CLOTURE IN THE SENATE

AND OTHER SPEECHES

BY

HONORABLE ROBERT L. OWEN

OF OKLAHOMA

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C O N T E N T S.

AFFAIRS IN MEXICO

SPEECH

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HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

MAY 13, 1914

WASHINGTON
1914

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SPEECH

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ON AFFAIRS IN MEXICO.

Mr. OWEN. Mr. President, I believe that many of the people of the United States do not fully appreciate the facts which have justified the United States in refusing to recognize Huerta, in demanding an apology, in taking possession of Vera Cruz, and in massing its forces in preparation for dealing in other ways, perhaps, with Gen. Victoriano Huerta. I feel impelled to present some of the facts which have justified our conduct and which would now justify the United States in demanding and enforcing by arms, if otherwise unavoidable, the restoration of "Government of the people, by the people, and for the people," to the hands of the people of Mexico, and the overthrow of the cruel commercialized military oligarchy now riding the people of Mexico to ruin and chaos.

When Victoriano Huerta usurped the presidency of Mexico by military revolution February 18, 1913, he found immediate opposition. The legislature of the State of Coahuila passed resolutions instantly supporting Madero (Feb. 19). This resolution made Madero's death expedient to Huerta to prevent organized support of Madero. Madero was killed (Feb. 22, 1913) at once.

It soon became obvious to Huerta that his only chance to hold his power against Carranza and Zapata fighting for the constitution was by exciting a war or some act of aggression by the United States which would enable him through misguided patriotism to rally behind himself the leaders of the constitutionalist movement. Huerta thought he could by exciting their patriotism make them forget or condone his crimes in resisting a common foe and thus get them to support his leadership. From many quarters since last summer the authorities of the United States have had reason to know of Huerta's wicked purpose against the United States.

Finally, when the unspeakable misconduct of Huerta's administration had not yet moved the United States to take any aggressive action against Huerta, a step was taken by one of Huerta's subordinate officers at Tampico which could not be overlooked or condoned. One of Huerta's subordinate officers, on the 9th of April, 1914, in all human probability instigated by Huerta himself, arrested at Tampico a paymaster of the U. S. S. *Dolphin* and a boat's crew, all in the uniform of the United States. Our sailors were unarmed and entered Tampico to purchase some gasoline. Two of them were in our boat with the flag of the United States at the bow and the stern of the boat, and upon our own soil under the international law. Our unarmed men, in the uniform of the United States, were then

paraded through the streets of Tampico as a public spectacle, subsequently released with an apology from the subordinate officer and later with an expression of regret from Huerta. But Huerta deliberately declined to salute the flag, under the rules of international law, as demanded by the President of the United States, for this international affront and indignity, while he temporized for 10 days with President Wilson, evidently with a view to obtaining a cargo of 250 machine guns and 2,000,000 rounds of ammunition which were expected to arrive by a German merchant ship at Vera Cruz on Tuesday, April 21. The President of the United States gave Huerta until 6 o'clock Sunday night, April 19, to make the amends required by international law. The salute was not made. On Monday, April 20, the President of the United States presented the matter to the Congress of the United States, and Congress passed a resolution as follows:

> That the President is justified in the employment of the armed forces of the United States to enforce his demand for unequivocal amends for certain affronts and indignities committed against the United States.
>
> Be it further resolved that the United States disclaims any hostility to the Mexican people or any purpose to make war upon Mexico.

This resolution was justified by a preamble referring to the facts presented by the President in his message to Congress of the 20th of April.

The Senate of the United States, after discussion, voted down a substitute preamble to this resolution, offered by the distinguished Senator from Massachusetts, as follows:

> That the state of unrestrained violence and anarchy which exist in Mexico, the numerous unchecked and unpunished murders of American citizens and the spoliation of their property in that country, the impossibility of securing protection or redress by diplomatic methods in the absence of lawful or effective authority, the inability of Mexico to discharge its international obligations, the unprovoked insults and indignities inflicted upon the flag and the uniform of the United States by the armed forces in occupation of large parts of the Mexican territory have become intolerable.
>
> That the self-respect and dignity of the United States and the duty to protect its citizen and its international rights require that such a course be followed in Mexico by our Government as to compel respect and observance of its rights.

Those who voted against the amendment proposed by the Senator from Massachusetts, I feel sure did not question the truth of the statements in the preamble, but thought it unwise to repeat these grievances for fear that it would lead to immediate war, as the preamble justified immediate intervention and the President had not recommended intervention. The Government of the United States had been sincerely endeavoring in true friendship to use its good offices to restore peace in Mexico without resorting to armed force, hoping that Huerta and his associates would consent to hold an honest election and restore constitutional government in Mexico. This hope has utterly failed, and in the meantime a terrific war is being waged by armies of Mexicans fighting for liberty and demanding constitution and reform.

Mr. President, I voted against the preamble proposed by the Senator from Massachusetts, although I fully recognized the truth of its recitations, because I very greatly desired to have an adjustment of the difficulties in Mexico with as little loss of life as possible, and I desired to hold up the hands of the President of the United States in his anxious and patriotic purpose to secure the adjustment of these difficulties peacefully,

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if possible. But, Mr. President, I wish that the people of the United States and that the people of the world might know that our seizure of Vera Cruz and our demand of Huerta to salute the flag had behind it the most abundant justification, and I think that the world should know what the conditions are which have confronted us on our immediate borders and which not only have justified our extremely moderate and considerate conduct in this matter but which would now justify the United States in demanding the complete restoration of peace and order in Mexico and the reestablishment of liberty and the actual sovereignty of the people of Mexico. The welfare of the whole world depends upon the establishment of the ideals of the Republic of the United States, of "constitutional liberty and order and justice between man and man." The people of the United States do not desire in any degree to control the affairs of the people of Mexico, but I do believe that the people of the United States very greatly desire the restoration of liberty, justice, and constitutional self-government in Mexico, so that the people of Mexico can enjoy the rights of life, and liberty, the pursuit of happiness, and enjoy the fruit of their own labors.

The President, in his message to Congress, said:

> We do not desire to control in any degree the affairs of our sister Republic. Our feeling for the people of Mexico is one of deep and genuine friendship, and everything that we have so far done or refrained from doing has proceeded from our desire to help them, not to hinder or embarrass them. We would not wish even to exercise the good offices of friendship without their welcome or consent. The people of Mexico are entitled to settle their own domestic affairs in their own way and we sincerely desire to respect their right.

Mr. President, I agree with this generous sentiment and I wish we might assist the people of Mexico to restore orderly government without such enormous destruction of life and property. At present, in the attempt to establish order, a series of daily bloody battles are in progress, with thousands of men being killed on the battlefields of Torreon, Monterey, Tampico, and so forth. The people of Mexico have no way in which to express their opinion but by battle. They have no elections in Mexico which deserve to be called by the name. The last election, of October 26, 1913, was a willful fraud and a corrupt mockery of the people of Mexico, engineered by a military oligarchy, directed by Huerta.

Secret instructions were sent out from Mexico City October 22, 1914, in Huerta's interest to have the votes counted for Huerta and to make the elections void as to the presidency by returning a deficient number of precincts, which, under the Mexican law, would leave Huerta as provisional President, and this was accomplished under Huerta's dictatorship.

Mr. President, the real difficulty in Mexico is the establishment of a commercialized military oligarchy, enjoying every form of privilege and monopoly at the expense of the rights of the people of Mexico, millions of whom are denied the rights of property, of liberty, and of life itself. Under this heartless organization the wages of the people are not sufficient to sustain a civilized human being, provide food and shelter, much less provide any opportunity for instruction or for human progress. It is the same condition which caused the great French Revolution in 1789. The murder in Mexico of American citizens, and of Englishmen and of Germans and of Frenchmen and

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of Spaniards, and the wholesale robbery and destruction of property under the lawless conditions which have ensued from this primary cause are merely details of an unavoidable result. The usurpation and violence of Huerta, his insult to our flag and uniform, are details of the egregious crime against humanity which this commercialized military oligarchy of Huerta and his friends represent. The killing of thousands in Mexico City when Huerta treacherously overthrew Madero is only a detail of this criminal system.

Mr. President, the remedy for this condition is not from the top down; it is from the bottom up. Liberty, freedom, and equal rights are not bestowed by the powerful few on the many as an act of grace and justice, but are established by the many by the ballot, or, where the ballot is denied, at the point of the sword. This was done at Runnymede, when the Magna Charta was wrested from the hands of John. This was done in France, over a hundred years ago, when Louis XVI and Marie Antoinette were dethroned. This was done by the American colonists when we set up the Government of the United States. The common people established liberty in France, in England, and in the United States. And this will be done in Mexico at the cannon's mouth, by the armies of the common Mexican people demanding the right of life, liberty, and the pursuit of happiness. My sympathies are with the common people of Mexico. I want them to govern themselves, and I desire that the United States shall give a friendly hand to those who seek to establish constitutitnal government in Mexico.

They say that Gen. Francisco Villa, leading the constitutionalist armies, has been a horse thief, a bandit, a robber, a killer of men. It may be true, for Villa was only an ignorant, unlearned peon, whose sister was ruined by a Cientifico. Villa, I understand, when 18 years of age, killed the betrayer of his sister, and took to the mountains to save his own life, in a country where the rights of a peon were little better than the rights of a wolf. The hand of society was against Villa, and Villa made war on society. But Villa, whatever his sins of the past, is now waging a humane warfare, as he has recently learned it out of a volume given him by an American officer. Villa, at all events, is now demanding the constitution and reform. Villa, at all events, avows his friendship for the United States and its wise policies. Villa, at all events, has taken his own life in his hands and is leading thousands of other common men in the demand for the overthrow of the usurping despot, Huerta, for the overthrow of the entire system represented by Huerta of a commercialized, military oligarchy, and the establishment of constitutional government; and in this enterprise I hope for the reestablishment of the constitution and honest government, trusting and believing that neither Villa nor Carranza, nor the men fighting with them, will ever stand for the restoration in any other form of the evil system which they are gladly shedding their blood to terminate.

I wish to show that we are justified, not by our own grievances alone, but by the grievances of Englishmen, Germans, Frenchmen, Spaniards, and above all, perhaps, by the grievances of the unhappy people of Mexico, whose liberties, whose property rights, and whose lives have been, and are now, at the mercy of an armed military oligarchy, led by Huerta; that no man's life is safe in Mexico, that no man's property is safe

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in Mexico, that no man, whether he be Mexican, American, Englishman, German, Frenchman, or Spaniard, has any safety in his life or his property under the criminal rule of this usurping military despot, who has declared himself vested with legislative, judicial, and executive power over the people of Mexico.

Until Diaz established his military control of Mexico and carried on a halfway benevolent commercial despotism there were 52 dictators, Presidents, and rulers in 59 years in Mexico. The Encyclopedia Britannica on Mexico, describing the causes of their difficulties, says that the—

CAUSE OF THE PRESENT REVOLUTION IS THE PRIVILEGED CLASSES VERSUS THE PEOPLE.

It says—

Thenceforward, till the second election of Porfirio Diaz to the presidency in 1884, the history of Mexico is one of almost continuous warfare in which Maximilian's empire is a mere episode. The conflicts, which may at first sight seem to be merely between rival generals, are seen upon closer examination to be mainly (1) between the privileged classes, i. e., the church and (at times) the army, and the mass of the other civilized population; (2) between Centralists and Federalists, the former being identical with the army, the church, and the supporters of despotism, while the latter represent the desire for republicanism and local self-government.

On both sides in Mexico there was an element consisting of honest doctrinaires; but rival military leaders exploited the struggles in their own interest, sometimes taking each side successively; and the instability was intensified by the extreme poverty of the peasantry, which made the soldiery reluctant to return to civil life, by the absence of a regular middle class, and by the concentration of wealth in a few hands, so that a revolutionary chief was generally sure both of money and of men. But after 1884, under the rule of Diaz, the Federal system continued in name, but it concealed in fact, with great benefit to the nation, a highly centralized administration, very intelligent, and on the whole both popular and successful—a modern form of rational despotism.

Porfirio Diaz's reign was "popular and successful" in a certain narrow sense. It exploited the great riches of Mexico, it established many monopolies, it maintained order by killing those who dared resist the unsound system, but it eventuated in the only possible result of glorifying property accumulation and making millionaires on the one hand and on the other hand in the result of reducing the mass of the people to abject poverty, of preventing the mass of the people being educated, of preventing the mass of the people having a reasonable opportunity to enjoy life, liberty, and the pursuit of happiness. The Diaz régime or system magnified property rights at the expense of and by minimizing human rights. The necessary results of the Diaz system was his flight to avoid assassination and the succeeding tragedies we have recently been witnessing.

The people of the United States are industrious and kind-hearted, with high ideals of liberty and human brotherhood and a resolute purpose not to interfere with the liberty of others.

The great body of the people of the United States do not wish to acquire the territory now occupied by the Mexican people and do not wish to exercise any political authority over them or their affairs.

All men know, Mr. President, that when nations become involved in the violent excitement of war, when thousands of men are killed on either side, and tens of thousands are wounded, and these terrible evils sending grief to homes in every section are exaggerated, there spring up demands for indemnity and reparation that would not be made in moments of more sober reflection. If, therefore, the United States should be impelled by

the unhappy conditions in Mexico to intervene, we should, in my opinion, declare to the world that we will not, under any circumstances, take any of the territory now occupied by Mexico.

We should do more than this—we should declare the true, plain, honest motives which inspire the people of the United States in its present attitude. And these reasons should be such as to fully justify the American Nation before the thoughtful opinion of the people of other civilized nations.

The United States is already more than abundantly justified in declaring armed intervention in Mexico, although the President has not done more than he has deemed necessary to bring about an adjustment with as little force and loss of life as possible. I am glad that the authorities of Argentina, Brazil, and Chile have been accepted as mediators between the United States and the military oligarchy which has usurped the right of sovereignty of the Mexican people, although I am not willing to appear to believe that any agreement with Huerta would have any value whatever unless backed by a cannon or to appear to believe he wishes an honorable adjustment.

It must be kept clearly in mind that our difficulty in Mexico is not, in reality, whether or not Victoriano Huerta, who has declared himself dictator at Mexico City, and who is at the head of an organized army, pretending to represent the Mexican people, shall fire 21 guns in salute to our flag. Our difficulty lies much deeper than this.

Mexico, under the form of a Republic, established a liberal constitution in 1853, an abstract of which I submit as Exhibit I. It will be observed that this constitution, in Title I, Sec. I, declares "That in the Republic all are born free," and yet the Mexican people are enslaved by cruel commercial and political monopoly, and peonage is found everywhere through Mexico. No man is really free in Mexico.

This constitution declares that instruction is free, and yet the great masses of the people have had no free instruction. And all of the other assurances and guaranties of the constitution have been gradually ignored until no man's life or property is really safe in Mexico. Fifteen millions of Mexicans are substantially denied the right of life, liberty, and the pursuit of happiness, and the bloodiest fratricidal strife has ensued from this evil cause.

The constitution, in Title I, Sec. I, guarantees the right of petition, and yet when the House of Delegates of the Congress of the Republic of Mexico petitioned Huerta for protection of the lives of the members of Congress, he immediately answered this petition by arresting and throwing into the penitentiary all the delegates who so petitioned—110 in number—on October 9, 1913.

Title I, section 1, article 13, provides that no one shall be tried according to special laws, or by special tribunals, and yet this military oligarchy had killed and imprisoned thousands, including American citizens and consuls, contrary to the constitution. In the prison of San Juan de Uluo, at Vera Cruz, our officers found 325 Mexican men imprisoned without trial, without accusation, by the Huerta military despotism, merely because they were unwilling to enlist as soldiers to support this wicked power. All of the personal guaranties have been ignored. Article 22 forbids mutilation, torture, yet the San Juan

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de Uluo furnishes overwhelming testimony of the violation of this constitutional provision.

Article 23 declares the penalty of death abolished for political offenses, except treason and murder in the first degree, and yet President Madero, declared elected as the President of the Republic of Mexico, and Vice President Suarez, elected Vice President of the Republic of Mexico, were arrested, their resignations commanded, under the threat of immediate death, and they were immediately killed, and a false account of the killing published to the world, and no judicial investigation ever held as promised to the diplomats representing all nations of the world.

Title I, section 1, article 28, declares that there shall be no monopolies of any kind, whether governmental or private (inventions excepted), and yet for the last 40 years one monopolistic concession after another has been granted, giving monopolies innumerable to private persons—monopolies in agricultural lands, monopolies in grazing lands, monopolies in timber lands, monopolies in oil lands—and it is an open secret that the oil monopolies have given huge sums in substantial bribery of the leading officials of the Mexican Government.

Monopoly has become so complete in Mexico that millions of human beings, willing to labor, own no land upon which they may labor. The same cruel and intolerable conditions of land monopoly described by Thomas Jefferson as existing in France immediately before the French Revolution exist in Mexico today, and make revolution absolutely unavoidable—make revolution absolutely inextinguishable until this crime against human life be corrected and the right of human beings to live shall be recognized and provided. The demand of the Zapatistas is for land upon which the peasantry can support life. These conditions have led to the war by Carranza, Villa, and the constitutionalists. This was the demand which Russia had to heed with her peasantry—and from which was born "Nihilism" and "Anarchism." It is the right of land to live on that caused the unending revolution of the Irish against their alien landlords and the evil policy of government that tolerated and maintained the system.

When all the land is held in the hands of the few, enabling them to dictate the conditions of life upon the millions of people who have no land, enabling them to dictate the political conditions and to seize by force, by fraud, by artifice, and craft the Government powers of the common people of Mexico, and then to use the organized powers of the common people against the common people themselves and against their interests, chaos and ruin is the unavoidable consequence.

The people of Mexico are enslaved, yet Title I, Section I, article 39 declares that the sovereignty is in the people, that all public power emanates from the people. And yet, the right of sovereignty of 15,000,000 Mexican people is usurped by Huerta and the military oligarchy that surrounds him. The sovereignty of the people is supposed to be exercised through representatives honestly chosen in fair elections, yet the election on the 26th of October, 1913, was a mockery. Secret instructions had been sent out from Mexico City to make a false return of the votes in favor of Huerta and to make the returns defective in order to throw the presidential office in the hands of the Congress elected as of that date, the preceding Congress being still

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incarcerated in the penitentiary by Huerta's order. I submit the names of those still confined in the penitentiary November 15, 1913.

Members of the Mexican Congress put in the penitentiary by Victoriano Huerta on October 10 for having dared to pass a resolution to investigate the sudden disappearance of Senator Dominguez, of Chiapas, and demanding safeguard of their own lives by Huerta and still incarcerated on November 13, 1913:

1. Sr. Guillermo Krauss.
2. Sr. Miguel Santa Cruz.
3. Sr. Próspero A. Blanco.
4. Sr. Miguel Campuzano.
5. Sr. Roberto M. Contreras.
6. Sr. Salvador Rodríguez.
7. Sr. Juan Palomares González.
8. Sr. Mónico Rangel.
9. Sr. Rosalío Anguiano.
10. Sr. Manuel S. Núñez.
11. Sr. Alberto Cravioto.
12. Sr. Francisco Lazcano.
13. Sr. Juan Urda Avendaño.
14. Sr. J. Luz Peña.
15. Sr. Salomé Torres.
16. Sr. Santos Ramírez.
17. Sr. Maximiano Galeana.
18. Sr. Germán Malpica.
19. Sr. Elías Sedano.
20. Sr. Severino Reyes.
21. Sr. Juan Rosas.
22. Sr. José Antero García.
23. Sr. Fernando Erquiaga.
24. Sr. Tadeo Gómez.
25. Sr. Antonio Rodríguez Ortiz.
26. Sr. Ponciano Ramírez.
27. Sr. Rómulo Carpio
28. Sr. Miguel Millán.
29. Sr. David Vallejo.
30. Sr. Antolín Mendizábal.
31. Sr. Angel Loera.
32. Sr. José Loera.
33. Sr. Florentino I. López.
34. Sr. Juan Barrera.
35. Sr. Nazario Arredondo.
36. Sr. Teodomiro Hernández.
37. Sr. Manuel Cabrera.
38. Sr. Téofilo Velázquez.
39. Sr. Pablo Bello.
40. Sr. Ignacio García.
41. Sr. Manuel Antonio.
42. Sr. Federico Oliveros.
43. Sr. Faustino González.
44. Sr. Jesús Santillán.
45. Sr. Martín Santiago.
46. Sr. Nicolás Basilio.
47. Sr. Francisco Tolentino.
48. Sr. Guadalupe Mendoza.
49. Sr. Manuel Chávez.
50. Sr. Ramón Pacheco.
51. Sr. Modesto Pacheco.
52. Sr. Vincente Canales.
53. Sr. Rafael Pacheco.
54. Sr. Pedro Baños.
55. Sr. Jesús Baños.
56. Sr. Manuel Martínez, 1st.
57. Sr. Manuel Martínez, 2d.
58. Sr. Arcadio Martínez.
59. Sr. José Soto.
60. Sr. Juan San Agustín.
61. Sr. Manual San Agustín.
62. Sr. Rosario Huerta.
63. Sr. Librado Heredia.
64. Sr. J. Angel González.
65. Sr. Dionisio Carrión.
66. Sr. Alfonso Castañeda.
67. Sr. Adolfo Osorno.
68. Sr. Miguel M. Torres.
69. Sr. Liborio Torres.
70. Sr. Francisco Pineda Rubén.
71. Sr. Francisco Lu - (Chino, inválido de una pierna).
72. Sr. Jesús Pulido Cávares (inválido de las dos piernas).
73. Sr. Gabriel Martínez.
74. Sr. Angel Silva.
75. Sr. Cosme Dávila.
76. Sr. Margarito Balderas.
77. Sr. Fausto Herrero.
78. Sr. Salvador Acosta.

Many of these men were still in the penitentiary when the United States seized Vera Cruz April 20, 1914.

By Title I, section 3, foreigners have the same guaranties of life, liberty, and the possession of property. Yet large numbers of foreigners have been killed without any adjustment or diplomatic settlement being made, and hundreds of millions of property belonging to foreigners have been impaired, destroyed, or taken without compensation.

All nations should be patient with another nation torn by civil strife, and where the constituted authorities are doing what they can to establish order and justice; but Huerta's own evil conduct is the cause of these disorders in Mexico.

The constitution of Mexico divides the powers of government into legislative, executive, and judicial, yet Huerta, on the 10th of October, 1913, destroyed the legislative branch and threw the Congress in the penitentiary by military force, invested himself by decree with legislative power and with judicial power, in open and flagrant violation of the constitution which he had sworn to support.

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Mr. President, Mexico is upon our immediate borders; our boundary line touches Mexico for near 2,000 miles.

Upon the invitation of the constitution of Mexico, very many thousands of our citizens, who are entitled to the protection of this Government, entered Mexico and invested hundreds of millions of property. Their property has been despoiled, their lives have been taken without redress, and now they are all fleeing or fled from Mexico for the purpose of saving life itself and we, responsible to them and for them before the whole world, with abundant power to protect them, stand face to face with a military despot whose conduct has made their flight imperative, but whose conduct against them and against us is a mild offense compared to his crime against the common people of Mexico, whose Government, such as it was, he overthrew by military force and usurped on the 18th of February, 1913.

We all remember, Mr. President, his boastful telegram to President Taft, February 19, 1913, that he had overthrown the Mexican Government.

Huerta has been trying to unite behind himself all the revolutionary forces of Mexico, and in order to accomplish that, he has been trying to force the United States to an invasion of Mexico. He was openly charged with this on the floor of the Mexican Senate by Senator Dominguez, senator from Chiapas, on the 23d of September, 1913. He wished to cause intervention in a form sufficiently mild that he could use the invasion as an appeal to the patriotism of the Mexican military leaders of all revolutionary factions and secure their cooperation without having intervention go so far as to capture Mexico City and compel a restoration of order and the reestablishment of the power of the common people of Mexico in the exercise of their acknowledged constitutional sovereignty. He would, however, much prefer being a prisoner of the United States than being prisoner of Villa or Zapata, both of whom have sworn his death for treason.

Mr. President, the United States would be justified in intervening for the purpose of protecting the rights of life and property of American citizens in Mexico. The United States would be justified in protecting the rights of Englishmen, Germans, Frenchmen, and Spaniards, whose Governments look to us for their protection. The United States would be justified, in order to end the bloody fratricidal strife and restore order and peace and constitutional government on our border.

Mr. President, the United States has borne repeated injuries week after week, month after month, and year after year awaiting diplomatic adjustment, until at last, in lieu of adjusting these immediate grievances which are of record in our Department of State and which I shall not pause to enumerate as they would fill a volume of themselves, it finally comes to the point where Huerta, with growing indifference and contempt for the rights of the American people, and in view of saving his own life by forced American intervention, permits—if he did not instigate—an international insult to the flag and uniform of the United States, and then refused redress under the rules of international law.

The world should understand that while the United States regards the insult to its flag and uniform with great gravity and is justified in demanding proper amends for this open

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affront and indignity before the eyes of the world, nevertheless beyond the flag incident is a long series of grievances which the United States has been trying in vain to adjust by diplomatic process. And the world should understand further that the killing of our citizens in Mexico, the destruction of the property of our citizens in Mexico, the killing of Germans and Englishmen and Spaniards in Mexico, and the destruction of their property, for whose adjustment the United States is held morally responsible and for which the United States has anxiously desired a settlement as the nearest friend of the people of Mexico, are all factors in determining the attitude of the people of the United States.

The world should remember that this multitude of individual grievances, which has been impossible of adjustment, is due to an unstable condition of government in Mexico; that the unhappy people of Mexico, judged by their own constitution, have no government; that all constitutional guaranties in the country under the military control of Huerta have been overthrown; that the constitution of Mexico has been tranmpled in the dust by military power, by treason, by murder; and that the instances of which we complain—of the murder of our citizens and of the citizens of other nations and the destruction of their property—will be indefinitely continued until a stable form of government is established in Mexico. The whole civilized world has a right to complain at the ruinous slavery imposed upon the people of Mexico by the monopolies which have invaded Mexico in defiance of the constitution of Mexico—monopolies in land, minerals, timber, water powers, government supplies, down to monopolies in gambling and female prostitution—granted to a favored few who by bribery and corruption have secured these favors from the dishonest officials who have misgoverned Mexico under the form of a Republic but in sober truth as a commercialized military oligarchy during the last 40 years.

This criminal oligarchy has not been content with establishing a monopoly of all the opportunities of making a living by the labor of men—it has not been content with the commercial slavery of the people of Mexico and reducing them to peonage, but through the commercial and financial power they have established a corrupt political monopoly of the governing powers which they have concentrated in Mexico City. The power of the sovereign States of Mexico has been invaded, so that Huerta, as the President of Mexico, has not hesitated to set aside governors elected by the people and in their places put military governors. And while title 3 declares the supreme power of the federation as divided for its exercise into legislative, executive, and judicial, and that never can two or more of these powers be united in one person or corporation, nor the legislative power be vested in one individual, Huerta, by his own decree of October 10, 1913, vested in his one person legislative, executive, and judicial power in flat violation of the constitution of the people of Mexico.

Mr. President, the real basis of all the difficulties in Mexico is the stealing from the people of Mexico their constitutional rights and retaining the stolen goods by military force. The real difficulty in Mexico is the usurpation of the power of the common people of Mexico by a military oligarchy, pretending to represent the people. Under such conditions there is the absolute certainty that no change from one dictator to another

dictator will provide any true remedy so long as the head of this military group, whether Porfirio Diaz, De la Barra, Madero, Lascurain (who was president for a few minutes), or Huerta or the next successful general belonging to Huerta's group who arrests him and puts him to death will cure the evil in Mexico. The real remedy required in Mexico is to restore to the hands of the people of Mexico their right of self-government, to demand a secret, honest election system, decentralization of power, restoration to the several States of Mexico of the right to manage their own business in their own way under the constitution of Mexico. A constitutional convention is necessary in Mexico to decentralize its powers and to enable the people to exercise safeguarded self-government and to abolish by law the monopolies which have reduced to abject poverty 15,000,000 Mexicans and given stupendous wealth to a few thousand families in Mexico.

I have the faith to believe that the people of Mexico will pass the proper laws for their own protection and for the overthrow of monopoly if they are given an opportunity and that they will establish laws based upon economic and political justice, just as the people of France did.

It was the fishwomen of France, it was the peasantry of France, it was the uneducated, unlearned, common herd in France, despised by the nobility of France, who sang the Marseillaise in the streets of Paris, and who deposed Louis and Marie Antoinette and established in France a Government that recognized the great principles of the French Revolution—liberty, equality, fraternity; and the same spirit is in Mexico now. These people are willing to lay down their lives for liberty, and they are sacrificing their lives wholesale, and they must not be despised,

I know that there have been those who, observing the military despotism that has been parading in Mexico as a Republic, insist that the people of that country are ignorant and unpatriotic, but I have no fears for the people of Mexico. But, Mr. President, I remind you and I remind the Senate that this commercialized military oligarchy made every effort to establish an alliance with Japan at a time when we were having difficulty with Japan over the California case. Such an alliance would bring in its train the most serious consequences for the United States. To permit on our borders such an irresponsble Government as that of Huerta, controlled merely by corrupt avarice and ambition, carries with it danger to the welfare of the people of the United States far greater than the danger involved in now throwing Huerta out of power in Mexico. Have we forgotten his invitation to the officers of the Japanese vessel *Idzuma*, his week of feasting and ostentatious demonstration of excessive affection for the Japanese, at a time when he was stirring the passion and prejudice of the populace of Mexico against the American people?

When the people of Mexico really govern Mexico, under constitutional safeguards, just as our people in the 48 States govern their affairs, there will be no danger whatever from the Mexican Government. They will be our friends, knowing that we are in truth the friends of the Mexican people. Moreover, in intervening in Mexico for the establishment of peace, for the pacification of that unhappy country, for the restoration of order, for the reestablishment of liberty and for that purpose

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alone; when we declare to the people of the whole world that we have no desire to acquire any part of the territory of Mexico, that we do not wish to govern them, but only wish that they shall have the right in peace, in honor, in dignity, to govern themselves, by choosing their own officials in safeguarded, honest elections, we will do more than make a lasting friend of the people of Mexico; we will give the most satisfying assurances to all of the South American Republics of the uprightness of our purposes. We will thus assure every country on the Western Hemisphere that we are moved alone by purposes of unselfish humanity; we will set the standard before the whole world of a high purpose to maintain the right of life, liberty, and the pursuit of happiness, and to promote the great principle of the brotherhood of man.

Our great Republic is founded on the ideal of human liberty, on the idea of freedom.

Over the magnificent entrance of Union Station in our Capital, where tens of thousands pass, is inscribed in granite this noble sentiment:

> Sweetener of hut and of hall,
> Bringer of life out of naught,
> Freedom, oh! fairest of all
> The daughters of time and of thought.

On our gold and silver coins, from 1795 to this day, we have stamped the word "liberty," and the Goddess of Liberty and the liberty cap and the crowned head of liberty. Our Constitution bristles with it, and every State and every county and every city and every town and every village and church and every school and home teaches it as the foundation of human safety and happiness and progress. It is the ideal of the Western Hemisphere. On all the coins of the Argentine Republic, of Chile, of Colombia, of Ecuador, of Peru, of Uruguay, of Venezuela, of Bolivia, of Honduras and Guatemala, and Mexico "liberty," in some form, is stamped upon the coins and carried in the pockets of the common people and is cherished in their hearts as the highest ideal of the great Western Hemisphere.

