by a unanimous vote, and to test the sentiment of the committee in that regard, I now ask, Mr. Chairman, unanimous consent that the House vote upon the bill at 4 o'clock.

SEVERAL MEMBERS. Let us vote now.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to close debate on the pending bill at 4 o'clock.

Mr. MANN. Mr. Chairman, reserving the right to object, the gentleman from New York is very generous. The debate on this bill was opened by the gentleman from Pennsylvania [Mr. WILSON], and the gentleman from New York [Mr. SULZER] took the floor and made a political speech which had no relation whatever to the bill. He has now made another political speech which has no relation whatever to the bill, and having made two political speeches, he proposes, without any further consideration of the measure at all, to cut off debate. I object.

Mr. SULZER. Mr. Chairman, I am sorry the gentleman objects. I will ask the gentleman from Illinois how much time he desires.

Mr. MANN. I would like to have about two hours myself. I suppose I will not get that.

Mr. SULZER. Let us be fair. How much time does the gentleman really desire?

Mr. MANN. I am not proposing to make any arrangement whatever with the gentleman. I will make this proposition to the gentleman if he is in charge of the bill. I do not know whether or not he is in charge of the bill—I will make this agreement, that as far as I am personally concerned we run the debate on the bill and close at 5 o'clock and vote next Wednesday on the bill the first thing.

Mr. SULZER. Why put off the passage of the bill until a week from to-day? I will agree to close debate at half past 4 or 5 o'clock and vote on the bill to-day. Why wait another week?

Mr. MANN. Well, not because of any reason that affects this side of the House.

Mr. SULZER. Then let us close debate at half past 4 and pass the bill to-day.

Mr. MANN. We may close at half past 4 if we are ready when half past 4 comes.

Mr. SULZER. The gentleman is seeking delay. Is the gentleman opposed to the bill?

Mr. MANN. That is none of the gentleman's business at this time.

Mr. SULZER. I am seeking information.

Mr. MANN. Oh, the gentleman is not seeking information at all. Give us a chance to discuss the bill and he will find out where I stand on it.

Mr. SULZER. The motives of the gentleman are apparent.

Mr. KENDALL. Let us go on with the discussion of the bill.

Mr. SULZER. Mr. Chairman, very well. I reserve the balance of my time. I want to pass the bill to-day if it can be done, and it can be done if there be no filibustering on the other side.

Mr. MANN. Mr. Chairman, this is a bill to create a new executive department of the Government—a department of labor. It provides for a secretary of labor and three assistant secretaries of labor. It provides for a transfer to the new department of labor of the Immigration Service and the present Bureau of the Department of Labor. It adds in no way whatever to the duties to be performed by the existing bureaus of the Government, except in the one particular where it proposes that the secretary of labor shall have the right to interfere in every labor dispute, regardless of whether it involves interstate commerce or not.

Mr. GARNER. Will the gentleman yield?

Mr. MANN. I yield.

Mr. GARNER. It occurred to me a while ago, while the gentleman from Pennsylvania was reading the provisions of this bill with reference to providing for offices, whether or not the language in the bill is broad enough to add agents and employees of various characters by appropriation committees without being subject to a point of order. I would like to get the gentleman's opinion on that, because I think his opinion on that subject at this time would be worth something.

Mr. MANN. I have no doubt——

Mr. GARNER. If the Appropriation Committee could add such employees and add such salaries as they would deem proper without a point of order being made against them.

Mr. MANN. I would not like to say you could change the class of the persons employed, so far as the point of order is concerned. The language in this bill is quite similar to language in other laws, and the gentleman knows the ruling has been consistent up to the present session of Congress, since when some Chairmen have been in the chair who have had no familiarity with the rules and precedents and have brought about a conflict of rulings. Heretofore they have been consistent. You could add to employees in a class where it was according to existing law. Some Chairmen have held you could do that and some have held you could not do it. I do not attempt to reconcile the rulings. When the gentleman from Texas asks me what the rulings of the Chair will be on a bill which is not yet a law it is a gambling chance.

Mr. GARNER. I was undertaking to put in the RECORD now the opinion of the gentleman from Illinois, who is looked upon as more or less familiar with the rules of the House. I want to get his opinion as to what the rule ought to be with reference to this bill in adding employees.

Mr. MANN. I am not going to express an opinion on the subject for future quotation. My opinions for or against points of order are too numerous now as printed in the RECORD, and anything I might say now would not add to anything which I have said.

Mr. GARNER. If Congress wants to control the matter, now is the proper time to control it in this bill, and therefore it is necessary to have the information by each Member of Congress as to what power it offers the appropriation bill and what the bill ought to be.

Mr. MANN. This bill authorizes the appointment of such other clerical assistants, besides the chief clerk and disbursing clerk, as may from time to time be authorized by Congress. That authorization is sufficient if carried in an appropriation bill, and also authorizes such number of inspectors and special agents as may be provided for by Congress. Whether that authorizes an appropriation bill to provide for them is a question which is not settled in my own mind.

Mr. Chairman, this bill not only provides for a secretary of labor, but it provides for three assistant secretaries of labor. The distinguished gentleman from New York [Mr. SULZER], who introduced the bill, is now the chairman of the Committee on Foreign Affairs of the House. It is true that the Department of State has three Assistant Secretaries. In my judgment, the Department of State would be more efficient if it had only one Assistant Secretary. The Treasury Department has three Assistant Secretaries. But it has a very large field of work, and work which may properly be divided up among Assistant Secretaries, although, if we may judge from some statements which have been made in the papers recently, the result of having three Assistant Secretaries is that you can not get always the proper action from the real chief, the Secretary.

No other department of the Government has three assistant secretaries. The Department of Agriculture has one Assistant Secretary. The new Department of Commerce and Labor, which we created a few years ago, has one Assistant Secretary, and this House in the last Congress, with the Democratic side of the House voting that way, declined to provide a second assistant secretary for the Department of Commerce and Labor.

Now, there is much more reason for having two Assistant Secretaries in the Department of Commerce and Labor than there is in having two in the new department of labor, because the functions of the Department of Commerce and Labor cover a great many more bureaus and different classes of work than are proposed to be covered by the department of labor. There is absolutely, in my judgment, no justification or excuse for proposing three assistant secretaries in this new department. The Post Office Department has four Assistant Postmasters General, each with a certain class of work to perform, and covering an appropriation now of $250,000,000.

At the proper time I shall offer an amendment to provide that there shall be but one assistant secretary, and in the same connection to provide for the auditing of the accounts of the new department, which is not provided for in this bill and is not covered by any existing law. To that, I suppose, there will be no objection.

Mr. Chairman, there are nine Cabinet officers. We call them "secretaries of departments," except in the case of the Postmaster General and the Attorney General. Those nine Cabinet officers now stand at the head of nine executive departments. I believe they are all considered and classified now as executive departments of the Government. The only provision in the Constitution in regard to the executive departments of the Government is found in section 2 of Article II, where it is provided that the President—

> may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices.

And, again, that—

> Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Just what constitutes an executive department or the head of a department has never been fully determined. It is quite certain, however, that the head of such a department shall not necessarily be called into the President's Cabinet nor constitute the head of an executive department within the meaning of the Constitution. The President's Cabinet is not a constitutional office. The President's Cabinet is determined by the President, although now I suppose it is largely determined by the force of custom and possibly influenced to a certain extent by a recent provision in one of the appropriation bills. The President's Cabinet is not created by law. It exists voluntarily and only by force of custom. It has become the custom, however, that when a new department is created and an official at the head of it is called the "secretary of the department" to consider him as a Cabinet officer.

There is nothing, of course, to prevent the President from requesting the head of any other department to attend the meetings of what is called the "Cabinet." This bill, creating a new secretary of labor, should not of itself provide that the secretary should be a member of the Cabinet. There has been a Department of Labor for many years. First, years ago, there was a Commissioner of Labor. Afterwards that was made a Department of Labor, still with a commissioner at the head of it.

Mr. Chairman, only three new additional members of the Cabinet have been provided for more than 100 years. The Departments of State, War, Treasury, Navy, the Attorney General, and the Postmaster General were established during the eighteenth century, and during the first 10 years of the existence of our Government under the present Constitution.

The State Department was the first executive department created, and was established under the title of the "Department of Foreign Affairs" by the act of July 27, 1789, the title of the department being changed to the "Department of State." by act of September 15, 1789.

The Department of War was created by the act of Congress of August 7, 1789. The Department of the Treasury was created by act of September 2, 1789. The salary for an Attorney General, which presumably carried the office, and which I believe was $1,500, was provided for in the act of September 23, 1789, and the office of Attorney General was created in the last section of the act of September 24, 1789. The Attorney General has always been one of the President's family and advisers and known as a Cabinet officer, though he was not always called in at the meetings of the three Secretaries at the beginning of the Government, and although the office of Attorney General was not in terms referred to as an executive office until the act of June 22, 1870, establishing the Department of Justice. A temporary Postmaster General was provided for by the act of September 27, 1789; and by the act of May 8, 1794, a general post office was established at the seat of government, with a Postmaster General in charge. The Postmaster General became undoubtedly the head of one of the executive departments of the Government, but the law did not so refer to him until the act of June 8, 1872, establishing an executive department to be known as the Post Office Department; and although the post office was established, and the Postmaster General, or a person in charge of the post office was provided at the beginning of the Government, the head of the office was not considered a Cabinet officer, nor was the Postmaster General called into consultation in the Cabinet until the administration of Andrew Jackson.

Jackson considered that the Postmaster General was so important in the distribution of offices and jobs that it was considered advisable that the head of that office should meet with the other gentlemen in the Cabinet when it came to the dividing up of the dope.

The act creating the War Department carried with it a provision for control of the Navy. It was originally contemplated that the Navy should be under the control of the War Department; but when war seemed imminent with a European power during the administration of Washington it was finally provided that there should be a Department of the Navy, and that was created by the act of April 30, 1798.

The six departments to which I have referred were all established practically at the commencement of the Government under the existing Constitution. There have been many requests for the creation of new executive departments of the Government in behalf of various interests. Since that time Congress has been very conservative about granting those requests. There are several bills pending now in the two Houses of Congress proposing additional departments of the Government. There is no special interest not already specially provided for, and some which are specially provided for, that do not seek to be specially represented in the President's Cabinet, upon the theory that an interest which has special representation in the Cabinet receives special advantage and special attention. It is quite within the bounds of reason to say that with the increase in number of the members of the Cabinet there comes a decrease in power and influence of the Cabinet itself.

Mr. Chairman, I had charge in this House of the bill creating the last new executive department of the Government, the Department of Commerce and Labor, and I have many times questioned since the enactment of that legislation whether after all it was to the interest of the Government to increase the number of Cabinet officers. I believe the Cabinet in the old days, when there were only six or seven members of it, had far greater influence in shaping the unity of purpose of the country than it has now or than it will have in the future when the number is increased.

It is easy to say that labor ought to have a representative in the Cabinet. It is just as easy to say that the people interested in health matters should have a representative in the Cabinet. It was for many years contended that the immense interests engaged in mines and mining should have a representative in the Cabinet, and it took a long time before the people engaged in the mining industry were willing even to accept a Bureau of Mines and Mining instead of a new executive department of the government of mines, to be represented by

a Cabinet officer. It is undoubtedly true that from the start there was a desire to have some department of the Government which went beyond the mere matter of official control of official governmental activities. The Department of State is necessary in our relations with foreign countries. The Treasury Department is a mere instrument in connection with the collection and expenditure of the revenues of the Government. It relates to governmental activities. The War Department is a matter for control of one of our means of defense and offense. So is the Navy Department.

The Post Office Department results solely from the governmental activities of the Government in handling the postal matters of the country. The Attorney General's Office, or the Department of Justice, relates solely to matters arising out of advice in legal matters, which the Attorney General must give, and the activities which he represents in prosecuting cases or offenses in behalf of the Government.

There was a time when it was desired to increase the activities of the Government, especially in regard to the public domain, and for many years there was advocated a home department. Congress finally created the Department of the Interior, the title to which law is "An act creating a home department," although the words "home department" are not found in the act and the word "Interior" is not found in the title. There was transferred to that department various governmental activities, such as control of the the subject of patents and control more or less of the public domain.

In the course of time that great body of substantial yeomanry of the country known as the agriculturists demanded representation. For many years there existed a national body, voluntary in its character, representing the agriculturists of the country, who proposed a new department or a new bureau or some new governmental agency which would add a new department of agriculture. One of the first things which was done under the administration of President Lincoln, outside of the preparations and activities of war, was the passage of a law providing for a department of agriculture, which was to be presided over and was presided over not by a secretary but by a commission. That was really the first time that the Congress had entirely departed from the theory of having a Cabinet officer carry on purely government functions, and now provides for a new department entirely unrelated to governmental functions of the Government.

The Department of Agriculture, I think, has more than justified its creation. Some one asked a while ago about the expense that this department might reach. I suppose no one can tell what the expense of any department will be in the course of time. My recollection is that the first appropriation in behalf of agriculture was $5,500. When the new department was created it cost $64,000 a year. I forget just what appropriation is carried by the current agricultural bill, but the appropriation for 1912 is nearly $17,000,000. It is quite an increase from the original $5,500 or the $64,000 under the first act creating the department.

In 1889 the Department of Agriculture, which theretofore had been presided over by the Commissioner of Agriculture, was changed so that its head should be a Secretary of Agriculture. Thereupon the Secretary of Agriculture was called into the Cabinet. Congress has never provided that any of its officers should be placed in the Cabinet. But a few years ago when the salaries of the Cabinet officers were raised from $8,000 to $12,000 it was done by a provision upon an appropriation bill providing that the salaries of Cabinet officers should be increased to $12,000. I believe that is the only recognition of what a Cabinet officer is.

Mr. WILSON of Pennsylvania. Will the gentleman permit me?

Mr. MANN. I will yield to the gentleman.

Mr. WILSON of Pennsylvania. In the bill creating the Department of Commerce and Labor, is not the Secretary made a member of the Cabinet?

Mr. MANN. Not at all.

Mr. WILSON of Pennsylvania. I have in my hand a copy of the act, and it reads:

> There shall be at the seat of government an executive department to be known as the Department of Commerce and Labor, and a Secretary of Commerce and Labor who shall be the head thereof, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive a salary of $8,000 per annum, and whose term and tenure of office shall be like that of the heads of other executive departments.

I see that I am in error in the matter. I supposed that it provided for his being a member of the Cabinet.

Mr. MANN. The gentleman, perhaps, confused the act with the report which I made upon it. There is no doubt that it was intended to make him a member of the Cabinet, and that statement was made in the report. Of course there is no doubt but that it is intended to make the Secretary of Labor a member of the Cabinet, and I take it that if the bill becomes a law the President will call the Secretary of the new department into his Cabinet. If there was any place where it could stop I would, perhaps, have no objection to increasing the number one more. But in the end we may make the Cabinet so large that it will no longer be a Cabinet. Even now, with nine members, it has come so that instead of waiting upon the Cabinet meeting and consulting, the President will send more often for the individual heads of the Cabinet and consult concerning the matters relating to their department, and not confine it to sending for the heads of the departments who are Cabinet officers but sending for other officials. There is such a thing as making the family of advisors of the President too large.

Now, what is the reason offered for this bill? We added the Department of Labor to the new Department of Commerce and Labor. Gentlemen say that that department is for commerce. It is no more for commerce than it is for labor. They may say that no laboring man has been Secretary of the new department, and they may equally and truthfully say that nobody who knew anything about commerce—that is, no one who is an expert, has been appointed as the head of that department.

No one knows whom the President will call; the moment you make an office political in character the appointment is more likely to be political in character than it is expert in character. The gentleman who is now at the head of what they call the Bureau of Labor, although the law denominates it as the Department of Labor, remained there for many years. It was not a political appointment, I take it. I think he has the confidence very largely of both labor and capital. In my judgment, it is better for both parties to have some one there who is not put in purely as a political proposition, and who can remain for a time, than it is to appoint a new man the head of a new department every presidential term, and if you can judge by the experience of the last 20 or 30 years, sometimes three or four times during a presidential term.

The gentleman from Pennsylvania [Mr. WILSON] says that one of the purposes of the bill is to permit the secretary of labor to appoint commissioners of mediation or conciliation, whatever they may be termed, in labor disputes. Is it not a wiser proposition to let the head of the department which represents both capital and labor, both commerce and labor, appoint this commission than it is a man who simply represents labor? What greater reason can be given for having the Department of Labor appoint the commissioners of conciliation than there is for having a department representing both commerce and industry appoint the commissioners of conciliation? I am perfectly willing for the passage of any bill into a law which may aid in settling contemplated and existing labor disputes. Organized labor is not always, it seems to me, quite fair on that subject.

A few years ago, while I was chairman of the Committee on Interstate and Foreign Commerce, we reported into the House a bill known as the Townsend bill which proposed to authorize the President in case of labor disputes which might involve interstate commerce to appoint in each case a board—I do not remember the title of it—which might investigate and endeavor to bring the parties together. That had no power to enforce anything. Organized labor was afraid of it. I am not criticizing them for being afraid of it. Perhaps it would have gone too far; I do not know. I do not see, however, but that the present bill in effect goes quite as far or perhaps farther. It does not offend my constitutional sense quite as much, I think, as it would that of some gentlemen on the Democratic side of the aisle to have a serious proposition here that the President of the United States, or one of his executive officers, can interfere in any threatened or existing labor dispute local in character purely which has no relation to any power of the General Government.

Under the terms of the existing bill, while that power would not be exercised because it would be too extreme, they might appoint a commission to investigate a quarrel between a farmer and a single farm hand as to the wages or other conditions under which the labor was to be performed. And it goes from that up. And yet I am not prepared to say that it may not work good. We have had a number of propositions of this sort before. One is this bill; another is another bill, I believe, reported from the Committee on Labor providing for a board of conciliation. I think the gentleman has a bill of that kind on the calendar.

Mr. WILSON of Pennsylvania. Providing for the appointment of an industrial commission.

Mr. MANN. That bill is a bill providing for the appointment of a commission to be called a commission on industrial relations, a commission to be composed of nine persons to be appointed by the President, three of whom shall be employers

of labor and three representatives of organizations of labor. May I ask the gentleman from Pennsylvania whether if the pending bill is passed he desires to have the other bill passed?

Mr. WILSON of Pennsylvania. Yes.

Mr. MANN. That is on the theory that one might not become a law?

Mr. WILSON of Pennsylvania. Not only on the theory one might not become a law, but on the additional theory that the industrial commission bill directs an investigation into the entire industrial situation. The bill under consideration does not direct any such investigation, but it gives to the Secretary the power of mediation and conciliation when in his judgment it is wise to exercise it.

Mr. MANN. Well, if you are to have a new department of labor for the purpose, in part, of collecting information, what is the department to do? I will be glad to know. We have had a Department of Labor for years, originally provided that there should be so many clerks and providing specifically for a force to be in the Department of Labor, and for years the department could not find enough to do, unless an accommodating Member of Congress would offer a resolution, which regularly came in once in a while, directing the Labor Department to make an investigation of some special case; otherwise there was no reason for continuing to pay the men, because they would have nothing to do.

Mr. MOORE of Pennsylvania. Has the gentleman given consideration to section 4 of this bill, which includes a number of bureaus of the Government?

Mr. MANN. Yes.

Mr. MOORE of Pennsylvania. The Bureau of Immigration is included, and all immigration questions appear to be taken over into the proposed department of labor.

Mr. MANN. Well, I do not think it makes any difference whether the Immigration Service is in the Department of Commerce and Labor or whether it is in the department of labor. This is simply to give some excuse for the creation of this department. It will be no more effective and probably less effective in one department than the other.

Mr. MOORE of Pennsylvania. The gentleman, in some of his preceding remarks, intimated it might not be well always to have a specialist at the head of a department——

Mr. MANN. I did not intimate it might not always be well, but intimated it is seldom done.

Mr. MOORE of Pennsylvania. The gentleman perhaps would not favor putting in charge of a Tariff Board, which has to do business for all the people and gather information from all the people, one who is a specialist on the free-trade side of the question or one who is a specialist on the protective side of the question?

Mr. MANN. Of course I was referring to the heads of departments, such as Cabinet officers, who are political appointments.

Mr. MOORE of Pennsylvania. I bring the question of immigration to the notice of the gentleman, with a view to calling his attention to the fact that there is a wide difference of opinion in labor circles whether there should or should not be a continuation of immigration to this country. Certain labor leaders are very much opposed to immigration and are greatly in favor of restriction.

Now, then, if immigration, which was provided for in the Constitution of the United States and which has given substantial basis to the prosperity of the country, is to be put in the hands of those who are diametrically opposed to it, it raises the question whether immigration should be relegated to a department of this kind.

Mr. MANN. Well, I will say to my friend from Pennsylvania that I think so long as I now remember in my service in the Government the head of the Immigration Service has been a labor leader and is now, a very competent and efficient official, and I believe he has the confidence of organized labor as well. Is not that so in the main?

Mr. WILSON of Pennsylvania. He has the confidence of the men who have been selected as officials of labor organizations.

Mr. MANN. I think so.

Mr. MOORE of Pennsylvania. He was himself an official of a labor organization.

Mr. MANN. He was a very efficient, so I am told, official of the labor organization, and I believe he has made a very efficient Commissioner of Immigration.

Mr. MOORE of Pennsylvania. Would the gentleman think it was entirely proper to put at the head of the Bureau of Immigration a man who was an absolute restrictionist?

Mr. MANN. Oh, it is for Congress to determine the restrictions upon which immigrants may come into this country. Of course, I aired my views on that subject in the House here not long ago, briefly. I do not believe myself in the literacy test of immigration.

On the other hand I do believe that if there is some way of discouraging immigration to some extent it might be a wise thing to do—temporarily at least. I do not believe in making the test on a man as to whether he can read or write.

Mr. CONNELL. Does the gentleman believe the establishment of this new bureau would have anything to do with that test? Could they bring it about in any way?

Mr. SULZER. Certainly not.

Mr. MANN. That was the suggestion made by the gentleman from Pennsylvania.

Mr. CONNELL. I wanted it explained; that is all.

Mr. MANN. That is a matter for Congress to determine. There is no doubt that the officials in charge of the Immigration Service, who apply any law that we pass, have quite a degree of latitude in the application of the law. And the same is true of the Customs Service.

Mr. SULZER. Will the gentleman yield for a question? I wish to ask the gentleman from Pennsylvania [Mr. MOORE] if he bases his criticism on the assumption that public officials do not do their duty.

Mr. MOORE of Pennsylvania. Not at all. But I would say that a man placed in control of a Government bureau or in charge of a department of the Government of the United States represents all classes of citizens, whether they are Democrats or Republicans or Prohibitionists, or whether they are aliens, or whether they are native born; and I would not like to see at the head of any department of this Government a man so prejudiced in his views on one side or the other side of a question affecting human rights as to be unable to fairly decide whether a man should come into this country or whether he should be kept out.

Mr. MANN. Mr. Chairman, I have noticed, with a good deal of pleasure, all my life, and I think it is the redeeming feature of popular government, that, as a rule, whatever views a man might express concerning a law or a proposition before he went into office, when he took the oath of office to administer the law as he found it, he attempted to fulfill the duties of his office and to carry out the law regardless of personal predilection or former personal prejudice. [Applause.] I think that is the case. I just as lief, so far as I am concerned, as a rule, take a man who might have been even a labor agitator opposed to immigration and put him in charge of the execution of the law, and I believe he would execute the law as he found it. If we ever reach the time in this country when people generally will not do that, we have reached the end of successful popular government.

Mr. MOORE of Pennsylvania. The gentleman surely would not consider that the labor interests of this country would be satisfied if John Kirby, the president of the National Association of Manufacturers, would be placed at the head of the Department of Labor?

Mr. MANN. They would not be satisfied, because the head of the Bureau of Labor, in addition to enforcing the law, has something to do with formulating the policy of the Government by the report which he makes to Congress. I am not so sure but that Mr. Kirby would be—I do not know what his attitude is—more self-opinionated than the average labor leader, and probably is more opposed to immigration.

Mr. MOORE of Pennsylvania. Has the gentleman observed that in this section 4 no provision is made for that Division of Information which now undertakes to see that incoming aliens are properly distributed throughout the country and places of employment are pointed out to them? I would like to know, if the gentleman can not answer, from the chairman of the Committee on Labor, whether it was intentionally left out.

Mr. MANN. I think the gentleman will find that the language of this bill on that subject is taken from the language of the law creating the Department of Commerce and Labor. I drew the language in the law creating the Department of Labor. The language in the bill reads—

> The Commissioner General of Immigration, the Commissioner of Immigration, and the Bureau of Immigration, and the Immigration Service at large.

Mr. MOORE of Pennsylvania. What does that mean?

Mr. MANN. If that does not cover the whole subject, then I do not know anything.

Mr. MOORE of Pennsylvania. There is a bureau specifically named, for which appropriation is made this year, that is not designated here in section 4.

Mr. MANN. But it is covered by the "Immigration Service at large." I found in preparing the language which went into the act creating the Department of Commerce and Labor things like these: Take, for instance, the Department of Commerce

and Labor, and we passed a law creating that department. We refer to it in the appropriation bills as the Bureau of Labor. I think the chief of it calls himself the Chief of the Bureau of Labor. The act of Congress says the Department of Labor. I sent over in connection with that to the Bureau of Fisheries and asked by what authority they were using the title they were using over there? They could not give me any, although their office had two or three titles in different laws of Congress, and not one of them had the title which the bureau was using. When I prepared that bill I used all titles that affected everything, for the purpose of covering the whole subject.

Mr. MADDEN. I would like to inquire of the gentleman whether section 9, as drawn, proposes to give to the secretary of labor the right to enforce compulsory arbitration?

Mr. MANN. Well, I do not think so. I do not think that section 9 gives the secretary of labor the authority to enforce anything. As I understand the situation, the so-called Erdman Act provided that the Commissioner of Labor and a member of the Interstate Commerce Commission might, under certain circumstances, use their offices to bring about the end of labor disputes. I believe it is fair to this bill to say that I think that board under the Erdman Act has never followed the act itself; that they have always offered their services voluntarily, as is proposed to be done by this bill, and they have sought to bring the parties together, having some authority to do something—not very much—but using that authority not to do the thing that was provided by law, but to excuse themselves from "butting in." Of course, ordinarily in a labor dispute there are a great many men who would like to rush in and help settle it. I sometimes notice that Members of Congress would be quite willing to get in and settle a labor dispute if they thought they could settle it, and sometimes they are listened to. I take it that that section of the bill is simply for the purpose of giving some one an excuse or authority to say to people, "We want to see if we can not get you together." Am I right?

Mr. WILSON of Pennsylvania. That is practically the purpose of that section of the bill. It does not give any authority further than authority to go to the different parties in the contention and endeavor to bring them together. That is all there is in that authority.

Mr. MANN. Of course, necessarily it goes beyond that before it has been working long. If we are to endeavor to settle the labor disputes—and everyone hopes that he can settle them, or prevent them—we will have, in the end, to confer some authority upon people to obtain information; and I quite agree with those people who believe in approaching that subject carefully and by degrees, not stepping beyond where one can plainly see the ground ahead of him. I have no objection to that provision of the bill, except that I think it would be desirable to have it apply only where there was a pretense that interstate commerce was affected.

Mr. Chairman, I had intended to call to the attention of the House more fully the history of the development of the Cabinet and the creation of the offices. I regret to say that the time has been running very rapidly, and I fear I will not have the time. I hold in my hand a book, which every Member of Congress ought to be required to read, entitled "The President's Cabinet," by Henry Barrett Larner; a recent publication which gives a history of the creation of the different departments. The author was kind enough—I am giving a compliment back—to refer in complimentary language to the Member now addressing you in connection with the creation of the Department of Commerce and Labor. [Applause.]

Mr. FOWLER. Is that the reason why every Member of Congress ought to be compelled to read that?

Mr. LONGWORTH. One of them.

Mr. MANN. I will excuse them from reading that part of it, because, like my colleague from Illinois [Mr. FOWLER], I am heard from often enough from the floor without its being required that I be read elsewhere. [Laughter.] Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has one more minute remaining. The gentleman has had 59 minutes.

Mr. MANN. Then, I shall reserve the balance of my time.

Mr. WILSON of Pennsylvania. Mr. Chairman, I would like to know if we can not proceed with the reading of the bill now?

The CHAIRMAN. The bill can be read if no one desires to address the committee.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman from Pennsylvania [Mr. WILSON] if the terms of section 9 give the secretary of labor the power to appoint conciliators in labor disputes in cases not affected by interstate commerce?

Mr. WILSON of Pennsylvania. Mr. Chairman, it gives the secretary power to exercise his judgment in that respect whether the dispute affects interstate commerce or not. The matter is placed entirely in the hands of the secretary, to use his own judgment as to whether he shall attempt to act as mediator or not, or whether he shall appoint conciliators or not.

Mr. MADDEN. There is no power that can be given to any Federal officer, is there, that would give him jurisdiction over cases that were purely intrastate?

Mr. WILSON of Pennsylvania. So far as giving him power to compel any employer or any employee to accept his opinion or his decision or his viewpoint, no such power is given nor can be given.

Mr. MADDEN. Most of the States of the Union have labor commissioners and a labor board that do take up cases purely within the States, have they not?

Mr. WILSON of Pennsylvania. Some of them have and some of them have not. This, however, does not compel the Secretary to interfere or to offer to act as mediator, but gives him that power, which he can exercise upon his own judgment. It gives him no power to enforce his opinion or decision.

Mr. MADDEN. Of course he could not compel either an employee or an employer to accept any suggestion that he might make?

Mr. WILSON of Pennsylvania. No. There is no power of that character conveyed.

Mr. MADDEN. There might be cases where a question of principle was involved, either on the side of labor or on the side of capital, and neither side would agree to yield as a matter of compulsory arbitration.

Mr. WILSON of Pennsylvania. Under those circumstances they would be as free to act as they are now.

Mr. MADDEN. There is not anything, then, the gentleman from Pennsylvania thinks, that would lead to any compulsory settlement of any labor dispute?