Brazil freed her slaves without bloodshed before 1860 because of the love of her people for liberty.

The people of the Argentine Republic and of Chile erected a statue of Christ, the Prince of Peace, on their joint border line as a lasting memorial of the peace and brotherhood of the people of the two Republics. This statue, unveiled March 13, 1904, was cast out of bronze from old cannon belonging to the two countries.

The great liberty bell that sounded the cry of liberty on July 4, 1776, recast in 1753 in Philadelphia, bears the prophetic words:

PROCLAIM LIBERTY THROUGHOUT ALL THE LAND TO ALL THE INHABITANTS THEREOF.

A hundred years later, in 1886, the people of France who love liberty and who established liberty in France by the French Revolution, presented to the people of the United States the magnificent statue of "Liberty enlightening the world," which our people erected on a giant granite pedestal, where it holds out at the entrance of New York Harbor a blazing torch over 300 feet high, where all the world shall see and do honor to "liberty."

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Mr. President, the ideals of all the western hemisphere have been torn down by Huerta and the corrupt commercial forces behind him which created him and of which he is a mere instrumentality. He symbolizes corrupt commercialism, monopoly, concessions unearned, using the property and powers of the common people not for their betterment but to their ruin and the death of liberty.

The conditions in Mexico are absolutely unendurable. Our national principles and our national safety are endangered. The welfare of all the North and South American countries would be jeopardized unless liberty and freedom shall be restored to the people of Mexico under constitutional safeguards.

The long triumph of bribery and corruption and military force over the judicial, the legislative, and the executive powers of the unhappy people of Mexico has finally led directly to open treason and the overthrow of even the forms of constitutinal government and has led to the establishment of an irresponsible military oligarchy and despotism. Men of great intelligence have been led by avarice and greed and ambition through corrupt processes to monopolize and commercialize the political powers of the people of Mexico through a group of unwise and short-sighted Mexican leaders who have been willing to see the governing powers of the people of Mexico fraudulently controlled and the great values of the lands of Mexico diverted to private hands through monopoly.

Military despotism is now in control of Mexico, with all constitutional guaranties overthrown.

If military revolution is permitted by treason and murder to usurp the governing powers of the people of Mexico, if freedom is thus destroyed by monopoly in Mexico, if liberty is thus slain before our very eyes that avarice and greed may rule the land through a military despotism, overthrowing the civil law, then, Mr. President, the whole of America is in peril.

Powers similar to and to some extent the same that have corrupted Mexico and destroyed constitutional government are busy in Colombia, in Venezuela, and in some of the other Republics of North and South America, and the establishment of a military, commercial despotism in Mexico, if successful, would constitute a precedent, the danger of which should not be ignored.

I congratulate the world that neither the United States, nor Argentina, nor Brazil, nor Chile recognize the military despot who, by treason, seized the governing power of the people of Mexico and by fraud has retained it.

It is well known that the Government of Porfirio Diaz was a military despotism under the color of a Republic, yet, in the main, was conducted apparently with a view to developing the resources of Mexico and of protecting life, at least where submission was rendered to his Government.

Finally, the conditions developed by Porfirio Diaz in establishing innumerable monopolies throughout Mexico by concession of various kinds led to a state of unrest and a dangerous revolutionary sentiment that made it necessary for him to leave Mexico and live in Europe. His conduct was practical flight from imminent danger of revolutionary assassination.

He left his successor ad interim—De la Barra—and Madero was elected as an avowed progressive candidate, professing, at

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least, the patriotic purpose of reform. He was elected through the defective electoral machinery of Mexico, but his weak Government was soon overthrown by the old commercial oligarchy and its secret allies and sympathizers by mutiny and conspiracy.

On February 9, 1913, at 7 o'clock in the morning, Felix Diaz, who had procured a mutiny among the troops of Madero, escaped, by collusion, from the penitentiary and immediately organized an assault on Madero's Government, with the cooperation of several thousand of Madero's troops. Gen. Huerta was in charge of Madero's troops at the palace, and Gen. Blanquet, at present the right-hand man of Gen. Huerta, was next in importance of Madero's generals. The loyalty of both Huerta and Blanquet was already questioned.

De la Barra and Huerta were, on February 10, already in consultation for the purpose of effecting some arrangement, and Diaz was quoted on February 10 as hoping for a good issue from the negotiations being carried on with Gen. Huerta. Blanquet's troops deserted to Diaz. Huerta carried on warfare with Diaz by day and was having secret conferences with his representatives by night.

Finally, on February 17, Huerta stated that the plans were fully matured to remove Madero. Blanquet's guns were turned toward Chapultepec. Blanquet's troops were put in charge of the National Palace, and the troops friendly to Madero were put outside of the palace by Huerta, Madero's commanding general.

On February 18, at 2 p. m., Huerta, the sworn commander of Madero's troops, had Blanquet arrest his chief, the elected President of the Republic, Madero, and the Vice President, Suarez, and the entire Cabinet. At the same time Gustavo Madero, the brother of the President, was arrested and immediately afterwards killed.

On February 15, Pedro Lascurain, secretary of foreign relations, appeared in the hall of the committees of the Chamber of Deputies of the Congress of Mexico and falsely represented that the American ambassador had expressed his positive opinion that 3,000 United States marines would immediately come to the City of Mexico to protect the lives and interests of Americans as well as other foreigners residing there.

This was done in order to force Madero's resignation, but Madero refused to resign. The following action was taken in the Mexican Senate:

(Appendix No. 1.)

SPECIAL SESSION HELD FEBRUARY 15, 1913, IN THE HALL OF COMMITTEES OF THE CHAMBER OF DEPUTIES. SENATOR JUAN C. FERNANDEZ, PRESIDING.

* * * Upon the reading of the inserted dispatch being finished, Mr. Pedro Lascurain, secretary of foreign relations, appeared and was granted the floor for the purpose of reporting. Mr. Lascurain stated that the international situation of Mexico was extremely critical with respect to the United States of America, for telegrams have been received from Washington conveying the decision of that Government, already being carried out, to send war ships to Mexico territorial waters of the Gulf and of the Pacific, and transports with landing troops. The secretary of foreign relations added that, at 1 o'clock a. m. today, the United States ambassador had convened in the quarters of the embassy some members of the diplomatic corps to whom he made known the impending arrival of the ships, and his firm and positive opinion that 3,000 marines would come to the city of Mexico in order

to protect the lives and interests of Americans as well as of other foreigners residing therein.

JUAN C. FERNANDEZ, *Presiding Senator.*
RICARDO R. GUZMAN, *Senator and Secretary.*
JOSE CASTELLOT, *Senator and Secretary.*

MEXICO, *February 15, 1913.*

When Huerta arrested the President of Mexico, Madero, he immediately gave out a notice to the Mexican people that he had assumed the executive power, and that he was holding under arrest "Mr. Francisco I. Madero and his Cabinet," as follows:

NOTICE.

In view of the most difficult circumstances through which the nation is passing, and particularly in recent days, the capital of the Republic, which, through the work of the defective government of Mr. Madero, may well be characterized as being in an almost anarchical situation, I have assumed the executive power and, pending the immediate convening of the Chambers of the Union, in order to pass upon this present political situation, I am holding under arrest in the National Palace Mr. Francisco I. Madero and his Cabinet, in order that as soon as this point is decided and in an effort to reconcile people's minds during the present historical moments we may all work in behalf of peace, which is a matter of life or death to the entire nation.

Given in the palace of the Executive, on February 18, 1913.

V. HUERTA,
Military Commanding General
in charge of the Executive Power.

At 9.30, February 18, Huerta and Felix Diaz met at the American Embassy, where the American ambassador cooperated in having them reach an understanding to work together, upon the basis that Huerta should be the provisional President of the Republic, and that Diaz should name the Cabinet, and that thereafter Diaz should have the support of Huerta in being elected as the permanent President. Their agreement was reduced to writing, as follows:

In the city of Mexico, at 9.30 p. m., of February 18, 1913, Gens. Felix Diaz and Victoriano Huerta met together, the former being assisted by Attorneys Fidencio Hernandez and Rodolfo Reyes and the latter by Lieut. Col. Joaquin Maas and Engineer Enrique Zepeda; and Gen. Huerta stated that, inasmuch as the situation of Mr. Madero's government was unsustainable, and in order to avoid further bloodshed and out of feelings of national fraternity, he had made prisoners of said gentleman, his cabinet, and other persons, and that he wished to express his good wishes to Gen. Diaz to the effect that the elements represented by him might fraternize and, all united, save the present distressful situation. Gen. Diaz stated that his movements had had no other object than to serve the national welfare, and that accordingly he was ready to make any sacrifice which might redound to the benefit of the country.

After discussions had taken place on the subject among all those present, as mentioned above, the following was agreed upon:

First. From this time on the executive power which held sway is deemed not to exist and is not recognized, the elements represented by Gens. Diaz and Huerta pledging themselves to prevent by all means any attempt to restore said power.

Second. Endeavor will be made as soon as possible to adjust the existing situation under the best possible legal conditions, and Gens. Diaz and Huerta will make every effort to the end that the latter may within 72 hours assume the provisional presidency of the Republic, with the following cabinet:

Foreign relations: Lic. Francisco L. de la Barra.
Treasury: Toribio Esquival Obregon.
War: Gen. Manuel Mondragon.
Fomento: Eng. Alberto Garcia Granados.
Justice: Lic. Rodolfo Reyes.
Public instruction: Lic. J. Vera Estañol.
Communications: Eng. David de la Fuente.

There shall be created a new ministry, to be charged specially with solving the agrarian problem and matters connected therewith, being called the ministry of agriculture, and the portfolio thereof being intrusted to Lic. Manuel Garza Adalpe. Any modifications which may

for any reason be decided upon in this cabinet slate shall take place in the same manner in which the slate itself was made up.

Third. While the legal situation is being determined and settled Gens. Huerta and Diaz are placed in charge of all elements and authorities of every kind, the exercise whereof may be necessary in order to afford guaranties.

Fourth. Gen. Felix Diaz declines the offer to form part of the provisional cabinet in case Gen. Huerta assumes the Provisional Presidency, in order that he may remain at liberty to undertake his work along the lines of his compromises with his party at the coming election, which purpose he wishes to express clearly and which is fully understood by the signers.

Fifth. Official notice shall immediately be given to the foreign representatives, it being confined to stating to them that the executive power has ceased; that provision is being made for a legal substitute therefor; that meantime the full authority thereof is vested in Gens. Diaz and Huerta; and that all proper guaranties will be afforded to their respective countrymen.

Sixth. All revolutionists shall at once be invited to cease their hostile movements, endeavor being made to reach the necessary settlements.

Gen. VICTORIANO HUERTA.
Gen. FELIX DIAZ.

As soon as this agreement was reached, Huerto and Diaz issued the following joint proclamation:

[From Mexican Herald.]

JOINT PROCLAMATION.

To the Mexican people.

The unendurable and distressing situation through which the capital of the Republic has passed obliged the army, represented by the undersigned, to unite in a sentiment of fraternity to achieve the salvation of the country. In consequence the nation may be at rest; all liberties compatible with order are assured under the responsibility of the undersigned chiefs, who at once assumed command and administration in so far as is necessary to afford full guarantees to nationals and foreigners, promising that within 72 hours the legal situation will have been duly organized. The army invites the people, on whom it relies, to continue in the noble attitude of respect and moderation which it has hitherto observed; it also invites all revolutionary factions to unite for the consolidation of national peace.

Mexico, February 18, 1913.

V. HUERTA.
FELIX DIAZ.

The legislature of the sovereign State of Coahuila, on February 19, the very next day, denounced Huerta's usurpation and directed Gov. Carranza to use the armed forces of the State in supporting Madero as the constitutional president.

On March 24 the Legislature of Sonora denounced the usurpation of Huerta, and thereafter in succession 10 of the elected governors of the States of Mexico joined the revolution. It is interesting to observe what became of the various governors of the various States of Mexico under Huerta's usurpation. The following 10 governors were replaced by military governors and all joined the revolution:

Gov. Felipe Riveros, of Sinaloa; Gov. Venus Tiano Carranza, of Coahuila; Gov. Jose M. Maytorena, of Sonora; Gov. Alberto Fuentes, of the State of Aguascalientes; Gov. Miguel Silva, of Michoacan; Gov. Ramon Rosales, of the State of Hidalgo; Gov. Inocecio Lugo, of the State of Guerrero; Gov. J. Castillo Brito, of the State of Campeche; Gov. A. Camara Vales, of the State of Yucatan; Gov. Matias Guera, of the State of Tamaulipas; Abraham Gonzalez, governor of Chihuahua, was murdered by Rabago, a major general under Huerta, by tying the governor on the railroad track and slowly backing a yard engine over him to give him a proper realization of the horror of death; Gov. De la Barra went abroad to Paris, France; and Gov. Rafael

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Zapeda, of the State of San Luis Potosi, and Gov. Trinidad Alamillo, of the State of Colima, and Gov. Patricio Leyva, of the State of Morelos, were thrown in prison. Gov. Bibiano Villareal, of Neuva Leon, fled the country and went to New York. Gov. Carlos Potani, of the State of Durango, fled the country and went to San Antonio, Tex. Six of the other governors went to Mexico City, and the governor of Puebla and Thlaxcala and Queretaro were the only ones who remained at home out of 28 governors elected by the people.

On February 19, 1913, under the duress of the fear of death and on the promise of the safeguard of their lives, the President and Vice President of Mexico signed the following resignation:

> In view of the events which have occurred since yesterday in the nation and for its greater tranquility, we formally resign our positions of President and Vice President, respectively, to which we were elected. We protest whatever may be necessary.
>
> FRANCISCO I. MADERO.
> JOSE M. PINO SUAREZ.
>
> MEXICO CITY, *February 19, 1913.*

I am informed that this resignation was obtained from President Madero and Vice President Suarez under the fear of instant death, but was signed by them upon the agreed condition that it should be held by the minister from Chile, a friend of Madero, in escro, until President Madero and Vice President Suarez could find safe asylum on a foreign warship. The agreement was broken, the resignation used as a basis of having Lascurain, minister of foreign relations under Madero, proclaimed provisional President. He took the oath of office and did not appoint a secretary of foreign relations, but he did appoint Victoriano Huerta secretary of gobernacion. Huerta took the oath as secretary of gobernacion, and Lascurain immediately resigned as provisional President, thus devolving the presidency upon Huerta as next in line, and he took the oath of office before Congress as President of the Republic. These simultaneous acts, of course—the resignations of the President and Vice President, procured by military force and duress, the resignation of Lascurain under the same force—can not be regarded as a legitimate conduct of public affairs, the entire procedure being void, as treason against the people of Mexico, punishable with death under the constitution and laws of Mexico.

On Saturday, February 22—Washington's birthday—Huerta, as President, had the deposed President Madero and Vice President Suarez transferred from the National Palace, not to a warship, where they might escape with their lives, but to the penitentiary in Mexico City. At 10 o'clock Huerta is alleged to have changed the commandante of the penitentiary, and at 11 o'clock Madero and Suarez were killed.

On February 24, 1913, the new minister of foreign relations, de la Barra, made a report to the members of the diplomatic corps, giving an account of the death of President Madero and Vice President Suárez, and promising the fullest judicial investigation, and that minutes of all proceedings should be furnished the diplomatic representatives of the foreign powers, it being commonly believed that Huerta had had these men assassinated, as was afterwards openly charged against Huerta on September 23, 1913, in the Mexican Senate by Senator Dominguez, of Chiapas.

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The minutes of the judicial investigation have never been furnished, and the United States has no adequate official information except the statement of Huerta made to De la Barra and Señor Garcia 11.30 Saturday night that as Madero and Suarez were being conveyed in an automobile to the penitentiary they were killed in an exchange of shots between the escort in whose custody they were held and a group of individuals unknown who had attempted to rescue them.

Huerta had assured Madero and Suarez their safety before using their resignations. He was responsible for their safeguard. Huerta also fully advised, because Madero's mother and Suarez's wife had gone to Ambassador Wilson and prayed him to intercede with Huerta to spare the life of Madero and Suarez and to allow them to go to Europe, stating "that this was the expressed condition attached to their resignation," and Ambassador Wilson made the appeal to Huerta.

I am informed that De la Barra advised Huerta that unless he were satisfied the murder of Madero was not at the connivance of the Government he would immediately resign with two of his colleagues.

It is interesting to see what became of this cabinet, arranged in the pact between Huerta and Diaz and whose members had been named by Diaz.

Of this cabinet named by Felix Diaz under the pact, the Secretary of Foreign Affairs, De la Barra, is in France, the Secretary of Finance, Obregon, is a general in the Constitutional Army making war on Huerta, and recently refused to consider cooperating with the Federal troops against the United States; Rudolph Reyes, of the Department of Justice, has been killed; the Secretary of Public Instruction, Estannol, has fled to the United States; the Secretary of Communications, De la Fuente, has gone abroad; the Minister of Agriculture, Alvarpe, has resigned; and the Secretary of Fomento, Alberto Gill; the Secretary of Interior, Alberto Gienodes; are out of the cabinet and gone.

Felix Diaz, who made the pact with Huerta, fled from Mexico for fear of assassination by Huerta's orders.

The American ambassador, Wilson, made a strenuous effort to have Huerta recognized. As dean of the diplomatic corps, he made a speech of congratulation to Huerta upon his accession to the presidency. He urged our State Department to recognize Huerta. He instructed all American consuls to do everything possible to bring about a general acceptance of Huerta, and advised them that Huerta would be immediately recognized by all foreign Governments. On February 24 Ambassador Wilson advised the Government that the Madero incident had produced no effect upon the public mind and that Consul Holland had telegraphed that Huerta's government refused to accept the adhesion of Gov. Carranza, of Coahuila; was sending troops against him, and that Carranza had evacuated his capital. When the secretary of the British legation expressed the opinion that his Government would not recognize Huerta on account of the murder of Madero, Ambassador Wilson expressed the opinion that it would be a great error, endangering Huerta's government, upon the safety of which all foreigners depended. Our ambassador expressed the opinion that Huerta's government was not privy to the murder of Madero and Suarez, and that either the occurrence was as stated, or that the death

of Madero and Suarez was due to a subordinate military conspiracy, and he was of the opinion also that the murder of Madero and Suarez, as two Mexicans relegated to private life by their resignations, should arouse no greater expressions of popular disapproval in the United States than the murder, unrequited by justice, of some 75 or 80 Americans in Mexico during the preceding two years.

Our ambassador ceased to be an acceptable medium of communication between President Wilson and the authorities of Mexico, and for this reason his resignation was accepted.

Huerta's usurpation of the governing powers of the people of Mexico, his military revolution, overthrowing the President and Vice President of Mexico and bringing about the immediate death of these officers elected by the Mexican people, was not approved by a large part of the people of Mexico, who, however, were, for the most part, intimidated by the military power of Huerta and by the bloodthirsty disposition shown by him and by his military clique. Huerta is the product of his environment. He had, since his boyhood, been the witness of the killing by military order of citizens who proved obnoxious to the government of Porfirio Diaz. I have no doubt that Huerta regards such conduct as entirely justifiable. There are those in the United States in sympathy with Huerta and his military commercial despotism controlling Mexico, who say that no other kind of government is possible in Mexico except a military despotism.

Against this cruel, unwise, unjust conception, I enter my solemn protest, and I declare it to be my profound belief that the people of Mexico are, in the main, an industrious, worthy, honest, good-hearted people, who would like to be at peace with the world, and who would rejoice in a stable government under constitutional guaranties, and that they have abundant intelligence to carry it out if they can be freed from the despotism now in control of their government.

No man, who has observed the sacrifices which are being made by the people of Mexico in trying to restore constitutional government, should deny their attachment to liberty and the constitutional law.

No man, who looks at the record of the elected governors of the states of Mexico, who might have bought their peace by subserviency of Huerta, who witnessed the brave and upright conduct of the Mexican congressmen imprisoned by Huerta, the brave conduct of Senator Dominguez in speaking the truth at the cost of life and the enormous sacrifices now being made by the Mexicans on the field of battle, should doubt the attitude of the people of Mexico. The people of Mexico have in them the Divine spark, they have been taught the Christian virtues and they have the same natural affections and passions as other people of like blood. They have had no fair chance.

Mr. President, the governors of Mexico were not the only ones to express their hostility to the active usurpation by Huerta. Various members of Congress in Mexico expressed their disapproval of Huerta's conduct, and representing, as they did, the people of Mexico, and even more particularly those who were the beneficiaries of the monopolistic system of Mexico, nevertheless showed were not willing to have the constitutional guaranties overthrown. The cruelty and unlawful violence of the government of Huerta was shown by the methods pursued

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against them. A few instances of which I think should be enumerated.

For instance, a member of Congress, Serapia Arendon, having expressed his lack of sympathy with the Huerta régime, was warned in several ways that his life was in great jeopardy, and on the night of the 22d of August, 1913, he was suddenly seized, rushed in an automobile to the Thanepantla Barracks, where some shots were heard, and he has never been seen since.

The condition being intolerable, a member of the Senate of Mexico, Senator Belisariyo Domingues, representing the State of Chiapas, finally made up his mind to do his duty by denouncing this usurpation and treason, knowing that it would cost him his life. It is reported that he made his will, bade his family farewell, and on the 23d of September delivered in writing a speech in the Senate of Mexico. The president of the Senate refused to allow his speech to be delivered, but could not prevent its being made a part of the record.

I shall read that speech:

Sept. 23, 1913. Address of Belisario Dominquez, Senator from the Sovereign State of Chiapas to the Senate of the Republic of Mexico.

Mr. President of the Senate: The matter being of urgent interest for the welfare of the country, I am compelled to set aside the usual formulas and to ask you please to begin this session by taking cognizance of this sheet and making it known at once to the honorable members of the Senate.

Gentlemen: You all have read with deep interest the message preented by Don Victoriano Huerta to the Congress of the Union on the 16th instant.

There is no doubt, gentlemen, that you as well as myself felt indignant in the face of the accumulation of falsities contained in that document. Whom does that message aim to deceive, gentlemen? The Congress of the Union? No, gentlemen; all its members are cultured persons who take an interest in politics, who are in touch with events in this country, and who can not be deceived on the subject. Is it the Mexican Nation that is to be deceived? Is it this noble country which, trusting in your honesty, has placed in your hands her most sacred interests? What must the National Assembly do in this case? It must respond promptly to the trust and confidence of the nation which has honored this body with her representation, and it must let her know the truth and so prevent her falling into the abyss which is opening at her feet.

The truth is this: During the reign of Don Victoriano Huerta not only has nothing been done in favor of the pacification of the country, but the present condition of the Mexican Republic is infinitely worse than ever before. The revolution is spreading everywhere. Many nations, formerly good friends of Mexico, now refuse to recognize this Government, since it is an illegal one. Our coin is depreciated, our credit in the throes of agony. The whole press of the Republic, either muzzled or shamelessly sold to the Government, systematically conceals the truth. Our fields are abandoned. Many towns have been destroyed, and, lastly, famine and misery in all its forms threaten to spread throughout our unhappy country. What is the cause of such a wretched situation?

First, and above anything else, this condition is due to the fact that the Mexican people can not submit and yield to and accept as President of the Republic the soldier who snatched the power by means of a treason and whose first act on rising to the Presidency was to assassinate in the most cowardly manner the President and Vice President legally consecrated by the popular vote, and the first of these two men, he who promoted and gave position to Don Victoriano Huerta and covered him with honors, was the man to whom Victoriano Huerta publicly swore loyalty and faithfulness.

In the second place, this situation is the result of the means adopted by Don Victoriano Huerta and which he has been employing in order to obtain the pacification of the country. You know what these means are; nothing but extermination, death for all the men, all the families, all the towns which do not sympathize with his Government.

Peace will be made at any cost whatever, said Don Victoriano Huerta. Have you studied, gentlemen, the terrible meaning of these words of

the egotistical, ferocious man, Don Victoriano Huerta? They mean that he is ready to shed all the Mexican blood, to cover with corpses the whole surface of the national territory, to convert our country into one immense ruin, so that he may not leave the presidential chair, nor shed a single drop of his own blood.

In his insane anxiety to keep the post of President—

I ask the Senate to listen to this—

In his insane anxiety to keep the post of President, Victoriano Huerta is committing a new infamy. He is provoking an international conflict with the United States of America.

Where was that said? On the floor of the Mexican senate, by a Mexican senator who had made his will, had made his peace with God, had bid farewell to his family, knowing that he would go to his immediate death.

The Senate of the United States wants to observe these words and hear where they come from—from the senator from Chiapas, Belisario Dominguez, who was immediately killed, who knew that he would be killed, and who was willing to die to have the right to speak the truth in the cause of humanity, and of justice, and of Mexico.

In his insane anxiety to keep the post of President Victoriano Huerta is committing a new infamy. He is provoking an international conflict with the United States of America, a conflict, in which, if it is to be solved by fighting, all surviving Mexicans would participate, giving stoically the last drop of their blood, giving their lives—all save Don Victoriano Huerta and Don Aureliano Blanquet; because these disgraced ones are stained with the blot of treason, and the nation and the army will repudiate them when the time comes.

It seems as if our ruin were unavoidable, for Don Victoriano Huerta has taken hold of power in such a way, in order to insure the triumph of his candidacy to the Presidency of the Republic in the elections to be held October 26, that he has not hesitated to violate the sovereignty of the greater part of the States, deposing the legally elected constitutional governors and supplanting them with military governors who will take good care to cheat the people by means of ridiculous and criminal farces.

And so they did cheat the people by elections that were criminal under the order of Huerta, an order which I shall presently read into the RECORD.

However, gentlemen, a supreme effort might save everything. Let the national assembly fulfill its duty and the nation is saved, and she will rise up and become greater, stronger, more beautiful than ever.

The national assembly has the duty of deposing Don Victoriano Huerta from the Presidency. He is the one against whom our brothers, up in arms in the North, protest, and, consequently, he is the one least able to carry out the pacification which is the supreme desire of all Mexicans.

You will tell me, gentlemen, that the attempt is dangerous; for Don Victoriano Huerta is a bloodthirsty and ferocious soldier who assassinates anyone who is an obstacle to his wishes; but this should not matter, gentlemen. The country exacts from you the fulfillment of a duty, though there is the risk, the certainty, that you will lose your lives.

Is this man without patriotism? Is this man without love of country? Is this man without love of justice and righteousness in government, when he makes his appeal to the Mexican Senate? Shall we despise a people capable of such a sacrifice as this great senator who died in the performance of duty deliberately?

He said:

If, in your anxiety to see peace reigning again in the Republic, you committed a mistake and put faith in the false words of the man who promised to pacify the Republic, to-day, when you see clearly that this man is an imposter, a wicked inept who is fast pushing the nation toward ruin, will you, for fear of death, permit such a man to continue to wield power? Reflect, gentlemen, meditate, and reply to this query.

What would be said of those on a vessel who, during a violent storm on a treacherous sea, would appoint as pilot a butcher who had no

nautical knowledge, who was on his first sea trip, and who had no other recommendation to the post than the fact of his having betrayed and assassinated the captain of the vessel?

Your duty is unalterable, ineludible, gentlemen, and the nation expects of you its fulfillment.

This first duty discharged, it will be easy for the National Assembly to fulfill others derived from it, asking all revolutionary chiefs to stop all active hostilities and to appoint their delegates in order that by general accord the President be elected who is to call for presidential elections, and who is to use care that these be carried out in all legality.

The world is looking on us, gentlemen, members of the National Assembly, and the nation hopes that you will honor her before the world, saving her from the shame of having as first magistrate a traitor and an assassin.

(Signed) DR. B. DOMINGUEZ,
Senator for Chiapas.

Immediately afterwards, Senator Belisaryo Dominguez suddenly and mysteriously disappeared and was reported to have been killed.

On October 9th, the Chamber of Deputies of the Congress of Mexico passed the following resolution:

(1) That a commission formed of three deputies be appointed for the purpose of making all necessary investigations to find out where Senator Belisaryo Dominguez is and that it be empowered with all the facilities which it deems necessary for the matter in hand. (2) That the senate be invited to appoint a commission for the same object. (3) The commission of the Camara will propose what may be necessary in view of the result of the investigation. (4) That this motion be communicated to the executive so that he may impart whatever aid may be necessary to the commission or commissions, as the case may be, making known to him that the national representation places the lives of the deputies and senators under the protection of said executive who has at his disposition the necessary elements to enforce the immunity which the constitution authorizes to those functionaries. (5) That said executive be informed that in case the disappearance of another deputy or senator occurs and the national representation will be obliged to celebrate its session where it may find guarantees.

Immediately afterwards, on October 10, in the afternoon, Huerta's minister of gobernacion appeared in the chamber and demanded a reconsideration of these resolutions. The president of the Chamber of Deputies arose and adjourned the chamber, whereupon 110 deputies present were arrested by Huerta's soldiers and sent to the penitentiary. Huerta had all the exits barred and appeared in person before the Congress to enforce his demand, and his demand, in spite of his bloody character and cruel power, was not acceded to by the Mexican Congress. Huerta immediately published a decree declaring the Congress dissolved and without further power and immediately declared the judicial and legislative power vested in himself and that the constitutional guaranties against arrest of members of Congress were suspended.

These decrees were signed by him as of October 11, but were put into effect October 10, as follows:

Victoriano Huerta, constitutional President ad interim of the Mexican United States, to its inhabitants makes known that the Chamber of Deputies and Senators of the Twenty-sixth Legislature having been dissolved and inhabilitated from exercising their functions and until the people elect new magistrates who shall take over the legislative powers, and in the belief that the Government should count on all the necessary faculties to face the situation and to reestablish the constitutional order of things in the shortest possible time as is its purpose since October 26 has been set as a date for elections for deputies and senators, has seen fit to decree that articles of decree.

ARTICLE ONE. The judicial power of the federation shall continue in its functions within the limits set by the constitution of the Republic

and the decree of the executive of October 10 of this month and such others as shall be issued by him.

ARTICLE TWO. The executive power of the union conserves the powers conferred upon him by the constitution and assumes furthermore the departments of gobernacion, hacienda, and war only for the time absolutely necessary for the reestablishment of the legislative power. In the meantime the executive takes upon himself the powers granted the legislative power by the constitution in the aforementioned departments and will make use of them by issuing decrees which shall be observed generally and which he may deem expedient for the public welfare.

ARTICLE THREE. The executive of the union will render an account to the legislative power of the use which he makes of the powers which he assumes by means of this decree as soon as this is in function. Wherefore, I order that this be printed, published, and given due fulfillment. Given at the National Palace of Mexico, October 11, 1913.

(Signed) V. HUERTA.