Mr. WILSON of Pennsylvania. Nothing whatever. I may say to the gentleman, as I said in response to a similar question some time ago, that if it gave any power of compulsory arbitration I would be opposed to the bill.

Mr. MADDEN. I will say to the gentleman very frankly that if there is any such intention in the bill I would be opposed to granting any such power.

Mr. WILSON of Pennsylvania. If there was any suspicion in my mind of such a proposition I would be opposed to it.

[Mr. FARR addressed the committee. See Appendix.]

Mr. BUCHANAN. Mr. Chairman, I do not want to take up the time of the House at this late hour to discuss this bill in detail.

This is a bill of great importance, and, in my judgment, it should have been passed without unnecessary delay. One sometimes begins to surmise that there is some influence somewhere which undertakes to defeat measures of this kind, not by opposing them openly but by delay, which may result in their defeat. We had the spectacle here last Wednesday of my colleague [Mr. MANN], leader of the Republican side of the House, calling for a quorum and stopping action at that time. We had the same thing, I believe, during the special session, which would make it apparent to me that if it is not done for the purpose of defeating this bill, it is for the purpose of delay, to defeat some other labor measures that are on the calendar.

On this question of legislation for labor I can not harmonize myself with the idea that there is any distinction between the interest of labor and the interest of honest commercialism.

Mr. CANNON. Will the gentleman yield for a question?

Mr. BUCHANAN. Yes.

Mr. CANNON. There is a majority of 60 on the Democratic side. Something was said about a point of no quorum made a week ago; I am not sure by whom, probably by my colleague [Mr. MANN]. If there was no quorum, that was the fault of the majority. Does not my friend think that while important legislation like this is being considered, it is the privilege, if not the duty, of some Member of the House to insist upon a quorum being present?

Mr. BUCHANAN. I would say it is the duty of every Member to be present when important legislation is being considered.

Mr. FOWLER. There is always important legislation being considered.

Mr. BUCHANAN. I feel it my duty to be here all the time. I felt that when I accepted the responsibility of an election.

Mr. CANNON. Primarily the responsibility rests upon the majority of the House.

Mr. MANN. Of whom there are now 25 present. I will give them a roast in a moment.

Mr. BUCHANAN. It would not be the first one the gentleman has given us.

Mr. MANN. No; nor the first one that was deserved.

Mr. BUCHANAN. I was going to say it was a matter of regret that the question of politics was brought up here, and that the gentleman from Connecticut [Mr. HILL] began it by making a speech for campaign purposes, declaring himself in favor of this measure. Yet he and others who have been in control of this House through the Republican Party for the last 16 years have let this bill lie in the committee without any action at all, at least for the last 10 years. And while I believe that a great many members of the Republican minority are in favor of this bill, and are just as much in earnest in pushing labor legislation as I am, yet there seems to be a cause somewhere which indicates that they want to delay action on labor legislation.

I started to say that I can not harmonize myself with the views of those who make a distinction between the interests of labor and the interests of honest, legitimate business and commercialism of this country. Every interest is concerned in the welfare of labor. Anything that results to the benefit of labor must result to the benefit of the whole people and the business interests of this country. No distinction can be made with regard to these things. If we consider the conditions that exist not only in this country, but throughout the world, we must admit that if there ever was a time when sincere, earnest men, both in public and private life, began to see what is threatening this country, this is the time. We have now in Europe business tied up by strikes. We have strikes here and there in this country, which show the unrest that is existing among the working people.

Bureaus of this kind ought to be able to do something to eliminate whatever it is which is creating that unrest. Possibly if such a bureau had been in existence we would not have had the spectacle that we had here in the investigation of the Lawrence strike, a strike which occurred in one of the most highly protected industries that we have heard so much about, as to the protective tariff which protects labor. Probably a bureau of this kind would throw light on questions of this character and avoid these costly strikes, which cost everybody so much. It is not a question of labor alone. Suppose, for instance, the anthracite-coal strike could have been avoided through some instrumentality of this kind. What would have been the value in dollars and cents? If you do not want to look at the question from a humane point of view, take into consideration the loss of time to the strikers, the excessive prices of coal which the people of this country have had to pay as a consequence of that strike, as well as the prostration of business in other lines.

It is my opinion that it is very rare indeed that a strike affects only local conditions, because the business of this country has become very much concentrated. In the building industry contracting corporations are putting up buildings from one end of the country to the other, and in almost any line of industry you will find that similar conditions exist. Therefore, in my judgment, it is almost impossible for a strike to develop that does not concern the whole country, and certainly every strike goes very much further than the men who are immediately concerned in it. If it is true that strikes do affect the whole business interests of the country, then this question is one which affects all the people of the country, no matter whether they be in business or engaged in professions or are themselves working people. For that reason these subjects are of the most importance. The greatest problems to be solved in this country to-day are found in the industrial world, and if you will do something which will tend to stop these industrial wars, if you will do something to educate the employer and employee to understand that their interests lie together in so far as industrial peace is concerned, you will benefit the whole country. It has been said that labor creates capital, therefore why should labor and capital be antagonistic to each other? Is it not due to some misunderstanding? Is it not due to something wrong which affects the interests of this country? If that is true, is it not worth our while to provide by law for the investigation of these matters, to throw light on the question as to the proper way to settle these things, and maintain peace and prosperity in the industries of the country?

Now, I was interested in having this legislation expedited, for the reason that there are other measures on the calendar which I hope to reach. One is an industrial commission, an important measure from my point of view. Also the eight-hour a day for drudge workers, and a bill to protect the working people against the vicious features of the Taylor system. All these, it seems to me, are worthy of consideration. It seems to me the working masses of the country are worthy of consideration, and it seems to me that an important bill of this character, when there is no apparent opposition to it, ought to be passed without bringing in the arguments that have been brought in, which is evidence to my mind more for the purpose of delay than anything else. Mr. Chairman, I reserve the balance of my time.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to say something on this bill. But first I will yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, my colleague from Chicago has undertaken to read me a lecture because I made a point of no quorum a year ago. It seems to me that my colleague has considerable nerve and gall. Here is a Democratic majority in the House with 60 majority, and 25 of them are here doing business. Twenty-five! They have the responsibility. There have been three bills, three laws, passed creating new departments of the Government in 114 years. The gentleman says that it involves grave responsibilities, and yet he wants to pass it with a Democratic membership in the House of 25—less than 10 per cent of the membership on the Democratic side of the House. If he wants to place the blame, let him blame his own side of the House. He has no right to criticize me because I asked that on an important measure the Democratic membership of the House attend to the duties for which they are elected and for which they are paid. I am doubly glad this day, on this occasion, to see that my colleague himself happens to be here.

Mr. BUCHANAN. Mr. Chairman, I think when the RECORD is looked over that my attendance will be found to be about as good as that of my colleague. If it is not, I will answer to my constituents in regard to that. I do not have to answer to him. It is a fact that he created a filibuster during the special session for the purpose of delaying the investigation on one of the most vicious systems ever installed in this country. He did it, either consciously or unconsciously, for the purpose of assisting the big employers of this country.

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. MOORE of Pennsylvania. I have no objection to the gentleman from Illinois going on. I have the floor, but I am willing to listen to him.

Mr. MANN. Will the gentleman yield to me?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois.

Mr. MANN. The statement of the gentleman from Illinois is erroneous. I helped to pass a bill providing for the appointment of a fair commission. The gentleman from Illinois did not desire a fair commission; he wanted a packed commission, of which he would be one of the leading lights.

Mr. MOORE of Pennsylvania. Does the gentleman from Illinois [Mr. BUCHANAN] want time?

Mr. BUCHANAN. No; I have time of my own; I reserved my time, and I am willing to give some to my colleague, if he wants it.

Mr. MOORE of Pennsylvania. Mr. Chairman, I accept for a text the desire of the gentleman from Illinois [Mr. BUCHANAN] that capital and labor shall work together. I am glad such a thought emanated from such a man, because he is a spokesman for organized labor of the country. Labor and capital ought to work together. One of the great difficulties is that they too frequently misunderstand each other because of false teaching on both sides. There is no use to mince words about it. Labor is as easily misled as some manufacturers may be misled. Perhaps it is due to the fact that labor is not always able to see through unprejudiced glasses. There is not a man in this House, Democrat or Republican, that does not wish labor well; but what is the distinction between a laboring man and any other human being? We are all laborers. If we listen to the clarion notes that come so frequently from the other side of the House, we would believe that every one of the majority drawing salaries as Congressmen were laborers. They claim that right, and why not concede it to those who work on this side of the House? Why make this class distinction?

In the days when the gentleman from Illinois was active in the ranks of organized labor of this country, and when the gentleman from Pennsylvania [Mr. WILSON] was delving in the mines, I was in close association with the labor interests of the United States, working with them hand and glove for seven years. I have studied these labor problems, and have wrought and worked with labor to see that its rights were maintained. I have never encouraged a labor leader to draw the line between himself and some one else.

Class distinction is made by those who preach it, not by those who work. The old soldiers of the war of 1861–1865 are not the men to wave the bloody shirt to-day. They are the men who greet each other with earnest and hearty handclasps, because they know now that there were brave men on either side; they are not doing the kicking about the North and the South. Some other men who shout so vociferously come from a younger generation. It is the younger generation that does not know the perils and privations through which the men of 1861–1865

labored and wrought. The men who preach discontent and dissatisfaction to-day, the men who are constantly harping on the "rights of labor," the men who are persistently preaching of the downtrodden, and who always have in their vision the "grinding corporations" are the men who do not remember the difficulties through which honest labor has passed, and they do not recall the days when labor went to the soup houses.

I want labor to have its rights, because I labor and I do not limit my labor by any eight-hour law. I concede eight hours to others, but work beyond that period of time myself, within my own right.

Mr. SULZER. I understand the gentleman from Pennsylvania is in favor of the bill.

Mr. MOORE of Pennsylvania. I am in favor of the bill as it should be amended; yes.

Mr. SULZER. If the gentleman desires to offer any amendments——

Mr. MOORE of Pennsylvania. I will when the time comes; the gentleman does not want to cut off debate now?

Mr. SULZER. I do not want to, but——

Mr. MOORE of Pennsylvania. The gentleman from Illinois has just intimated that the majority vote is with the other side. Yesterday we were told we must act upon a bill limiting the powers of the courts to do justice as between man and man, within three hours. The other day we were told that we must vote upon a measure which determined the rights of workingmen before the courts within a limit of time.

If you want an excuse for cutting off debate upon a bill which creates new offices, which fixes places for men who are to be paid by the workmen of the country, and you want us to do all this in a few moments, without a full and frank discussion, I would like to know it.

I know it is easy for a man to stand in the calcium light of labor and keep constantly preaching the doctrine of labor and pleading its cause, but I notice the men who do that sometimes ride in automobiles and dine at great hotels, and that labor pays for it. There is no use mincing words when we are dealing with a subject that affects the rights of the workingmen. If $3 a day is not enough for workingmen, I am ready to vote him $4, $5, or $6, but I do not want you to be constantly preaching the rights of labor for political purposes nor to obtain partisan victory or advantage.

You are going to create a department of labor. Very well. As I said a moment ago, I am going to join with you if you do it right. If you are going to make this a general labor bill that will be in the interest of all the laboring men, the fellow who pays his dues into a union and who supports the leaders of labor as well as others—if you are going to make this bill in the interest of those who start out at 6 o'clock in the morning and quit at 5 or 6 at night, I am with you—but if you are going to pass a bill that means a sinecure for those who preach labor and do not practice it, then I am not with you on the passage of that kind of a bill. I will talk to the workmen on this line any time the question is raised. I am for labor, Mr. Chairman; I am for the real and genuine labor that works, not for the labor that talks and preaches and goes about upon the street corners ringing its sleeves in hypocritical agony. If you are going to do this for labor, to meet the demands and requirements of honest labor, very well. Then let us have that comity of interest that the gentleman from Illinois referred to a moment ago, when he said that capital and labor should walk hand in hand. That is good, Brother BUCHANAN, of Illinois. Let labor and capital walk hand in hand, and we will have a prosperous country, regardless of Democrats and Republicans.

And while you are creating a Department of Labor, you who have the power to do it and who do it now with a taunt on this side of the House that it has not been done before, let me ask you why, with this thought of capital and labor walking hand in hand, you destroyed the Bureau of Manufactures in the Department of Commerce and Labor when you considered your legislative, executive, and judicial bill two or three weeks ago? That bureau had a purpose. That bureau was to promote, foster, and develop the commerce and trade of the United States, to advance the industries of the United States. You never gave it a fair show, and the other day, in the interest of Democratic economy, you took it out of the Government and said it should not be. If capital and labor are to walk hand in hand, if you are to give an equal chance to the man who employs labor with the man who is employed, if you want him to prosper so that he may pay the better wage that labor demands and earns, then give him "a show for his white alley," too. Why take away the Bureau of Manufactures in the Department of Commerce and Labor that was created to promote, foster, and develop trade, that gives an opportunity for the employment of labor, and then come in and tell us that we were derelict in not providing for labor heretofore? You took away the volume of employment that it would give; you destroyed the influence by which it was proposed to build up the trade and commerce of the country and to give a fair chance to those who are employed to obtain a higher wage. I want a department of labor if it will be effective, but the distinguished gentleman from Pennsylvania [Mr. WILSON], whose long interest in the labor cause is well known by all of us, admitted frankly and squarely upon the floor of the House in the presentation of the bill that there was no power in it to enforce any measure the secretary of labor may recommend. And he said, more than that, that if it should be a question of forcing the employer and the employee to get together to dispense with these industrial troubles that the gentleman from Illinois [Mr. BUCHANAN] so deplores, that he would then be against the bill itself. Well, if we can not have compulsory arbitration, and I am not advocating it, why can not we have a labor bill that means something in the settlement of labor controversies and in the adjustment of those questions which will lead to the goal suggested by the gentleman from Illinois, that labor and capital shall at last walk hand in hand. There is no purpose to the bill in any one of its paragraphs. It proposes simply to create a department of labor. For what purpose? The gentleman from New York [Mr. SULZER] says the purpose is written in every line of the bill. Will you show me the purpose indicated? Purpose No. 1 proposes the creation of a secretary of labor at $12,000 a year; purpose No. 2, the creation of the office of first assistant secretary of labor at $5,000 a year; purpose No. 3, the creation of the office of second assistant secretary of labor, at $5,000 a year; purpose No. 4, the creation of the office of third assistant secretary of labor, at $5,000 a year; purpose No. 5, the appointment of special agents to obtain information, and a solicitor general, at figures indicated in the bill. What is the purpose of the bill? Merely to create these offices? Is it merely to seek out men to occupy these places and to hold them down? Or is it to take hold of labor of the United States in an intelligent way and lead it onward and upward in the manner indicated by the gentleman from Illinois, who would have industrial peace and who would like capital and labor to walk hand in hand? When the proper time comes—and I am not going to talk any longer lest the charge be made that I am endeavoring to delay action on this bill—I shall introduce an amendment stating the purpose of the bill, and when the proper time comes again I shall offer another amendment inquiring why the Division of Information in the Department of Commerce and Labor, which proposes a distribution of the labor of the country, is omitted from the provisions of this bill. I want a labor bill that will be a labor bill that will be of advantage and benefit to the labor of the country. I want a bill that will mean that capital and labor shall walk hand in hand; that the industries of the country shall not be stricken down, but that they shall be encouraged and reared; that the actual wage earners, men and women, will be enabled to earn that stipend which is the reward of honest labor, and that, if possible, through a department like this intelligently directed.

Mr. FOWLER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will yield.

Mr. FOWLER. Do you know of anything that would more fittingly dignify labor than to create a department of labor?

Mr. MOORE of Pennsylvania. If the gentleman is seeking dignity for labor, I am inclined to think labor would reply it would rather see the wage. It has had enough dignity for a great many years.

Mr. FOWLER. The gentleman does not answer the question.

Mr. MOORE of Pennsylvania. If the purpose of the department is stated, and that purpose is to intelligently protect the labor of the country in order that it may improve its condition and obtain a higher wage, I say, yes.

Mr. FOWLER. If you give it that prominence that this bill proposes to give it, do you not place it then on a nearer equality before the law than it ever has had before?

Mr. MOORE of Pennsylvania. Has not the gentleman been giving labor prominence enough for years? Have the gentleman and his party given even the postal clerks, who labor, the opportunity to obtain that higher wage which was promised in the post office and post roads bill? They held it off until next year. Why not give it now?

Mr. FOWLER. The gentleman has criticized this bill in a way. I am putting a fair question to him. If we pass this bill creating a department of labor, will it not enable labor then to stand upon a higher plane before the law than ever before?

Mr. MOORE of Pennsylvania. That will depend very largely upon whether or not those put in charge of the Labor Department are ornamental or useful.

Mr. FOWLER. Well, it is presumed that the officer will discharge the duties of the office, is it not?

Mr. MOORE of Pennsylvania. If he is properly directed by law.

Mr. FOWLER. Everything else being equal, then will it not give labor a better opportunity to maintain itself before the law than it ever has had heretofore?

Mr. MOORE of Pennsylvania. Not as the law is written, because the law provides for nothing except that certain statistics shall be gathered, which are now gathered by the Bureau of Labor. The secretary has power to invite men to settle their troubles, but if they do not settle them, they can go on troubling themselves just the same.

Mr. FOWLER. Is not that connected with another department of the Government—with that of the Department of Commerce?

Mr. MOORE of Pennsylvania. The gentleman can no more separate labor from commerce, and have one or the other——

Mr. FOWLER. You might just as well say you can not separate agriculture from commerce as to say you can not separate labor from commerce.

Mr. MOORE of Pennsylvania. Agriculture is labor. The Department of Agriculture is already provided for, to improve conditions among the farmers.

Mr. FOWLER. And for the same reason there ought to be a department of labor, in order to give labor that prominence to which it is justly entitled and of which it has been deprived in all the years of the history of America.

Mr. MOORE of Pennsylvania. Will the gentleman read the bill after he finishes his address?

Mr. FOWLER. I have read the bill.

Mr. MOORE of Pennsylvania. Will the gentleman tell me what it proposes to do?

Mr. FOWLER. It proposes to give to labor that prominence it ought to have.

Mr. MOORE of Pennsylvania. In what way?

Mr. FOWLER. By a department of the Government of the United States, and putting a secretary of labor in the Cabinet of the President of the United States.

Mr. MOORE of Pennsylvania. At how much per year?

Mr. FOWLER. It proposes then to give labor that opportunity of having a man at the head of labor to study the interests of labor of this country, and to seek out the best way to give labor an opportunity to be prosperous and happy and decent in this country.

Mr. MOORE of Pennsylvania. No one disputes——

Mr. SULZER. Read!

Mr. MOORE of Pennsylvania. Just one moment. If you are going to do that, I will hold the floor. I do not propose to have "read" rung out on me when I am discussing the question with the gentleman from Illinois.

The gentleman from Illinois [Mr. FOWLER] waxes eloquent on this question. He is as friendly to the black man as he is to the white man; he is a friend of the farmer as well as of the man who works in the mill. But the gentleman from Illinois can not point out to this House wherein this bill indicates the duties that are assigned to the secretary of labor.

I should like also to know, so long as the gentleman from Illinois has raised the question, whether he means to stand upon the term "decency" that he applied a moment ago to one set of laborers as against others who honestly labor? The gentleman from Illinois is so busy that he does not take time to notice a question that may be vital to him in his own district. I assume that he has no desire to raise a question with regard to classes of labor that may be employed in the district in which he lives.

The CHAIRMAN. The Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I said a moment ago that if this matter were to be rushed I would occupy all the time I am entitled to occupy. I now say voluntarily that I do not rise for the purpose of delaying the consideration of this bill. I want that to be understood, and I do not care to have suggestions made to the House that that was the purpose for which I rose. I desire to say that in my own right and of my own volition. I am now through until the time comes for offering amendments. I do not desire any more time, and I do not reserve any time.

The Clerk read as follows:

Be it enacted, etc., That there is hereby created an executive department in the Government to be called the department of labor, with a secretary of labor, who shall be the head thereof and a member of the Cabinet, to be appointed by the President, by and with the advice and consent of the Senate; and who shall receive a salary of $12,000 per annum, and whose tenure of office shall be like that of the heads of the other executive departments; and section 158 of the Revised Statutes is hereby amended to include such department, and the provisions of title 4 of the Revised Statutes, including all amendments thereto, are hereby made applicable to said department; and the Department of Commerce and Labor shall hereafter be called the department of commerce, and the secretary thereof shall be called the secretary of commerce, and the act creating the said Department of Commerce and Labor is hereby amended accordingly.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, line 7, after the word "accordingly," by adding the following: "The purpose of the department of labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment."

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment speaks for itself. I do not desire to argue it or to occupy any time in discussing it. The purpose of this bill is not stated anywhere in the bill. I suggest the purpose, which is clearly to elevate and exalt labor.

I ask that this amendment be fairly considered by my friends on the other side. It gives an effective status to the bill.

Mr. WILSON of Pennsylvania. Mr. Chairman, I am willing to accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 2, line 7, by inserting after the amendment just adopted, as a new sentence, the following: "The said secretary shall cause a seal of office to be made for the said department of such device as the President shall approve, and judicial notice shall be taken of the said seal."

Mr. WILSON of Pennsylvania. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That there shall be in said department three assistant secretaries, to be appointed by the President, by and with the advice and consent of the Senate, to wit:

A first assistant secretary, whose duty it shall be to supervise all matters within the department relating to labor engaged in manufacturing and the transportation industries.

A second assistant secretary, whose duties shall be to supervise all matters within the department relating to labor employed in mining, fisheries, and agricultural industries.

A third assistant secretary, whose duties shall be to supervise all matters within the department relating to labor engaged in building and the mercantile industries.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend by striking out section 2 and inserting in lieu thereof the following:

"That there shall be in said department an assistant secretary of labor, to be appointed by the President, who shall receive a salary of $5,000. He shall perform such duties as shall be prescribed by the secretary or required by law. There shall also be one chief clerk and a disbursing clerk, and such other clerical assistants, inspectors, and special agents as may from time to time be provided for by Congress. The Auditor for the State and Other Departments shall receive and examine all accounts of salaries and incidental expenses of the office of the secretary of labor, and of all bureaus and offices under his direction, and all accounts relative to all other business within the jurisdiction of the department of labor, and certify the balances arising thereon to the Division of Bookkeeping and Warrants, and send forthwith a copy of each certificate to the secretary of labor."

Mr. MANN. Mr. Chairman, the amendment which I have offered is to take the place of both sections 2 and 3 of the bill, and in addition makes provision for auditing the accounts of the new department and certifying balances to the Treasury—a provision which is not now made in the bill and which is not now in any law.

It is necessary to provide in some way for the auditing of accounts. Various of the departments have auditors, but there is one general auditor called "the Auditor for the State and Other Departments," who audits the accounts of all the departments now except those few like the Treasury, War, and Post Office which have special auditors.

The amendment which I have offered provides for the appointment of an assistant secretary of labor, to be appointed by the President, in lieu of the three assistants provided by the bill, to be appointed by the President by and with the advice of the Senate.

The amendment which I offered carries the provision in section 3 as well, because they might as well all be in together, and it comes in harmoniously. I can see no justification for provid-

ing for three assistant secretaries of labor. The new department will be the smallest department in the Government at the outset. It will be less in size than the State Department is. It will not be one-tenth as large as the Treasury Department, and nothing like as large as the Agricultural Department, or the department of commerce, which will be less, so far as the duties are concerned.

If after its organization it is found necessary to have additional assistant secretaries, it will be time enough then to provide for them. There is no occasion for them, to begin with, in my judgment.

Mr. WILSON of Pennsylvania. Mr. Chairman, in my judgment, there is need for these three assistant secretaries, particularly because of the work mapped out for the department in section 9 of the bill. However, I shall not seriously object to the amendment offered by the gentleman from Illionis [Mr. MANN] because I realize that if the bill passes with one assistant secretary provided for, as the work of the department develops and it is seen that there is necessity for additional secretaries, they can be provided by Congress. So I have no desire to offer any serious opposition to the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. COOPER. Will the gentleman permit an interruption?

Mr. WILSON of Pennsylvania. Certainly.

Mr. COOPER. As I understood the amendment of the gentleman from Illinois, it provided for the appointment of the assistant secretary without confirmation by the Senate.

Mr. MANN. That is the case now with the Assistant Secretary of Commerce and Labor.

Mr. COOPER. But the Secretary is appointed by the President with the advice and consent of the Senate.

Mr. WILSON of Pennsylvania. Personally I prefer, and the committee prefer, this section of the bill in its present form; but I have no serious objection to the amendment offered by the gentleman from Illinois [Mr. MANN].

Mr. RAKER. Mr. Chairman, I should like to ask the gentleman from Illinois what is the purpose of omitting from his amendment the provision that the appointment of the assistant secretary shall be with the advice and consent of the Senate?

Mr. MANN. I am frank to say that I think the Senate, through the confirmation of officers who are not constitutionally required to be confirmed by the Senate, has outgrown the power that it ought to have as compared with the House. When we passed the law providing for the Department of Commerce and Labor provision for confirmation of the assistant secretary by the Senate was left out. I think that the assistant secretaries of the various departments ought not to be political jobs.

Mr. RAKER. The gentleman is undoubtedly right about that.

Mr. MANN. The head of the department is necessarily a political appointment, but the assistant secretary ought to be kept in his office regardless of the political inclinations of the administration. That can not be done as long as he is confirmed by the Senate.

Mr. RAKER. In other words, when the President appoints a competent man to be assistant secretary his appointment will not have to go to the Senate and a question of political expediency be discussed by the Senate.

Mr. MANN. He ought to remain in the position.

Mr. RAKER. And take the oath of office and take hold of the business of that department. I am in favor of this bill. It should be passed by the House. The people generally for many years have desired this legislation. There is a general demand for it. The labor question is one of the great problems of the day. Labor and capital should walk hand in hand and work together. Both should be given fair and equal treatment. This will give labor an equal chance. Place it on a high basis, where it should be put. It will have a Cabinet officer at the councils at the White House with the other great Cabinet departments.

The Democratic platform of 1908 declares:

> That we pledge the Democratic Party to the enactment of a law creating a department of labor, represented by a secretary in the President's Cabinet.

Again, the late Democratic convention held at Baltimore on June 20, 1912, in its platform declares:

> We pledge the Democratic Party to the enactment of a law creating a department of labor, represented separately in the President's Cabinet, in which department shall be included the subject of mines and mining.

These pledges should be carried out. Now is the time to do it. It will be done.

Mr. COOPER. I should like to ask the gentleman from Illinois if he thinks the secretary himself ought to be a political appointment.

Mr. MANN. It is inevitable that the head of the department shall be a political appointee. When the President selects his official household the selection is political.

Mr. COOPER. Does the gentleman think the Postmaster General ought to be a political appointment?

Mr. MANN. I think the Postmaster General ought to be a political appointment. I agree with the gentleman that there ought to be some officer in the Post Office Department who would remain permanently in charge in the main of the conduct of the business, who should not be a political appointment.

Mr. NORRIS. Mr. Chairman, I know that there is a general idea that the Postmaster General or any other Cabinet officer ought to be a political appointee. I have labored under that impression, and when I was trying to devise some bill that I thought would take the Post Office Department, for instance, out of politics, I came up against that very proposition. Everybody seems to say, "Oh, a member of the Cabinet ought to be a political appointee." I myself do not see why. I have never been able to see why the Postmaster General, for instance, or this secretary mentioned here——

Mr. FOWLER. Or the Secretary of Agriculture.

Mr. NORRIS (continuing). Or the Secretary of Agriculture, should be a political appointee. If I had my way, I would still further change the bill, and I would change the law controlling the Post Office Department particularly, so that the Cabinet officers in those instances would not be political appointees. So far as I have been able to determine, there is no legal definition or authorization of the Cabinet. It has grown up without any law. Its members are called the President's advisers, and we in this bill follow along in the same old rut and provide that this new member of the Cabinet shall be a political appointee, when his duties are nonpolitical and ought to be absolutely divorced from politics. It is the same with the Postmaster General. The President does not need to take political advice from a member of his Cabinet if he does not desire to do so. There is no law that makes a member of the Cabinet the President's political adviser. When the country reaches the point where the people fully realize that we should take some of these departments out of politics and make them business corporations or institutions, they will do it by taking the head of the department out of politics. I wish that the Postmaster General could be appointed for a term of 10 years, so that his term would not expire with that of the President, so that he would be divorced entirely from partisan politics and partisan considerations, and would devote his attention and ability to the management of the great Post Office Department, which comes to the homes and firesides of all the people of this land. It ought to be a great business institution, operated entirely and solely upon business principles and business considerations, instead of being, as it is and always has been, the greatest political machine on earth.

Mr. RAKER. Will the gentleman yield right there?

Mr. NORRIS. Yes.

Mr. RAKER. I move to strike out the last word. I want to ask the gentleman a question. In this bill you have a chance to bring about and consummate the very purpose you have in mind by striking out the provisions in section 1 of the bill, in lines 6 and 7, and providing that the President shall appoint the Secretary of Commerce and Labor without the advice and consent of the Senate.

Mr. NORRIS. I am in favor of it.

Mr. MANN. Will the gentleman allow me to make a suggestion? Under the Constitution the heads of the departments must be confirmed by the Senate.

Mr. RAKER. The gentleman from Nebraska was making a presentation of the matter, and I made that suggestion to him.

Mr. NORRIS. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. NORRIS. The Constitution provides that the official—I can not quote the exact language, but I looked it up—that the public officials of the United States must be appointed by the President and that the Congress has the power to designate that these officials can be appointed by the heads of departments. I think, technically speaking, the head of a department, which would be a Cabinet officer, must be confirmed by the Senate under the Constitution. But because they must be confirmed under the Constitution is no more reason why they should not be taken out of politics than it would be with reference to the Supreme Court judge, who must be confirmed by the Senate, and he is understood to be and ought to be and is outside of partisan politics.

Mr. MADDEN. Will the gentleman from Nebraska permit me to ask him a question?

Mr. NORRIS. I have not the floor. The gentleman from California has the floor.

Mr. RAKER. I will yield.