Victoriano Huerta, constitutional president ad interim of the Mexican United States, to its inhabitants makes known that in view of the fact that the Chamber of Deputies and Senators of the Congress of the union have been dissolved and inhabilitated to perform their functions, and in view of the powers which I hold in the Department of Gobernacion according to the decree of October 11 of this year, I have seen fit to decree that article 1, the constitutional exemption from arrest and judicial action which the citizens which formed the Twenty-sixth Congress of the union enjoyed in view of their functions, is hereby repealed and consequently they are subject to the jurisdiction of the tribunals corresponding to the case in the event that they are guilty of any crime or offense. Wherefore I order that this be printed, published, and duly fulfilled. Given at the National Palace in Mexico October 11, 1913.

(Signed) V. HUERTA.

On October 11 the entire diplomatic corps was received by the minister of foreign affairs, who advised them that while the act of Huerta's Government was unconstitutional, still that the Government had become impossible with the Chamber as at present constituted. The Spanish minister, at an hour after midnight, October 10, called on Nelson O'Shaughnessy, the American chargé d'affaires, and they went together and demanded guaranties of the minister of foreign affairs for the lives of the arrested Congressmen. What a spectacle before the civilized world is this midnight visit to prevent wholesale assassination! The promise was given, but only a list of 84 was presented as those in prison. What became of the 24 others arrested I do not know, but I should like to know.

On October 13 Huerta charged the members of Congress with sedition and treason, and stated that they should be tried. Huerta's secretary informed O'Shaughnessy that most of the deputies arrested had been set at liberty, but in point of fact they acknowledged having 84 of the 110 arrested in the penitentiary at midnight, October 10, and on November 13, 1913, the members of Congress whose names I have already given were recorded still in the penitentiary, and many of them were still in the penitentiary when we took Vera Cruz.

The President of the United States had refused to recognize Huerta for the reasons well known, and had been urging a new election so that the people of Mexico, even under the defective election law, might choose a successor to Huerta.

On October 10, 1913, when Huerta had put the Mexican Congress in the penitentiary, he issued a decree for the election, on October 26, of a new Congress and of a President.

On October 14, 1913, he issued the following decree, modifying the election laws to make the corrupt control of the election absolutely certain, putting the power in the hands of his in-

struments. I ask permission to put the decree into the RECORD without reading.

Mr. SHAFROTH. I wish the Senator from Oklahoma would read the order which he says Huerta issued setting aside the election laws.

Mr. OWEN. The first order issued was this:

Victoriano Huerta, constitutional President ad interim of the Mexican United States, to its inhabitants makes known that the Chamber of Deputies and Senators of the 26th legislature having been dissolved and inhabilitated from exercising their functions, and until the people elect new magistrates who shall take over the legislative powers, and in the belief that the Government should count on all the necessary faculties to face the situation and to reestablish the constitutional order of things in the shortest possible time, as is its purpose, since October 26 has been set as a date for elections for deputies and senators, has seen fit to decree that articles of decree.

ARTICLE ONE. The judicial power of the federation shall continue in its functions within the limits set by the constitution of the Republic and the decree of the Executive of October 10 of this month and such others as shall be issued by him.

ARTICLE TWO. The executive power of the Union conserves the powers conferred upon him by the constitution and assumes, furthermore, the departments of gobernacion, hacienda, and war only for the time absolutely necessary for the reestablishment of the legislative power. In the meantime the Executive takes upon himself the powers granted the legislative power by the constitution in the aforementioned departments and will make use of them by issuing decrees, which shall be observed generally and which he may deem expedient for the public welfare.

ARTICLE THREE. The Executive of the Union will render an account to the legislative power of the use which he makes of the powers which he assumes by means of this decree as soon as this is in function. Wherefore I order that this be printed, published, and given due fulfillment.

At the same time he issued a decree declaring that the right of safety and immunity from arrest of members of congress was set aside and abrogated and, as I have stated, put the whole congress in the penitentiary. He says:

I have seen fit to decree that article 1, the constitutional exemption from arrest and judicial action which the citizens which formed the twenty-sixth congress of the union enjoyed in view of their functions, is hereby repealed.

Mr. SHAFROTH. And yet some people want such a man recognized as the president of Mexico?

Mr. OWEN. Oh, yes; some people want him recognized. I do not know why. I suppose they do not know about him, but I thought it well enough to let the people of this country know something about Huerta. For that reason I have thought proper to present these various documents, showing his conduct as the alleged head of the Mexican Government. Here is the decree which he issued as to the election laws, putting the power in the hands of his military governors and jefe politicos that they might be able to make false returns of the elections:

Victoriano Huerta, Constitutional President ad interim of the United Mexican States, to the inhabitants thereof: Know ye, that to the end that the extraordinary elections of senators and deputies to the Congress of the Union, convoked by decree under date of the 10th instant, be carried out with all regularity, I have seen fit to decree the following:

"ARTICLE 1. In accordance with article 5 of the decree of the 10th instant, the extraordinary elections of deputies and senators will be subject to the conditions of the electoral law of December 19, 1911, with the additions and modifications which follow.

"ART. 2. The elections shall be by direct vote; they shall be held at the same time as those for president and vice president of the Republic; the same electoral divisions shall serve for them as were formed under the law to that effect of the 31st of May last, and the same designation of polling officials and scrutinizers which was made

under the provisions of the same law shall subsist. Candidates must register.

"ART. 3. The registration of the candidates provided for in article 68 of the electoral law of December 19, 1911, shall be carried out before the 20th of this month, and the handing over of credentials which is ordered in the same article, as well as the designation of representatives of parties or candidates, shall be complied with at the same time these latter are inscribed.

ARTICLE 4. The voting shall be subject to the terms of the electoral law of December 19, 1911, and in accord with the following rules: New polling regulations. "1. The polling official shall hand to each voter, in addition to the lists which correspond to the election of President and Vice President of the Republic, the various lists for the casting of votes for deputies and senators and shall proceed to collect the votes in urns or boxes which shall be separate and distinctly marked, one for the election of President and Vice President, another for the election of deputies, and a third for the election of senators.

Second. When the polls are closed definitely, the total count of the votes cast for President and Vice President shall be made in accordance with the law of the 31st of last May, and afterwards the count shall be made of the votes for deputies and senators, respectively, the result of the latter being made known in separate documents, which shall be remitted, together with the designation of the electoral district and the voting slips to the highest authority residing in the place designated as capital (cabecera) of the electoral district (that is, to his military governors), and if there be no cabecera they shall be turned over to the highest municipal authority. Juntas to count ballots.

Third. The count of the votes cast in each electoral district shall be made by a junta formed by the highest political authority to which the foregoing fraction refers, or in default of him by the first municipal authority and by two councilmen (concajales) named by the ayuntamiento of the cabecera of the electoral district. The default of any of the members of this junta shall be made good by the regideres of the ayuntamiento, according to the order of their enumeration, and in default of these, by those who will have held such position the preceding year, according to their enumeration. The designation of the two councilmen who are to form part of the junta shall be made by the ayuntamientos in public session and by secret ballot on Thursday the 23d of the present month. Jefe Politico to preside.

Fourth. The junta shall assemble in junta shall be made by the ayuntamiente on Sunday, the 26th of the present month, at 6 o'clock in the evening, being presided over by the jefe politico, and in his absence by the highest municipal authority. It shall designate secretary from among its members and shall commission another of its members to examine the returns as they be received, and the junta shall reassemble on the 2d day of November next to make the count, after the rendering of the report which the commission shall present.

Fifth. The junta shall abstain from making any remarks respecting the defects which affect the votes cast or those which may be alleged by the parties or candidates registered, and shall limit itself to making them known in its minutes, so that they may be passed upon definitely by the Chamber of Deputies or by the corresponding legislature, according to whether it is a matter of election of deputies or senators. Credentials in quadruplicate.

Sixth. After the count has been made of votes cast, the deputies proprietory and substitute shall be declared elected and the number of votes cast for each one of the candidates for senator proprietory and substitute shall be declared and the corresponding reports shall be made. The report in regard to deputies shall be made in four copies; one shall be sent to the Chamber of Deputies, together with all the election documents and vote certificates; another copy shall be sent to the Ministry of Gobernacion; and the other two shall be remitted to the citizens elected deputy proprietory and substitute, respectively, so that they may serve as credentials. The report of the election of senators shall be made in three copies, one of which shall be sent to the Senate, one to the Ministry of Gobernacion, and the third to the Legislature of the State, that that body may make its declaration relative to the election of senators proprietory and substitute. To report before November 10.

Seventh. The junta shall make its report as soon as it shall have received those of all the municipalities of the electoral district or a report to the effect that the elections were not held, but in any case it must present its report by the 10th of next November. The result of the count made by the junta shall be published immediately after its session shall have adjourned on the doors of the municipal palace and as soon as possible thereafter in the official organ of the corresponding federative entity.

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ART. 5. The juntas for examining the votes shall make their counts strictly in accordance with the reports from the various booths and abstain from making any comment on the votes emitted, under pain of a $200 fine for each member of the junta who violates this rule. The respective chamber or legislature, as the case may be, will hand over to the respective judges of the district any violators of this law, so that the fine aforesaid may be duly enforced. Therefore, I order that be printed, published, and duly carried out.

Given in the National Palace of Mexico, October 12, 1913.

(Signed) V. P. HUERTA.

On October 22 there were sent out private instructions to the governors of various States instructing them in effect to make false returns in Huerta's interest, and to make sure that the election of President would be void by returning an insufficient number of precincts, as follows:

PRIVATE INSTRUCTIONS FROM THE FEDERAL GOVERNMENT TO GEN. JOAQUIN MAAS, MILITARY GOVERNOR OF THE STATE OF PUEBLA, TO THE END THAT HE MAY TRANSMIT THE SAME TO THE JEFES POLÍTICOS OF THE STATE.

First. If any municipal president has entered into agreements with any of the militant political parties his removal from office shall be discreetly sought, and in the case it should not be possible, cautious efforts shall be made to secure complete solidarity between said presidents and the jefes políticos.

Second. It is especially recommended that the persons in charge of the polls should be completely and absolutely reliable, so that they may follow the instructions given to them.

Third. If there should be sufficient time for it, strict orders should be given that polls for rural estates should not be established in the seat of the municipality or town, but in the estates themselves of the electoral division, this for the purpose of avoiding the attendance of those who are to take charge of the polls, the principal object being to prevent the elections in two-thirds, plus one, of the polls constituting the district. Therefore the greatest number of polls shall be ———. To meet the provisions of the law and conceal the above-mentioned commission, a complete list should be published, giving the names of the persons who are to have charge of the polls in accordance with article 13 of the electoral law of May 31, 1913, it being understood that only the appointments corresponding to the third part or less shall be sent to the sections, among which are to be included the polls in the urban wards.

Fourth. In all the polls which may operate blank tickets shall be made use of in order that the absolute majority of the votes may be cast in favor of Gen. Huerta for President and Gen. Blanquet for Vice President.

Fifth. In spite of the fact that article 31 provides that the returns should be at once and directly sent to the chamber of deputies, the chairman of the polls shall be instructed that the returns be sent to the political prefecture, which returns shall be quickly examined by the jefe politico, and if the same are found to be in accordance with the instructions given therein, he shall return them to the chairman, informing them that they must send them directly to the chamber of deputies. If upon making the examination it should appear that the third part of the polls have not acted right, they shall fail to send the number of returns that may be necessary to the end that the chamber of deputies may receive only one-third or less of the total.

Sixth. Political parties and citizens shall be given full freedom in the polls which may operate, allowing them to make all kinds of protests, provided they refer to votes in favor of any of the candidates appearing before the people; but care shall be taken that such protests do not refer to the votes mentioned in paragraph 4 of these instructions.

Seventh. If upon examining the returns the jefes políticos should find that the votes do not agree with the instructions, before sending them they should fix them up to the end that the note of transmission, the minutes of the election, etc., should agree with the instructions.

Eighth. Persons shall be chosen who may inspire absolute confidence and may be well versed in the electoral law to make a quiet and reserved inspection of the polls which may be in operation and to present before them all sorts of protests, in accordance with article 30 of the electoral law, it being understood that all protests should refer to the candidates who may be in the field, but never in regard to votes mentioned in paragraph 4.

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Ninth. After elections they shall make a quick concentration of the polls which were in operation and shall communicate this information to the Government if possible on the same day and in cipher and by special courier.

Tenth. Under their most strict responsibility the governor of a State who may receive these instructions shall comply with them under the penalty of discharge of office and other punishment which the Federal Government may see fit to apply.

MEXICO, *October 22, 1913.*

By October 15 it had become obvious, and the representatives of nearly all of the powers except Great Britain had reached the point where they considered armed intervention by the United States as practically inevitable. It was already obvious that Huerta would not permit Diaz to stand as a candidate for the Presidency, notwithstanding his agreement with him of February 18, 1913.

Diaz had named the cabinet, it is true, but the cabinet was set aside one by one, and Diaz was instructed to go to Japan and then to Europe and finally dared not to return to Mexico, but receiving a command from Huerta to return to Mexico to resume his post in the army, Diaz came to Vera Cruz, was put under instant surveillance by Huerta's forces, but, by a skillful maneuver, fled by night to a warship and saved his life; he profoundly believed that he was on the point of being assassinated and did flee by night just before the election, and is now in the United States.

On October 23 Huerta advised the diplomatic corps of Mexico City that he had dissolved the Congress of Mexico, because it was disloyal and revolutionary, 50 deputies having joined the revolutionists. He stated that he was not a candidate for the presidential office; that votes for him would be null and void, even if a majority of votes were cast for him; that he would not accept the Presidency, not only because the constitution prohibited him, but because he had given public promise to the contrary, and he requested the diplomats to give these solemn assurances to their respective countries.

Immediately before the election of October 26 the country was flooded with circulars urging the people to vote for Huerta for President. The circulars were as big as the door of the Senate Chamber, urging people to vote for this man who said he was not running for the Presidency. Immediately after the election, on October 27, Huerta's minister of gobernacion publicly announced that the election returns from Puebla, San Luis Potosi, showed a "landslide" for Huerta and Blanquette.

Mr. THOMAS. It was a case of the office seeking the man?

Mr. OWEN. Yes, the office sought the man; he could not escape it. Huerta then issued an intimidating decree to raise the army to 150,000 men, a decree which he could not carry out.

On November 20, 1913, the newly elected Mexican Congress convened. Huerta addressed them and they replied with assurances of patriotism, etc., and on December 10, the grand committee of Congress solemnly reported to Huerta that of 14,425 voting precincts, only 7,157 reported, and hence that there had been no election of a president, under article 42, clause 3, of the constitution of Mexico. This result (a result which Huerta had carefully planned, as I have explained, by modifying the election laws, and then giving secret instructions to his military governors) they elaborately explained to Huerta, could be accounted for first, because a part of the territory was in

revolution, and second, because a part of the territory was near the revolutionary country, and third, that where the territory was under Huerta's control the people had not voted for "reasons of a general nature."

They recommended that Huerta continue as President until a lawful election at some future time when Congress should issue the necessary declaration.

I sumbit Exhibit 4, a memorial of a committee of the people of Pueblo and Tlaxcala and addressed to John Lind, showing a very interesting Mexican point of view. I omit names for obvious reasons.

Mr. President, I have thought proper to put into the RECORD the documents showing the conduct of this man, because I do not think the people of the United States sufficiently understand the facts relating to our occupation of Vera Cruz. We are there primarily because of what might be called the straw that broke the camel's back, the open and flagrant insult before the nations of the world of our flag and of our uniform by the arrest of our unarmed men and parading them through the streets of Tampico in derision, and then refusing to make the amends required by international law. I believe that Senator Dominguez stated the truth when at the cost of his life he charged Huerta with the purpose of bringing about a conflict with the United States. And what was the purpose of bringing about a conflict with the United States? It was to save his precious neck, because Zapata, with thousands of armed men on the south, had sworn to kill Huerta for treason and murder, and Villa, with more thousands of armed men on the north, had sworn to take Huerta's life for treason to Mexico. So there is only one safe place for Huerta, and that is under our flag, that would perhaps have mercy on this miserable wretch, who deserves to be overthrown by his own people and punished by his own people for his crimes against them.

Mr. WEEKS. Mr. President, before the Senator takes his seat, I should like to ask him if he thinks that the statement he has just made will be an aid to the mediators in their labors?

Mr. OWEN. I will say, Mr. President, that I do not think the mediators will be able to accomplish anything with a man like Huerta. I will say further, however, that the history which I have put in the Record here this afternoon in regard to this man whom we have not recognized, and ought not to recognize, will in no wise affect the question of mediation. The mediators will deal with the questions that are laid before them, but the people of the United States ought to know what manner of man this is that our Government has refused to recognize, and I feel justified in giving the reasons for that refusal.

EXHIBIT 1.

CONSTITUTION OF THE REPUBLIC OF MEXICO, 1853, ABSTRACT RODRIGUEZ'S EDITION.

TITLE I, SECTION 1.—*Rights of man.*

ARTICLE 2. In a Republic all are born free.

ART. 3. Instruction is free.

ART. 4. Every man is free to engage in any profession, pursuit, or occupation, and avail himself of its products.

ART. 5. (Amended by law of Sept. 25, 1873.) No one shall be compelled to do personal work without compensation and without his full consent.

ART. 7. (Amended by law of May 15, 1883.) Freedom of publication limited only by the respect due to private life, morals, and public peace.

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ART. 8. Right to petition guaranteed.
ART. 10. Right to carry arms guaranteed, but the law shall designate what arms are prohibited.
ART. 13. No one shall be tried according to special laws or by special tribunals. No persons or corporations shall have privileges or enjoy emoluments not in compensation for public service according to law. Military trial of criminal cases allowed only for military discipline.
ART. 14. No retroactive laws shall be enacted.
ART. 16. No person shall be molested in his person, family, domicile, papers, or possessions except under an order in writing.
ART. 17. No arrest for debts. Administration of justice shall be gratuitous, judicial costs being abolished.
ART. 18. Imprisonment only for crimes deserving corporal punishment; otherwise, liberty on bail.
ART. 19. No detention to exceed three days, unless justified by a warrant under the law. Maltreatment during confinement to be severely punished.
ART. 20. Guaranties in every criminal trial—
(1) Grounds of proceeding and name of accuser made known.
(2) Preliminary examination within 48 hours.
(3) Confronted with witnesses against criminal.
(4) Given all information on record which he may need for his defense.
(5) He shall be heard in his defense.
ART. 21. Imposition of penalties by judicial authority. Political and executive authorities to impose fines and imprisonment as disciplinary measures and impose fines of not over $500 and imprisonment not more than one month as disciplinarian measures as the law shall expressly determine.
ART. 22. Mutilation, torture, excessive fines, confiscation of property, corruption of blood prohibited.
ART. 23. Penalty of death abolished for political offenses and not imposed except in cases of treason during foreign war, highway robbery, arson, parricide, murder in the first degree, grave offenses of military character, piracy.
ART. 24. No criminal case shall have more than three instances.
ART. 26. The quartering of soldiers prohibited in time of peace.
ART. 27. Private property condemned for public use and upon compensation.
ART. 28. There shall be no monopolies of any kind, whether governmental or private, inventions excepted.
ART. 29. In cases of invasion or disturbance of the public peace, or other emergency, residents with the advice of the council of ministers and the approval of Congress or during recess of the permanent committee, may suspend constitution guaranties except those relating to life.
TITLE I, SECTION 2—*Mexicans, nationality and duties.*
TITLE I, SECTION 3—*Foreigners.*
TITLE I, SECTION 4—*Mexican citizenship, right to hold office, etc.*
TITLE II, SECTION 1—*National sovereignty and form of government.*
ART. 39. Sovereignty is in the people. All public power emanates from the people. The people have at all times the inalienable right to change the form of their government.
ART. 40. The States are free and sovereign in all that concerns their internal government, but united in a federation under the constitution.
ART. 41. The people exercise their sovereignty through the federal powers and the State powers.
TITLE II, SECTION 2—*National territory and limits of the States.*

TITLE III.—*Division of powers.*

TITLE III, SECTION 1.—*Legislative power.*

ART. 51 (amended by law of Nov. 13, 1874). Legislative power vested in the General Congress, consisting of a Chamber of Deputies and the Senate.
ART. 52 (amended by law of Nov. 13, 1874). Members of Chamber of Deputies elected every two years.
ART. 55. Elections shall be by indirect and secret ballot under the electoral law.
ART. 57 (amended by law of Nov. 13, 1874). The office of Deputy and Senator may not be held by the same person.
ART. 58 (amended by law of Nov. 13, 1874). They may not hold another federal office without consent of their respective chamber. The Senate consists of two senators from each State and two for the Federal District. Election of senators shall be indirect, the legislature of each State declaring who has obtained the majority of votes cast.
The Senate shall be renewed by half every two years.

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ART. 60 (amended by law of Nov. 13, 1874). Each chamber shall be the judge of the election of its members.

ART. 62 (amended by law of Nov. 13, 1874). Congress shall hold two sessions each year.

ART. 64 (amended by law of Nov. 13, 1874). Action of Congress shall be in the form of laws or resolutions which shall be communicated to the Executive after having been signed by the presidents of both chambers, etc.

ART. 65 (amended by law of Nov. 13, 1874). The right to originate legislation belongs to the President and to the deputies and senators or to the State legislature.

ART. 69 (amended by law of Nov. 13, 1874). The Executive shall transmit to the Chamber of Deputies on the last day of the session accounts for the year and the budget for the next year.

ART. 71 (amended by law of Nov. 13, 1874). Bills and resolutions passed by both chambers and approved by the Executive shall be immediately published. Bills or resolutions rejected by the Executive may be passed by a majority in each House.

Special sessions of Congress.

ART. 72. (Amended by law of Nov. 13, 1874, Dec. 14, 1883, June 2, 1882, Apr. 24, 1896.) Congress shall have power to admit new states, to form new states upon certain conditions, to establish conditions of loans on the credit of the nation and to approve said loans, to recognize and order the payment of the national debt, to fix duties on foreign commerce, to create or abolish federal offices and to fix their salaries, to declare war, to regulate issuance of letters of marque, taking of prizes on sea or land, the maritime law of peace or war, to grant or refuse permission of foreign troops to enter the republic, to establish mints, regulate the value and kinds of national coin, to make rules for the occupation and sale of public lands, to grant pardons, to appoint at a joint session of both chambers a president of the republic who shall act in case of absolute or temporary vacancy of the presidency, either as a substitute or as a president ad interim.

The chamber of deputies has power to exercise its power regarding the appointments of a constitutional president of the republic, justices of the supreme court and senators of the federal district; to pass upon the resignations of the president of the republic, justices of the supreme court, and to grant leaves of absence requested by the president; to supervise the comptroller of the treasury; to formulate articles of impeachment; to approve the annual budget and originate taxation.

The senate has power to approve the treaties; to confirm certain nominations made by the President; to authorize sending troops outside of the Republic; to consent to the presence of fleets of another nation for more than one month in the waters of the Republic; to declare when the constitutional powers of any State have disappeared and the moment has arrived to give said State a provisional governor, who shall order elections to be held according to the constitutional law of the State; such governor shall be appointed by the Executive, with the approval of the senate or, in time of recess, by the permanent committee; to decide any political questions which may arise between the powers of a State or when constitutional order has been interrupted by an armed conflict in consequence of such political questions; to sit as a court of impeachment.

ART. 73. During the recess of Congress there shall be a permanent committee consisting of 29 members, 15 deputies, and 14 senators appointed by their respective chambers.

ART. 74 (amended by the law of Nov. 13, 1874). The permanent committee shall have power to consent to the use of the national guard as mentioned in article 72; to call by its own motion or that of the Executive an extra session of either or both chambers; to approve appointments under article 85.

TITLE III, SECTION 2.—*Executive power.*

ART. 76. Election of President shall be by indirect, secret ballot under the electoral law.

ART. 78. The president shall enter upon his duties December 1 and serve for four years.

ART. 79. (Amended by the law of Oct. 3, 1882, and Apr. 24, 1896.) In case of absolute vacancy except upon resignation and in the case of temporary vacancy except upon leave of absence, the executive power shall vest in the secretary of foreign relations, etc.

Congress shall assemble on the day next following to elect by a majority a substitute President, etc.

In case of resignation of the President Congress shall assemble as indicated for the purpose of appointing a substitute (acting) President.

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In case of temporary vacancy Congress shall appoint a President ad interim.

A request for leave of absence shall be addressed to the Chamber of Deputies, to be voted on in the Congress in joint session.

If on the day appointed the President elected by the people should not enter upon his duties, Congress shall at once appoint a President ad interim if the vacancy prove temporary; but if the vacancy prove absolute, Congress, after appointing the President ad interim, shall order a special election. The elected President shall serve out the unexpired constitutional term.

The vacancy of substitute President and President ad interim shall be filled in the same manner.

ART. 83. (Amended by the law of Apr. 24, 1896.) Form of oath to be administered to the President.

ART. 85. The President has power to promulgate and execute the laws, appoint and remove certain officers, to appoint with the approval of Congress certain officers, to dispose of the permanent land and sea forces and national guard for the defense of the Republic, to declare war after the passage of the necessary law by Congress, to conduct diplomatic negotiations and make treaties, to call with the approval of the permanent committee an extra session of Congress, to grant pardons according to law.

TITLE III, SECTION 3.—*Judicial power.*

ART. 90. The judicial powers vested in a Supreme Court and in the District and Circuit Courts.

ART. 91. The Supreme Court shall consist of 11 justices, etc.

ART. 92. The Supreme Court justices shall serve for six years and their election shall be indirect in accordance with the electoral law.

ART. 95. No resignation of a justice allowed, except for grave cause, approved by the Congress or the permanent committee.

ARTS. 97, 98, 99, and 100. Jurisdiction of federal tribunals.

ART. 101. Federal tribunals shall decide all questions arising out of laws or acts violating individual guaranties and encroaching upon or restricting the sovereignty of States invading the sphere of federal authority.

TITLE IV.—*Responsibility of public functionaries.*

ART. 103 (amended by the law of Nov. 13, 1874). Members of Congress, of the Supreme Court, and of the Cabinet shall be responsible for the common offenses committed by them during their term of office and for their crimes, misdemeanors, or omissions in the exercise of their functions. The governors of the States shall be responsible for the violation of the Federal Constitution and laws. The President shall be likewise responsible, but during his term he can be charged only with treason, violation of the Constitution, of the electoral law, and grave common offenses.

ART. 104 (amended by the law of Nov. 13, 1874). In case of common offense, the Chamber of Deputies shall sit as a grand jury and declare by majority whether proceedings should be instituted. If the vote is affirmative, the accused shall be placed at the disposal of the ordinary courts.

ART. 105 (amended by the law of Nov. 13, 1874). In cases of impeachment, the Chamber of Deputies shall act as grand jury and the Senate as a tribunal. If the grand jury declares by a majority vote, the accused shall be impeached.

ART. 106. No pardon can be granted in cases of impeachment.

ART. 107. Responsibility for official crimes and misdemeanors enforceable only while in office or one year thereafter.

ART. 108. In civil cases, no privilege or immunity in favor of any public functionary shall be recognized.

TITLE V.—*States of the Federation.*

ART. 109 (amended by the laws of May 5, 1878, and Oct. 21, 1887). The State shall adopt a republican, representative, and popular form of Government.

ART. 110. States may fix between themselves their respective boundaries.

ART. 111 (amended by law of May 1, 1896). States can not enter into alliances, treaties, or coalitions with another State or foreign nation; coin money, issue paper money, stamps or stamped paper; tax interstate traffic and commerce.

ART. 112. States can not without consent of Congress impose port duties; have troops or vessels of war, except in case of invasion or imminent peril.

ART. 113. States are bound to return fugitives from justice.

ART. 114. States are bound to enforce the Federal laws.

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ART. 116. The Federal Government is bound to protect the States from invasion. In case of insurrection or internal disturbance it shall give them the same protection, provided request is made for same.

TITLE VI.—*General provisions.*

ART. 117. Powers not expressly granted to Federal authorities are reserved to the States.

ART. 122. In time of peace no military authorities shall exercise other functions than those connected with military discipline, etc.

ART. 124 (amended by act of May 1, 1896). The Federal Government has exclusive power to levy duties on imports, exports, and transient goods, and regulate or forbid circulation of all kinds of goods regardless of their origin, for sake of public safety or for police reasons.

ART. 126. The constitution, the laws of Congress, and the treaties shall be the supreme law of the Union.

TITLE VII.—*Amendments to the constitution.*

ART. 127. Amendments must be agreed to by two-thirds vote of the Members present in the Congress and approved by a majority of legislatures of the States. The Congress shall count the votes of the legislatures and declare whether the amendments have been adopted.

TITLE VIII.—*Inviolability of the constitution.*

ART. 128. The constitution shall not lose its force and vigor even if interrupted by a rebellion. If by reason of public disturbance a government contrary to its principles is established, the constitution shall be restored as soon as the people regain their liberty, and the people figuring in the rebellion shall be tried under the constitution and the provisions of laws under the constitution.

EXHIBIT 2.

[Translation.]

RESOLUTION STATE OF COAHUILA.

Venustiano Carranza, Constitutional Governor of the Free and Sovereign State of Coahuila de Zaragoza, to the inhabitants thereof, know ye: That the Congress of said State has decreed as follows:

The twenty-second Constitutional Congress of the Free and Sovereign State of Coahuila decrees:

ART. 1. Gen. Victoriano Huerta is not recognized in his capacity as Chief Executive of the Republic, which office he says was conferred upon him by the Senate, and any acts and measures which he may perform or take in such capacity are likewise not recognized.

ART. 2. Extraordinary powers are conferred upon the Executive of the State in all the branches of the public administration, so that he may abolish those which he may deem suitable, and so that he may proceed to arm forces to cooperate in maintaining the constitutional order of things in the Republic.

"ECONOMIC:" The Governments of the remaining States, and the commanders of the federal, rural, and auxiliary forces of the Federation, should be urged to second the attitude of the Government of this State.

Given in the Hall of Sessions of the Honorable Congress of the State, at Saltillo, February 19, 1913.

A. BARRERA, *Deputy, Presiding.*
J. SANCHEZ HERRERA, *Deputy, Secretary.*
GABRIEL CALZADA, *Deputy, Secretary.*

Let this be printed, communicated, and observed.

SALTILLA, *February 19, 1913.*

VENUSTIANO CARRANZA.
E. GARZA PEREZ, *Secretary General.*

EXHIBIT 3.

[Translation.]

RESOLUTION STATE OF SONORA.

Special committee.—The executive of the State is pleased to submit to the settlement of the local legislature the present conflict of the State in relation to the supreme executive power of the Republic, the statement whereof appears in the official note referred to the opinion of the undersigned committee. The committee has before it a case which is extraordinary and without precedent in the history of this legislature, and therefore there are no precedents to be consulted in order to enlighten its opinion in the matter, so that in order to express the present opinion we have been obliged to measure its transcendent importance and to consult the laws and opinions which may add light and force to our deficiency in the matter in question, so that we may

offer, and submit to the deliberation of this assembly, a proposition which shall emanate from our consciences honestly, patriotically, and calmly.

The axis about which the question propounded turns is the legality or illegality of the appointment of Gen. Victoriano Huerta as provisional President of the Republic. We believe, like the Executive, that the high representative capacity conferred upon the aforesaid Gen. Huerta can not be recognized as constitutional.