Mr. MADDEN. In order to do what the gentleman from Nebraska suggests, would not you have to take the President and the Senate out of politics?

Mr. NORRIS. I think not. The members of the United States courts are not in politics, and yet the Senate confirms them. The members of the Interstate Commerce Commission are confirmed by the Senate. They are not in politics; they do not represent a political machine. But if you would make the term of office of a Cabinet officer, like the Postmaster General or this officer that you are providing for here, make their term of office 10 years, not to be removed until the expiration of that time except for cause, you would take him out of politics. I think the Senate is patriotic enough so that it would have no disposition to put it back into politics. I do not think the fact that the Senate having the confirmation has anything to do with its being politics.

Mr. MANN. Mr. Chairman, in connection with what has been said by the gentleman from Nebraska, it is interesting to recall that the Post Office Department was not made an executive department of the Government until 1872, and that the Postmaster General, or official in charge of the Post Office, was not called into the Cabinet until, I think, 1827 or 1829, by President Jackson. I do not understand how it is possible to have the President's advisers, called around the Cabinet table to determine political policies of the administration, nonpolitical.

Mr. NORRIS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. NORRIS. If the gentleman will permit a suggestion, I think it will answer his question. Take the Postmaster General, for instance. I suppose his particular duty is to advise the President in regard to the Post Office Department, its doings and operations, but he does not have to be a politician.

Mr. MANN. No; but I take it the Cabinet as a cabinet goes beyond the advice concerning the particular duties of the department.

Mr. NORRIS. There is no law for that.

Mr. MANN. There is no law for it. From the start, when Washington first asked that matters should be submitted in his absence to the Secretary of State, Secretary of War, and the Secretary of the Treasury—he did not include the Attorney General—up to the present time, the Cabinet, while it is extra legal as far as statute law is concerned and is only recognized in one law, has been considered as the political advisers of the President as well as his business advisers.

Mr. COOPER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. COOPER. If Washington considered the Cabinet position purely political, how did he happen to take Hamilton and Jefferson into the Cabinet at one and the same time?

Mr. MANN. I did not say he considered them as purely political offices.

Mr. CONNELL. And why did Cleveland take Gresham into his Cabinet?

Mr. NORRIS. My own theory and my idea is that the President ought to be perfectly free to secure his political advisers anywhere, and there is no intention of circumventing him by any law or rule to get his advisers wherever he may seek them.

But the country's interests, for instance, in the Post Office Department, is to have an efficient service, and it ought to have the best possible service, and if to do that it is necessary to deprive the President—which I do not think would necessarily follow—of a political adviser, it certainly would not interfere with the President's political plans if he did not want to have a Postmaster General advise him, for he could go outside of the Post Office Department and would not be required to ask the Postmaster General for political advice.

Mr. MANN. I think the gentleman from Nebraska and myself in the main agree. It is not necessary for the President to ask advice of these gentlemen. I do not know what the effect would be, although it would be a refreshing change, if any President would really make his Cabinet of political advisers and select men who were competent to give political advice and then would follow it. [Applause.]

Mr. CANNON. Mr. Chairman, I move to strike out the last word, not, perhaps, to say anything of importance on the bill, but I am moved to submit an observation or two.

Mr. MOORE of Pennsylvania. Make it two.

Mr. CANNON. Perhaps I will make it three if I have time. There are governments and governments. Ours is a government by the people, or, as some express it, the plain people, and I can prove it by two or three candidates for the Presidency. [Laughter.] We are all tolerably plain. Lincoln said he thought God must have loved the plain people, because he made so many of us. This is a government by majorities. Sovereignty rests in each citizen, but they can not all have their way all the time touching the policy under which the Government shall be conducted. Therefore, we have got to have the election, and the majority says what the policy shall be.

Now, I am quite willing to say as to the mere clerical positions, where the policies of the Government are not affected, I see no necessity for their being politicians. For instance, clerks in the departments, clerks in the post offices, although they might be an asset for activity under conditions just before and at the elections. But when a majority is chargeable it ought to have full power with the responsibility.

The President ought to call about him in his Cabinet men in sympathy with the policies of the majority that made the President, because they helped to establish the policy. Well, you may say the Cabinet need not take an interest in politics. Well, I fancy they should. Even if the President were elected for six years and had Cabinet officers for six years, he would be responsible and they would be responsible with him and ought to be in sympathy with him and the majority that made them. Oh, gentlemen have said about the judges of the Supreme Court and the inferior Federal judges that they constitute a coordinate branch of the Government without being politicians. That is true, but the judges have a life tenure or during good behavior, and the Federal judiciary do not participate in partisan contests.

The President and the Congress are chosen by a majority of the people and should, by administration and legislation in conformity with the policy of the party majority which elected them, perform their function, at the same time preserving all the constitutional and legal rights of all the people. Now, there is one way we could keep the President and the Cabinet officials—and for that matter all legislative officials—out of partisan contests, and that is to select them for life or during good behavior.

That would take them out of politics, and yet you and myself and the people would not assent to it, because from time to time the people become dissatisfied with the policies of one party and try another, and some people desire a change without good reason therefor. Why, the lifetime of a generation is only 36 years. The men who voted in 1896, more than half of them, are dead, and the 5-year-old boys then, from that up to 21, will control the policy of the country for the next four years when they vote in November next. Some of them do not know whether the policies of this party or that party are correct, and it is possible that they will not know until they run up against the buzz saw and get information through experience.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I guess we had better go along and keep house in the same old place and in the same old way, and if you Democrats come into power, if I may be indulged for just one sentence more, in November next, I want you to come into full power [applause on the Democratic side], and then quit playing to the galleries, because with full power there will be full responsibility, and if you do not do well the people will turn you out under the leadership of that Republican Party, as they did in 1896. [Laughter and applause.]

Mr. MADDEN. Mr. Chairman, I move to strike out the last two words. It is a very interesting study to see the various attitudes assumed by gentlemen who believe in one case that we ought not to have any politics mixed with the Government and in the other case that it ought to be all politics. Just now most of the Democrats believe that we ought not to have any politics, and some Republicans agree with them; but I notice when the Democrats reported the legislative bill they provided that all clerks in the departments should go out of politics, or go into politics, because they did not want them to hold office for longer than five years, and that is intended, of course, not to have them out of politics, but to put them into politics. Is that not true? The Republicans have been getting so virtuous on the question of politics lately that if anybody in the party talks about politics he is subject to ostracism, and the Democrats have been preaching the doctrine of political interference in governmental affairs for the last 20 years, and just as soon as they begin to smell an opportunity to get into power they support a bill to put everybody who is in office out of office so that they can reappoint fellows who will go into politics and keep the Democrats in power the rest of their natural lives. [Applause on the Republican side.] We think we ought not to appoint a Postmaster General or a Secretary of the Department of Commerce and Labor who has ever smelled politics anywhere. We think the President of the United States ought not to mix in politics. A good many people believe he has not mixed much in it in the last three or four years. [Laughter and applause on the Republican side.] And they say that a

Cabinet officer, the President's political adviser—if I were President I would appoint some one who knew how to advise me politically. Why, the people of the United States are all in politics. It is one of the greatest honors that a man can have conferred upon him to be recognized as a politician, and it should be. What is a politician and what is politics? Is it not a question of policy? We are all interested in the Government, the Government is ours, and we are the Government, and we ought to put men into office who know something about politics or the policies of the people and who agree with the policies of the people, and I believe that every man below the real managing man in the various departments ought to be out of politics, but that every man who is appointed to that great place and who has the direction of the department over which he is appointed ought not only to know politics, but to engage, to indulge in it, and possibly advise the man who is at the head of the Nation about the politics and policies he ought to pursue.

I get very tired of listening to these Democratic reformers prating on keeping out of politics and then witnessing the spectacle of their reporting bills to put every present incumbent out of office when they think they are going to get in. If they get in after next November, watch them. There will be no apology for politics; every fellow who does not smell like a Democrat will go out of office. I am in favor of their throwing the Republicans out because it makes them better Republicans. I am not in favor of keeping Republicans under a Democratic administration, but I believe in going out on the street and carrying the banner of Republicanism to the people everywhere and showing the iniquity of the Democratic Party wherever they have control of things. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment.

The question was taken, and the amendment was adopted.

The Clerk read as follows:

SEC. 3. That the salary of each of the assistant secretaries of labor shall be $5,000 per annum, and that there shall be one chief clerk, a disbursing clerk, and such other clerical assistants as may be from time to time authorized by Congress, and such number of inspectors and special agents as may be provided for by Congress.

Mr. WILSON of Pennsylvania. Mr. Chairman, as the subject matter of this section is covered by the amendment just adopted, I move to strike out the entire section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, by striking out all of section 3.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 4. That the following-named offices, bureaus, divisions, and branches of the public service now and heretofore under the jurisdiction of the Department of Commerce and Labor, and all that pertains to the same, known as the Commissioner General of Immigration, the Commissioners of Immigration, the Bureau of Immigration and the Immigration Service at Large, the Bureau of Labor, and the Commissioner of Labor, be, and the same hereby are, transferred from the Department of Commerce and Labor to the Department of Labor, and the same shall hereafter remain under the jurisdiction and supervision of the last-named department. The Bureau of Labor shall hereafter be known as the bureau of labor statistics, and the Commissioner of the Bureau of Labor shall hereafter be known as the commissioner of labor statistics; and al the powers and duties heretofore possessed by the Commissioner of Labor shall be retained and exercised by the commissioner of labor statistics.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 3, line 6, after the words "Bureau of Immigration," by adding "the division of information."

Mr. MOORE of Pennsylvania. Mr. Chairman, I hope the gentleman from Pennsylvania [Mr. WILSON] will accept that amendment, because it does his bill no harm, unless there is some reason for leaving this division out.

Mr. WILSON of Pennsylvania. So far as the committee is concerned they supposed and believed they were taking over to the Bureau of Labor all of the Immigration Service, and so far as I know there is no law creating the division the gentleman has reference to. If the adoption of the amendment gives a legal status to that division which it does not now have, then there might be some doubt as to whether it ought to be accepted or not. If it does not give any more legal status to it than it has now, I have no objection to the amendment.

Mr. MANN. Mr. Chairman, I think there will be no harm done. That is a division that was created, by the way, since the Immigration Service was covered into the Department of Commerce.

Mr. WILSON of Pennsylvania. I have no objection to the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That the bureau of labor statistics, under the direction of the secretary of labor, shall collect, collate, and report at least once each year, or oftener if necessary, full and complete statistics of the conditions of labor and the products and distribution of the products of the same in each of the different industries herein mentioned, and to this end said secretary shall have power to employ any or either of the bureaus provided for his department and to rearrange such statistical work and to distribute or consolidate the same as may be deemed desirable in the public interests; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them; and said secretary of labor may collate, arrange, and publish such statistical information so obtained in such manner as to him may seem wise.

Also the following committee amendment was read:

Amend, page 3, line 21, by striking out the word "one" and insert in lieu thereof the word "once."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman in charge of the bill whether this contemplates that the bureau of labor statistics shall collect the same information which is collected by the Bureau of the Census?

Mr. WILSON of Pennsylvania. I did not quite catch the gentleman's question.

Mr. MANN. This section requires the commissioner of labor to collect at least once a year—

full and complete statistics of the conditions of labor and the products and distribution of the products of the same in each of the different industries herein mentioned.

I do not know whether any industries are mentioned herein or not. Does this contemplate that the Commissioner of Labor is to collect industrial and labor statistics every year, some of which, at least, are collected twice every 10 years by the Census Bureau? I take it that there was no intention, in the first place, of having a duplication of work?

Mr. WILSON of Pennsylvania. There is no desire for that kind of duplication.

Mr. MANN. I call it to the gentleman's attention, because I believe that under the language of this bill it necessarily requires a duplication of work. Certainly the Bureau of Labor ought to be permitted to obtain from the Census Bureau any information that it can without being required to collect it originally itself. I simply make the suggestion to the gentleman for further consideration in the bill.

Mr. WILSON of Pennsylvania. The power is granted to the secretary to call upon other departments for such information and statistics as they may have in their possession in order to accomplish this purpose.

Mr. MANN. I know; but this section requires the Commissioner of Labor to collect labor statistics.

Mr. WILSON of Pennsylvania. It does not say where he shall collect them, but it states he may collect them from the other departments.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. Before I ask the question, I want to make a statement as to what experience I have had in this matter. There is the Bureau of Statistics, statistics gathered by the State Department, statistics gathered in the Agricultural Department. I do not know, and I doubt whether or no the majority of the Members of this House, if they start out to get full information, will know where they can go to get it. But when they get it they will find much duplication.

I believe that if intelligently administered and organized, the employees in the department being efficient, they might well be diminished by one-third. I do not say they will be, and I do not know exactly who can intelligently organize them. But I have read the bill, and I have had a fear that if the employees of this department gathered their information from the other departments, and the other departments, including the Census, published that information we would have other publications duplicating again that which had already been duplicated in some instances before.

Take, for example, the Statistical Abstract, which is of as much use to me perhaps as any other publication. Every once in a while I am jerked up by somebody asking, "Where is your authority?" I answer, "The Statistical Abstract." Then the question arises, "Where is its authority?" Then I have to go wandering about to find out.

I am not antagonizing the bill or seeking to embarrass the gentleman, but am speaking in good faith and suggesting to the gentleman if it may not be well enough to wipe out that matter.

Mr. WILSON of Pennsylvania. If the gentleman will permit, I may say that the committee took into consideration that very phase of the subject, As the bill originally came to the committee what is now section 11 was not in the bill. There was a disposition to add onto the bill certain bureaus and divisions, and so on, which would have made the department very much larger than is proposed by this bill. Now, the committee came to the conclusion that it was a very difficult matter to build up a department under existing circumstances without more or less of duplication, and so they proposed to transfer to this department existing bureaus, with practically the same rights and powers and privileges that those bureaus now have, and then provide:

That the secretary of labor shall investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the secretary of labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such department of labor.

That language was placed there for the purpose of avoiding, so far as possible, that duplication.

Mr. CANNON. If the gentleman will allow me, I should think that provision is a wise one; but when I say that, I want to call attention to the fact that, according to my observation, when you once get work started "all the king's horses and all the king's men" can not stop it and get rid of it. It is easy to create places and beget duplication and difficult to get rid of them.

If you call this man "commissioner of statistics"—if that be his title—he has got something to do, and he becomes active. My experience, after 25 years' service upon the Committee on Appropriations, a portion of that time when that committee had all the money bills except the river and harbor bill has been that you do not get rid of offices when you once create them.

The CHAIRMAN. The pro forma amendment of the gentleman from Illinois [Mr. CANNON] will be considered withdrawn.

Mr. COOPER. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Illinois [Mr. MANN] and the gentleman from Pennsylvania [Mr. WILSON], if the amendment offered by the gentleman from Illinois and adopted as a substitute to section 2, that section being stricken out, enumerated the different industries which are mentioned in section 2. If that did not reenumerate the different industries, then I call attention to line 24, on page 3, wherein it is required that complete statistics of the different industries therein mentioned shall be compiled. If section 2 be stricken out, where is there any enumeration of industries?

Mr. WILSON of Pennsylvania. There is not now in the bill.

Mr. COOPER. Then the words "different industries" should be stricken out, and there should be inserted after the words "of the" as they appear in line 24, "products," and so forth, "of the manufacturing, transportation, mining, fisheries, agriculture, building, and mercantile industries."

Mr. WILSON of Pennsylvania. Mr. Chairman, the gentleman is correct in his criticism.

Mr. MANN. If the gentleman will permit, the gathering of statistics relating to the mining industries is now committed to the Bureau of Mines and Mining. The gathering of information relating to the fisheries industries is now committed to the Bureau of Fisheries. The gathering of statistics relating to the agricultural industries is now committed to the Department of Agriculture. The gathering of statistics relating to the transportation industries is now committed to the Interstate Commerce Commission. All of these bureaus or departments of the Government collect complete statistics relating to the industries.

Mr. WILSON of Pennsylvania. The Bureau of Labor to-day is more of a statistical bureau than anything else.

Mr. MANN. As to labor.

Mr. WILSON of Pennsylvania. As to labor.

Mr. COOPER. Will the gentleman permit an inquiry whether the bureaus as now constituted in other departments of the Government are required to give complete statistics of the conditions of labor?

Mr. MANN. No; I think not.

Mr. COOPER. This requires "of the conditions of labor." That is a very important thing.

Mr. MANN. I did not think that the words "the different industries herein mentioned" were a limitation.

Mr. COOPER. The conditions of labor in different industries.

Mr. KENDALL. With relation to the distribution of the products of labor.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move to amend, page 3, line 23, by striking out after the word "same" the words "in each of the different industries herein mentioned."

Mr. MANN. That will cover it.

Mr. KENDALL. Without any insertion.

Mr. WILSON of Pennsylvania. Yes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 3, line 23, by striking out after the word "same" the words "in each of the different industries herein mentioned."

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That there shall be a solicitor of the Department of Justice for the department of labor, whose salary shall be $5,000 per annum.

Mr. MOORE of Pennsylvania. Has the chairman of the committee compared this salary of $5,000 with the salaries of the solicitors in other departments?

Mr. WILSON of Pennsylvania. It is the same as the salaries of solicitors in other departments.

Mr. MOORE of Pennsylvania. Does the Solicitor of the Navy Department receive $5,000?

Mr. WILSON of Pennsylvania. I could not say offhand. I know at the time the matter was under consideration this salary was compared with the others.

Mr. MOORE of Pennsylvania. I am under the impression that it is higher than is paid in other departments.

Mr. WILSON of Pennsylvania. I think not. There was no intention of doing so.

Mr. MOORE of Pennsylvania. If the gentleman feels sure he has not raised the amount, I shall not offer an amendment.

Mr. WILSON of Pennsylvania. I am satisfied it is the same as that provided for other solicitors.

Mr. MOORE of Pennsylvania. Very well.

The Clerk read as follows:

SEC. 9. That the secretary of labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done; and that all power and authority heretofore possessed or exercised by the head of any executive department over any bureau, office, branch, or division of the public service by this act transferred to the department of labor, or any business arising therefrom or pertaining thereto, whether of appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said department of labor.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend page 5, line 25, by inserting after the word "done" the following:

"And the secretary of labor, or through him the mediators or commissioners of conciliation appointed by him, shall report to the President their findings, with conclusions and recommendations thereon."

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not believe this interferes with what is in the mind of the chairman of the committee. He has indicated a number of times in reply to questions that he does not stand for compulsory arbitration and that he will not do so; but there is no good effect to be derived from this paragraph, no benefit to capital or labor, unless some such amendment as this is made.

You have not even instructed the secretary or any one of the mediators or conciliators for whom you provide, to report any finding whatever. I am not asking in this amendment that you even give the secretary power to enforce any judgment that may be arrived at, but I do believe that if we bear the expense of a great department like this and of the machinery that will be attached to it, that the common people, the public, the wage earners all over the land, should know the result of the investigation that may be undertaken. As this paragraph stands, it provides:

SEC. 9. That the secretary of labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever in his judgment the interests of industrial peace may require it to be done.

Not a word more, not another thing, no information to the public as to the result of the investigation or the conclusion. The secretary of the department may spend weeks in an endeavor to settle a dispute arising in Chicago; his mediators may go to Boston or Philadelphia and investigate for weeks and months, and that is the end of it; you have no condition that they shall report even to the secretary. Why not let the public know? If you do not care to enforce the decree, why not let us know what the conclusion of the investigators may be? Why not let the public know what they did? We have paid them for that purpose.

Mr. FOSTER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Certainly.

Mr. FOSTER. Under this provision of the bill, does not the gentleman think the commissioners appointed by the head of the department would naturally make a report to him?

Mr. MOORE of Pennsylvania. There is not an obligation in this paragraph, or in this bill, upon the part of the secretary

or anyone appointed by him to tell the public anything about what they do.

Mr. FOSTER. You do not do that when you report to the President, do you?

Mr. MOORE of Pennsylvania. Yes; it becomes public information.

Mr. FOSTER. Not all the reports made to the President are public property.

Mr. MOORE of Pennsylvania. If trouble arises and the secretary appoints conciliators to go and settle the dispute, which will be of advantage to all the people, we ought to know about it. Take such a trouble as occurred at Lawrence.

Mr. FOSTER. Have not they made that report?

Mr. MOORE of Pennsylvania. I do not recall.

Mr. FOSTER. I think they have, and it is in the hands of the printer and will be out soon as a Senate document.

Mr. MOORE of Pennsylvania. If they have done it in the Lawrence case, it is under some existing law. This law which takes over all this business makes no provision for report or publication, and leaves the public in the dark as to what these men do. I am not asking the committee to go to the length that I thought perhaps we might go to enforce a decree.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I will now yield to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON. I did not want to ask the gentleman a question; I wanted to speak in my own time.

Mr. MOORE of Pennsylvania. Then I will continue my statement. Here is the Congress of the United States providing for a new department which gives recognition to a vast body of the people at the Cabinet table of the Nation. We are appointing a secretary, at a large salary, and an assistant secretary, giving them authority to appoint investigators to attempt to settle labor disputes, to attempt to conciliate those who are at variance in industrial circles.

Yet we are attaching no string to them whatever. We are telling them to go ahead, if there is an outbreak, if there is an industrial disturbance, and do what they can to settle it; but they need not tell us anything about it. How is Congress to know what effect the work of the department of labor is having? How is the public to know whether it is a good thing or a bad thing? The secretary is to have the power to appoint, ad libitum, inspectors, investigators, mediators, conciliators; pay them whatever wage he sees fit; keep them employed as long as he desires; and then convey no word to Congress or to the people. It seems to me that if you were not desirous of hiding the conclusions of the men who undertake to do this work for the Government, if you desire that some good shall result from the department you undertake to create, you will at least let the public know what the judgment of the Secretary is in regard to the merits of the controversy, and let the public know what the mediators find as the result of their investigation; that you will at least give an opportunity to the public to understand whether the money spent in this manner was properly spent. How do we know how long the men were employed in efforts at conciliation or mediation? How do we know with whom they have dealt, whether they have treated with only one side or with both sides? Give us a chance to learn what they have done. Let their findings see the bright daylight. It seems to me there can be no objection to a provision of this kind. I am not trespassing on the precincts which the chairman of the committee seems to regard as sacred. I have attempted to bring back to the people who created the office the right to know what their servants have done and the right to understand what conclusions they have reached.

Mr. WILSON of Pennsylvania. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] apparently has an entirely wrong conception of what is sought to be accomplished by section 9 of this bill. It does not propose to give to the secretary of the department of labor any power to arrive at any conclusion of any kind whatever concerning a trade dispute. It does not give to him or to the conciliators any power to arrive at any conclusion or any determination of the facts in the case, and thus it seems to me to be useless to provide that the secretary shall make a report on conclusions that he is not authorized to make to the President of the United States.

The amendment proposed by the gentleman embodies the distinctive difference that there is between the power conveyed by this bill and the power as proposed in the Townsend bill and gives to the secretary of labor the power that he should not have—the power to organize, direct, and concentrate public opinion so as to compel the employer to give conditions he does not want to give or the employee to accept conditions he does not want to accept. Both of them are wrong and should never be incorporated in the laws of the United States. I ask for a vote.

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 6, noes 62.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 5 by striking out all of section 9, after the word "done," in line 25, and inserting in lieu thereof the following:

"And all duties performed and all power and authority now possessed and exercised by the head of any executive department in and over any bureau, office, officer, board, branch, or division of the public service by this act transferred to the department of labor, or any business arising therefrom or pertaining thereto, or in relation to the duties performed by and authority conferred by law upon such bureau officer, office, board, branch, or division of the public service, whether of an appellate or revisory character or otherwise, shall hereafter be vested in and exercised by the head of the said department of labor."

Mr. MANN. Mr. Chairman, the amendment which I have offered does not, in fact, strike out any provision that is in the bill. The language as it now reads is, "and that all power and authority heretofore possessed and exercised," and so forth, and the amendment I have offered reads, "and all duties performed and all power and authority now possessed or exercised." Of course it might not very well be heretofore exercised, because that might have been changed since, but my amendment adds the words "duties performed" and adds "officer" and "board." When we created the Department of Commerce and Labor, and there was a transfer from other departments to that department, the amendment which I have now offered was agreed to in reference to that. It was very carefully examined and approved by the Comptroller of the Treasury, who has to pass upon accounts, and is more complete in language and more certain to be fully effective than the language included in the bill.

Mr. WILSON of Pennsylvania. Mr. Chairman, I have no objection to the amendment presented by the gentleman from Illinois; but, so far as I am able to discern, it is simply a case of tweedle dum and tweedle dee. There is not a snap of a finger's difference——

Mr. MANN. There is no difference in the intention, but it is quite a difference when the matter comes to be construed by a court.

Mr. WILSON of Pennsylvania. I have no objection to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 11. That the secretary of labor shall investigate and report to Congress a plan of coordination of the activities, duties, and powers of the office of the secretary of labor with the activities, duties, and powers of the present bureaus, commissions, and departments, so far as they relate to labor and its conditions, in order to harmonize and unify such activities, duties, and powers, with a view to further legislation to further define the duties and powers of such department of labor.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, after line 23, insert as new sections:

SECTION —. That a commission is hereby created to be called the commission on industrial relations. Said commission shall be composed of nine persons, to be appointed by the President of the United States, not less than two of whom shall be employers of labor and not less than two of whom shall be representatives of organized labor. The Department of Commerce and Labor is authorized to cooperate with said commission in any manner and to whatever extent the Secretary of Commerce and Labor may approve.

SEC. —. That the members of this commission shall be paid actual traveling and other necessary expenses and in addition a compensation of $10 per diem while actually engaged on the work of the commission and while going to or returning from such work. The commission is authorized as a whole, or by subcommittees of the commission, duly appointed, to hold sittings and public hearings anywhere in the United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses and to compel testimony, and to employ such secretaries, experts, stenographers, and other assistants as shall be necessary to carry out the purposes for which such commission is created, and to authorize its members or its employees to travel in or outside the United States on the business of the commission.

SEC. —. That said commission may report to the Congress its findings and recommendations from time to time, and shall make a final report not later than three years after the date of the approval of this act, at which time the term of this commission shall expire, unless it shall previously have made final report, and in the latter case the term of the commission shall expire with the making of its final report; and the commission shall make at least one report to the Congress within the first year of its appointment and a second report within the second year of its appointment.

SEC. —. That the commission shall inquire into the general condition of labor, especially in the principal industries of the United States, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; and into the scope, and methods and resources of existing bureaus of labor and into possible ways of increasing their usefulness. The commission shall seek to discover and to point out the underlying causes of dissatisfaction in the industrial situation.

Mr. WILSON of Pennsylvania. Mr. Chairman, I make the point of order that the amendment is not germane.

Mr. MANN. Well, I am willing to be heard on the point of order, Mr. Chairman. This bill creates a department of labor, throws open everything which can go in it into a department of labor. I have offered an amendment to cooperate with the Department of Labor in collecting information and a report to Congress, and I do not think that the gentleman desires to make the point of order when he understands what the amendment is.

Mr. WILSON of Pennsylvania. I understand what the amendment is. The amendment is the industrial commission bill as reported from the Committee on Labor, with the exception of the last section of that bill as reported. That is what the measure is, and if included in this bill it would simply load down the bill with the impossibility of either becoming a law. I do not think I would raise the point of order but for the fact that if we include it in this bill it simply means the death of both of these bills, and I have no desire to have that brought about.

Mr. MANN. I do not think it means the death of either one, and the gentleman has no cause for stating that where he expects to pass two bills separately he can not pass the two bills together. That is queer reasoning to me. The gentleman expects that this bill will become a law. He wants the other bill to become a law. Complaint was made here to-day that the other bill could not be called up.

Now, I have offered the provisions of the other bill as an amendment to this bill. If the gentleman from Pennsylvania [Mr. WILSON] wants to take the responsibility of killing the bill, that is his responsibility and he has the right to assume it, and I know he is not afraid of assuming any responsibility which comes upon him; but it will be his responsibility. I do not think, however, that the amendment is subject to a point of order. In creating a new department of the Government we have a right to put in anything that belongs in that department, and make any amendment which can in any way relate to labor. I have offered an amendment providing for a temporary industrial commission to cooperate with the new department of labor in obtaining information and for the purpose of making recommendations to the President and to Congress for future legislation. Now, is that not germane to a bill to create a department of labor, just as much germane as the Bureau of Labor Statistics is germane, and much more germane to the bill than the Immigration Service is germane? The commission proposes to deal directly with the same question of conciliation in labor disputes that is dealt with by section 9 of the original bill.

Mr. UNDERWOOD. Mr. Chairman, I rise to support the point of order made by the gentleman from Pennsylvania [Mr. WILSON], and I agree with him that both of these bills are of too much importance to jeopardize either of them by attempting to combine the two in one bill. It seems to me that the bill which is offered as an amendment to this bill is not germane to the subject matter of the bill.

The primary purpose of the bill that is pending before the House is to create a department of labor. It is the organization of a new and great department. The bill that is offered as an amendment is to create a temporary commission that deals with the investigations of certain subjects, some of which are germane to a department of labor, but many of which have no relevancy to this bill whatever. It is to go into the broad question of the cost of living, and that investigation will probably be germane in some of its particulars to every department of this Government. Could the Chair hold that on an appropriation bill that was making appropriations for the Department of Commerce and Labor that that amendment would be in order because some of the provisions in it related to the Department of Commerce and Labor? It is true that there are provisions in there that might relate and correlate to this bill, but there are many provisions that do not. This bill is intended solely for the purpose of creating an executive department of the Government. The purpose of that bill is an industrial investigation, and it seems to me clearly one is not germane to the other.

The CHAIRMAN. The Chair has had but little opportunity to investigate this matter and has no precedent at all, but the Chair is of the opinion that this bill offered as an amendment by the gentleman from Illinois [Mr. MANN], while upon the same subject, is an independent bill, for a different purpose, and some of its provisions are inconsistent with the purposes of the original bill. The Chair therefore sustains the point of order.

Mr. MANN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. BUCHANAN. Mr. Chairman, I move that the appeal do lie on the table.