As a matter of fact, the apprehension of Messrs. Francisco I. Madero and Jose Maria Pino Suarez, President and Vice President of the Republic, and their cabinet, took place in contravention of article 103 of the constitution of the Republic and the supreme law of May 6, 1904. In these texts it is prescribed that the President and Vice President of the Republic may be impeached only for high treason, express violation of the constitution, attack upon the electoral freedom, and grave offenses in the realm of common law. This provision was violated, for Messrs. Madero and Pino Suarez were apprehended without any impeachment having been made before Congress, which grand jury ought to have decided whether proceedings were to be taken or not against the said officials. From the second of the documents sent as exhibits by the governor of the State it is seen that subsequently it was desired to clothe with a pretended legality the designation of Gen. Huerta by saying that Messrs. Madero and Pino Suarez had resigned their posts; that the presidency had passed to Mr. Lascurain, minister of foreign relations; that the latter had resigned; and that Gen. Huerta had thereupon been designated President Now that, in our opinion, the culminating point of the question has been defined, it becomes appropriate to connect it with the government of the State of Sonora. The aforementioned article 103 of the federal constitution says that the governors of the States are responsible for infraction of the federal constitution and laws. Would not the recognition of Gen. Huerta as President of the Republic, now that it has been established that said presidency was occupied in express violation of the constitution, imply responsibility on the part of the governor of the State of Sonora? The constitution has been violated, and to approve this violation is to become an accomplice in the crime itself. Now, the undersigned committee believes that it behooves the Executive to make the declaration urgently demanded by the secretary of the interior of the Huerta cabinet according to the last of the exhibits sent to said Executive. But inasmuch as this assembly is in turn confronted with a question of the greatest concern to the destinies of the nation, and as it has a high patriotic duty to perform in these solemn moments of our history, the undersigned committee, on the strength of Section XIII of article 67 of the political constitution of the State, and in view of the statement made by the Executive in the official note serving as a basis for this report, has the honor to propose a bill (draft of a law) of the tenor given below. Honorable chamber, we believe that we have honestly and patriotically fulfilled our duty to pass upon the momentous matter submitted to our opinion. We are firmly convinced that the proposition which we have framed is that which is warranted by the dignity of our State; and if owing to the deficiency of our knowledge there should be any error in the opinion submitted to the most illustrious of you, we at least have the satisfaction of having fulfilled the duties imposed upon us by our conscience. The bill which we submit to the deliberation of the honorable chamber is as follows:

LAW AUTHORIZING THE EXECUTIVE TO REFUSE RECOGNITION TO GEN. VICTORIANO HUERTA AS PRESIDENT OF MEXICO.

ARTICE 1. The legislature of the free and sovereign State of Sonora does not recognize Gen. Victoriano Huerta as provisional president of the Mexican Republic.

ART. 2. The executive is urged to utilize the powers conferred upon him by the political constitution of the State.

DECREE NO. 1.

ARTICLE 1. The branches of the Federal administration are provisionally (placed) in charge of the State and (made) subject to the laws and provisions of the latter.

ART. 2. The making of any payment, for the purposes referred to in the foregoing article, to any office not subject to the executive power of Sonora and existing therein is prohibited.

ART. 3. The said executive power shall provide for the organization and operation of the services belonging to the executive of the Union, attending to everything concerning the branches referred to.

DECREE NO. 2.

ARTICLE 1. The frontier custom houses of Agua Prieta and Nogales are hereby qualified and opened up to international import and export trade.

ART. 2. In all matters contrary to the special laws and provisions of the State there shall be observed the general customs orders of June 12, 1891, and the schedules concerned, together with their additions and revisions in force.

ART. 3. The import duties are reduced 20 per cent and the 5 per cent additional which has been being paid is hereby abolished.

ART. 4. The exportation of cattle and horses shall be assessed as follows:

(*a*) Cattle, $2.50 a head.
(*b*) Horses, broken in, $10 per head.
(*c*) Horses, wild, $5 per head.

I therefore order this printed, published, and circulated for due enforcement.

Given at the palace of the executive of the State, at Hermosillo, March 24, 1913.

IGNACIO L. PESQUEIRA.
LORENZO ROZADO, *Secretary General.*

NOTE.—This document above is taken from the Diario de los Debates (Journal of Debates), of the City of Mexico, which in turn took it from the Official Gazette, of Sonora, and it was at the permanent session of the legislature of Sonora, held on March 5, that the committee gave the opinion referred to, and it was approved.

EXHIBIT 4.

MEMORIAL FROM A COMMITTEE REPRESENTING THE PEOPLE OF THE STATES OF PUEBLA AND TLAXCALA TO MR. LIND.

SIR: In our name and in that of the people of the States of Puebla and Tlaxcala, whose general and almost unanimous sentiments we voice, we address you with the request that you bring to the attention of His Excellency Woodrow Wilson the fact that, as a matter of equity and justice, and considering that he has heard the side of public functionaries and sympathizers of the Huerta Government and of some of the rebels in the frontier of our country, as well as the opinions of Americans residing among us, we, as the genuine representatives of the true people, be given a chance to give our views on the political situation of the country, as it would not be in keeping with the well-known sense of justice of His Excellency Woodrow Wilson to listen only to one side and to ignore the opinion of the Mexican people, expressed in divers ways, and which we know is regarded by you as the principal means to guide your opinion concerning the international issue of the day.

We trust that you as well as His Excellency President Wilson will regard this memorial as a mark of courtesy, shown in this way to you, the President of the American Union and the people of the United States, whose Chief Executive we regard as a sincere and great friend of ours.

We abstain on account of official persecution from sending you our credentials as the representatives we claim to be.

Although we feel certain that the Department of State in Washington must be in possession of ample information concerning the present political situation of Mexico, we nevertheless do not consider it officious to refer to the events which took place between the 9th and the 18th of February last, in order that you may hear the opinion of the people on the following points, to wit: 1st. The illegality of the Government of Gen. Huerta; second, the legality of the revolution of the Constitutional Party; and, third, the serious consequences which would naturally follow the recognition of the Huerta Government by that of the United States, and which would tend to definitely establish the same.

THE ILLEGALITY OF THE PRESENT GOVERNMENT.

First. The revolution of 1910 was an act by which the Mexican people invoked the right it had under article 39 of the Constitution of the Republic, which reads as follows:

"ARTICLE 39. The sovereignty of the nation is essentially and originally vested in the people. All public power emanates directly from the people and is instituted for its benefit. The people have at all times the right to alter or modify the form of its government."

If the revolution headed by Gen. Felix Diaz on February 9 had been popular, it would have been legitimate and justified, because then it would have been initiated by the only body of men who, under the constitution had the right to start it—that is, the people—and therefore

any Government emanating from a revolution of this kind will be recognized as a legitimate and justifiable Government.

As a matter of fact, the ostensible and apparent authors of the above-mentioned revolution were Gens. Bernardo Reyes, Felix Diaz, Manuel Mondragon, and Gregorio Ruiz, together with other officers of the army, who caused the men in the School of Aspirantes, of one regiment of light artillery, two regiments of mounted artillery, three regiments of cavalry, and the Twentieth Infantry to mutiny.

The people remained in an attitude of expectancy, due to its surprise and lack of organization, but its sympathy was with President Madero, and if it did not go to his rescue it was because the President did not call on the people. It was also because he still had faith in the discipline and loyalty of the rest of the army.

But while it is true that the people did not take up the defense of the Government, it did not join the rebels, for which reason the revolution was strictly military, and for this reason it lacked the sanction of article 39 of the constitution of Mexico. The rebels did ask the people to join them, but they were not in sympathy with it, and therefore the Government which resulted from the movement in question is lacking in constitutional foundation.

Second. Due to the fact that on February 15 of this year, His Excellency Henry Lane Wilson, convened several members of the diplomatic corps in the building of the embassy and informed them of the coming arrival in Mexican waters of several American vessels and transports with troops for landing, and that it was his firm and decided opinion that 3,000 marines would land on Mexican soil and march to the capital, the Mexican Senate, during an extra session held on the above-mentioned day, decided to ask the resignations of the President and Vice President of the Republic. This act was nevertheless unsuccessful.

We inclose herewith copy of the minutes of the session referred to, as inclosure No. 1.

In view of the above failure nine senators went, on the 18th of February last, to the office of the military commander of the City of Mexico, Gen. Victoriano Huerta, in order to induce him or convince him with all kinds of glowing promises to force the above functionaries to resign. Huerta finally acceded, and with his protection and complicity the above-mentioned senators called on President Madero in order to force him to resign. Having failed in their efforts, they called on Gen. Garcia Peña, minister of war, and told him that the army of the nation should depose the President of the Republic, but the honorable general refused to take the hint.

The decision of the Senate to which we have referred, as well as the acts of the nine senators which followed it, are unconstitutional, inasmuch as article 72, nor any other provision of the constitution, empowers the Senate or any of its members to request or force the President of the Republic to resign. Any senator or authority who does not act within the law and commits acts of violence or of a criminal character is criminally responsible for them, even though he may commit them in his capacity as a senator or authority of any character.

Third. The senators and Gen. Huerta having taken note of the firm attitude of the minister of war in favor of the President, Huerta and the senators, considered from that moment as rebellious to the executive power, directed Gen. Aurelio Blanquet to arrest the President and Vice President at the National Palace and to do this in the name of the army.

When this was done Huerta assumed power and sent all over the country the notice appearing as inclosure 2.

The above acts of violence are also unconstitutional inasmuch as they violate the provisions of the constitution of Mexico.

Therefore, the government which emanated from the second revolution is like the Felix Diaz uprising, contrary to the principles sanctioned by the constitution.

Fourth. The transitory government of Gen. Huerta was sanctioned by a pact signed by Huerta and Diaz, the former aided by Lient. Col. Joaquin Maas and Engineer Enrique Cepeda and the latter by Attorneys Fidencio Hernandez and Rodolfo Reyes.

Both rebel generals agreed through this pact to prevent by all means the reestablishment of the legitimate government represented exclusively by President Madero and Vice President Pino Suarez; and it was also agreed that Gen. Huerta would assume power at the earliest possible convenience. (Huerta had already assumed it on his own authority.)

We inclose herewith a full copy, under Inclosure 3, of the above agreement, called the pact of Ciudadela.

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It is evident that in order to establish the government of Gen. Huerta the constitution was completely ignored and supplanted by the Ciudadela agreement, which confined itself to sanction the military uprising, the acts of violence of Gens. Huerta and Blanquet, to depose the President and Vice President of the Republic, to divest them of their investiture, and to permit Huerta to usurp the executive power of the nation.

Things have developed since February 18 in such a way that there is no room for doubting that the above pact has been the directing force of the present government.

In fact, the first clause of the above-mentioned pact indicates without doubt that the murders of Messrs. Madero and Pino Suarez, immediately after the decision of the legislature of the State of Coahuila became known in the capital, and by which decision, dated the 19th of February, Gen. Huerta was not recognized as President of the Republic, were perpetrated with no other purpose than to prevent the reestablishment of the legitimate government.

ALL OF THAT IS CONTRARY TO THE PRINCIPLES SANCTIONED BY THE CONSTITUTION OF THE REPUBLIC.

Such is the origin of the government of Gen. Huerta, and it matters not that 72 hours later they may have attempted to give it a constitutional form, inasmuch as the old principle of international law which reads, "That which is null in principle is void in its effects," and more so if it is borne in mind that the whole thing was done to put into effect the pact of the Ciudadela, which is not, so to say, the Federal pact, which is the fundamental and supreme law of the land.

Now, then, all events from February 18 ahead and which gave rise to the government of Gen. Huerta, and in spite of the claim they make that it is a matter of "consummated facts," are criminal, illegal, and void and they are so considered in article 128 of the Mexican constitution, a provision which to this date seems to have been ignored, notwithstanding its importance as a fundamental law.

The article in question reads as follows:

"ART. 128. The constitution shall not lose its force and vigor, even though because of a rebellion its enforcement may be suspended. In case that by means of a public disturbance a government contrary to the constitution may be established, as soon as the people regains its freedom, the observance of it shall be enforced, and in accordance with it and with the provisions which may have been dictated pursuant to it, all those who may have figured in the government established by the revolution, and those who may have been their accomplices shall be tried."

This shows your excellency the full force of article 128 of the constitution against the government of Gen. Huerta, and this also shows the motives of basis of the constitutional rebellion which is growing in the heart of the people, and which shall not permit the continuation in power of Gen. Huerta, nor any other government emanating from a military rebellion.

Therefore, to make an effort to legitimize or to recognize the international character of a government which has emanated from a military rebellion, simply because of "consummated facts," means to set aside the constitution of Mexico, and to legitimize and recognize a crime which, though it may have been perpetrated, does not fail to be punishable, nor does it cause article 128 of the constitution to be inoperative.

An act of this kind would be the equivalent of recognizing the right of a thief to the thing stolen.

Therefore, the above pretension, being founded on so frail a foundation, is repudiated by morals, civilization, and common law; and for this reason the Washington Government would be responsible of committing a most lamentable moral and legal error should it recognize the government of Gen. Huerta as a legitimate government, and would recognize it as an international entity.

THE LEGITIMACY OF THE REVOLUTION OF THE CONSTITUTIONALISTAS.

First. If the people were lacking in organization at the beginning of the uprising in order to defend the rights they were divested from by the army which overthrew the Executive elected according to the laws, so soon as it has been able to organize itself into a body it has risen in arms against the usurper, invoking the principle sanctioned by article 39 of the constitution.

The above rights are at the base of the revolution and are deeply rooted in the heart of the Mexican people whose attitude tends to prove that neither public opinion nor the mass of the people have ever sanc-

tioned the present Government. There are a few newspapers in the City of Mexico speaking for the Government, but they do not represent the sentiments of the people or of the popular mind; they are voicing purely and simply the personal views of their publishers, all of whom are under the orders of the minister of gobernacion (Urrutia).

Second. The constitutional government of the free and sovereign State of Coahuila, acting in observance of a decree of its legislature, dated February 19, this year, by which the governor of the State was authorized to disregard the Government of Gen. Victoriano Huerta and not to recognize any of the acts emanating from this Government. Article second of the same decree of the legislature of Coahuila authorized the governor to arm troops in order to maintain the constitutional order.

Third. The Legislature of the State of Sonora, legally constituted and acting in accordance with the law, approved a decree by which the Government of Gen. Huerta was not recognized. A copy of the decree is herewith inclosed.

Fourth. Article 128 of the federal constitution vests the people with power and tacitly expects it to defend and maintain the integrity of the laws, when it reads "as soon as the people may recover its liberty."

Two constitutional decrees emanating from two legally constituted governments of two States are a sufficient base for the present revolution of the Constitutional Party. Those two decrees are its legal foundation.

III.

SERIOUS CONSEQUENCES OF THE DEFINITE ESTABLISHMENT OF THE GOVERNMENT OF GEN. V. HUERTA.

In the first place it would establish precedent for all the armies of the world, that they could rise in arms and depose their respective rulers and place themselves in their stead, if they would feel that the recognition of the world would be forthcoming simply on the plea of "consummated facts."

What happened yesterday in Mexico could happen in the future in Germany, Russia, England, or the United States, where, with reference to the latter country, the Republican Party, sympathizing with Porfirista, or Huertista party of Mexico, places President Woodrow Wilson on a parallel with Madero, and says that the spirit of the latter has reincarnated in the American President.

What would happen with the laws of a country if they were at the mercy of the army? What would happen to a country where the army instead of being the support would be the arbiter of the government? What would it mean to relegate the will and laws of the people to the caprice of the army?

In view of the above we believe that the "Mexico case" is of interest not only to our country, but it concerns all other nations. As a matter of precaution and future policy the Government of Gen. Huerta should not be recognized.

We are of the opinion that coup d'état should be suppressed forever, leaving the question of changing or modifying the form of government to the people, as vox populi vox dei.

The third Pan-American Conference, which took place at Rio de Janeiro, took the initiative by recommending that government growing out of an act of violence should not be recognized, and we hope that America may be the first to follow this principle in connection with the "Mexico case."

Besides, the government of Gen. Huerta is politically and financially connected with many European interests. It is stated soto voce, for example, that Mexico will not press the contention about the Clipperton Islands and will allow France to win out in payment of its recognition of the Huerta government.

It appears that it is on this acount that Huerta revoked the appointment he had made of Lio de la Barra, as envoy near the court of Italy.

Spain is being given all kinds of encouragement to acquire practically full control of the land interests of the country.

All of the above acts are an outrage against the Mexican nation and contrary to the Monroe doctrine.

With reference to England, it is well known how important a rôle has been played by Lord Cowdray and to what extent he would rule were the Huerta government to become definitely affirmed.

As a consequence of the above Europe would increase its political, financial, and even military influence in Mexico, much to our detriment and contrary to the Monroe doctrine.

We will therefore propose, as a part of the opinions you may have gathered while here, for the information of His Excellency Woodrow Wilson:

First. That the government of Gen. Huerta be not recognized.

Second. That if Washington recognizes the government of Huerta, it should simultaneously recognize the belligerence of the rebels.

Third. That as a matter of humanity the decree which prevents the exportation of arms, ammunition, and war material to countries south of the United States be revoked temporarily.

We say that this be done as a matter of humanity in order to facilitate the means by which the States of the Mexican Union in hands of the Constitutional Party to pacify the country and avoid further bloodshed.

If otherwise, the Washington Government, acting under a strange moral rule or other motive, would recognize the Huerta Government and refuse to recognize the belligerency of the rebels, such act would serve only to prolong the state of war in this country, as the patriotic elements of the country would never give in nor tolerate the government of General Huerta.

We will say before ending that foreign residents will have the fullest protection from the constitutional rebels, and if the requests of the revolution are granted in full or in part this will serve to bring Mexico and the United States much closer in their diplomatic relations.

Please accept the assurances of our highest consideration.

In the name of the committee:

(Names omitted.)

To the Honorable JOHN LIND,
Confidential Envoy of the President
of the United States of America.

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ANNIVERSARY OF THE BIRTH OF THOMAS JEFFERSON

ADDRESS

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

DELIVERED IN NEW YORK CITY
APRIL 13, 1908

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ADDRESS
OF
HON. ROBERT L. OWEN.

AN ADDRESS BY ROBERT L. OWEN IN NEW YORK ON THE ANNIVERSARY OF THE BIRTHDAY OF THOMAS JEFFERSON, APRIL 13, 1908.

Mr. PRESIDENT AND GENTLEMEN OF THE NATIONAL DEMOCRATIC CLUB: It has been one hundred and sixty-five years since the birth of Thomas Jefferson—the patron saint of the Democracy. In the centuries to come the dignity and the value of this great intelligence and of this great heart will rise higher and higher in the estimation of man, for the birth of no man since the birth of Christ has been so serviceable to his fellow-men.

We do well annually to assemble and burn incense on the altar in his memory—the man who taught religious liberty and the first to write it in the statutes of Virginia; the man who taught freedom of speech; who put an end to entailed estates, overthrew the law of primogeniture, and in 1777 introduced in the Virginia assembly the first bill providing universal education and the first bill to forbid dueling; who established the University of Virginia; the man who condemned monopoly and slavery, and pointed out their dangerous tendencies; the man, above all other things, who loved his fellow-men and trusted them, and regarded them as his brothers and worthy to govern themselves; the man who stood firmly for a strict construction of the Constitution, who maintained the reserved rights of the States and of the people of the States; a man whose ideas of government were so sound and so true that within a few short years his doctrines—opposition to slavery excepted—were established in the hearts and minds of all of the people of the United States, so that there was in effect only one party in the decade following his presidency.

OKLAHOMA.

You Eastern sons of the National Democracy may fancy that Oklahoma is a long way off and has but few ties with Thomas Jefferson, but I call your attention to the fact that the purest Jeffersonian democracy upon the continent is in the heart of Oklahoma—all of the teachings of Thomas Jefferson are vitally active in the constitution of Oklahoma. Oklahoma is more indebted to Thomas Jefferson than is New York, because Thomas Jefferson, in the Louisiana Purchase, acquired by purchase the very soil of Oklahoma, and made many republics where one empire had controlled. The people who first settled Oklahoma carried with them the liveliest memories of Thomas Jefferson. Among the first settlers of Oklahoma was my Indian grandfather, a leader of the Cherokees, who carried with him as a precious memory a silver medal, which I now show you, given to him by Thomas Jefferson. On the one side is a medallion of Jefferson and the inscription, "Th. Jefferson, President of the U. S., A. D. 1801," and on the other side, embossed, are two hands in friendly grasp, with the legend "Peace and friendship."

In the most beautiful part of the Cherokee Nation I have a country place named for the residence of Thomas Jefferson, and called Monticello. At this country place the great-great-granddaughter of Thomas Jefferson gave birth to two of his descendants, Adalaide and Pattie Morris.

Oklahoma has many ties binding that great Commonwealth to Thomas Jefferson, but chief of all are the intellectual and spiritual ties, drawn from the soul of Thomas Jefferson, establishing great principles of government necessary to the welfare and the happiness of man.

RELIGIOUS FREEDOM.

The great doctrine of religious freedom taught by Jefferson is found recorded in the Oklahoma bill of rights, section 5:

"SEC. 5. No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such."

The right of free speech is written in the same bill of rights, section 22, as follows:

"SEC. 22. Every person may freely speak, write, or publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libel, the truth of the matter alleged to be libelous may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous be true, and was written or published with good motives and for justifiable ends, the party shall be acquitted."

And the principle of universal education is there adopted (Art. XIII):

"(SECTION 1. The legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated.

"(SEC. 2. The legislature shall provide for the establishment and support of institutions for the care and education of the deaf, dumb, and blind of the State."

"ART. XXI. Educational, reformatory, and penal institutions and those for the benefit of the insane, blind, deaf, and mute, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law."

NO SLAVERY.

Thomas Jefferson was strongly opposed to slavery, as he indicated in many ways.

In his letter to E. Rutledge (1787) he stated:

"This abomination must have an end. And there is a superior bench reserved in heaven for those who hasten it."

In the proposed Virginia constitution he submitted:

"No person hereafter coming into this country shall be held within the same in slavery under any pretext whatever." (June, 1776.)

And also the following:

"The general assembly (of Virginia) shall not have power to * * * permit the introduction of any more slaves to reside in this State, or the continuance of slavery beyond the generation which shall be living on the 31st day of December, 1800; all persons born after that date being hereby declared free."

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In commenting on the deplorable results of slavery, Thomas Jefferson said:

"The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting depotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of education in man; from his cradle to his grave he is learning to do what he sees others do."

And he also said:

"Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated, but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice can not sleep forever; that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation is among possible events; that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest."

My fellow-citizens, I comment upon these doctrines of the patron saint of the Democracy, because it was a failure on the part of the Democratic party to develop and observe this one teaching of Jefferson, which resulted in the retirement of that party from national control during the last half century.

I have always thought that it was a providential thing for the poor ignorant blacks of Africa that they should have been brought in contact with the civilized races, even though it was through slavery, because it led to their gradual improvement from savage life. Ultimately, however, it was the unhappy influence of slavery which caused the original Democratic party to go to defeat in 1860. Thousands and hundreds of thousands of men, who, previously to that time, had been Jeffersonian Democrats, felt that Jefferson's opinion with regard to slavery was right; that the continuance of slavery was equally harmful both to master and slave, and, under the leadership of Abraham Lincoln, they first set their faces against the extension of slavery to the Territories of the United States. Abraham Lincoln, in his speech at Ottawa, Ill., on August 2, 1858, in reply to Douglas, said:

"I will say here while upon this subject that I have no purpose, either directly or indirectly, to interfere with the institution of slavery in the States where it exists. I believe that I have not the lawful right to do so and I have no inclination to do so."

But, as the contention proceeded, those original Jeffersonian Democrats who opposed slavery became more and more resolved against it, until such men, under the new name of the Republican party, determined upon the complete abolishment of slavery in this country.

The same spirit of American liberty which determined that the slavery of the black man under the forms of law should not exist in this country will stand against the enslavement of white men by monopolies under a more artful form of law. Organized gigantic monopolies have invaded every field, controlling the volume and rate of wages paid to labor, and controlling the purchasing power of the wages of labor when paid.

Lincoln was opposed to the extension of the slavery of black men, and before his term of office was out he already was foreseeing the danger of the enslavement of white men. He foresaw the danger to the humbler toiling citizen of arrogant organized capital, and in his first message to Congress pointed it out.

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Among other things he said:

"Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration. Capital has its rights, which are as worthy of protection as any other rights.

"No men living are more worthy to be trusted than those who toil up from poverty—none less inclined to take or touch aught which they have not honestly earned. Let them beware of surrendering a political power which they already possess, and which, if surrendered, will surely be used to close the door of advancement against such as they, and to fix new disabilities and burdens upon them, till all of liberty shall be lost."

The monopoly of various industries by skillfully organized capital has such control now that laborers by thousands and hundreds of thousands and millions are dependent for employment on those whose policy and interest may be served by the discharge of these laborers. The giant corporations deem it judicious, in cases, to restrict the output in order to raise the price, and thus dismiss labor at one door and raise the price to the laborer as consumer at the other door—deny him wages with one hand and raise prices on him with the other. Monopoly means ultimate mastery on the one side and slavery on the other. Monopoly means mastery of the one man and coequal servitude of the other man.

NO MONOPOLY.

Thomas Jefferson vigorously opposed monopoly of every kind except as a reward for literature and invention. He opposed monopoly in land.

He pointed out the terrible effects of monopoly of land in France in 1785 as follows:

"The property of France is absolutely concentrated in a very few hands, having revenues of from half a million of guineas a year downwards. These employ the flower of the country as servants, some of them having as many of 200 domestics, not laboring. They employ also a great number of manufacturers and tradesmen and, lastly, the class of laboring husbandmen. But, after all, there comes the most numerous of all the classes—that is, the poor, who can not find work. I asked myself what could be the reason that so many should be permitted to beg who are willing to work in a country where there is a very considerable proportion of uncultivated lands. Those lands are undistributed only for the sake of game. It should seem, then, that it must be because of the enormous wealth of the proprietors, which places them above attention to the increase of their revenues by permitting these lands to be labored."

And if you will remember, gentlemen of the National Democratic Club, you will recall that when this condition of monopoly reached a certain point the finest qualities of monopolists were suddenly overthrown and sent to the guillotine by the commonest kind of people in one of the bloodiest revolutions known to history. The French revolution that overthrew this great monopoly had the good result of dividing up the lands of France into small holdings, which has made France one of the wealthiest and most powerful nations on earth, showing a power of recuperation after the Franco-Prussian war that was the astonishment of the world.

I think that, perhaps, few men realize the extreme danger created by monopoly to the welfare and happiness of the people and to the

stability of the country. The slavery of monopoly is not new in history.

I recall a wonderful story of a monopoly recorded in Holy Writ that was once established in the most fertile valley in the world, the valley of the Nile.

It was in the reign of a king named Pharaoh. He had a commercial adviser of great sagacity, a man sold as a slave into Egypt, named Joseph, of Hebrew extraction.

Under the advice of Joseph, Pharaoh and his captains stored all of the surplus corn of Egypt during the seven years of plenty, and thereafter during the seven years of drouth they had one of the richest monopolies known to history.

The price of corn "went up."

There was a "bull movement" on corn.

The bears were not "in it."

The price of corn went "sky high."

And, first of all, Pharaoh and his captains took all of the money of the Egyptians in exchange for corn, and next they took all their jewelry in exchange for corn, and then—

"They brought their cattle unto Joseph; and Joseph gave them bread in exchange for horses and for the flocks and for the cattle of the herds and for the asses, and he fed them with bread for all their cattle for that year," and the second year,

"Joseph bought all the land of Egypt for Pharaoh;" "for the Egyptians sold every man his field because the famine prevailed over them; so the land became Pharoah's."

And when the people had sold all of their property and land to Pharaoh in exchange for corn, they said, "Let us and our children work for you for corn, and Pharaoh, being a benevolent man," kindly permitted them to do so.

And on these mild terms Pharaoh allowed them to have a portion of the corn which they had raised with their own hands, because Pharaoh was a benevolent man and had a sagacious adviser of fine commercial instinct.

Then Joseph said unto the people, "Behold, I have bought you this day, and all your land, for Pharaoh: lo, here is seed for you, and ye shall sow the land."

"And it shall come to pass in the increase, that ye shall give the fifth part unto Pharaoh, and four parts shall be your own, for seed of the field, and for your food, and for them of your households, and for food for your little ones."

"And they said, thou has saved our lives;" and so it came to pass that Pharoah was the savior of the country.

And Joseph and Pharaoh have not been the only monopolists who have been called by their captives "the saviors of the country." I well recall a recent scene in which certain great men of enormous business sagacity are reputed, during certain recent years of plenty, to have laid up for use enormous values in cash and cash credits, and to have stored or made subject to control nearly all of the available cash and cash credits in New York—to have been piling it up for several years on a bull market, and finally, when they had stored most of the available cash in Egypt, there was a repetition of the days of Pharaoh—and the famine came and the price of cash went up—there was a bull movement on cash or a bear movement on stocks and bonds, and the price of cash went sky high, and first of all Pharaoh and his captains took over Morse and Heintz and allied interests, and then they took

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over Tennessee Coal and Iron and other properties too numerous to mention, and still the price of cash went up. On October 24, 1907, the price of cash was out of sight, because there was a monopoly of cash in Egypt, and the Egyptians in Wall street cried aloud and lifted up their voices and said, "Wherefore shall we die before thine eyes? Let us have corn."

And at 2 o'clock interest rates ran up to 150 per cent; Union Pacific declined ten and a half points in ten sales, and at 2.15, when the Egyptians were on the point of falling dead, and were looking at each other with ghastly faces, and considering the easiest way in which they might commit suicide, lo, the "saviors" of America, Pharaoh and his captains, "let them have corn" in exchange for their valued possessions.

"And the Egyptians lifted up their voices,

"And they said: 'Thou hast saved our lives.'"

In the leading Standard Oil bank there are 23 directors; in the leading Morgan bank there are 39 directors; and they, with their subordinates and associates, making a number something less than 100 men, have control of every railway company, telegraph company, express company, steamship company, and all of the great industrials which have a monopoly in every one of the great necessaries of life.

For those who are curious to see a more elaborate description of this system and the companies they control, I commend them to the remarks of Hon. ROBERT M. LA FOLLETTE, of Wisconsin, in the United States Senate during the last month.

These great combinations and trusts exercise a substantial monopoly upon all of the great necessaries of life, and control their production, transportation, and distribution.

In the last fifteen years these monopolies, commonly called trusts, have been wonderfully developed in our country. John Moody, in his revision of these statistics, bringing the figures down to January 1, 1908, presents the following:

Table showing growth of trusts. 1904–1908.

Classification of trusts.	January 1, 1904.		January 1, 1908.	
	Number of plants acquired or controlled.	Total capitalization, stocks and bonds outstanding.	Number of plants acquired or controlled.	Total capitalization, stocks and bonds outstanding.
7 greater industrial trusts	1,528	$2,662,752,100	1,638	$2,708,438,754
Lesser industrial trusts	3,426	4,055,039,433	5,038	8,243,175,000
Important industrial trusts in reorganization	282	528,551,000	----------	(a)
Total important industrial trusts	5,288	7,246,342,533	6,676	10,951,613,754
Franchise trusts	1,336	3,735,456,071	2,599	7,789,398,000
Great railroad groups	1,040	9,397,363,907	745	[b]12,931,154,000
All trusts	8,664	20,379,162,511	10,020	31,672,160,754

[a] The stock and bonds of industrials for 1909 aggregate $17,529,126,232, Poor's Manual of Industrials, 1910.