Mr. MANN. Mr. Chairman, I desire to be heard. The bill expressly provides——

Mr. BUCHANAN. Mr. Chairman, is my motion in order?

The CHAIRMAN. There is an appeal pending now from the decision of the Chair.

Mr. BUCHANAN. I move to lay the appeal on the table.

Mr. MANN. I make the point of order that the motion is not allowable in Committee of the Whole.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. Mr. Chairman, section 9 of the bill provides that the secretary of labor shall have power to act as mediator and to appoint commissioners of conciliation in labor disputes whenever, in his judgment, the interests of industrial peace may require it to be done; and the provisions of the amendment which I have offered authorizes a commission to inquire into the existing relations between employers and employees, into the effect of industrial conditions on public welfare and the rights and powers of the communities, and so forth, exactly in line with the purpose of the bill in section 9 and certainly germane to a bill creating a department of labor. If the gentleman from Pennsylvania had offered the amendment as a committee amendment, the Chair would have overruled a point of order made by me that it was not germane.

Mr. HOBSON. Mr. Chairman, I make a point of order against the gentleman.

The CHAIRMAN. The gentleman will state the point of order.

Mr. HOBSON. I make the point of order to the statement that the Chair would rule differently as between two different Members.

The CHAIRMAN. The Chair thinks it is an undue reflection upon the Chair. The gentleman, however, will proceed.

Mr. MANN. The Chair knows perfectly well that I was making no reflection upon the Chair. The gentleman from Alabama [Mr. HOBSON] has a peculiar cast of mind, and that is sufficient. [Laughter.]

Mr. HOBSON. Will the gentleman please repeat that? I did not catch it.

Mr. MANN. I said the gentleman had a peculiar cast of mind.

Mr. HOBSON. Oh! [Laughter.]

Mr. MANN. Now, I maintain that if the Chair had held that a committee amendment offered in precisely the same language that I have offered in this was in order, he would have been right. I think the Chair, suddenly called upon to rule upon an amendment of this sort, has been misled in his belief that the amendment is not germane. Any amendment which relates to the subject of labor is germane to a bill to create a department of labor, and any amendment which proposes a new form of activity on the part of the Government relating to labor is germane to a bill creating a department of labor.

No one would claim that if I had proposed an amendment to create a new bureau to deal with labor in some way it would not have been germane. I insist that the amendment which I have offered is germane, and I offered it because—it seeming to have met in words the approval of both sides of the House heretofore—I wanted to give an opportunity to the House really to act upon the amendment, and if that side of the House is sincere—which I doubt—in its advocacy of the measure, it will take a chance to hold it in order and vote it into the bill. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. CANNON. Mr. Chairman, just a moment. With high respect for the Chair, I agree with my colleague [Mr. MANN] that, as he stated, the Chair ruled hastily. My recollection is, touching the germaneness of an amendment, that the wisdom or unwisdom of the amendment does not determine, if it be touching the same or a similar matter. The province of the

Chair is—whether the amendment is wise or unwise—to let the House dispose of it. To my mind, my colleague from Illinois [Mr. MANN] is right in his contention.

I did not address myself to the point of order because it seemed to me so patent that it was in order that I did not think it was worth while. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that the "ayes" seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 70, noes 29.

So the decision of the Chair was sustained.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. That this act shall take effect July 1, 1912, and all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. WILSON of Pennsylvania. Mr. Chairman——

Mr. BUCHANAN. Mr. Chairman, I move to strike out the last word. A few moments ago, when my colleague from Illinois, Mr. MANN, and myself were in a colloquy, he made a statement which I did not understand at the time.

The CHAIRMAN. The chairman of the Committee on Labor desires to be recognized.

Mr. BUCHANAN. I want only a minute. He made a statement that I desired a packed committee to make the investigation of the Taylor system. I think it is only due to the Committee on Labor, as well as to myself, to state to this House that that statement is absolutely unfounded in fact. I believe the chairman of the Committee on Labor will probably bear me out in the statement that I told him I did not want to be on any of the special investigating committees and that I had enough to do without that.

Such a statement as that made by my colleague from Illinois is untrue, and it seems to me my colleague ought to admit that the statement is not correct, or else he wants to take the position of separating himself from the truth, as he sometimes does in this House. [Laughter.]

I think it is only fair that I should make this statement. I do not know what my colleague cares to do about it, but I claim that his statement is a reflection upon the Committee on Labor. That resolution, which the gentleman filibustered against at the time, provided that the Committee on Labor should make the investigation. Therefore, if it is believed that I favored the making of the investigation by a packed committee, this House ought to make an investigation and find out whether it was so or not.

This report was recommended unanimously by the Labor Committee, and no one apparently objected to it that night except my colleague, the gentleman from Illinois [Mr. MANN].

The investigation was made. I have no criticisms of the investigation, and the matter is past; but I can not let go unchallenged a statement of that kind. If the gentleman wants to make a statement that reflects on me personally, well and good. It does not amount to much anyway, probably, in his view, and I care little about his opinion in regard to it as far as I am concerned; but he should not make such an erroneous statement reflecting on the Labor Committee.

Mr. WILSON of Pennsylvania. I move to amend page 6, line 24, after the word "that," by striking out the words "this act shall take effect July 1, 1912," so that the section will read:

All acts and parts of acts inconsistent with this act are hereby repealed.

Mr. MANN. Mr. Chairman, I suggest to the gentleman that there ought to be a time fixed when this act shall take effect.

Mr. WILSON of Pennsylvania. I am perfectly willing to change the date, and make it October 1.

Mr. MANN. I suggest that instead of making it a definite date the gentleman make it 90 days or 60 days after the passage of the act. There ought to be a certain time fixed, because certain officers exercise authority every day, and they ought to know the day when the transfer is made. If it is to be the day the bill is passed, it will scarcely give time for the transfer.

Mr. WILSON of Pennsylvania. Mr. Chairman, I desire to modify my amendment so as to strike out the word "July" and insert the word "October." If the bill is going to pass at this session, that will give ample time. If not, then the Senate can correct the time later.

Mr. MANN. That is all right.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 24, strike out "July" and insert "October."

The amendment was agreed to.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments and with the recommendation that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 23913) to create a department of labor, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

By unanimous consent Mr. REILLY was given leave to extend his remarks in the RECORD.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

No separate vote was demanded.

The amendments were agreed to.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present. I do not make the point in connection with the passage of the amendments.

The SPEAKER. One hundred and twenty-nine Members present, not a quorum.

Mr. WILSON of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON of Pennsylvania. The previous question having been ordered on this bill and amendments to final passage, will this go over until to-morrow as unfinished business, if adjournment is had now?

Mr. MANN. The Speaker ruled recently on a case exactly similar to this that it would go over until the next Calendar Wednesday.

The SPEAKER. It would go over until the next Calendar Wednesday.

Mr. SULZER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. SULZER. Mr. Speaker, I ask unanimous consent to take a vote on this bill to-morrow immediately after the reading of the Journal.

Mr. MANN. I would not make objection, Mr. Speaker, but as the Chair has already declared that there is no quorum present, of course the House is without power to enter into any such an order.

The SPEAKER. That is true, and there is no quorum present.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Pennsylvania moves a call of the House.

The question was taken, and a call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll. Members whose names are called will answer "present."

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLAYTON. I desire to make an inquiry of the Chair.

The SPEAKER. The gentleman will state it.

Mr. CLAYTON. Did I understand the Chair to say that the vote of Members on this roll call will be "present," or is it on the passage of the bill?

The SPEAKER It is not on the passage of the bill; the Chair has not put that question yet.

Mr. CLAYTON. I did not understand the remark of the Chair.

The SPEAKER. There was considerable confusion the other day about the vote and the Chair made this statement merely to explain to Members what the situation was, and that they were to merely answer "present."

Mr. CLAYTON. I did not quite catch the remarks of the Speaker at the time, and I wanted to be sure that this was not a vote on the passage of the bill.

The SPEAKER. There was nothing being voted on at the time the point of no quorum was made. The Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

Adair	Ayres	Bradley	Byrnes, S. C.
Ames	Barchfeld	Brantley	Callaway
Anderson, Ohio	Bartholdt	Broussard	Cantrill
Andrus	Bartlett	Brown	Carlin
Ansberry	Bates	Burgess	Carter
Anthony	Blackmon	Burke, Pa.	Cary
Ashbrook	Boehne	Burke, S. Dak.	Catlin

Clark, Fla.	Hamilton, W. Va.	McCreary	Roddenbery
Claypool	Hammond	McGuire, Okla.	Rucker, Mo.
Copley	Hanna	McHenry	Scully
Cox, Ind.	Hardwick	McKenzie	Sells
Cox, Ohio	Harris	McLaughlin	Shackleford
Crago	Harrison, Miss.	McMorran	Sharp
Currier	Harrison, N. Y.	Macon	Sheppard
Dalzell	Hay	Maher	Sherley
Danforth	Heald	Martin, S. Dak.	Simmons
Daugherty	Heflin	Mays	Sisson
Davenport	Helm	Miller	Slayden
Davidson	Henry, Conn.	Mondell	Slemp
Davis, W. Va.	Higgins	Moon, Pa.	Smith, Saml. W.
De Forest	Hinds	Moore, Tex.	Smith, Cal.
Denver	Houston	Morse, Wis.	Smith, N. Y.
Dies	Howard	Murdock	Smith, Tex.
Doremus	Hughes, Ga.	Needham	Stack
Draper	Hughes, N. J.	Nelson	Stanley
Driscoll, D. A.	Hughes, W. Va.	Nye	Steenerson
Driscoll, M. E.	Humphrey, Wash.	Oldfield	Stephens, Nebr.
Dyer	Humphreys, Miss.	Olmsted	Sweet
Ellerbe	Jackson	O'Shaunessy	Talbott, Md.
Estopinal	Johnson, S. C.	Palmer	Taylor, Ala.
Evans	Kahn	Parran	Taylor, Ohio
Fairchild	Kent	Patten, N. Y.	Thayer
Ferris	Kinkead, N. J.	Payne	Thomas
Finley	Knowland	Pepper	Townsend
Fitzgerald	Kopp	Plumley	Turnbull
Focht	Lafean	Porter	Vare
Fordney	Langley	Post	Volstead
Fornes	Lawrence	Pou	Vreeland
Fuller	Lee, Ga.	Powers	Webb
Garrett	Legare	Prince	Wilder
Gillett	Lenroot	Prouty	Wilson, Ill.
Glass	Lever	Pujo	Wood, N. J.
Goeke	Levy	Randell, Tex.	Woods, Iowa
Goldfogle	Lindsay	Ransdell, La.	Young, Kans.
Gould	Littleton	Rauch	Young, Mich.
Graham	Lobeck	Redfield	Young, Tex.
Green, Iowa	Loud	Reyburn	
Guernsey	McCall	Riordan	
Hamilton, Mich.	McCoy	Roberts, Mass.	

The SPEAKER. One hundred and ninety-four Members are present; it lacks two of a quorum. Call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

Mr. WILSON of Pennsylvania. Mr. Speaker, I move that the Sergeant at Arms be directed to bring in absentees.

The SPEAKER. The gentleman from Pennsylvania moves that the Sergeant at Arms be authorized to arrest and bring in absentees.

The question was taken, and the motion was agreed to.

Subsequently—

Mr. WILSON of Pennsylvania. I move that further proceedings under the call be dispensed with.

The SPEAKER. One hundred and ninety-six Members are present, a quorum.

Mr. MANN. The Chair is quite sure this time?

The SPEAKER. The Chair takes what the Clerk says; that is the only guide he has to go by. The gentleman from Pennsylvania moves to dispense with further proceedings under the call.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 159, noes 3.

So the motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 9, noes 170.

So the House refused to adjourn.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time.

Mr. MANN. Mr. Speaker, I ask for a reading of the engrossed bill.

The SPEAKER. The Clerk will read the engrossed bill. The engrossed bill is not at the Clerk's desk.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5271. An act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; and

S. 23. An act to authorize the extension of Underwood Street NW.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARTLETT, for two weeks, on account of important business.

To Mr. JACKSON, for one month, on account of serious illness in his family.

RETURN OF BILL H. R. 23515 (H. DOC. NO. 867).

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Committee on Pensions and ordered printed.

The Clerk read as follows:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring) of July 3, 1912, I return herewith House bill No. 23515, entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors."

WM. H. TAFT.

THE WHITE HOUSE, *July 10, 1912.*

Mr. WILSON of Pennsylvania. Mr. Speaker, I move that the House recess until 11 o'clock to-morrow morning.

The SPEAKER. That is one thing the Speaker is forbidden to do; that is, to entertain a motion on Calendar Wednesday to recess.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to take a recess until to-morrow morning at 11 o'clock.

Mr. MANN. Mr. Speaker, we made an agreement in the House to do certain things to-morrow, and I object.

The SPEAKER. The rule reads as follows:

It shall not be in order for the Speaker to entertain a motion to recess on any Wednesday, except during the last two weeks of the session.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 38 minutes p. m.) the House adjourned to meet to-morrow, Thursday, July 11, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6688) to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,'" reported the same without amendment, accompanied by a report (No. 976), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill (H. R. 21524) to correct the military record of Frederick H. Ferris, reported the same without amendment, accompanied by a report (No. 950), which said bill and report were referred to the Private Calendar.

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (H. R. 21315) for the relief of Robert Ross, reported the same with amendment, accompanied by a report (No. 951), which said bill and report were referred to the Private Calendar.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the bill H. R. 25636, reported in lieu thereof a resolution (H. Res. 598) referring to the Court of Claims the papers in the case of John Wilson, accompanied by a report (No. 952), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 25274, reported in lieu thereof a resolution (H. Res. 599) referring to the Court of Claims the papers in the case of the heirs of John G. Holloway, deceased, accompanied by a report (No. 953), which said resolution and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill H. R. 25277, reported in lieu thereof a resolution (H. Res. 600) referring to the Court of Claims the papers in the case of Alvis A. Perry, accompanied by a report (No.