[b] Railroad stock and bonds and assets for 1908 aggregate $19,370,678,153, Poor's Manual of Railroads, 1909.

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The increase in these two items thus appears to be over $13,000,000,000, and the incomplete returns for trust properties for 1909 exceed $45,000,000,000.

One trust which he does not mention is "the money trust," the community of interests known as the system, by which the money and bank credits of the country, which is the lifeblood of commerce, can be controlled.

The laws have been so written as to pile up, in large measure, the reserves of the banks of the country in three cities. And those who can control the supply of "credits" and of "cash" in the New York banks can, of course, control the price of stocks and bonds, whose market is fixed in New York, and there is grim humor in hearing the Egyptians pay tribute to the masters of monopoly and to see them fall down and worship and to hear them declare, "Thou hast saved our lives." It would make a man almost doubt whether such lives were worth saving.

Who is there so dull, so grossly ignorant, as not to perceive that monopoly means mastery on the one side and slavery on the other?

The slavery of monopoly is not confined to the Egyptians on Wall street; it also goes to the Egyptians on the farm. Let me, as a farmer and an humble Egyptian, give you a simple illustration: From 1887 to 1894 I handled cattle. I had free ranges, cheap labor, and I worked at this business industriously for seven years, and in that time sent to market over 17,000 steers, and as a reward for my service in preparing food for the American people "Pharaoh" paid me not one dollar in compensation above my actual expense. I earnestly thereafter addressed my extremely limited intelligence to discovering the reason why, and the reason was that when I took those cattle to the Kansas City stock yards there was but one buyer—Pharaoh—who had a monopoly on meat products, who had a monopoly by which he controlled the price of cattle and hogs and sheep. He had various buyers in the market, but only one price—the price was fixed every morning. What chances has a farmer or a cattle producer against this evil combination which fixes an arbitrary price upon his labor and upon everything which goes into the cattle; that is, upon his corn, his oats, his rye, his millet, his wheat, his grass, and the labor of himself and of his children? Why, the farmer is only an Egyptian, and he, too, is allowed to work for Pharaoh, because Pharaoh is a benevolent man.

The meat trust is more considerate in these days.

In the old days they killed the goose, of which I was one, that laid the golden egg. In these days they are wiser, and they encourage the goose to live by permitting him to have subsistence, while they content themselves with plucking the goose of all surplus and taking all the eggs.

We have not in our country a single Pharaoh, but we have a hundred Pharaohs and 10,000 captains of Pharaoh, who have a monopoly upon every line of commerce, upon every railway, every steamship line, upon every means of transportation, of conveying intelligence, of production and of distribution; upon every express company, upon every telegraph line, upon all of the great industries. Monopolies in iron, and steel, and copper, and tin, and zinc, and lead, and all metals; monopolies in every line of chemicals; monopolies in every line of drugs; monopolies in fertilizers; monopolies in all building materials, cement, plaster, lumber, stone, glass; monopolies in house furnishings; monopolies in tobacco; monopolies in oil and all its by-products; monopolies in asphalt and salt; monopolies in various food products, including coffee, and tea, and sugar, and meats, and canned goods, and crackers, and bakery products.

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Monopolies in everything from the cradle of the child to the cerement and casket of the grave.

Pharaoh has not been content with a monopoly of corn.

The Ethical Social League, at its conference on April 7, 1908, in New York, pointed out some remarkable facts in relation to the smaller purchasing power of the dollar paid in wages, and pointing out the number of unemployed according to the statistics of Samuel S. Stodel, as follows:

California	95,000
Colorado	46,500
Connecticut	55,000
Illinois	300,000
Massachusetts	95,000
Missouri	85,000
Montana	18,000
Rhode Island	30,000
New York State	750,000
Pennsylvania	350,000
Ohio	200,000
Michigan	135,000
New Jersey	80,000
Delaware	30,000
Maryland	75,000
Virginia	42,000
West Virginia	40,000
North Carolina	36,000
Florida	45,000
Oregon	51,000
Washington	44,000
Idaho	26,000
Arizona	12,000
Nevada	14,000
Nebraska	19,500
Dakotas	26,000
Minnesota	43,000
Wisconsin	92,000
Indiana	60,000
Kentucky	36,000
Tennessee	23,000
Arkansas	21,000
Louisiana	47,000
Texas	40,000
Alabama	39,000
South Carolina	30,000
Georgia	27,000
Total	3,160,000

But I call your attention to these things, and to an unorganized mob of 10,000 unemployed recently reported to have assembled in this city, and driven away by platoons of mounted police. They were singing a significant song—"La Marseillaise."

I call your attention to the operations of the tobacco trust, and the apparently unthinking, unreasonable, and almost unexplainable violations of law by the "night riders" of Kentucky and Tennessee.

Abraham Lincoln demanded, as the voice of the American people, that slavery of the unoffending blacks should not be extended to the Territories of the United States, and later emancipated them all.

Thomas Jefferson protested against the slavery of man as an abstract as well as a concrete proposition.

The old Democratic party was split asunder and driven from power because a large part of that party was under the influence of those who thought slavery justified.

The Republican party, which arose out of the loins of the Democratic party, whose membership prior thereto had been Democrats,

whose adherents had been and still were the disciples of Jefferson, went into power, and has retained power almost as long as the Democratic party did prior to 1860.

The same evil which tore the Democratic party in twain in 1860 is tearing the Republican party in twain in 1908.

By natural processes the political power of monopoly has become enthroned in the United States under forty years of Republican administration. Both parties were agreed on the tariff in 1857. The expenses of war required a high tariff in 1861 for the raising of revenue, and high tariff stimulated home manufactories; it enabled the American manufacturers to make money easily by taxing the American consumer. Immediately there arose a special class who profited by the privilege of taxing their fellow-citizens under shelter of the tariff law which cut off foreign competition.

When foreign competition had been extinguished and home competition began to be engendered, the most natural thing in the world took place. With the telegraph and telephone and lightning express trains available, commercial competitors quickly assembled in peaceful conference, arranging various devices by which competition with each other was extinguished and a monopoly in every line of commerce was assured.

And now Pharaoh and his captains are in control, and millions of the Egyptians are paying for the privilege of working for Pharaoh and his captains, who are the "saviors" of mankind as the captains of monopoly and employers of labor.

There are said to be over 6,000,000 women driven by economic need out of the homes of America, outside of domestic service, compelled to earn their daily bread in competition with the wages of man; hundreds of thousands of young and tender children are being sacrificed on the altars of Mammon under the grinding process of modern monopoly and the exacting demands of corporation owners, who cry for "dividends, dividends, dividends," on watered stock, of which only a fractional part is honest capital entitled to interest.

The domestic and social relations of the sexes have been seriously changed by these harsh conditions, and women have invaded every avenue of labor.

The homes which women naturally love, for which they are naturally fitted, the homes where they should find their employment and render the most valuable service to the Nation in being the mothers of the Nation and in teaching to the children of the Nation the lessons of religion, morality, industry, and frugality, have been impaired in a serious degree, the man and the woman and the child being obliged to work long hours in order to retain for themselves enough for the necessaries of life, after the stealthy hands of the captains of Pharaoh have levied the artful tribute of monopoly upon every dollar received for their wages.

Of course, Mr. President and gentlemen, I realize and thoroughly well understand that many of the great beneficiaries of monopoly are, in fact, men of high benevolence and of sincere patriotism.

It is also true that some men, who are so religious that they will not shave on Sunday, find no conscientious scruples against shaving other men for the balance of the week; but among the captains of Pharaoh there are also many men of great intelligence, and of great benevolence, and of great patriotism, who do not realize the effect of monopoly on the weaker laboring elements of the Nation. Their benevolence is shown by such enormous contributions to education and to the public service,

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such as the benefactions of John D. Rockefeller, of Andrew Carnegie, and other very rich men. They are entitled to personal credit for their good works and to discredit for their bad works. Their good works, however, show that the men who have conducted successful monopolies under the shelter of law and in spite of law have the same generous impulses which God has planted in the hearts of the great majority of men. It would, however, be asking too much of human nature to expect those who have been or are successful in the manipulation of business and in the establishment of monopoly, by which their ambition for power and for property accumulation is gratified, to ask them to contribute to the control of monopoly by law. This duty is imposed upon the patriotic sons of America of both parties—of both those who have always adhered to the original Democratic party or to that branch of the Democratic party that arose under the new name of "Republican party."

It matters but little under what banner men may promote good government, provided they stand for those principles which shall secure to all an equal opportunity in life, an equal right to "life, liberty, and the pursuit of happiness."

It gives me the greatest pleasure to pay my homage to the patron saint of the Democracy, because he stood firmly against the terrible evils of slavery and of its twin brother—monopoly.

The people of Oklahoma have put on record their opposition to monopoly in these words:

"SEC. 32. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State."

And because primogeniture and entailments promote monopoly, Oklahoma has followed the teachings of Jefferson in forbidding primogeniture or entailment.

Thomas Jefferson, in the Declaration of Independence, made the declaration:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness."

And section 2 in the bill of rights of the Oklahoma constitution not only declared that all persons have the right to life, liberty, and the pursuit of happiness, but added the following words, "and the enjoyment of the gains of their own industry."

The Oklahoma constitution goes further; it provides the means by which monopoly shall be controlled, and the citizens of that State may peacefully enjoy the gains of their own industry.

The first movement the people of my State adopted to protect themselves against modern monopoly was to put into effect the "initiative and referendum," by which the people of the State "reserved to themselves the power to propose laws and amendments to the constitution and to enact or reject the same" at the polls independent of the legislature, and also reserved power at their own option to approve or reject at the polls any act of the legislature. This power goes to every county and district in the State, and every city of 2,000 or more people may write their own charter of local self-government.

The constitution provides for a mandatory primary for the nomination of all candidates for state, district, county, and municipal officers for all political parties, including United States Senators.

In this way no machine politics will ever be engineered by the monopolies in Oklahoma.

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The first act of the constitutional convention was to drive out of town the lobbies of railroads and monopolies assembled for the purpose of influencing the constitutional convention.

The constitution of Oklahoma did not content itself by merely declaring that monopolies should not be allowed, but they provided for the remedy of the evil by the completest publicity.

In the bill of rights will be found the following:

"SEC. 28. The records, books, and files of all corporations shall be, at all times, liable and subject to the full visitorial and inquisitorial powers of the State."

And because monopolies heretofore have hidden themselves behind the constitutional provision, "that no man shall be required to give evidence which might tend to incriminate him," section 27 of the bill of rights requires any person having knowledge of facts that tend to establish the guilt of any other person or corporation charged with an offense against the laws of the State shall not be excused from giving testimony on the ground that it may tend to incriminate him, but no person shall be prosecuted on account of any transaction, matter, or thing concerning which he may give evidence.

The corporation commission of Oklahoma, under the constitution, is given full power to compel publicity and to exercise control of corporations doing business in that State, and are required to ascertain the actual value of the capital invested in any such corporation as a basis of determining their charges, if excessive, and have the right and duty to determine the charges made by such corporations for any service performed in the State.

It has been said that Thomas Jefferson believed with Jesus of Nazareth in the doctrine of loving your neighbor as you love yourself, and that he was the first statesman to write into a public document the genuine teaching of Christ, and he wrote it in one word—"Equality."

The time has come in the United States when this great doctrine should be recognized in our statecraft. When the thousands of our citizens who have distinguished themselves in commercial enterprises or adventure shall realize the truth that their own happiness would be better subserved if they would cease exploiting their power over their neighbors and brothers; if they would be content with a small interest upon vast accumulations of the wealth produced by the labor of the American people; if they would be content with the property which they have heretofore, either justly or unjustly, taken from the producers of the Nation, and from this time forward consent that the American producers shall be allowed, in the language of the Oklahoma constitution, to have "the enjoyment of the gains of their own industry."

It seems to me that it would be unwise to destroy the great corporations which have been constructed in this country by our so-called captains of industry.

I have read with great interest the address of George W. Perkins, esq., on the "Modern Corporations," before the Columbia University, of February 7, 1908. He argues in favor of organization, and denies that these great organizations are due to the greed of man for wealth and power. He points out the injury of destructive competition, the harm of commercial warfare, the economy and efficiency of the modern corporation, its value in standardizing wares, its power to steady wages and prices.

He argues that we should control the corporations; that the corporations owe a duty to the general public, and best serve themselves and

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their stockholders by recognizing that duty and respecting it; that these great corporations are, in fact, great trusteeships, and the larger the number of stockholders the more it assumes the nature of an institution of savings. He points out the great growth in the number of stockholders in various railways and in United States Steel. And with much of this argument I find myself strongly inclined to agree.

I wonder if Mr. Perkins will agree with me when I express the hope that these great trusteeships of gigantic monopolies, when controlled by the people of the United States, shall be content to be confined to a reasonable interest upon the money actually invested?

We have a perfect right to control these monopolies legally, morally, and it is a patriotic duty to do so. And they should not be permitted to tax the American people in excess of a fair interest on the capital actually invested. If they were so controlled, it would give stability to wages; we would hear no more of overproduction nor of underconsumption, but these enterprises would proceed upon rational lines and work for the welfare of all of the people of our common country.

It seems to me that such investments of capital which have established monopolies in interstate commerce should be limited to a maximum earning of 10 per cent per annum on their actual investments, and that they should be allowed to lay up as a trust fund abundant surplus to provide against contingencies. They would then cease to be private monopolies and would become public monopolies, retaining all of their desirable features and having none of the injurious features left. The owners of such monopolies, if patriotic, should be content with this adjustment, which would be equitable and fair and just to them and to the people of the United States.

The first step in the control of these corporations must necessarily be complete publicity, requiring a sworn report of actual assets, based upon a true valuation, with penalties of imprisonment for any false affidavit, together with accurate and frequent reports of the actual earnings of such company and the disposition of such earnings. The excess earnings over and above a rational return on these monopolies might well go into the Treasury and be employed in improving our national waterways and in building good roads.

THE OPPORTUNITY FOR THE REVIVED DEMOCRACY.

While there are many thousands of patriotic Republican citizens who earnestly desire the protection of our country from the corrupting political influence and the insidious robbery by these great corporations, it would be very unreasonable, if not impossible, to expect the Republican party to give such relief to the country, for the obvious reason that these selfish interests which have been built up behind a tariff wall have entwined and intertwisted themselves into the machine politics of the Republican party until they exercise a dominating influence and control over the organization of that party.

The patriotic elements of the Republican party are too disorganized to bring up to their own standards of good citizenship the selfish interests in that party. Theodore Roosevelt has made many excellent recommendations, which have either been ignored or so indifferently complied with that during the seven years of his service instead of these monopolies being abated and controlled they have increased beyond anything known in human history.

The disinterested, unselfish Republicans should be invited and encouraged by the revived Democracy to rally around the flag of Jefferson and join the Democracy in restoring the Government to the highest ideals, from which we have in recent decades departed.

51007—9315

The people of the new State of Oklahoma have laid down the principles of good government in their constitution, which are drawn from teachings of Jefferson, and which should be a beacon light to guide all the patriotic sons of America, of all parties, back to the days of good government and of sound national health, in which our people shall have peace and happiness, in which women and children shall be permitted to return to their homes and be withdrawn from commercial slavery, when men shall be permitted to enjoy the fruits of their own industry, and when capital shall be content with a reasonable interest upon an actual investment, and when every rich man shall find his happiness in promoting the brotherhood of man and not in stealing from his fellow-men, by craft or force, the proceeds of their labor merely to pile it up as a monument to their own ambition and folly.

When the principles of Thomas Jefferson, which have been wonderfully worked out and developed in the constitution of Oklahoma, shall have been established throughout the Union, we will see an end to harmful monopolies in our country and a wonderful intellectual and spiritual development of the American people, as well as a commercial development for which the past holds no parallel. When these principles of good government shall have been established men will more and more pay tribute to the man who pointed the way and will celebrate with greater and greater honor the 13th of April, the birthday of the immortal Jefferson, the patron saint of the Democracy.

51007—9315

SALE OF THE MINERAL DEPOSITS OF THE CHOCTAW AND CHICKASAW COAL AND ASPHALT LANDS IN OKLAHOMA

"I count myself as one of the custodians of the good name of the Nation. Every Senator on this floor is charged with the personal responsibility of keeping the plighted faith of this Government, and no argument based upon material advantage will avail to justify any policy which will give ground to the Choctaws and Chickasaws to feel that the United States has been guilty of perfidy and dishonor. These Choctaws and Chickasaws are my constituents. They are citizens of the United States and of Oklahoma. They are my friends, and I represent them on this floor as Senator from the State of Oklahoma, and I serve notice on the Senate that patience has ceased to be a virtue."

SPEECH

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

APRIL 15, 1912

WASHINGTON
1912

40083—10906

SPEECH

OF

HON. ROBERT L. OWEN.

The Senate having under consideration the bill (S. 5727) to provide for the appraisement of the mineral deposits of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes—

Mr. OWEN said:

Mr. PRESIDENT: I rise to request and to demand that the United States fulfill its treaty obligations to the Choctaw and Chickasaws by the immediate sale of the coal and asphalt deposits, as the United States is pledged to do by treaty.

Nineteen years ago the Dawes Commission was instructed to negotiate with the Choctaws and Chickasaws for the allotment of their lands, the giving up of their tribal governments, and the creation of State government (27 Stats., 645, sec. 16). The Dawes Commission was expressly authorized in this act—

To procure the cession, for such price and upon such terms as shall be agreed upon, of any lands not found necessary to be so allotted or divided, to the United States.

The Choctaws and Chickasaws were very reluctant to give up their method of landholding, and to give up their tribal governments, to which they were deeply attached. The holding of land in common was almost a religion with the Indian people. But after four years of solicitation and urging the Choctaws and Chickasaws, who had always been extremely friendly to the United States and loyal to the wishes of the Government, agreed to give up their tribal governments by an agreement of April 23, 1897 (U. S., 30 Stats., 495, sec. 29).

By this agreement the Choctaws and Chickasaws agreed to relinquish their tribal government; that their lands should be allotted; and the United States agreed on its part to fairly divide the property owned by them in common at the expense of the United States.

This agreement was amended by a supplemental agreement approved by Congress July 1, 1902 (32 Stats., 641).

By section 14 it was agreed that the residue of lands not reserved or otherwise disposed of should be sold at public auction under the rules and regulations prescribed by the Secretary of the Interior and the proceeds distributed per capita. And it was further expressly provided as follows:

SEC. 56. *At the expiration of two years* after the final ratification of this agreement *all deposits of coal and asphalt* which are in the lands within the limits of any town site established under the Atoka agreement, or the act of Congress of May 31, 1900, or this agreement, and *which are within the exterior limits of any lands reserved from allotment on account of their coal or asphalt deposits*, as herein provided, and *which are not at the time of the final ratification of this agreement embraced in any then existing coal or asphalt lease, shall be sold at public auction* for cash under the direction of the President as hereinafter provided, and the proceeds thereof disposed of as herein provided respecting the proceeds of the sale of coal and asphalt lands.

SEC. 57. *All coal and asphalt deposits* which are within the limits of any town site so established, which are at the date of the final ratification of this agreement covered by any existing lease, shall, *at the expiration of two years after the final ratification of this agreement, be*

sold at public auction under the direction of the President as hereinafter provided, and the proceeds thereof disposed of as provided in the last preceding section. The coal or asphalt covered by each lease shall be separately sold. The purchaser shall take such coal or asphalt deposits subject to the existing lease, and shall by the purchase succeed to all the rights of the two tribes of every kind and character under the lease, but all advanced royalties received by the tribe shall be retained by them.

SEC. 58. Within six months after the final ratification of this agreement the Secretary of the Interior shall ascertain, so far as may be practicable, what lands are principally valuable because of their deposits of coal or asphalt, including therein all lands which at the time of the final ratification of this agreement shall be covered by then existing coal or asphalt leases, and within that time *he shall, by written order, segregate and reserve from allotment all of said lands. Such segregation and reservation shall conform to the subdivision* of the Government survey as nearly as may be, and the total segregation and reservation shall not exceed *500,000 acres.*

Mr. President, it has been 10 years since this solemn promise was made to the Choctaws and Chickasaws.

They have demanded from time to time the fulfillment of this guaranty by the United States, and, as Senator from Oklahoma, I have strenuously and persistently urged the sale of these coal and asphalt lands and deposits.

The Department of the Interior, which was charged with carrying out the plighted honor of the United States, now finds shelter for not carrying out this law under the act approved April 26, 1906, section 13, which was passed at the instance and with the approval of the department itself, as follows, to wit:

That all coal and asphalt lands, whether leased or unleased, shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired or until such time as may be otherwise provided by law.

These lands amount to approximately 445,000 acres:

	Acres.
Coal land, Choctaw Nation	438,000
Asphalt land, Choctaw Nation	1,000
Asphalt land, Chickasaw Nation	6,000

Congress has just passed an act providing for the sale of the surface of the segregated coal and asphalt lands, but no action was taken by Congress to sell the mineral deposits of the coal and asphalt.

The Senator from Wisconsin [Mr. LA FOLLETTE], I am advised, desires that the United States should buy this coal and asphalt belonging to the Choctaws and Chickasaws, with a view to the conservation of these properties and the administration of these coal fields by the Government of the United States, and he has heretofore been unwilling to carry out the pledge of the United States to sell these properties and distribute the moneys to the Choctaws and Chickasaws, because he hoped that the House of Representatives and the Senate of the United States would agree to buy this property and handle it under the governmental administration.

Mr. President, I believe in the conservation of coal and asphalt, but I believe that this is a problem which primarily involves the conservation of the national honor. The preservation of the national integrity is more important than the Federal purchase or control of coal owned by private persons. The United States Government gave its pledge and its guaranty 10 years ago to nearly 30,000 human beings—the Choctaws and Chickasaws—that if they would do certain things and give up certain things, to which they were deeply attached, the United

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States would sell this coal and asphalt and distribute the money to these people.

The Choctaws and Chickasaws have been waiting 15 years for the fulfillment of this pledge. Nearly 5,000 of these people have died disappointed and have been denied the written pledge of this Government. Justice delayed is justice denied.

I count myself as one of the custodians of the good name of the Nation. Every Senator on this floor is charged with the personal responsibility of keeping the plighted faith of this Government, and no argument based upon material advantage will avail to justify any policy which will give ground to the Choctaws and Chickasaws to feel that the United States has been guilty of perfidy and dishonor. These Choctaws and Chickasaws are my constituents. They are citizens of the United States and of the State of Oklahoma. They are my friends, and I represent them on this floor as Senator from the State of Oklahoma, and I serve notice on the Senate that patience has ceased to be a virtue.

I demand a fulfillment of the written pledge of this Government to the Choctaws and Chickasaws in good faith.

Nobody believes that the Government will buy this property, and nobody believes that the Government will permit this property to pass into the hands of any great monopoly. The abuse of monopoly can be prevented by selling it in tracts of reasonable size, and the laws of Oklahoma will do the rest.

If the Government is not going to buy this coal and asphalt, then let the Government immediately sell this land to the highest bidder and fulfill faithfully and honestly the plighted faith of this Nation.

I submit a memorandum prepared by the Department of the Interior in relation to the Choctaw and Chickasaw coal and asphalt lands:

MEMORANDUM PREPARED BY THE DEPARTMENT OF THE INTERIOR IN RELATION TO THE CHOCTAW AND CHICKASAW COAL AND ASPHALT LANDS.

"Additional legislation is required before the coal lands in the Choctaw Nation can be disposed of (all of the coal lands are within the Choctaw Nation). The last act of Congress on the subject was passed April 26, 1906 (34 Stat., 137), and provides as follows:

"That all coal and asphalt lands, whether leased or unleased, shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired or until such time as may be otherwise provided by law.

"The last agreement with the Choctaw and Chickasaws, embraced in the act of Congress approved July 1, 1902 (32 Stat., 641), provided that the coal and asphalt lands in the Choctaw and Chickasaw Nations be segregated. This segregation took place March 24, 1903, and embraced an area of approximately 445,000 acres. This area is divided up substantially as follows:

	Acres.
Coal land, Choctaw Nation, approximately	438,000
Asphaltum land, Choctaw Nation, approximately	1,000
Asphaltum land, Chickasaw Nation, approximately	6,000
Total	445,000

"Of this area about 100,000 acres were covered by live coal leases in effect July 30, 1909, and the 6,000 acres of Chickasaw asphaltum lands were also covered by leases at the same time.

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The coal and asphaltum leases were made for a period of 30 years from their respective dates. The dates of these leases range from July 3, 1899, to September 16, 1902, and therefore they will expire by their own momentum from July 3, 1929, to September 16, 1932. Said act of July 1, 1902 (32 Stat., 641), which provided that no more mining leases should thereafter be made was not ratified by the Indians until September 25, 1902, and was not operative until ratified by the Indians. This accounts for the fact that some leases bear dates as late as September 16, 1902.

"Said act also provided that the segregated coal and asphaltum land should be sold within three years from its date at public auction for cash, under the direction of the President, by a commission composed of three persons to be appointed by the President. This commission was appointed, but no lands were disposed of by it. Pending action of said commission, Congress made a provision in the Indian appropriation act of April 21, 1904 (33 Stat., 189), whereby the method of sale of the coal lands was changed from sales at public auction to sales under sealed bids. Much of the coal land was advertised for sale in 1904 under sealed bids. These sealed bids were opened at the department, but were rejected because the Secretary decided that the price offered for the coal lands was inadequate. The bids on 362 tracts, aggregating 60,946 acres (no tract exceeding 960 acres), aggregated $498,562, an average of $8.18 per acre. Such bids included not only the land itself but the mineral therein.

"Nothing has been done since 1904 looking toward the sale of the coal lands, indeed nothing can be done without new legislation, as will be seen from the act of April 26, 1906 (34 Stat., 137), quoted above.

"There was a wide divergence of opinion on the value of these coal lands. On account of this, Congress on June 21, 1906 (34 Stat., 325), appropriated $50,000 for the purpose of prospecting the coal lands and drilling holes at different points to ascertain the value of the coal deposits therein contained. This $50,000 was expended by the Commissioner to the Five Civilized Tribes under the personal and direct supervision of Mining Agent William Cameron. Mr. Cameron personally conducted the prospecting, drilling, and examination of the field. His prospecting has been of great value to the Government, and the $50,000 appropriated was well expended. Mr. Cameron was assisted in his work by a representative of the Geological Survey detailed by the department. The man from the Geological Survey, who has had this matter under his personal supervision, is Mr. A. W. Thompson; he, however, is not now in the Government service.

"Senate Document No. 390, Sixty-first Congress, second session, gives a full and complete report of the prospecting done in the coal areas. This report, which is evidently a reliable document, shows among other things the following, to wit:

"Mr. Cameron considers the present value of the workable coal, separate from the surface, at $12,319,000 (p. 21). Mr. Cameron confines his calculation to coal veins lying 1,000 feet or less in depth from the surface (p. 90), and in the main confines his estimates to coal layers 3 feet in thickness or more (p. 90). He thinks that the segregated coal area contains 283,649 acres of good workable coal (p. 21). He estimates the

total value of the coal at $12,319,000, as stated above, or at about $44 per acre (p. 71), and thinks that the rest of the segregated area, containing approximately 155,000 acres, is either barren of coal or that the coal lies too deep for any commercial value.

"The Geological Survey, to which Mr. Cameron's report was submitted, using the same basis as that adopted by Mr. Cameron, to wit, coal lying in measures 1,000 feet and less in depth and having a thickness of 3 feet or more, estimates that the workable coal covers an area of 217,382 acres (p. 90). Moreover, the Geological Survey has used another basis of calculation upon which it places the coal area at 371,689 acres, using coal measures at a depth of 3,000 feet or less and veins of a thickness as small as 14 inches.

"I especially invite your attention to the four assumptions made by the Geological Survey in valuing the coal deposits exclusive of the surface. I quote their exact language, found on page 90 of Senate Document No. 390:

"In valuing these coal lands, four assumptions may be made:

"(1) That the coal be retained by the Indians and sold under leasehold contracts, as at present. At the present royalty rate this would yield a total return of approximately $160,000,000, less the cost of inspection and administration, and at the present rate of mining this return would be recovered in 666 years.

"(2) That they be retained by the Indians until sold by tracts or otherwise on demand for immediate exploitation. On this basis the value has been assumed to be the same that it would be if these were Government lands and being held by the Government, and the value calculated in the same way as the value of the Government lands. This gives a total value of $26,026,920.

"(3) That they be thrown onto the market by tracts and bring what they will. Their value can not be estimated in this case, but undoubtedly it would average very low.

"(4) That they be sold in a single piece to the State or National Government. If the National Government can obtain money at 3 per cent they are worth to it from $5,000,000 to $6,600,000. If the State government can obtain money at 5 per cent they are worth to it $4,000,000 or less. They are worth to either the State or National Government such a sum as the estimated income will pay interest upon and create a sinking fund that will ultimately recoup the investment. Since 1902 the annual production of coal in the Choctaw Nation has been about 3,000,000 tons. At 8 cents a ton this yields approximately $240,000 a year. Two hundred thousand dollars may be taken as a safe net royalty income, leaving $40,000 to meet the expense of inspection, administration, and contingencies.

"The leases above referred to have yielded, since the Government took charge, a royalty of 8 cents per ton, mine run, and have produced the following tonnage and royalty:

Year ending June 30—	Output.	Royalty.
	Tons.	
1899	1,404,442	$110,145.25
1900	1,900,127	138,486.40
1901	2,398,156	199,663.55
1902	2,735,365	247,361.36
1903	3,187,035	261,929.84
1904	3,198,862	277,811.60
1905	2,859,516	248,428.36
1906	2,722,290	251,947.02
1907	3,079,733	240,199.23
1908	2,780,649	273,196.82
1909	2,728,437	218,376.07

"It is to be remarked that the most desirable coal measures within this segregated area are under lease."

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CLOTURE IN THE SENATE

"The minority veto in the Senate, with its power to prevent the majority from fulfilling its pledges to the American people, should end. The right to obstruct the public business by a factional filibuster must cease. The power of an individual Senator to coerce or blackmail the Senate must be terminated. These national evils can no longer be concealed by the false cloak of 'freedom of debate.'"

SPEECH

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

JULY 14, 1913

WASHINGTON
1913

21124—12586

SPEECH

OF

HON. ROBERT L. OWEN.

AMENDMENT OF THE RULES.

Mr. OWEN. Mr. President, I offer the following resolution for reference to the Committee on Rules:

Resolved, That Rule XIX of the standing rules of the Senate be amended by adding the following:

"SEC. 6. That the Senate may at any time, upon motion of a Senator, fix a day and hour for a final vote upon any matter pending in the Senate: *Provided, however*, That this rule shall not be invoked to prevent debate by any Senator who requests opportunity to express his views upon such pending matter within a time to be fixed by the Senate.

"The notice to be given by the Senate under this section, except by consent, shall not be less than a week, unless such requests be made within the last two weeks of the session."

For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XXII, XXVI, and XL, are modified:

"Any Senator may demand of a Senator making a motion if it be made for dilatory or obstructive purposes, and if the Senator making the motion declines or evades an answer or concedes the motion to have been made for such purposes, the President of the Senate shall declare such motion out of order."

Mr. President, the minority veto in the Senate, with its power to prevent the majority from fulfilling its pledges to the American people, should end. The right to obstruct the public business by a factional filibuster must cease. The power of an individual Senator to coerce or blackmail the Senate must be terminated. These national evils can no longer be concealed by the false cloak of "freedom of debate."

Those who defend the antiquated rule of unlimited parliamentary debate do so chiefly on the ground of precedent. The precedents of the intellectual world, of the parliamentary world, are entirely against the preposterous rule which has been permitted to survive in the United States Senate alone. What are the precedents of other parliamentary bodies?

PRECEDENTS.

The precedents in the State of Maine and in every New England State, in every Atlantic State, in Gulf State, in every Pacific State, in every Rocky Mountain State, in every Mississippi Valley State, and in every State bordering on Canada are against unlimited debate or the minority veto. In both the senate and house of every State the precedent is to the contrary.

The precedent is against it in New Hampshire.

The precedent is against it in Vermont.

The precedent is against it in Massachusetts.

The precedent is against it in Rhode Island and Connecticut.

What Senator from the New England States will venture to say that the precedents of every single one of the New England States are unsound, unwise, and ought to be modified to conform to the superior wisdom of the Senate rule?

The precedent is against it in New York, and in Pennsylvania, and in New Jersey, Delaware, Maryland, Virginia, and West Virginia. What Senator upon this floor representing these Commonwealths will venture to say that the people of his State have adopted a false standard of parliamentary practice which they ought to abandon for the superior virtue of the minority veto established in the Senate by an archaic rule of 1806?

The precedent in North Carolina, in South Carolina, in Georgia, in Alabama, in Mississippi, and Tennessee is against it. Will the Senators from these States say that the parliamentary rule and practice of their own States, which they have the honor to represent upon this floor, are unwise and not safe and should be modified to comply with the superior rule of the minority veto?

The precedents of Louisiana, Michigan, Indiana, Illinois, and Kentucky, of Missouri, Iowa, Wisconsin, and Montana, of the Dakotas, of Nebraska, and Kansas, are all against this unwise practice of the United States Senate.

The precedents of Colorado, Wyoming, and Minnesota, of Idaho, of Nevada, of Arizona and New Mexico, and of the great Pacific States—Washington, Oregon, and California—provide for the closing of debate and are against the evil practice which still remains in vogue in the United States Senate.

Why, Mr. President, the precedent of every city, big and little, in the United States is against the right of minority veto under the false pretense of "freedom of debate."

Every one of the 48 States of the Union, while permitting freedom of debate, has set us the wise and virtuous precedent of permitting the control by the majority. I remind every Senator in this body that in his own State his legislative assembly, whether in the house or in the senate, does not permit a minority veto under the pretense of freedom of debate. It is the rule of common sense and of common honesty.

In the House of Representatives of the Congress of the United States the right to move the previous question and limit debate has been wisely and profitably practiced since its foundation.

ENGLISH PRECEDENTS.

The rule of the majority is the rule in all the parliaments of English-speaking people. In the Parliament of Great Britain, in the House of Lords, the "contents" pass to the right and the "not contents" pass to the left, and the majority rules.

In the House of Commons the "ayes" pass to the right and the "noes" pass to the left, and the majority rules. (Encyclopædia Britannica, vol. 20, p. 856.)

The great English statesman, Mr. Gladstone, having found that the efficiency of Parliament was destroyed by the right of unlimited debate, was led to propose cloture in the first week of the session of 1882, moving this resolution on the 20th of February, and expressing the opinion that the House should settle its own procedure. The acts of Mr. Gladstone and others of like opinion finally led to the termination of unlimited debate in the procedure of Parliament. In these debates every fallacious argument now advanced by those who wish to retain unlimited debate in the United States Senate has been abundantly answered, leaving no ground of sound reasoning to reconsider these stale and exploded arguments.

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The cloture of debate is very commonly used in the Houses of Parliament in Great Britain, for example, in standing order No. 26. The return to order of the House of Commons, dated December 12, 1906, shows that the cloture was moved 112 times. (See vol. 94, Great Britain House of Commons, sessional papers, 1906.)

FRANCE.

In France the cloture is moved by one or more members crying out "La cloture!"

The president immediately puts the question, and if a member of the minority wishes to speak he is allowed to assign his reasons against the close of the debate, but no one can speak in support of the motion and only one member against it. The question is then put by the president, "Shall the debate be closed?" and if it is resolved in the affirmative the debate is closed and the main question is put to the vote.

M. Guizot, speaking on the efficacy of the cloture before a committee of the House of Commons in 1848, said:

I think that in our chamber it was an indispensable power, and I think it has not been used unjustly or improperly generally. Calling to mind what has passed of late years, I do not recollect any serious and honest complaint of the cloture. In the French Chambers, as they have been during the last 34 years, no member can imagine that the debate would have been properly conducted without the power of pronouncing the cloture.

He also stated in another part of his evidence that—

Before the introduction of the cloture in 1814 the debates were protracted indefinitely, and not only were they protracted, but at the end, when the majority wished to put an end to the debate and the minority would not, the debate became very violent for protracting the debate, and out of the house among the public is was a source of ridicule.

The French also allow the previous question, and it can always be moved; it can not be proposed on motions for which urgency is claimed, except after the report of the committee of initiative. (Dickinson's Rules and Procedure of Foreign Parliaments, p. 426.)

GERMANY.

The majority rule controls likewise in the German Empire and they have the cloture upon the support of 30 members of the house, which is immediately voted on at any time by a show of hands or by the ayes and noes.

AUSTRIA-HUNGARY.

In Austria-Hungary motions for the closing of the debate are to be put to the vote at once by the president without any question, and thereupon the matter is determined. If the majority decides for a close of the debate, the members whose names are put down to speak for or against the motions may choose from amongst them one speaker on each side, and the matter is disposed of by voting a simple yes or no. (Ibid., p. 404.)

AUSTRIA.

Austria also, in its independent houses of Parliament, has the cloture, which may be put to the vote at any time in both houses, and a small majority suffices to carry it. This is done, however, without interrupting any speech in actual course of delivery; and when the vote to close the debate is passed each side has one member represented in a final speech on the question. (Ibid., p. 409.)

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BELGIUM.

In Belgium they have the cloture, and if the prime minister and president of the Chamber are satisfied that there is need of closing the debate a hint is given to some member to raise the cry of "La cloture," after a member of the opposition has concluded his speech, and upon the demand of 10 members, granting permission, however, to speak for or against the motion under restrictions. The method here does not prevent any reasonable debate, but permits a termination of the debate by the will of the majority. The same rule is followed in the Senate of Belgium. (Dickinson's Rules and Procedure of Foreign Parliaments, p. 420.)

DENMARK.

In Denmark also they have the cloture, which can be proposed by the president of the Danish chambers, which is decided by the chamber without debate. Fifteen members of the Landsthing may demand the cloture. (Ibid., p. 422.)

NETHERLANDS.

In both houses of the Parliament of Netherlands they have the cloture. Five members of the First Chamber may propose it and five members may propose it in the Second Chamber. They have the majority rule. (Ibid., p. 461.)

PORTUGAL.

In Portugal they have the cloture in both chambers, and debate may be closed by a special motion, without discretion. In the upper house they permit two to speak in favor of and two against it. The cloture may be voted. (Ibid., p. 469.)

SPAIN.

The cloture in Spain may be said to exist indirectly, and to result from the action allowed the president on the order of parliamentary discussion. (Ibid., p. 477.)

SWITZERLAND.

The cloture exists in Switzerland both in the Conseil des Etats and Conseil National.

Many of the ablest and best Senators who have ever been members of this body have urged the abatement of this evil, including such men as Senator George G. Vest, of Missouri; Senator Orville H. Platt, of Connecticut; Senator David B. Hill, of New York; Senator George F. Hoar, of Massachusetts; and Senator Henry Cabot Lodge, of Massachusetts, who introduced resolutions or spoke for the amendment of this evil practice of the Senate. (Appendix, Note A.)

Mr. President, the time has come in the history of the United States when Congress shall be directly responsive to the will of the majority of 90,000,000 of people without delay, evasion, or obstruction. We are in the midst of the most gigantic century in the history of the world, when every reason looking to the welfare and advance of the human race bids us march forward in compliance with the magnificent intelligence and humane impulses of the American people.

We have the most important problems before us—financial, commercial, sociological. Fifteen great propositions of improvement of government were pledged by the recent Democratic platform, and almost a like number were pledged by other party platforms. We have work to do that means the preservation, the conservation, and the development of human life, of

human energy, of human health. We have before us the great problems which mean the development of this vast country, and we should have the machinery of government by which to respond with reasonable promptitude to mature public opinion, but the rules of the Senate have been such as to prevent action; the rules of the Senate are such as to prevent action now with regard to the great questions before the country. The rules of the Senate have put the power in the hands of a small faction or of a single individual to obstruct, without reason, and to prevent action by Congress. I favor the right of the majority of the Senate to control the Senate after giving every reasonable freedom of debate to the opposition, so that the people of the country may have both sides of every proposition. But I am strongly opposed to the minority veto, or to a single Senator obstructing and preventing the control of the Senate by the responsible majority.

In a short session of Congress the Senate will appropriate a thousand million dollars in less than 350 working hours. Each working hour means the appropriation of $3,000,000 of the hard-earned taxes taken from the labor of the American people. Every two minutes the Senate averages an appropriation of $100,000 of taxes, and yet, instead of addressing itself to a comprehension of the necessity for such taxes, for such expenditure, a single Senator, or a small faction or a minority, may detain the Senate for hours and for days and for weeks while great questions of public policy wait, leaving the Senate to be thus distracted by filibustering tactics, discussions of immaterial or trivial matters, reading of worthless papers and statistics—in a deliberate obstruction of the majority by the minority.

EXTREME DIFFICULTY IN OBTAINING LEGISLATION THAT IS CONFESSEDLY OF VALUE, EVEN WITHOUT A FILIBUSTER.

Mr. President, before a bill can be passed that is desired by the American people, no matter how worthy, it must first be carefully drawn, submitted to the House of Representatives, and by the House submitted to a committee, and almost invariably such a bill is sent from the committee of the House to the executive department for a report; and when the report comes in it is considered in the committee, and finally and usually, where the majority desires the bill passed, it will be reported back to the House—abundant opportunity having been thus given to discover its weak points or defects.

When it goes to the House it takes its place upon the calendar and awaits the time with patience when it can be taken up on the calendar.

It must be read three times in the House, it must be printed, it is discussed in the House, and, finally, if after having passed every criticism and scrutiny it be approved by the majority of the House, it is signed by the Speaker and finds its way to the United States Senate. When it reaches the Senate it is again sent to a committee, the committee further considers it, and, finally, if a majority favor, it is reported back to the Senate to take its place upon the calendar. And many a good bill has died on the calendar in the Senate because of a single objection to it—what might be called the private right of veto by an individual Senator. If at last it is permitted, by consent, to come before the Senate and does not excite any prolonged de-

bate, it may become a law by reason of a majority vote of those present. But if anywhere along the line of this slow, deliberate procedure any serious objection is raised by a minority or by a Senator either can by dilatory motions, by insisting upon hearings, by making the point of "no quorum," by using a Senator's right to object and demand the regular order, by using his position to ask reconsideration and a rehearing, or, perhaps, an additional report from the executive department, and then demanding hearings in the executive department while the report is delayed, and in a thousand other ingenious ways a single Senator, much less a faction or willful minority, can make it almost impossible to pass a bill of great merit. For three years I have been trying to pass a bill to establish an improved organization of the Bureau of Public Health and have been unable to get any action for or against by Congress. I only refer to this as an example of many meritorious measures which have never been acted upon, and for which there is a powerful matured public sentiment urgently insisting upon action.

The Senate of the United States has rules for its conduct that make it almost impossible to get a bill through, except by unanimous consent, where a resolute minority is opposed to the passage of the bill. Under the so-called privilege of "freedom of debate" a group of Senators can hold up any measure indefinitely by endless talk in relays and by the use of dilatory motions, making the point of "no quorum," moving to "adjourn," moving to "take a recess," moving to "adjourn to a day certain," reading for an hour or so from Martin Chuzzlewit or Pickwick Papers, making the point of "no quorum," moving to "adjourn," making the point of "no quorum," moving to "adjourn to a day certain," moving to "take a recess," moving to go into "executive session," and, under the rules, may read a few chapters of Huckleberry Finn—and this puerile conduct is dignified by the false pretense of being "freedom of debate," when, in point of fact, it is nothing of the kind. It is the minority obstruction and the personal veto under the pretense of freedom of debate, under the false pretense of freedom of debate, under the contemptible and odious pretense of freedom of debate.

It is not freedom of debate.

The country has been very greatly harmed under the present rules, as I shall show before this debate concludes. At present I am simply laying a preamble for the consideration of this matter. It is going to take much time. It is going to be debated at considerable length in this body. It is going before the country for the country to determine whether or not men shall be permitted by the people of the United States to stand upon the floor of the Senate and favor the control of the majority by the minority and favor a policy of making it impossible for party pledges to be carried out in this Republic.

I will not say there is not the possibility, under some circumstances, of some good ensuing from a vigorous protest by the minority. I am perfectly willing to agree to that. But yielding that point in no way affects the validity of the argument that the majority should be charged with the responsibility of gov-

ernment; and I in no wise modify the comment I have made upon the odious pretense of "freedom of debate" in this body, which has served as a cloak for a minority veto and for improper processes in this body. I say it is not freedom of debate. The minority veto is, in effect, a denial of freedom of debate. A man in charge of an important bill is driven to refrain from debating the bill because he would be playing into the hands of the opponents of the bill, who are trying to kill the bill by exhausting the patience of the Senate by endless volubility and unending dilatory motions.

This thoughtless rule of unlimited freedom of debate was adopted in 1806, when there were 34 Senators, who met together to discuss their common affairs in courtesy and good faith, when only a very few bills were brought before the Senate. They had no conception that unlimited freedom of debate really meant a minority veto. Now that the Senate has 96 Members, representing 90,000,000 people, when its interests are of the most gigantic importance, when its modern problems of stupendous consequence are demanding prompt and virile action, when hundreds of important bills are pending, this hoary-headed reprobate rises up and strikes a posture of inscrutable wisdom and admonishes the world not to touch this sacred principle of unlimited "freedom of debate." The venerable age of this foolish precedent shall not save it from the just charge of imbecility and legislative vice.

The power to obstruct the will of the people by the Senate rules is the last ditch of privilege.

In the House of Representatives the party in power with its majority is carrying out the will of the majority, permitting reasonable debate and wide publicity to the views of all Members. But in the Senate, while we have reorganized the committees and have made important improvements in the rules, there still remains the point of unlimited debate, of irrelevant debate, of dilatory motions, whereby the minority can still prevent the action of the majority placed in power by the people. The United States Senate is the only place where the people's will can be successfully thwarted, and here it can be obstructed and denied by delays, by dilatory motions, by irrelevant debate, and unlimited discussion.

It is easy to pass unobjected bills in the Senate; and there are a great many bills that are brought up in the Senate that are unobjected bills. But I will say that objected bills do not pass through the Senate.

The new majority of the Senate is honestly pledged to the people's cause, and they must carry out their pledges if they wish to retain the approval of the people of the United States.

I am in favor of majority rule.

I am in favor of making the national will immediately effective.

I am in favor of the Senate of the United States having the opportunity to do the things required by our great Nation.

I am opposed to the minority veto.

I am opposed to the discouragement of honest discussion by the invitation to minority filibuster which this rule of unlimited debate invites.

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I am opposed to legislative blackmail, which this rule of unlimited debate encourages, for we have all seen the Senate consent to appropriations and important amendments to important bills which ought not to have been made, but which were made rather than jeopardize the bill by the endless debate of a Senator proposing and insisting on an amendment.

The minority veto permits the majority to be blackmailed on the most important measures in order to conciliate the unjust demands of the minority. The time has come to end this sort of unwise parliamentary procedure with its train of evil consequences.

I believe in the freedom of debate. I invite the freedom of debate, but liberty is one thing and gross abuse of liberty is another thing. Freedom of debate is a valuable principle, worthy of careful preservation, for the majority is often instructed by the minority; but freedom of debate is one thing, and uncontrolled time-killing talk and unrestrained verbosity used to enforce a factional veto is another thing.

The amendment to Rule XIX which I have proposed does not prevent reasonable debate by any Senator, but it does permit the majority, after due notice, to bring a matter to a conclusion whenever it has become obvious that the debate is not sincere, but is intended to enforce a minority veto.

Senator Vest, December 5, 1894, well said:

That these rules "coerce the Senators in charge of a bill into silence."

That "with the people of the United States demanding action we have rules here that absolutely prevent it."

That these rules "facilitate parliamentary blackmail."

That the history of the Senate is full of important amendments being put upon important bills, "under the threat that unless placed there the debate would be indefinite and almost interminable."

This rule has brought the Senate of the United States into disrepute, has greatly diminished its influence, has given it the reputation of being an obstructive body, and many men have been led to believe that the Senate was coerced and controlled by a corrupt minority. Certain it is that if a minority can exercise the veto, the corrupt interests of the country could well afford commercially to promote the election of men to the floor of the Senate, so as to obstruct legislation to which they objected.

It is the result of these very rules which has led the people of the United States to demand by a unanimous voice the direct election of Senators, so as to bring public pressure of the sovereign people on individual Members of the Senate, and compel them to respect the wishes of the people, under penalty of retirement from public life.

I pause here to say that for 90 years the people of this country have been trying to establish the rule of direct election of Senators, and it has always been the Senate that has prevented the people from having their will with regard to this matter. Five times the measure passed the House of Representatives, the last two times almost by a unanimous vote of the Members representing the people of this country in the various congressional districts; yet the Senate stood like a

stone wall, refusing under these rules to carry out the will of the people of the United States. The same thing has been measurably true in regard to many other important items.

I venture now, Mr. President, seriously and solemnly to remind every Senator upon this floor who votes against this provision, who votes against majority rule in the Senate, who votes against a reasonable control by the Senate itself of its own deliberations, that he will have to answer for such vote before the people of his State, who will in the future elect the Senators by direct vote of the people and who will nominate them by direct vote of the people. And the Senator who by virtue of any precedent or prejudice opposes in this body the free right of the majority to rule will invite defeat by the majority of the people in his own State, who surely believe in majority rule and will resent the support of minority rule by their Senators on this floor.

I have no fear of majority rule. I never have been afraid of majority rule. The only thing we need to fear is the rule of the minority by artifice and by wrongdoing. And I say frankly to my colleagues from the South that the black-and-white scarecrow of the force bill is a ghost for which I have no respect. We are entering a new era of majority rule, which will deal justly and generously to rich and to poor alike, and with equal generosity, justice, and mercy to men of the black race, as well as to the men of the white race or to any other race. We need have no fear of majority rule.

Mr. President, I wish it to be clearly understood that my demand for a change of the rules of the Senate is not at all due to the idea that the adoption of such a rule is necessary in order to pass the tariff bill or any other particular bill pending or to be brought forward. My reason for this demand is that I think the welfare of the Nation requires it; that the right of the American people to a prompt redemption of party promises is involved. The right of the American people to have their will expressed at the polls promptly carried out I regard as an imperative mandate from a Nation of 90,000,000 people, and I think that a Senator who stands in the way of that mandate fails to perceive his duty to our great Nation, and that he should not be surprised if the majority, who will in future nominate Senators and elect Senators, will hold him to a strict account for a denial of the right of the majority to rule.

I remind the Senate that in three years over 30 living Senators who opposed the wishes of the American people for the direct election of Senators have been retired by the people.

PARTY PLEDGES.

The Democratic Party makes certain pledges to the people and appeals to the people for their support upon these pledges promised to be performed; the Republican Party does likewise; yet neither party, if in a majority, can control the Senate so long as the minority veto remains as a part of the rules of the Senate. If this rule is not changed, then both parties in future campaigns should put the following proviso as an addenda to their national party platforms:

Provided, however, That in making the above pledges to the American people it is distinctly to be understood by the people that we make these pledges on the understanding that the opposite party does not forbid us to carry out our promises by obstructing the fulfillment of our promise

to you by filibustering in the Senate, in which event we will agree to sustain the right of the opposite party to veto the redemption of our pledges to you, by leaving the rules of the Senate in such a condition that the opposing party may veto our effort to redeem the promises made to you.

If the party trusted by the people is so imbecile as to leave the Senate itself subject to the veto of the defeated party, it will deserve future defeat for such perfidious conduct.

The people of the United States have the right to rely upon the party placed by them in power to fulfill the party pledges made to the people, and if the leaders of both parties connive with each other in the Senate to sustain the minority veto under the pretense of "freedom of debate," they will have betrayed the promises made to the people, both expressed and implied. If this rule be not changed so as to establish majority rule in the Senate, and so as to enable either party to carry out its promises to the American people, then neither party responsible for such conduct deserves the confidence of the people of the United States, and the people may well say in regard to party promises made under such circumstances, as said by Macbeth in the witches' scene—

> And be these juggling fiends no more believ'd
> That palter with us in a double sense;
> That keep the word of promise to our ear
> And break it to our hope.

Senator Vest, of Missouri, in 1893 introduced the following resolution, the most moderate form of terminating so-called debate (CONGRESSIONAL RECORD, p. 45, Dec. 5, 1894):

Amendment intended to be proposed to the rules of the Senate, namely, add to Rule I the following section:

"SEC. 2. Whenever any bill, motion, or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days, amounting in all to 30, it shall be in order for any Senator to move that a time be fixed for the taking a vote upon such bill, motion, or resolution, and such motion shall not be amendable or debatable, but shall be immediately put; and if adopted by a majority vote of all the Members of the Senate, the vote upon such bill, motion, or resolution, with all the amendments thereto which may have been proposed at the time of such motion, shall be had at the date fixed in such original motion without further debate or amendment, except by unanimous consent, and during the pendency of such motion to fix a date, and also at the time fixed by the Senate for voting upon such bill, motion, or resolution no other business of any kind or character shall be entertained, except by unanimous consent, until such motion, bill, or resolution shall have been finally acted upon."

Hon. Orville H. Platt, on September 21, 1893, introduced the following resolution (p. 1636):

Whenever any bill or resolution is pending before the Senate as unfinished business the presiding officer shall, upon the written request of a majority of the Senators, fix a day and hour, and notify the Senate thereof, when general debate shall cease thereon, which time shall not be less than five days from the submission of such request, and he shall also fix a subsequent day and hour, and notify the Senate thereof, when the vote shall be taken on the bill or resolution and any amendment thereto without further debate, the time for taking the vote to be not more than two days later than the time when general debate is to cease, and in the interval between the closing of general debate and the taking of the vote no Senator shall speak more than five minutes, nor more than once upon the same proposition.

And, among other things, said:

The rules of the Senate, as of every legislative body, ought to facilitate the transaction of business. I think that proposition will not be denied. The rules of the Senate as they stand to-day make it impossible or nearly impossible to transact business. I think that proposition will not be denied. We as a Senate are fast losing the respect

of the people of the United States. We are fast being considered a body that exists for the purpose of retarding and obstructing legislation. We are being compared in the minds of the people of this country to the House of Lords in England, and the reason for it is that under our rules it is impossible or nearly impossible to obtain action when there is any considerable opposition to a bill here.

I think that I may safely say that there is a large majority upon this side of the Senate who would favor the adoption of such a rule at the present time.

Mr. Hoar, of Massachusetts, 1893, submitted to the committee a proposed substitute, as follows (p. 1637):

Resolved, That the rules of the Senate be amended by adding the following:

"When any bill or resolution shall have been under consideration for more than one day it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure not more than once and not exceeding one hour.

"After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

"After the Senate shall have decided to close debate no motion shall be in order, but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

Mr. Lodge, of Massachusetts, also then, as now, Senator of the United States from Massachusetts, supported this proposal, using the following language (p. 1637):

It is because I believe that the moment for action has arrived that I desire now simply to say a word expressive of my very strong belief in the principle of the resolution offered by the Senator from Connecticut, Mr. Platt.

We govern in this country in our representative bodies by voting and debate. It is most desirable to have them both. Both are of great importance. But if we are to have only one, then the one which leads to action is the more important. To vote without debating may be hasty, may be ill considered, may be rash, but to debate and never vote is imbecility.

I am well aware that there are measures now pending, measures with reference to the tariff, which I consider more injurious to the country than the financial measure now before us. I am aware that there is a measure which has been rushed into the House of Representatives at the very moment when they are calling on us Republicans for nonpartisanship which is partisan in the highest degree and which involves evils which I regard as infinitely worse than anything that can arise from any economic measure, because it is a blow at human rights and personal liberty. I know that those measures are at hand. I know that such a rule as is now proposed will enable a majority surely to put them through this body after due debate and will lodge in the hands of a majority the power and the high responsibility which I believe the majority ought always to have. But, Mr. President, I do not shrink from the conclusion in the least. If it is right now to take a step like this, as I believe it is, in order to pass a measure which the whole country is demanding, then, as it seems to me, it is right to pass it for all measures. If it is not right for this measure, then it is not right to pass it for any other.

I believe that the most important principle in our Government is that the majority should rule. It is for that reason that I have done what lay in my power to promote what I thought was for the protection of

elections, because I think the majority should rule at the ballot box. I think equally that the majority should rule on this floor—not by violent methods, but by proper dignified rules, such as are proposed by my colleague and by the Senator from Connecticut. The country demands action and we give them words. For these reasons, Mr. President, I have ventured to detain the Senate in order to express my most cordial approbation of the principle involved in the proposed rules which have just been referred to the committee.

Senator David B. Hill, of New York (1893), proposed the following amendment (p. 1639):

Add to Rule IX the following section:

"SEC. 2. Whenever any bill or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days amounting in all to 30 days, it shall be in order for any Senator to move to fix a date for the taking of a vote upon such bill or resolution, and such motion shall not be amended or debatable; and if passed by a majority of all the Senators elected the vote upon such bill or resolution, with all the amendments thereto which may be pending at the time of such motion, shall be immediately had without further debate or amendment, except by unanimous consent."

Only last Congress, April 6, 1911, the distinguished Senator from New York, Mr. ROOT, introduced the following resolution:

Resolved, That the Committee on Rules be, and it is hereby, instructed to report for the consideration of the Senate a rule or rules to secure more effective control by the Senate over its procedure, and especially over its procedure upon conference reports and upon bills which have been passed by the House and have been favorably reported in the Senate. (CONGRESSIONAL RECORD, vol. 47, pt. 1, p. 107.)

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THE PREVIOUS QUESTION—LIMITATION OF DEBATE—CLOTURE

SPEECH

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

FEBRUARY 13, 1915.

WASHINGTON
1915

81722—14548

SPEECH

OF

HON. ROBERT L. OWEN.

The Senate had under consideration the motion by the Senator from Missouri [Mr. REED] to amend Rule XXII with the amendment pending thereto.

Mr. OWEN. Mr. President, during the last two years, since March, 1913, the Senate of the United States has had one important measure after another brought before it for consideration by the Democratic administration. There was a prolonged and obvious filibuster in the Senate dealing with the tariff bill. In order probably to prevent any action upon the Federal reserve bill, there was a resolute filibuster even on the question of allowing a water supply for the city of San Francisco; there was a filibuster, using that bill as a general buffer against proposed progressive legislation, which made it necessary in handling that bill, as well as in handling the tariff bill and the Federal reserve act, for the Senate to meet in the morning and to run until 11 o'clock at night. We had no vacation during the summer of 1913 or during the summer of 1914, because of the vicious filibustering of the Republican Senators. If this method of filibustering shall remain as a practice of the Senate of the United States, obviously the Congress of the United States must remain in continuous session from one year's end to another in order to accomplish even a slight part of what is desired by the people of the United States, and in order in some small degree to enact the important measures which are presented to the Senate for consideration on favorable reports from the committees of the Senate.

I call attention to the large calendar which we have, a calendar of some thirty-odd pages, representing hundreds of measures of importance, which we never arrive at; and even aside from the calendar there are matters of the greatest possible importance, which are not being considered by the body and not being presented by the committees, because it is well known that to make reports upon them would be perfectly useless in view of this now apparently well-established custom of a continuous filibuster against everything desired by the majority party.

This practice of filibustering has not been confined to one side of the Chamber only. I agree with the Senator from Nebraska [Mr. NORRIS] that the filibuster quickly passes from one side of the Chamber to the other as an exigency may arise, according to the desire of those who may be on either side of the aisle. I submit, however, a filibuster favoring the people is not to be compared to a filibuster against the people, although an unjustifiable parliamentary procedure, except under very extraordinary conditions.

It has been offered as a criticism of my view with regard to a cloture rule for the Senate, that on one occasion—March 4, 1911—when the question arose with regard to the admission of New Mexico to statehood with a corporation-written constitution and an unamendable constitution, and the prevention of Arizona at the same time being admitted to statehood, I did not hesitate to use the practice of the Senate to filibuster in order to compel a vote of the Senate jointly upon the admission of Arizona and New Mexico. My use of this bad practice to serve the people does not in any wise change my opinion about the badness of the practice of permitting a filibuster. I acted within the practice, but I think the practice is indefensible, and I illustrated its vicious character by coercing the Senate and compelling it to yield to my individual will.

No one man, no matter how sincere he may be or how patriotic his purpose, should be permitted to take the floor of the Senate and keep the floor against the will of every man in the Senate except himself, and coerce and intimidate the Senate. To do so is to destroy the most important principle of self-government—the right of majority rule.

I wish to submit a brief sketch of what has been the rule with regard to "the previous question." It is an old rule, established for the purpose of preventing an arbitrary and willful individual or minority coercing the majority in a parliamentary body. I call the attention of the Senate to a work printed in 1690, Lex Parliamentaria, giving the practice in the British Parliament. On page 292 of that work this language occurs:

If upon a debate it be much controverted and much be said against the question, any member may move that the question may be first made, whether that question shall be put or whether it shall be now put, which usually is admitted at the instance of any member, especially if it be seconded and insisted upon; and if that question being put, it pass in the affirmative, then the main question is to be put immediately, and *no man may speak anything further to it, either to add or alter.*

Mr. President, coming down to the days of the Continental Congress, I read from page 534 of volume 11, 1778, of the Journals of the Continental Congress, giving the rules of that body and showing the purpose of the Continental Congress at that time to prevent any individual or minority unnecessarily consuming the time of that body.

6. No Member *shall speak more than twice in any one debate* on the same day, without leave of the House.

* * * * * * *

10. When a question is before the House no motion shall be received unless for an amendment, *for the previous question,* to postpone the consideration of the main question or to commit it.

Sections 13 and 14 read:

13. *The previous question*—that is, that the main question shall be not now put—being moved, the question from the Chair shall be that those who are for the previous question say aye and those against it, no; and if there be a majority of ayes, then the main question shall not be then put, but otherwise it shall.