954), which said resolution and report were referred to the Private Calendar.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the bill H. R. 25247, reported in lieu thereof a resolution (H. Res. 601) referring to the Court of Claims the papers in the case of the heirs of Nancy Wilson, deceased, accompanied by a report (No. 955), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 25246, reported in lieu thereof a resolution (H. Res. 602) referring to the Court of Claims the papers in the case of Cornelius P. Vankirk, accompanied by a report (No. 956), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 25052, reported in lieu thereof a resolution (H. Res. 603) referring to the Court of Claims the papers in the case of the three loyal heirs of Charles M. Butler and Elizabeth Francis Butler, accompanied by a report (No. 957), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 24933, reported in lieu thereof a resolution (H. Res. 604) referring to the Court of Claims the papers in the case of Eli A. Helmick, major, United States Army, accompanied by a report (No. 958), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 25534, reported in lieu thereof a resolution (H. Res. 605) referring to the Court of Claims the papers in the case of *the estate of* Martin G. Spruel, accompanied by a report (No. 959), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 24809, reported in lieu thereof a resolution (H. Res. 606) referring to the Court of Claims the papers in the case of Yandell Wood and the estate of J. L. Wood, accompanied by a report (No. 960), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 24538, reported in lieu thereof a resolution (H. Res. 607) referring to the Court of Claims the papers in the case of James S. Garrison, accompanied by a report (No. 961), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 24773, reported in lieu thereof a resolution (H. Res. 608) referring to the Court of Claims the papers in the case of Eric Bergland, accompanied by a report (No. 962), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 24467, reported in lieu thereof a resolution (H. Res. 609) referring to the Court of Claims the papers in the case of the estate of James P. Kennelly, accompanied by a report (No. 963), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 24466, reported in lieu thereof a resolution (H. Res. 610) referring to the Court of Claims the papers in the case of the estate of D. T. Hatch, accompanied by a report (No. 964), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 19664, reported in lieu thereof a resolution (H. Res. 611) referring to the Court of Claims the papers in the case of Henry P. Lee, John M. Lee, and the heirs of Nathaniel W. Lee, accompanied by a report (No. 965), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 19091, reported in lieu thereof a resolution (H. Res. 612) referring to the Court of Claims the papers in the case of the heirs of John A. Miller, accompanied by a report (No. 966), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 18168, reported in lieu thereof a resolution (H. Res. 613) referring to the Court of Claims the papers in the case of the estate of Robert M. Crenshaw, accompanied by a report (No. 967), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 14953, reported in lieu thereof a resolution (H. Res. 614) referring to the Court of Claims the papers in the case of the heirs of Horace King, deceased, accompanied by a report (No. 968), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 14762, reported in lieu thereof a resolution (H. Res. 615) referring to the Court of Claims the papers in the case of the estate of J. W. Devers, deceased, accompanied by a report (No. 969), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 10757, reported in lieu thereof a resolution (H. Res. 616) referring to the Court of Claims the papers in the case of William Wells, accompanied by a report (No. 970), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill H. R. 7432, reported in lieu thereof a resolution (H. Res. 617) referring to the Court of Claims the papers in the case of S. Ellen Boyd, administratrix of the estate of Mary Dean, deceased, accompanied by a report (No. 971), which said resolution and report were referred to the Private Calendar.

Mr. DANFORTH, from the Committee on War Claims, to which was referred the bill (H. R. 18565) for the relief of David C. McGee, reported the same without amendment, accompanied by a report (No. 972), which said bill and report were referred to the Private Calendar.

Mr. DENT, from the Committee on the Public Lands, to which was referred the bill (H. R. 23604) for the relief of Frank D. Courtade, reported the same with amendment, accompanied by a report (No. 975), which said bill and report were referred to the Private Calendar.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the bill H. R. 25644, reported in lieu thereof a resolution (H. Res. 620) referring to the Court of Claims the papers in the case of Peter Goodman, accompanied by a report (No. 977), which said resolution and report were referred to the Private Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 20339) for the relief of Joseph W. McCall, reported the same without amendment, accompanied by a report (No. 978), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. DANFORTH, from the Committee on War Claims, to which was referred the bill (H. R. 23374) for the relief of Emma P. Barbour, reported the same adversely, accompanied by a report (No. 973), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 12701) for the relief of Margaret Underhill and Mary Clark, reported the same adversely, accompanied by a report (No. 974), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 24589) granting an increase of pension to Peter N. Hardman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21645) granting an increase of pension to Robert Lewis; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11100) granting a pension to Peter Reno; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10797) granting a pension to William F. Slack; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14369) granting a pension to Amanda M. Sheeran; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14387) granting a pension to Sophia D. Scholl; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15508) granting a pension to Antony Folee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14388) granting a pension to Edward Aldrich; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25385) granting a pension to Mary E. Sweeney; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13360) granting an increase of pension to Joseph D. Beaubien; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25459) granting a pension to Frank Gravins; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KINDRED: A bill (H. R. 25679) to provide that petty officers, noncommissioned officers, and enlisted men on the retired list who had creditable Civil War service shall receive the rank or rating of the next higher enlisted grade; to the Committee on Military Affairs.

By Mr. BERGER: A bill (H. R. 25680) to provide for the employment of all willing workers, and for other purposes; to the Committee on Labor.

By Mr. LANGLEY: A bill (H. R. 25681) authorizing the Secretary of War to grant leases or licenses to the highest responsible bidder or bidders for the use of the water power created by the Government dams on Kentucky River; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD: A bill (H. R. 25682) to punish violations of the Lord's day in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CARY: A bill (H. R. 25683) to amend House bill 1339; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 25684) providing overtime compensation for storekeepers and other customs officers; to the Committee on Ways and Means.

By Mr. MURDOCK: A bill (H. R. 25685) providing for the labeling and tagging of all fabrics and articles of clothing intended for sale which enter into interstate commerce and providing penalties for misbranding; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 25686) to amend an act entitled "An act to provide for an enlarged homestead"; to the Committee on the Public Lands.

By Mr. LAFFERTY: A bill (H. R. 25687) to amend section 1 of the act approved March 26, 1908, providing for repayment of certain commissions, excess payments, and purchase moneys paid under public-land laws; to the Committee on the Public Lands.

By Mr. COOPER (by request): A bill (H. R. 25688) to set aside not less than 1,000 acres of the public land for use by the Order of Owls as camping grounds for its sick members; to the Committee on the Public Lands.

By Mr. McKELLAR: A bill (H. R. 25689) declaring that persons, firms, or corporations in any manner engaged in interstate-commerce business who shall become engaged or concerned in the fixing of prices of any foodstuffs contrary to the rules of competition shall be guilty of a felony, and providing for their punishment; to the Committee on Agriculture.

By Mr. TRIBBLE: A bill (H. R. 25712) to repeal section 9 of an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899; to the Committee on Naval Affairs.

By Mr. DICKINSON: Joint resolution (H. J. Res. 336) proposing an amendment to section 1 of Article III of the Constitution of the United States of America; to the Committee on the Judiciary.

By Mr. AKIN of New York: Resolution (H. Res. 618) requesting certain information from the Secretary of Agriculture; to the Committee on Agriculture.

By Mr. FAISON: Resolution (H. Res. 619) to investigate delayed schedules and improper refrigeration of fruit and vegetable trains; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Memorial of the State Legislature of New Mexico, favoring specific duty on wool on the scoured-shrinkage basis; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 25690) granting a pension to Jennie Haas; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 25691) authorizing payment to Francis M. Fogarty, clerk of court of appeals, first circuit, Massachusetts; to the Committee on Claims.

By Mr. FERGUSSON: A bill (H. R. 25692) to correct the military record of Juan Paiz; to the Committee on Military Affairs.

Also, a bill (H. R. 25693) granting a pension to Anna Pearce; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 25694) for the relief of Ben P. Nicholson; to the Committee on War Claims.

By Mr. FOWLER: A bill (H. R. 25695) granting a pension to Hannah M. Baitey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25696) granting a pension to Edward Younger; to the Committee on Pensions.

Also, a bill (H. R. 25697) granting an increase of pension to Francis M. Bynum; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 25698) granting a pension to Diana R. Pierce; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 25699) to correct the military record of George W. Oiler; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 25700) granting a pension to Thomas J. Kurtz; to the Committee on Pensions.

Also, a bill (H. R. 25701) granting a pension to Thomas Foreman; to the Committee on Invalid Pensions.

By Mr. NEELEY: A bill (H. R. 25702) to remove the charge of desertion from the record of Oliver S. Coffin; to the Committee on Military Affairs.

Also, a bill (H. R. 25703) to remove the charge of desertion from the record of William Walters, alias Joshua Brown; to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 25704) granting pensions to Matilda K. Trett and Ira Ambrose Trett; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 25705) granting a pension to W. F. Eaton; to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 25706) granting an increase of pension to William E. Davies; to the Committee on Pensions.

By Mr. PUJO: A bill (H. R. 25707) for the relief of heirs of Joseph Block, deceased; to the Committee on War Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 25708) granting an increase of pension to Irene L. B. Fitch; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 25709) granting an increase of pension to Thomas J. Brewer; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 25710) for the relief of Freda A. Lane; to the Committee on the Public Lands.

Also, a bill (H. R. 25711) for the relief of George W. Lane; to the Committee on the Public Lands.

PETITIONS ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Polish societies of the States of Indiana and Illinois, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. ASHBROOK: Petition of J. E. Helwick and 9 others, of Boliver, Ohio, against passage of parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. AYRES: Memorial of the Hebrew Veterans of the War with Spain, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BARNHART: Memorial of St. Vincent de Paul Society, of South Bend, Ind., against bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BUCHANAN: Petition of St. Clara's Society, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Liquor Dealers' Protective Association of Illinois against passage of the Kenyon-Sheppard interstate liquor law; to the Committee on the Judiciary.

By Mr. BULKLEY: Memorial of the Woman's Auxiliary of Southern Ohio St. Luke's Branch of the Protestant Episcopal Board of Missions, favoring legislation for the betterment of the natives of Alaska; to the Committee on the Territories.

By Mr. BURNETT: Memorial of the Eugenia Lyon Memorial Branch of the Woman's Auxiliary of Trinity Church, Demopolis, Ala., favoring legislation for the betterment of the natives of Alaska; to the Committee on the Territories.

By Mr. CALDER: Petition of the Brotherhood of Locomotive Engineers of Cleveland, Ohio, favoring passage of workmen's compensation act, etc.; to the Committee on the Judiciary.

Also, petition of Brooklyn Chapter, American Institute of Architects, against the repeal of the Tarsney Act by the sundry civil bill; to the Committee on Appropriations.

Also, petition of the Presbyterian Hospital in Philadelphia, Pa., favoring passage of Senate bill 4972, to empower the Public Health and Marine-Hospital Service to collect statistics, etc., relating to hospitals; to the Committee on Interstate and Foreign Commerce.

Also, petition of M. C. Dow, of Cincinnati, Ohio, against passage of the Richardson bill relative to pure drugs; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Brooklyn Club, of Brooklyn, N. Y., favoring passage of House bill 23676, relative to making ocean travel more safe; to the Committee on the Merchant Marine and Fisheries.

By Mr. CATLIN: Memorial of Branch No. 71 of the Workmen's Sick and Death Benefit Society of America, of St. Louis, Mo., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Liquor Dealers' Benevolent Association of Missouri, against passage of the Kenyon-Webb-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. LAFEAN: Petition of Branch No. 223 of the Workmen's Sick and Death Benefit Fund of the United States of America, York, Pa., against bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEE of Pennsylvania: Petition of the Daughters of Liberty, of Pottsville, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of the Polish Roman Catholic Church of Oswego, N. Y., and the Hebrew Veterans of the War with Spain, protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. PRAY: Memorial of the Scottish Rite Bodies, of Helena, Mont., favoring passage of House joint resolution 271, relative to inscriptions, etc., on slabs and tombstones in national cemeteries; to the Committee on Military Affairs.

By Mr. PUJO: Evidence in support of bill for relief of estate of Joseph Block, of St. Landry, La.; to the Committee on War Claims.

By Mr. SULZER: Petition of the Committee of Wholesale Grocers, of New York City, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petition of the Civil Service Reform Association of Pennsylvania, against five-year tenure of office clause for Government employees in House bill 24023; to the Committee on Appropriations.

By Mr. UNDERHILL: Petition of the National Guard Association of the State of New York, at Albany, N. Y., favoring passage of the militia pay bill; to the Committee on Military Affairs.

Also, petition of 4,000 Spanish War veterans of New York City, favoring passage of House bill 17470, for pension for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, memorial of the Hebrew Veterans of the War with Spain, of New York City, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. WEEKS: Petition of Rev. Leonard Mitchell, Woods Hole, Mass., favoring the passage of the Kenyon-Sheppard liquor bill; to the Committee on the Judiciary.

By Mr. YOUNG of Michigan: Papers to accompany House bill 25165, for pension for Charles H. Haring, late of Company K, First Colored Infantry, United States Volunteers; to the Committee on Pensions.

SENATE.

THURSDAY, *July 11, 1912.*

(*Continuation of legislative day of Saturday, July 6, 1912.*)

At 10 o'clock a. m., on the expiration of the recess, the Senate reassembled.

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

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The roll will be called.

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

Bacon	Dillingham	Martine, N. J.	Smith, S. C.
Bailey	Fletcher	Myers	Smoot
Bourne	Gallinger	Nelson	Stephenson
Bristow	Gronna	Newlands	Stone
Brown	Guggenheim	Oliver	Sutherland
Bryan	Johnston, Ala.	Overman	Thornton
Chamberlain	Jones	Page	Tillman
Clapp	Kenyon	Perkins	Watson
Crane	Kern	Pomerene	Works
Culberson	Lea	Rayner	
Curtis	Lorimer	Shively	

The PRESIDENT pro tempore. Forty-two Senators have answered to their names—not a quorum. In the absence of objection, the names of Senators not answering on the roll call will be called.

The Secretary called the names of the absent Senators, and Mr. CULLOM answered to his name when called.

Mr. THORNTON. I wish to announce that my colleague [Mr. FOSTER] has been unwell for more than two weeks. He was here yesterday, but as he is not here this morning I imagine that he is not well enough to attend the session.

Mr. BORAH, Mr. CUMMINS, Mr. SIMMONS, Mr. CRAWFORD, and Mr. REED entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present. The resolution submitted by the Senator from Tennessee [Mr. LEA] is before the Senate for consideration.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOUSTON, Mr. SMALL, and Mr. CRUMPACKER managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. GREGG of Texas, and Mr. FOSS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills:

S. 23. An act to authorize the extension of Underwood Street NW.;

S. 5271. An act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; and

H. R. 17937. An act authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvements or economy in manufacturing processes or plant.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution No. 315, submitted by Mr. LEA May 20, 1912, as follows:

Resolved, That corrupt methods and practices were employed in the election of WILLIAM LORIMER to the Senate of the United States from the State of Illinois, and that his election was therefore invalid.

Mr. THORNTON. Mr. President, owing to the general interest in this case I deem it my duty to myself and to the people of my State to explain my vote, which was cast on the first trial without explanation.

When the resolution for the new investigation was offered in this body, it was a foregone conclusion, to my mind, that on account of the subtractions from and additions to the Senate since the first trial, a majority of this body was ready to vote for the conviction of LORIMER that day without any new evidence, and so believing, I did not think it fair to him that the case should be reopened, and if I had been given the opportunity to vote against the new investigation I would have done so, but there was no opposition to it.

But when the new trial was ordered I determined that I would decide the question in the light of the new testimony and reverse my first vote if I thought the evidence justified it; and the only comment I have made was that while I reserved my judgment, unless the prosecution made a better showing than it did before, I would vote again as I did then. My position from the beginning has been that in order to justify myself in voting for the expulsion of Mr. LORIMER, it was necessary that I should believe either that a sufficient number of votes to change the result had been corruptly cast in his favor with or without his connivance or knowledge; or that even a single vote had been corruptly cast for him with his connivance or knowledge; and in either case I should have voted against him. But neither proposition was proved to my satisfaction beyond a reasonable doubt or by the preponderance of evidence. I thought then it was extremely probable that bribery was resorted to in that legislature, but it was not at all clear to me that it was done with Lorimer money or to secure LORIMER'S election, and much less clear to me that it prevailed to a sufficient extent to have changed the result of the election, or that