14. Each Member present shall *declare openly and without debate* his assent or dissent to a question *by aye and no, when required by motion of any one Member,* whose name shall be entered as having made such motion previous to the President's putting the question; the name and vote in such cases shall be entered upon the Journal, and the majority of votes of each State shall be the vote of that State.

That was the rule of the Continental Congress. The rule of the House of Representatives is equally well known to clearly and openly recognize the previous question, count a quorum, and by a rule fix a time for voting on any question.

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When it came to drafting the Constitution of the United States Mr. Pinckney proposed in his original draft a provision that the yeas and nays of the Members of each House on any question shall, *at the desire of any certain number of Members, be entered on the Journal.*

The committee on detail, page 166 of volume 2 of the records of the Federal convention, by Farrand, reported as follows:

> The House of Representatives and the Senate, when it shall be acting in a legislative capacity (each House) shall keep a Journal of its proceedings, and shall from time to time publish them, * * * and the yeas and nays of the Members of each House on any question *shall, at the desire of any Member,* be entered on the Journal.

That was retained throughout as a part of the Constitution and was discussed on Friday the 10th day of August, page 255, as follows:

> Mr Govr. Morris urged that if the yeas and nays were proper at all *any individual ought to be authorized to call for them:* and moved an amendment to that effect, saying that the small States would otherwise be under a disadvantage, and find it difficult to get a concurrence of one-fifth.

That was voted down unanimously, and the following States: New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia voted to agree to the rule that *one-fifth of the Members might call for the record of the yeas and nays as a constitutional right.*

I call the attention of the Senate to the proper interpretation of that language. We have ordinarily held to the practice that the yeas and nays should be called after the vote had been ordered, but the right to have the yeas and nays immediately called under the Constitution of the United States is a constitutional right. As a Senator from Oklahoma, I have a right, being present, if I am supported by one-fifth of the Members of this body, to have my vote and the vote of every other Member of this body recorded on any pending question without having my right denied by an organized filibuster. You can not record a vote on the Journal of the Senate *unless you take the vote;* and, therefore, *the constitutional right to have my vote recorded* upon the Journal at the request of one-fifth of the Members PRESENT carries a PRESENT right and *not a future expectation* or vague hope at some unrecorded future time that it may be recorded, when a minority or an individual may permit it. I have, therefore, a constitutional right, when supported by one-fifth of the Members of this body, to demand the *immediate taking of the yeas and nays on any question pending* and *the record of that vote in the Journal of the Senate.*

Mr. WILLIAMS. Mr. President, will the Senator allow me to ask him a question?

Mr. OWEN. I yield to the Senator.

Mr. WILLIAMS. Is it not a truth applicable to everything that wherever a right is granted at all it is a right in præsenti and not in futuro, unless the grant is modified by an express statement that it is in futuro?

Mr. OWEN. Absolutely. Now, Mr. President, I want to call the attention of the Senate to what has been done in regard to this question of cloture or limitation of debate by the Senate itself.

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The Senate rules, as established at the beginning of this Government, adopted in 1789, are found upon page 20 of the Annals of the First Congress, from 1789 to 1791, volume 1. That volume contains the rules of the Senate as of that date, from No. 1 to 19, and those rules expressly provide against the abuse of the time of the Senate in a number of particulars. First, in paragraph 2, it is provided that—

2. No Member shall speak to another or otherwise *interrupt the business* of the Senate, or read any printed paper, while the Journals or public papers are reading, or when any Member is speaking in any debate.

3. Every Member when he speaks shall address the Chair, standing in his place, and *when he has finished shall sit down.*

It obviously contemplated his finishing within some reasonable time and taking his seat.

4. No Member shall speak more than twice in any one debate on the same day without leave of the Senate.

Showing the intention of the Senate that one man should *not be allowed to monopolize* the time of the Senate.

Paragraph 8 reads:

8. While a question is before the Senate no motion shall be received unless for an amendment, *for the previous question,* or for postponing the main question, or to commit it, or to adjourn.

And paragraph 9 provides:

9 The *previous question being moved* and seconded, the question from the Chair shall be, "Shall the main question be now put?" And if the nays prevail the main question shall not then be put.

On a divided vote the main question was to be put is a necessary consequence that flows from that language. It required a majority vote in the negative to prevent the closure of debate under the original rules of the Senate.

Paragraph 11 reads:

11. *When the yeas and nays shall be called for by one-fifth of the Members present,* each Member called upon shall, unless for special reasons he be excused by the Senate, declare openly and *without debate his assent* or dissent to the question.

Mr. President, that was the rule of the Senate up until 1806. At that time the rules were modified so as to OMIT the reference to the previous question, not by putting in any rule denying the right of the previous question, but merely omitting the previous question, on the broad theory that courtesy of free speech in the Senate would preclude any Member from the abuse of the courtesy of free speech extended to him by his colleagues, and would preclude a Senator from consuming the time of the Senate unduly, unfairly, or impudently, in disregard of the courtesy extended to him by his colleagues. The failure to move the previous question now *is merely a matter of courtesy* in this body, and carries with it, so long as it lasts, the reciprocal courtesy on behalf of those to whom this courtesy is extended that they shall not impose upon their colleagues who have extended the courtesy to them of freedom of debate or deny their courteous and long-suffering colleagues the right to a vote. Freedom of debate may not under such an interpretation be carried to the point of a garrulous abuse of the floor of the Senate by the reading of old records and endless speechmaking made against time, which has emptied the Senate Chamber and destroyed genuine debate in this body.

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At the time the previous question was dropped from the written rules of the Senate *as a right under such written rules* there had been no need for the "previous question." The previous question had only been moved four times and only used three times from 1789 to 1806—that is, during 17 years.

There is no real debate in the Senate. Occasionally a Senator makes a speech that is worth listening to—occasionally, and only occasionally. The fact is that even speeches of the greatest value which are delivered on this floor have little or no audience now because of this gross abuse of the patience of the Senate, which has been brought to a point where men are no longer willing to be abused by loud-mouthed vociferation of robust-lunged partisans confessedly speaking against time in a filibuster, and are unwilling to keep their seats on this floor to listen to an endless tirade intended not to instruct the Senate, intended not to advise the Senate, intended not for legitimate debate, not for an honest exercise of freedom of speech, but for the sinister, ulterior, half-concealed purpose of killing time in the Senate and thereby preventing the Senate from acting, thus establishing a minority veto under the pretense, the bald pretense, the impudent and false pretense, of freedom of debate.

This courtesy in the Senate was not greatly abused prior to the war, nor until the fierce recent conflict began between the plutocracy and monopoly and the common people. Its abuse during the last century led, however, to various proposals by various distinguished Members of this body of cloture in various forms.

The first one that I care to call attention to is that of Mr. Clay, in 1841, in connection with which Mr. Henry Clay said among other things—this was on the 12th of July, 1841—that—

> He was ready at any moment to bring forward and support a measure which should give to the majority the control of the business of the Senate of the United States. Let them denounce it as much as they pleased, its advocates, unmoved by any of their denunciations and threats, standing firm in support of the interests which he believed the country demands, for one he was ready for the adoption of a rule which would place the business of the Senate under the control of a majority of the Senate.

In the first session in the Thirty-first Congress, July 27, 1850, Mr. Douglas, then a Senator of the United States, submitted the following motion for consideration:

> *Resolved*, That the following be, and the same is, adopted as a standing rule of the Senate:
> That the previous question shall be admitted when demanded by a majority of the Members of the Senate present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote, first, upon a motion to commit, if such motion shall have been made—

And so forth.

Mr. Hale, on April 4, 1862, brought in a resolution of like purport; Mr. Wade, on June 21, 1864, proposed a like resolution; Mr. Pomeroy, on February 13, 1869; Mr. Hamlin, on March 10, 1870; and various other Senators. I ask, without reading these various proposals, to place them in the RECORD for the information of the Senate of the United States.

The PRESIDING OFFICER (Mr. RANSDELL in the chair). Without objection, it will be so ordered.

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The matter referred to is as follows:

LIMITATION OF DEBATE.

[1st sess. 31st Cong., J. of S., 482, July 27, 1850.]

Mr. Douglas submitted the following motion for consideration:

Resolved, That the following be, and the same is, adopted as a standing rule of the Senate.

That the previous question shall be admitted when demanded by a majority of the Members of the Senate present, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote, first, upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then, second, upon amendments reported by a committee, if any; then, third, upon pending amendments; and, finally, where such questions shall, or when none shall have been offered, or when none may be pending, then it shall be upon the main question or questions leading directly to a final decision of the subject matter before the Senate. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority shall have seconded such motion no call shall be in order prior to a decision of the main question. On a previous question there shall be no debate. All incidental questions arising after a motion shall have been made for the previous question and, pending such motion, shall be decided, whether on appeal or otherwise, without debate.

(Aug. 28. The resolution was laid on the table (Ib., 588).)

[2d sess. 37th Cong., J. of S., 370, Apr. 4, 1862.]

Mr. Hale submitted the following resolution for consideration:

Resolved, That the following be added to the rules of the Senate:

The Senate may, at any time during the present rebellion, by a vote of a majority of the Members present, fix a time when debate on any matter pending before the Senate shall cease and terminate; and the Senate shall, when the time fixed for terminating debate arrives, proceed to vote, without debate, on the measure and all amendments pending and that may be offered.

[1st sess. 38th Cong., J. of S., 601, June 21, 1864.]

Mr. Wade submitted the following resolution for consideration:

"*Resolved*, That during the remainder of the present session of Congress no Senator shall speak more than once on any one question before the Senate; nor shall such speech exceed 10 minutes, without leave of the Senate expressly given; and when such leave is asked it shall be decided by the Senate without debate; and it shall be the duty of the President to see that this rule is strictly enforced."

[3d sess. 40th Cong., J. of S., 256, Feb. 13, 1869.]

Mr. Pomeroy submitted the following resolution, which was ordered to be printed:

"*Resolved*, That the following be added to the standing rules of the Senate:

"'RULE —. While the motion for the previous question shall not be entertained in the Senate, yet the Senators, by a vote of three-fifths of the Members, may determine the time when debate shall close upon any pending proposition, and then the main question shall be taken by a vote of the Senate in manner provided for under existing rules.'"

[2d sess. 41st Cong., J. of S., 347, Mar. 10, 1870.]

Mr. Hamlin submitted the following resolution for consideration:

"*Resolved*, That whenever any question shall have been under consideration for two days it shall be competent, without debate, for the Senate, by a two-thirds majority, to fix a time, not less than one day thereafter, when the main question shall be taken; but each Senator who shall offer an amendment shall be allowed five minutes to speak upon the same, and one Senator a like time in reply."

[Ib., 412, Mar 25, 1870.]

Mr. Wilson submitted the following motion for consideration:

Ordered, That the Select Committee on Rules be instructed to consider the expediency of adopting a rule for the remainder of the session providing that whenever any bill has been considered for two days the question on ordering it to a third reading may be ordered by a two-thirds vote of the Senators present and voting.

[Ib., 465, Apr. 7, 1870.]

The Senate next proceeded to consider (the above); and

On motion of Mr. Edmunds,

Ordered, That the said resolution be passed over.

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[Ib., 492, Apr. 14, 1879.]

The Senate next resumed the consideration of the resolution submitted by Mr. Wilson on the 25th of March last, instructing the Select Committee on the Revision of the Rules to consider the expediency of adopting a rule for the remainder of the session fixing a time when the question on ordering a bill to a third reading shall be put; and

The resolution was agreed to.

[2d sess. 41st Cong., J. of S., 778, June 9, 1870.]

Mr. Pomeroy submitted the following resolution for consideration, which was ordered to be printed:

Resolved, That the thirtieth rule of the Senate be amended by adding thereto the following:

"And any pending amendment to an appropriation bill may be laid on the table without affecting the bill.

"It shall be in order at any time when an appropriation bill is under consideration, by a two-thirds vote, to order the termination of debate at a time fixed in respect to any item or amendment thereof then under consideration, which order shall be acted upon without debate.

[2d sess. 42d Cong., J. of S., Apr. 1, 1872.]

Mr. Pomeroy submitted the following resolution for consideration:

Resolved, That upon any amendment to general appropriation bills remarks upon the same by any one Senator shall be limited to five minutes.

[2d sess. 42d Cong., J. of S., 614, Apr. 26.]

Mr. Scott submitted the folowing resolution, which was ordered to be printed:

Resolved, That during the present session it shall be in order, pending an appropriation bill, to move to confine debate on the pending bill and amendments thereto to five minutes by any Senator on the pending motion, and the motion to limit debate shall be decided without debate.

[Ib., 630, Apr. 29, 1872.]

On motion by Mr. Scott,

The Senate proceeded to consider the resolution submitted by him on the 26th instant, to confine debate on appropriation bills and amendments thereto for the remainder of the session; and the resolution having been modified by Mr. Scott to read as follows:

"*Resolved*, That during the present session it shall be in order, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and the motion to limit debate shall be decided without debate."

After debate,

On motion by Mr. Vickers, to amend the resolution by inserting after the word "thereto," the words "germane to the subject matter of the bill."

[Several proposed amendments to this part of the resolution are omitted.]

On motion by Mr. Edmunds, to amend the resolution by adding thereto the following:

"And no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received."

It was determined in the affirmative—yeas 25, nays 19.

[The names are omitted.]

So the amendment was agreed to.

The resolution having been further amended on motion of Mr. Scott, on the question to agree thereto as amended in the following words:

"*Resolved*, That during the present session it shall be in order to move a recess; and pending an appropriation bill to move to confine debate on amendment thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate; and no amendment to any such bill making legislative provisions other than such as directly relate to the appropriations contained in the bill shall be received."

It was determined in the affirmative, {Yeas---------- 33
{Nays---------- 13

[The names are omitted.]

So the resolution was agreed to.

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[3d sess. 42d Cong., J. of S., 615, March 18, 1873.]

Mr. Wright submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That the Committee on the Revision of the Rules be instructed to inquire into the propriety of so amending the rules as to provide—

"First. That debate shall be confined and be relevant to the subject matter before the Senate.

"Second. That the previous question may be demanded either by a majority vote or in some modified form.

"Third. For taking up bills in their regular order on the calendar; for their disposition in such order; prohibiting special orders; and requiring that bills not finally disposed of when thus called shall go to the foot of the calendar, unless otherwise directed."

[Ib., 616, Mar. 19, 1873.]

On motion by Mr. Wright, that the Senate proceed to the consideration of the resolution submitted by him on the 17th instant instructing the Select Committee on the Revision of the Rules to inquire into the propriety of so amending the rules of the Senate as to confine debate to the subject matter before the Senate, to provide for a previous question, and the order of the consideration of bills on the calendar, and the disposition thereof;

After debate,

It was determined in the negative, {Yeas ..... 25 / Nays 30

[The names are omitted.]

So the motion to proceed to the consideration of the said resolution was not agreed to.

[CONGRESSIONAL RECORD, 3d sess. 42d Cong. (spec. sess.) 113–117.]

[Ib., 617, Mar. 20, 1873.]

Mr. Wright submitted the following resolution for consideration; which was ordered to be printed:

"*Resolved*, That the following be added to the rules of the Senate:

"Rule —. No debate shall be in order unless it relate to, or be pertinent to, the question before the Senate.

"Rule —. Debate may be closed at any time upon any bill or measure by the order of two-thirds of the Senators present, after notice of 24 hours to that effect.

"Rule —. All bills shall be placed upon the calendar in their order, and shall be disposed of in such order unless postponed by the order of the Senate. All special orders are prohibited, except by unanimous consent; and bills postponed shall, unless otherwise ordered, go to the foot of the calendar.

[Ib., 618, Mar. 21, 1873.]

On motion by Mr. Wright, that the Senate proceed to the consideration of the resolution yesterday submitted by him, providing additional rules for the Senate.

After debate,

Ordered, That the further consideration of the subject be postponed to the first Monday of December next.

[CONGRESSIONAL RECORD, 3d sess. 42d Cong. (spec. sess.), 135–137.]

[1st sess. 43d Cong., J. of S., 532, May 6, 1874.]

Mr. Edmunds submitted the following resolution, which was referred to the Select Committee on the Revision of the Rules:

"*Resolved*, That the eleventh rule of the Senate be amended by adding thereto the following words: "Nor shall such debate be allowed upon any motion to dispose of a pending matter and proceed to consider another. When a question is under consideration the debate thereon shall be germane to such question or to the subject to which it relates."

[Ib., 578, May 15, 1874.]

Mr. Ferry of Michigan, from the Select Committee on the Revision of the Rules, to whom was referred the resolution submitted by Mr. Edmunds the 6th instant to amend the eleventh rule of the Senate, reported it with an amendment.

[2d sess. 43d Cong., J. of S., 128, Jan. 18, 1875.]

Mr. Morrill of Maine, submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate."

[Ib., 134, Jan. 19, 1875.]

The Senate proceeded to consider the resolution yesterday submitted by Mr. Morrill of Maine, to limit debate on amendments to appropriation bills; and

After debate,

The resolution was agreed to, as follows:

"*Resolved*, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate."

(CONGRESSIONAL RECORD, 2d sess., 43d Cong., 560–570.)

[1st sess. 44th Cong., J. of S., 243, Feb. 28, 1876.]

Mr. Morrill of Maine submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate."

[Ib., 253, Feb. 29, 1876.]

On motion by Mr. Morrill, of Maine,

The Senate proceeded to consider the resolution yesterday submitted by him to confine debate on amendments to appropriation bills; and, having been amended on motion by Mr. Morrill, of Maine,

On motion by Mr. Bayard, to further amend the resolution by adding thereto the following:

"But no amendment to an appropriation bill shall be in order which is not germane to such a bill,"

After debate,

It was determined in the negative, {Yeas---------- 25 / Nays---------- 28

[The names are omitted.]

So the amendment was not agreed to.

No further amendment being proposed, the resolution as amended was agreed to, as follows:

"*Resolved*, That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motions shall be decided without debate."

[2d sess. 45th Cong., J of S., 314, Mar. 20, 1878.]

Mr. Windom submitted the following resolution for consideration:

"*Resolved*, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate."

[2d sess. 45th Cong., J. of S., 319, Mar. 21, 1878.]

On motion by Mr. Windom,

The Senate proceeded to consider the resolution yesterday submitted by him, providing for a limitation of debate on amendments to appropriation bills, and

The resolution was agreed to.

[3d sess. 45th Cong., J. of S., 32, Dec. 5, 1878.]

Mr. Anthony submitted the following resolution for consideration:

"*Resolved*, That to-day, at 1 o'clock, the Senate will proceed to the consideration of the calendar, and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless, upon motion, the Senate should at any time otherwise order; and the objection may be interposed at any stage of the proceedings; and this order shall take precedence of special orders or unfinished business unless otherwise ordered."

(The resolution went over, objection being made.)

[3d sess. 45th Cong., J. of S., 114, Jan. 14, 1879.]

Mr. Anthony submitted the following resolution, which was considered, by unanimous consent, and agreed to:

"*Resolved*, That on Friday next, at 1 o'clock, the Senate will proceed to the consideration of the calendar, and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless, upon motion, the Senate should at any time otherwise order, and the objection may be interposed at any stage of the proceedings."

(CONGRESSIONAL RECORD, 3d sess. 45th Cong., 427.)

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[3d sess. 45th Cong., J. of S., 138, Jan. 20, 1879.]

Mr. Anthony submitted the following resolution, which was considered, by unanimous consent, and agreed to:

"*Resolved*, That at the conclusion of the morning business for each day after this day the Senate will proceed to the consideration of the calendar, and continue such consideration until half past 1 o'clock, and bills that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once, and for five minutes only, unless, upon motion, the Senate should at any time otherwise order, and the objection may be interposed at any stage of the proceedings."

[3d sess. 45th Cong., J. of S., 189, Jan. 30, 1879.]

Mr. Anthony submitted the following resolution for consideration:

"*Resolved*, That the order of the Senate of January 20, 1879, relative to the consideration of bills on the calendar shall not be suspended unless by unanimous consent or upon one day's notice."

[3d sess. 45th Cong., J. of S., 325, Feb. 20, 1879.]

Mr. Windom submitted the following resolution for consideration:

"*Resolved*, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate."

[3d sess. 45th Cong., J. of S., 373, Feb. 25, 1879.]

On motion by Mr. Allison,

The Senate proceeded to consider the resolution submitted by Mr. Windom on the 20th instant to confine debate on amendments to general appropriation bills; and

The resolution was agreed to.

[2d sess. 46th Cong., J. of S., 594, May 22, 1880.]

The hour of half past 12 o'clock having arrived, the President pro tempore asked the Senate to place its construction upon the order of February 5, 1880, and known as the "Anthony rule," and submitted the following proposition: "Does the consideration of the calendar continue until half past 1 o'clock, notwithstanding the change of the hour of meeting of the Senate?"

[3d sess. 46th Cong., J. of S., 244, Feb. 12, 1881.]

On motion by Mr. Morgan,

The Senate proceeded to consider the resolution submitted by him the 10th instant, limiting debate on a motion to proceed to the consideration of a bill or resolution; and having been modified on the motion of Mr. Morgan, the resolution as modified was agreed to, as follows:

"*Resolved*, That for the remainder of the present session, on a motion to take up a bill or resolution for consideration, at the present or at a future time, debate shall be limited to 15 minutes, and no Senator shall speak to such motion more than once, or for a longer time than 5 minutes."

[3d sess. 46th Cong., J. of S., 234, Feb. 10, 1881.]

Mr. Morgan submitted the following resolution for consideration:

"*Resolved*, That on a motion to take up a bill or resolution for consideration at the present or at a future time debate shall be limited to 15 minutes, and no Senator shall speak to such motion oftener than once, or for a longer time than 5 minutes."

[1st sess. 47th Cong., J. of S., 446, Mar. 20, 1882.]

On motion of Mr. Anthony, to amend the order of the Senate known as the "Anthony rule," so as to extend the time for the consideration of the calendar of bills and resolutions until 2 o'clock p. m., it was determined in the affirmative.

[1st sess. 47th Cong., J. of S., 632, Apr. 26, 1882.]

Mr. Edmunds submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That the special rule of the Senate for the consideration of matters on the calendar under limited debate be, and the same is hereby, abolished."

Mr. Hoar submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That the resolve known as the "Anthony rule" shall not hereafter be so construed as to authorize the consideration of any measure under a limitation of debate of five minutes, or to speaking but once by each Senator after objection."

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[2d sess. 47th Cong., J. of S., 282, Feb. 3, 1883.]

Mr. Hale submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That upon each amendment hereafter offered to the bill entitled 'An act to reduce internal revenue taxation,' each Senator may speak once for five minutes, and no more."

[2d sess. 47th Cong., J. of S., 396, Feb. 23, 1883.]

Mr. Hale submitted the following resolution for consideration:

"*Resolved*, That during the present session it shall be in order at any time pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and said motion shall be decided without debate."

[1st sess. 48th Cong., J. of S., 354, Feb. 26, 1884.]

Mr. Harris submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

"*Resolved*, That the seventh rule of the Senate be amended by adding thereto the following words:

"'The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.'"

Mr. Harris submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

"*Resolved*, That the eighth rule of the Senate be amended by adding thereto the following words:

"'All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.'"

[1st sess. 48th Cong., J. of S., 442, Mar. 19, 1884.]

On motion by Mr. Harris,

The Senate proceeded to consider the resolution to amend the eighth rule; and

The resolution was agreed to, as follows:

"*Resolved*, That the eighth rule of the Senate be amended by adding thereto the following words: 'All motions made before 2 o'clock to proceed to the consideration of any matter shall be determined without debate.'"

On motion by Mr. Harris,

The Senate proceeded to consider the resolutions reported from the Committee on Rules on the 7th instant to amend the tenth rule, and having been amended on the motion of Mr. Harris, from the Committee on Rules, by inserting, after the word "order," the words "or to proceed to the consideration of other business."

The resolution as amended was agreed to, as follows:

"*Resolved*, That the tenth rule of the Senate be amended by adding thereto the following words: 'And all motions to change such order or to proceed to the consideration of other business shall be decided without debate.'"

[1st sess. 48th Cong., J. of S., 431, Mar. 17, 1884.]

Mr. Harris, from the Committee on Rules, to which was referred the resolution submitted by him February 26, 1884, to amend the seventh rule of the Senate, reported it without amendment.

The Senate proceeded, by unanimous consent, to consider the said resolution; and

Resolved, That the Senate agree thereto.

Mr. Harris, from the Committee on Rules, to which was referred the resolution submitted by him February 26, 1884, to amend the eighth rule of the Senate, reported it without amendment.

Mr. Harris, from the Committee on Rules, reported the following resolution for consideration:

"*Resolved*, That the tenth rule of the Senate be amended by adding thereto the following words: '*And all motions to change such order shall be decided without debate.*'"

[2d sess. 48th Cong., J. of S., 359, Feb. 24, 1885.]

Mr. Allison submitted the following order for consideration, which was ordered to be printed:

Ordered, That during the remainder of the present session of the Senate it shall be in order to move at any time that debate on any amendment or all amendments to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or sub-

stance. The question on such motion shall be determined without debate

[2d sess. 48th Cong., J of S., 389, Feb. 26, 1885.]

The President pro tempore laid before the Senate the order submitted by Mr. Allison on the 24th instant to limit debate to five minutes on amendments to appropriation bills for the remainder of the present session.

On motion by Mr. Plumb,

Ordered, That the further consideration thereof be postponed to to-morrow.

[1st sess. 49th Cong., J. of S., 505, Apr. 1, 1886.]

Mr. Ingalls submitted the following resolution, which was referred to the Committee on Rules:

"*Resolved*, That Rule XIII be amended by striking out the words 'without debate,' in the last sentence of clause 1."

[1st sess. 49th Cong., J. of S., 904, June 14, 1886.]

Mr. Edmunds submitted the following resolution, which was referred to the Committee on Rules:

"*Resolved*, That the last paragraph of the first clause of Rule XIII be amended so as to read as follows:

" 'Any motion to reconsider may be laid on the table without affecting the question in reference to which the same is made, and if laid on the table it shall be a final disposition of the motion.' "

[1st sess. 49th Cong., J. of S., 945, June 21, 1886.]

Mr. Frye, from the Committee on Rules, reported the following resolution, which was considered, by unanimous consent, and agreed to:

"*Resolved*, That the last paragraph of clause 1, Rule XIII, is hereby amended by striking out the words 'without debate.'

Mr. Frye, from the Committee on Rules, to whom were referred the following resolutions, reported adversely thereon:

The resolution submitted by Mr. Ingalls April 1, 1886, to amend clause 1 of Rule XIII of the Senate; and

The resolution submitted by Mr. Edmunds on the 14th instant to amend clause 1 of Rule XIII of the Senate.

Ordered. That they be postponed indefinitely.

[2d sess. 49th Cong., J. of S., 387, Feb. 21, 1887.]

Mr. Cameron submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That during the remainder of this session no Senator shall speak on any question more than once, and shall confine his remarks to five minutes' duration."

[2d sess. 49th Cong., J. of S., 400, Feb. 22, 1887.]

The President pro tempore laid before the Senate the resolution yesterday submitted by Mr. Cameron, limiting debate during the remainder of the session;

When,

Mr. Edmunds raised a question of order, viz, that the resolution would change the standing rules of the Senate, of which proper notice had not been given, as required by the fortieth rule; and

The President pro tempore sustained the point of order.

[1st sess. 50th Cong., J. of S., 315, Feb. 14, 1888.]

Mr. Blackburn submitted the following resolution, which was referred to the Committee on Rules:

"*Resolved*, That it shall not be in order, except by unanimous consent, for the Committee on Appropriations to report to the Senate for consideration or action any general appropriation bill without having had such bill under consideration for a period of 10 days or more."

[1st sess. 50th Cong., J. of S., 829, May 16, 1888.]

Mr. Edmunds submitted the following resolution, which was referred to the Committee on Rules:

"*Resolved*, That paragraph 3 of Rule XVI be amended by adding thereto the following:

"Whenever any general appropriation bill originating in the House of Representatives shall be under consideration, it shall be the duty of the presiding officer to cause to be stricken out of such bill all provisions therein of a general legislative character other than such as relate to the disposition of the moneys appropriated therein; but such order of the presiding officer shall be subject to an appeal to the Senate as in other cases of questions of order."

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[1st sess. 51st Cong., J. of S., 250, Apr. 23, 1890.]

Mr. Chandler submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

"*Resolved*, That the following be adopted as a standing rule of the Senate:

"'Whenever a bill or resolution reported from a committee is under consideration the Senate may, on motion, to be acted on without debate or dilatory motions, order that on a day, not less than six days after the passage of the order, debate shall cease and the Senate proceed to dispose of the bill or resolution; and when said day shall arrive, at 3 o'clock the vote shall be forthwith taken without debate or dilatory motions upon any amendments to the bill or resolution and upon the passage thereof.

"'Whenever a quorum of Senators shall not vote on any roll call the presiding officer at the request of any Senator shall cause to be entered upon the Journal the names of all the Senators present and not voting, and such Senators shall be deemed and taken as in attendance and present as part of the quorum to do business; and declaration of the result of the voting shall be made accordingly.'"

[1st sess. 51st Cong., J. of S., 431, July 16, 1890.]

Mr. Allison submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That during the remainder of the present session of Congress it shall be in order to move at any time that debate on any amendment or all amendments to any appropriation bill then before the Senate be limited to five minutes for each Senator, and that no Senator shall speak more than once on the same amendment in form or substance. The question on such motion shall be determined without debate."

[1st sess. 51st Cong., J. of S., 449, Aug. 1, 1890.]

Mr. Blair submitted the following resolution, which was ordered to be printed:

"*Resolved*, That the Committee on Rules be instructed to report a rule within four days providing for the incorporation of the previous question or some method for limiting and closing debate in the parliamentary procedure of the Senate.

[1st sess. 51st Cong., J. of S., 450, Aug. 9, 1890.]

The President pro tempore laid before the Senate the resolution yesterday submitted by Mr. Blair, as follows:

"*Resolved*, That the Committee on Rules be instructed to report a rule within four days providing for the incorporation of the previous question or some method for limiting and closing debate in the parliamentary procedure of the Senate."

Ordered, That it be referred to the Committee on Rules.

(Cong. Rec., 1st sess. 51st Cong., 8048–8050.)

[1st sess. 51st Cong., J. of S., 460, Aug. 9, 1890.]

Mr. Hoar submitted the following resolution, which was referred to the Committee on Rules and ordered to be printed:

"*Resolved*, That the Rules of the Senate be amended by adding as follows:

"When any bill or resolution shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure not more than once and not exceeding 30 minutes.

"After such demand shall have been made by any Senator, no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

"After the Senate shall have decided to close debate, no motion shall be in order but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost, or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote on the same shall have intervened."

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[1st sess. 51st Cong., J. of S., 463, Aug. 12, 1890.]

Mr. Edmunds submitted the following order for consideration; which was ordered to be printed:

Ordered, That during the consideration of House bill 9416, entitled "An act to reduce the revenue and equalize duties on imports, and for other purposes," no Senator shall speak more than once, and not longer than five minutes, on or in respect of any one item in said bill or any amendment proposed thereto without leave of the Senate, such leave to be granted or denied without debate and without any other motion or proceeding other than such as relates to procuring a quorum when it shall appear on a division, or on the yeas and nays being taken, that a voting quorum is not present; and until said bill shall have been gone through with to the point of a third reading no general motion in respect of said bill other than to take it up shall be in order.

All appeals pending the matter aforesaid shall be determined at once, and without debate.

Notice is hereby given, pursuant to Rule XL, that the foregoing order will be offered for adoption in the Senate.

It is proposed to suspend for the foregoing stated purpose the following rules, namely: V, VIII, IX, X, XII, XVIII, XIX, XXII, XXVII, XXVIII, XXXV, and XL.

[1st sess., 51st Cong., J. of S., 463, Aug. 12, 1890.]

Mr. Blair submitted the following resolution for consideration, which was ordered to be printed:

Resolved, That the following rule be adopted to fix the limit of debate, namely:

Rule —. When a proposition has been under debate two days and not less than four hours, which shall be determined by the presiding officer without debate, it shall be in order to move the previous question, unless the Senate shall otherwise fix the time when debate shall cease and the vote be taken; and in any case arising under this rule the Senator in charge of the measure shall have one hour in which to close the debate.

During the last 14 days preceding the time fixed by law or by concurrent resolution passed by the Senate for the end of the session, a majority of the Senate may close the debate at any time, subject to the right of the Senator in charge of the measure; and any motion for the previous question, or to limit debate and to fix the time for the vote to be taken, shall cease in one hour and be subject to the Anthony rule.

[1st sess. 51st Cong., J. of S., 463, Aug. 12, 1890.]

Mr. Quay submitted the following resolution for consideration, which was ordered to be printed:

"*Resolved*, That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (the tariff bill) and general appropriation bills, bills relating to public buildings and public lands, and Senate or concurrent resolutions.

"*Resolved*, That the consideration of all bills other than such as are mentioned in the foregoing resolution is hereby postponed until the session of Congress to be held on the first Monday in December, 1890.

"*Resolved*, That the vote on the pending bill and all amendments thereto shall be taken on the 30th day of August instant at 2 o'clock p. m., the voting to continue without further debate until the consideration of the bill and the amendments is completed.

[1st sess. 51st Cong., J. of S., 465, Aug. 13, 1890.]

The President pro tempore laid before the Senate the order and resolutions yesterday submitted, as follows:

"Order by Mr. Edmunds, to limit debate on the pending bill to reduce the revenue and equalize duties on imports and the amendments proposed thereto.

Resolution by Mr. Blair, to amend the rules so as to fix a limit to debate.

Resolution by Mr. Quay, prescribing the measure to be considered during the remainder of the present session; and.

Ordered, That they be referred to the Committee on Rules.

[1st sess. 51st Cong., J. of S., 471, Aug. 16, 1890.]

Mr. Quay gave notice in writing, pursuant to Rule XL, that he would offer the following orders for adoption by the Senate:

Ordered, 1. That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (H. R. 9416), conference reports, general appropriation

bills, pension bills, bills relating to the public lands, to the United States courts, to the Postal Service, to agriculture and forestry, to public buildings, and Senate or concurrent resolutions.

Ordered, 2. That the consideration of all bills other than such as are mentioned in the foregoing order is hereby postponed until the session of Congress to be held on the first Monday of December, 1890.

Ordered, 3. That a vote shall be taken on the bill (H. R. 9416) now under consideration in the Senate and upon amendments then pending, without further debate, on the 30th day of August, 1890, the voting to commence at 2 o'clock p. m. on said day and continue on that and subsequent days, to the exclusion of all other business, until the bill and pending amendments are finally disposed of.

And that it was proposed to modify, for the foregoing stated purpose, the following rules, namely: VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV and XL.

Ordered, That the notice, with the proposed orders, be printed.

[1st sess., 51st Cong., J. of S., 472, Aug. 18, 1890.]

Mr. Quay, pursuant to notice, submitted the following resolution, which was ordered to be printed:

Resolved, That the following orders be adopted for the government of the Senate during the present session of Congress:

Ordered, 1. That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (H. R. 9416), conference reports, general appropriation bills, pension bills, bills relating to the public lands, to the United States courts, to the Postal Service, to agriculture and forestry, to public buildings, and Senate or concurrent resolutions.

Ordered, 2. That the consideration of all bills other than such as are mentioned in the foregoing order is hereby postponed until the session of Congress to be held on the first Monday of December, 1890.

Ordered, 3. That a vote shall be taken on the bill (H. R. 9416) now under consideration in the Senate and upon amendments then pending, without further debate, on the 30th day of August, 1890, the voting to commence at 2 o'clock p. m. on said day and to continue on that and subsequent days, to the exclusion of all other business, until the bill and pending amendments are finally disposed of.

For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified.

[1st sess. 51st Cong., J. of S., 476, Aug. 20, 1890.]

The President pro tempore laid before the Senate the resolution submitted by Mr. Quay on the 18th instant, as follows:

Resolved, That the following orders be adopted for the government of the Senate during the present term of Congress:

Ordered, 1. That during the present session of Congress the Senate will not take up for consideration any legislative business other than the pending bill (H. R. 9416), conference reports, general appropriation bills, pension bills, bills relating to public lands, United States courts, the Postal Service, to agriculture and forestry, to public buildings, and Senate or concurrent resolutions.

Ordered, 2. That the consideration of all bills other than such as are mentioned in the foregoing order is hereby postponed until the session of Congress to be held on the first Monday of December, 1890.

Ordered, 3. That a vote shall be taken on the bill (H. R. 9416) now under consideration in the Senate and upon amendments then pending, without further debate, on the 30th day of August, 1890, the voting to commence at 2 o'clock p. m. on said day and to continue on that and subsequent days, to the exclusion of all other business, until the bill and pending amendments are finally disposed of.

For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified.

The Senate proceeded to consider the resolution; and an amendment having been proposed by Senator Hoar, viz: Strike out all after the word "resolved" and in lieu thereof insert "that the rules of the Senate be amended by adding the following:

"When any bill or resolution shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measures shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice will then be given, and

upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon a measure not more than once and not exceeding one hour.

"After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

"After the Senate shall have decided to close debate, no motion shall be in order but a motion to adjourn or to take recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL are modified."

On motion by Mr. Hoar to amend the part proposed to be stricken out by inserting, after the words "the pending bill (H. R. 9416)," the words "the bill to amend and supplement the election laws of the United States (H. R. 11045)," and by adding, at the end of the resolutions, the words "and immediately thereafter the bill to amend and supplement the election laws of the United States shall be taken up for consideration, and shall remain before the Senate every day for three days, after the reading of the Journal, to the exclusion of all other business, and on the fourth day of September, at 2 o'clock, voting thereon, and on the then pending amendments, shall begin and shall continue from day to day, to the exclusion of other business, until the same are finally disposed of."

After debate,

On motion by Mr. Spooner, that the resolution, with the proposed amendment, be referred to the Committee on Rules,

Pending debate,

The President pro tempore announced that the hour of 12 o'clock had arrived, and laid before the Senate the unfinished business at its adjournment yesterday, viz, the bill (H. R. 9416) to reduce the revenue and equalize duties on imports, and for other purposes.

[CONGRESSIONAL RECORD, 1st sess. 51st Cong., 8841–8849.]

[1st sess. 51st Cong., J. of S., Sept. 23, 1890.]

The Senate proceeded to consider the resolution submitted by Mr. Quay August 18, 1890, prescribing an order of business during the remainder of the present session; and

Ordered, That it be postponed indefinitely.

[2d sess. 51st Cong., J. of S., 46, Dec. 23, 1890.]

Mr. Aldrich gave notice, in accordance with the provisions of Rule XL, that he would move certain amendments to the rules, which would modify Rules VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXXV, and XL, and for that purpose he would hereafter submit the following resolution:

Resolved, That for the remainder of this session the rules of the Senate be amended by nding thereto the following:

"When any bill, resolution, or other question shall have been under consideration for a reasonable time it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion, except one motion to adjourn, shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on the bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any, then pending, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once, and not exceeding 30 minutes.

"After the Senate shall have decided to close debate as herein provide, no motion shall be in order but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost, or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure, or one vote upon the same shall have intervened.

"Pending proceedings under the foregoing rule no proceeding in respect of a quorum shall be in order until it shall have appeared on a

division or on the taking of the yeas and nays that a quorum is not present and voting.

"Pending proceedings under the foregoing rule, all questions of order, whether on appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceeding of any kind shall be in order.

"For the foregoing stated purposes the following rules, namely, VII, VIII, IX, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

Ordered, That the proposed resolution be printed.

[2d sess. 51st Cong., J. of S., 51, Dec. 29, 1890.]

Mr. Aldrich, pursuant to notice given on the 23d instant, submitted the following resolution, which was ordered to be printed:

Resolved, That for the remainder of this session the rules of the Senate be amended by adding thereto the following:

"When any bill, resolution or other question shall have been under consideration for a considerable time it shall be in order for any Senator to demand that debate thereon be closed. On such demand no debate shall be in order, and pending such demand no other motion, except one motion to adjourn, shall be made. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without debate. If the Senate shall decide to close debate on any bill, resolution, or other question, the measure shall take precedence of all other business whatever, and the question shall be put upon the amendments, if any, then pending, and upon the measure in its successive stages, according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure, including all amendments, not more than once, and not exceeding 30 minutes.

"After the Senate shall have decided to close debate as herein provided, no motion shall be in order but a motion to adjourn or to take a recess, when such motions shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second, it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure, or one vote upon the same shall have intervened.

"Pending proceedings under the foregoing rule, no proceeding in respect of the quorum shall be in order until it shall have appeared on a division, or on the taking of the yeas and nays, that a quorum is not present and voting.

"Pending proceedings under the foregoing rule, all questions of order, whether upon appeal or otherwise, shall be decided without debate, and no obstructive or dilatory motion or proceedings of any kind shall be in order.

"For the foregoing stated purposes the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

[2d sess. 51st Cong., J. of S., 87, Jan. 20, 1891.]

On motion by Mr. Aldrich, that the Senate proceed to the consideration of the resolution submitted by him December 29, 1890, to amend the rules so as to provide a limitation of debate under certain conditions, and for that purpose to modify rules VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL.

It was determined in the affirmative;

When,

Mr. Harris raised a question of order, namely, that the notice given by Mr. Aldrich was not sufficiently specific to meet the requirements of Rule XL, as it did not specify the parts of the rules proposed to be suspended, modified, or amended, and the purposes thereof, and that the proposed rule materially modifies Rules V and XX, and neither of these rules are mentioned in the notice as rules proposed to be suspended, modified, or amended.

Pending which [the hour of 2 o'clock having arrived, etc.]

[CONGRESSIONAL RECORD, 2d sess., 51st Cong., 1564–1568.]

[2d sess. 51st Cong. J. of S., 89, Jan. 22, 1891.]

On motion by Mr. Aldrich, that the Senate proceed to the consideration of the resolution submitted by him December 29, 1890, to amend the rules so as to provide a limitation of debate under certain conditions, and for that purpose to modify Rules VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL.

Mr. Harris raised a question of order, namely, that the unfinished business was the motion of Mr. Gorman, to correct the Journal of the

day before yesterday, it being a question of the highest privilege, and under Rule III to be proceeded with until it is concluded.

The Vice President overruled the question of order, and stated that he did not find any rule bearing upon the question of amending or approving any other Journal than that of the preceding day, and is therefore of the opinion that the motion made by the Senator from Rhode Island was in order, the morning hour having expired.

From the decision of the Chair Mr. Harris appealed to the Senate; and,

On the question, "Shall the decision of the Chair stand as the judgment of the Senate?"

It was determined in the affirmative, {Yeas 35 / Nays 30}

On motion by Mr. Cockrell,

The yeas and nays being desired by one-fifth of the Senators present,

[The names are omitted.]

So the decision of the Chair was sustained.

[CONGRESSIONAL RECORD, 2d sess. 51st Cong., 1654–1664.]

[2d sess. 51st Cong., J. of S., 90, Jan. 22, 1891.]

The question recurring on the motion of Mr. Aldrich, that the Senate proceed to the consideration of the resolution.

On motion by Mr. Gorman, to lay the motion on the table,

It was determined in the negative, {Yeas 30 / Nays 35}

On motion by Mr. Gorman,

The yeas and nays being desired by one-fifth of the Senators present,

[The names are omitted.]

So the motion to lay on the table was not agreed to.

Mr. Ransom raised a question of order, namely, that the motion to take up the resolution was not in order because the Journal of the 20th instant as read on the 21st shows that the resolution was taken up on the 20th, and if that be true, it then became and now is the unfinished business.

The Vice President overruled the question of order.

From the decision of the Chair Mr. Ransom appealed to the Senate; and,

On the question, Shall the decision of the Chair stand as the judgment of the Senate?

It was determined in the affirmative, {Yeas 36 / Nays 27}

On motion by Mr. Ransom,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are,

[The names are omitted.]

So the question of order was overruled.

Mr. Gorman asked that the motion of Mr. Aldrich be put in writing.

The motion having been reduced to writing, and the question recurring on agreeing on the same,

It was determined in the affirmative, {Yeas 36 / Nays 32}

On motion by Mr. Aldrich,

The yeas and nays being desired by one-fifth of the Senators present,

[The names are omitted.]

So the motion was agreed to; and

The Senate resumed the consideration of the resolution; and

The question being on the point of order raised by Mr. Harris on the 20th instant, namely, that the notice given by Mr. Aldrich was not sufficiently specific to meet the requirements of Rule XL, as it did not specify the parts of the rules supposed to be suspended, modified, or amended, and the purposes thereof; and that the proposed rule materially modifies Rules V and XX, and neither of these rules is mentioned in the notice as rules proposed to be suspended, modified, or amended,

The Vice President overruled the question of order, and decided that it was not well taken, as in the opinion of the Chair the purpose and spirit of the rule are stated in the resolution submitted by Mr. Aldrich.

From the decision of the Chair Mr. Faulkner appealed to the Senate, and

After debate,

At 2 o'clock and 35 minutes p. m., Mr. Gorman raised a question as to the presence of a quorum;

Whereupon,

The Presiding Officer (Mr. Manson in the chair) directed the roll to be called.

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When
Fifty-one Senators answered to their names.
A quorum being present, and the question recurring upon the appeal taken by Mr. Faulkner from the decision of the Chair,
After further debate.
On motion by Mr. Aldrich that the appeal lie on the table,
Mr. Gorman asked that the motion be put in writing; and
The motion having been reduced to writing by Mr. Aldrich,
On the question to agree to the same,

It was determined in the affirmative, {Yeas 33
{Nays 28

On motion by Mr. Gorman,
The yeas and nays being desired by one-fifth of the Senators present,
[The names are omitted.]
So the motion was not agreed to.
The question recurring on agreeing to the resolution submitted by Mr. Aldrich,
Pending debate.
(CONGRESSIONAL RECORD, 2d sess. 51st Cong., 1664–1682.)

[2d sess. 51st Cong., J. of S., 91, Jan. 22, 1891.]

The Senate resumed the consideration of the resolution submitted by Mr. Aldrich to amend the rules so as to provide a limitation of debate.
An amendment having been proposed by Mr. Stewart,
On motion by Mr. Faulkner, the yeas and nays were ordered.
Pending debate,
On motion by Mr. Aldrich, at 5 o'clock and 15 minutes p. m.,
The Senate took a recess until 12 m., Monday.

MONDAY, 12 o'clock m.

The Senate resumed the consideration of the resolution submitted by Mr. Aldrich to amend the rules so as to provide a limitation of debate; and
The question being on the amendment proposed by Mr. Stewart,
[CONGRESSIONAL RECORD, 2d sess., 51st Cong., 1682–1738.]

[2d sess. 51st Cong., J. of S., 91, Jan. 22, 1891.]

The Senate resumed the consideration of the motion submitted by Mr. Gorman to amend the Journal of the proceedings of Tuesday, the 20th instant, by striking out, after the motion submitted by Mr. Aldrich that the Senate resume the consideration of the resolution to amend the rules so as to provide a limitation of debate, the words "It was determined in the affirmative"; when,
By unanimous consent, the order for the yeas and nays was withdrawn; and,
The motion to amend having been agreed to,
The Journal was approved.
The Senate resumed the consideration of the question of the approval of the Journal of the proceedings of Wednesday, the 21st instant; and
The Journal was approved.

[2d sess. 51st Cong., J. of S., 178, Feb. 26, 1891.]

On motion by Mr. Allison,
The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. 13462) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes;
When,
On motion by Mr. Allison and by unanimous consent,
Ordered, That during the consideration of the pending bill debate on amendments thereto shall be limited to five minutes for each Senator on the pending question, and that no Senator shall speak more than once on the same amendment.

Mr. OWEN. Now, Mr. President, that record which I have submitted without reading comes down to 1891, when Mr. Aldrich proposed a cloture rule for the limitation of debate. I want to call attention to several other propositions which have been made since that time, one by the Senator from New Hampshire [Mr. GALLINGER], now representing the State of New Hampshire in this body, on October 14, 1893, found on page 2504 of the CONGRESSIONAL RECORD, Fifty-third Congress, first session, as follows:

When any bill or resolution reported from a standing or select committee is under consideration, if a majority of the entire membership

of the Senate submit a request in writing, through the Chair, that debate close, such papers shall be referred to the Committee on Rules, and it shall be the duty of said committee within a period not exceeding five days from the date of said reference to report an order naming a day and hour when a vote shall be taken, and action upon said report shall be had without amendment or debate.

Senator GALLINGER was very much in favor of a cloture in those days.

Senator Hoar also proposed a resolution on cloture. Nor were they alone in that respect as distinguished leaders of the opposition, but Senator LODGE also proposed the following rule in order to prevent the abuse of the floor of the Senate:

And it shall not be in order at any time for any Senator to read a speech, either written or printed.

Senator Vest, of Missouri, in 1893 introduced the following resolution, the most moderate form of terminating so-called debate (CONGRESSIONAL RECORD, p. 45, Dec. 5, 1894):

Amendment intended to be proposed to the rules of the Senate, namely, add to Rule I the following section:

"SEC. 2. Whenever any bill, motion, or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days, amounting in all to 30, it shall be in order for any Senator to move that a time be fixed for the taking of a vote upon such bill, motion, or resolution, and such motion shall not be amendable or debatable, but shall be immediately put; and if adopted by a majority vote of all the Members of the Senate, the vote upon such bill, motion, or resolution, with all the amendments thereto which may have been proposed at the time of such motion, shall be had at the date fixed in such original motion without further debate or amendment, except by unanimous consent, and during the pendency of such motion to fix a date, and also at the time fixed by the Senate for voting upon such bill, motion, or resolution no other business of any kind or character shall be entertained, except by unanimous consent, until such motion, bill, or resolution shall have been finally acted upon."

Hon. Orville H. Platt, on September 21, 1893, introduced the following resolution (p. 1636):

Whenever any bill or resolution is pending before the Senate as unfinished business the presiding officer shall, upon the written request of a majority of the Senators, fix a day and hour, and notify the Senate thereof, when general debate shall cease thereon, which time shall not be less than five days from the submission of such request, and he shall also fix a subsequent day and hour, and notify the Senate thereof, when the vote shall be taken on the bill or resolution and any amendment thereto without further debate, the time for taking the vote to be not more than two days later than the time when general debate is to cease, and in the interval between the closing of general debate and the taking of the vote no Senator shall speak more than five minutes nor more than once upon the same proposition.

And, among other things, said:

The rules of the Senate, as of every legislative body, ought to facilitate the transaction of business. I think that proposition will not be denied. The rules of the Senate as they stand to-day make it impossible, or nearly impossible, to transact business. I think that proposition will not be denied. We as a Senate are fast losing the respect of the people of the United States. We are fast being considered a body that exists for the purpose of retarding and obstructing legislation. We are being compared in the minds of the people of this country to the House of Lords in England, and the reason for it is that under our rules it is impossible or nearly impossible to obtain action when there is any considerable opposition to a bill here.

I think that I may safely say that there is a large majority upon this side of the Senate who would favor the adoption of such a rule at the present time.

Mr. Hoar, of Massachusetts (1893), submitted to the committee a proposed substitute, as follows (p. 1637):

Resolved, That the rules of the Senate be amended by adding the following:

"When any bill or resolution shall have been under consideration for more than one day it shall be in order for any Senator to demand

that debate thereon be closed. If such demand be seconded by a majority of the Senators present, the question shall forthwith be taken thereon without further debate, and the pending measure shall take precedence of all other business whatever. If the Senate shall decide to close debate, the question shall be put upon the pending amendments, upon amendments of which notice shall then be given, and upon the measure in its successive stages according to the rules of the Senate, but without further debate, except that every Senator who may desire shall be permitted to speak upon the measure not more than once and not exceeding one hour.

"After such demand shall have been made by any Senator no other motion shall be in order until the same shall have been voted upon by the Senate, unless the same shall fail to be seconded.

"After the Senate shall have decided to close debate no motion shall be in order, but a motion to adjourn or to take a recess, when such motion shall be seconded by a majority of the Senate. When either of said motions shall have been lost or shall have failed of a second it shall not be in order to renew the same until one Senator shall have spoken upon the pending measure or one vote upon the same shall have intervened.

"For the foregoing stated purpose the following rules, namely, VII, VIII, IX, X, XII, XIX, XXII, XXVII, XXVIII, XXXV, and XL, are modified."

Mr. LODGE, of Massachusetts, also then, as now, Senator of the United States from Massachusetts, supported this proposal, using the following language (p. 1637):

It is because I believe that the moment for action has arrived that I desire now simply to say a word expressive of my very strong belief in the principle of the resolution offered by the Senator from Connecticut, Mr. Platt.

We govern in this country in our representative bodies by voting and debate. It is most desirable to have them both. Both are of great importance. But if we are to have only one, then the one which leads to action is the more important. To vote without debating may be hasty, may be ill considered, may be rash, but to debate and never vote is imbecility.

I am well aware that there are measures now pending, measures with reference to the tariff, which I consider more injurious to the country than the financial measure now before us. I am aware that there is a measure which has been rushed into the House of Representatives at the very moment when they are calling on us Republicans for nonpartisanship which is partisan in the highest degree and which involves evils which I regard as infinitely worse than anything that can arise from any economic measure, because it is a blow at human rights and personal liberty. I know that those measures are at hand. I know that such a rule as is now proposed will enable a majority surely to put them through this body after due debate and will lodge in the hands of a majority the power and the high responsibility which I believe the majority ought always to have. But, Mr. President, I do not shrink from the conclusion in the least. If it is right now to take a step like this, as I believe it is, in order to pass a measure which the whole country is demanding, then, as it seems to me, it is right to pass it for all measures. If it is not right for this measure, then it is not right to pass it for any other.

I believe that the most important principle in our Government is that the majority should rule. It is for that reason that I have done what lay in my power to promote what I thought was for the protection of elections, because I think the majority should rule at the ballot box. I think equally that the majority should rule on this floor—not by violent methods, but by proper dignified rules, such as are proposed by my colleague and by the Senator from Connecticut. The country demands action and we give them words. For these reasons, Mr. President, I have ventured to detain the Senate in order to express my most cordial approbation of the principle involved in the proposed rules which have just been referred to the committee.

Senator David B. Hill, of New York (1893), proposed the following amendment (p. 1639):

Add to Rule IX the following section:

"SEC. 2. Whenever any bill or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days amounting in all to 30 days, it shall be in order for any Senator to move to fix a date for the taking of a vote upon such bill or

resolution, and such motion shall not be amended or debatable; and if passed by a majority of all the Senators elected the vote upon such bill or resolution, with all the amendments thereto which may be pending at the time of such motion, shall be immediately had without further debate or amendment, except by unanimous consent."

Only last Congress, April 6, 1911, the distinguished Senator from New York, Mr. ROOT, introduced the following resolution:

Resolved, That the Committee on Rules be, and it is hereby, instructed to report for the consideration of the Senate a rule or rules to secure more effective control by the Senate over its procedure, and especially over its procedure upon conference reports and upon bills which have been passed by the House and have been favorably reported in the Senate. (CONGRESSIONAL RECORD, vol. 47, pt. 1, p. 107.)

And Senator LODGE argued very strongly in favor of a cloture.

Mr. THOMAS. Mr. President——

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

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

Mr. THOMAS. If the Senator will turn to pages 1637 and 1638 of the same volume that he holds in his hands, he will find, if my memory serves me right, a resolution upon the subject offered by Mr. LODGE, or else a speech in favor of a resolution previously offered by Senator Platt—a speech which contains a great deal of matter which is pertinent to the present situation.

Mr. OWEN. Senator Platt, on the 20th of September, 1893, proposed the following resolution:

Resolved, That Rule IX of the Senate be amended by adding the following section:

SEC. 2. Whenever any bill or resolution is pending before the Senate as unfinished business the Presiding Officer shall, upon the written request of a majority of the Senators, fix a day and hour and notify the Senate thereof when general debate shall cease thereon, which time shall not be less than five days from the submission request, and he shall also fix a subsequent day and hour, and notify the Senate thereof, when the vote shall be taken on the bill or resolution and any amendment thereto without further debate; the time for taking the vote to be not more than two days later than the time when general debate is to cease, and in the interval between the closing of general debate and the taking of the vote no Senator shall speak more than five minutes or more than once upon the same proposition.

Senator Platt argued strongly for this; nor was he alone. Senator LODGE, on page 2536, made an argument in favor of cloture, to this effect:

I believe, of course, that the proper way is to go straight at it and to put in the hands of the majority of the Senate the power to close debate and the power to take a vote after due debate.

But as it appears that there is not a majority in the Senate for closure, as no action has been taken by the Committee on Rules in that direction, and as there appears to be a prejudice against any method of bringing the Senate to a vote because it is in conflict with Senate traditions, I have ventured to offer two amendments which I think will at least tend to prevent obstruction, although they are not as thorough and complete as they ought to be.

This question of obstruction has culminated in the great representative bodies of the English-speaking people within the last few years. It has been met and disposed of in the House of Commons by the closure rules, which recently have been applied in practice at every stage of the home-rule bill. It has been met and disposed of in the House of Representatives. Those two great representative bodies of the English-speaking people, owing to reforms which have been carried out within the last half dozen years, are able to-day to transact business, to transact it according to the will of the majority, and thereby to place upon the majority the public responsibility which they ought to bear.

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And more to like effect from the distinguished Senator from Massachusetts.

The Senator from Massachusetts was not content with expressing himself in that respect in the United States Senate, but he wrote a very interesting article for the North American Review, in the issue of November, 1893, page 523, in which he sets up with great force the importance of allowing a majority to rule, in which he advocates the Reed rules in the House of Representatives, which since that time have been, wisely enough, adopted by every succeeding Congress, whether Democratic or Republican, because the common sense of a parliament requires that the majority shall not be throttled by the minority, for the simple reason the majority must be permitted to exercise the functions for which they are chosen by the American people, if representative government is to stand. I shall ask to put this short article by Mr. LODGE as an addendum to my remarks, if there is no objection. It is a very short one.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. OWEN. Mr. LODGE, after arguing strenuously for the cloture——

Mr. GALLINGER. Will the Senator give the date of that article?

Mr. OWEN. November, 1893.

After arguing strenuously for the cloture, Mr. LODGE points out the practice of the previous question, and says:

> But the essence of a system of courtesy is that it should be the same at all points. The two great rights in our representative bodies are voting and debate. If the courtesy of unlimited debate is granted, it must carry with it the reciprocal courtesy of permitting a vote after due discussion. If this is not the case, the system is impossible. Of the two rights, moreover, that of voting is the higher and more important. We ought to have both, and debate certainly in ample measure; but if we are forced to choose between them, the right of action must prevail over the right of discussion. *To vote without debating is perilous, but to debate and never vote is imbecile.*

I commend the language of the Senator from Massachusetts to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, if the Senator will yield——

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

Mr. OWEN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. The Senator has quoted an amendment to the rules which I wrote shortly after coming into this body, which was sent to the Committee on Rules and never came out of that committee. I did hold to that view at that time; but I listened to a wonderful speech from Senator Turpie, of Indiana, about that time in opposition to cloture, which did very much toward converting me to the opposite view.

The Senator from Massachusetts [Mr. LODGE] came into the Senate fresh from the House in 1893, imbued with the idea that the Reed rules were the acme of perfection, and he advocated that practice. It was during a famous debate on the repeal of the silver-purchase clause in the law that was then on the statute books, and our Democratic friends were filibustering against it with great earnestness and with a good deal of success.

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Mr. THOMAS. Mr. President——

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

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

Mr. THOMAS. I simply wish to remind the Senator from New Hampshire that that filibuster was not a party filibuster. There were a great many Senators upon the Republican side engaged in it. One was from my State, who afterwards took his seat upon this side. It was not a Democratic filibuster.

Mr. GALLINGER. There were four or five so-called Republicans at that time——

Mr. THOMAS. Oh, there were more than that. Mr. President, and there was nothing "so called" about them. They were Republicans.

Mr. GALLINGER. Mr. President, I thank the Senator for permitting me the opportunity of saying that when I first came here I did entertain the view the Senator has attributed to me; but I listened very attentively to the views of Senators, many of whom had been here a long time, and I found that they were almost unanimously against that procedure. They assured me that no harm had ever come from it, and I changed my views, and I have entertained those changed views from that day to the present time.

Mr. OWEN. Mr. President, against the views of Mr. Turpie, the Senator referred to by the Senator from New Hampshire, I wish to quote the language of another distinguished Senator of that date on the Democratic side—Senator White, now the Chief Justice of the Supreme Court of the United States. He said, on October 13, 1893 (CONGRESSIONAL RECORD, p. 2477), in commenting on the filibuster of that date:

> Sir, we have for days and days in this great body, upon which the eyes of the whole world have been turned in the past as the most exalted and the most dignified and the most responsible legislative body on the face of God's earth, witnessed scenes in it which, in my judgment, have made it an object of contempt to every civilized man and to every honest judgment. So far as I am concerned, I hope that this action to-night will initiate the first step to reach a point in which this great body, gathering its self-respect about it, will so deport itself as to save at least some of the honor and some of the character which has been its ornament for so many years. While it is sought to drag it down in the mire and dust, I hope it will so deport itself as to vindicate its duty. If gentlemen sit in this room and call attention to the absence of a quorum, and then remain silent on the roll called to ascertain whether there is a quorum, I hope there will be firmness and manhood here to visit that punishment which, in my judgment, such conduct deserves. If it be done, then, sir, those who use such methods will seek some other field for their display than this. If it be not done, the self-respect of this body is, in my judgment, gone.

Senator David B. Hill likewise objected very strongly to the abuse of the time of the Senate by the filibuster, and he was not alone in that. I call attention to the proposal of Senator Hill in 1893, page 1639:

> Add to Rule IX the following section:
>
> "SEC. 2. Whenever any bill or resolution is pending before the Senate as unfinished business and the same shall have been debated on divers days amounting in all to 30 days, it shall be in order for any Senator to move to fix a date for the taking of a vote upon such bill or resolution, and such motion shall not be amended or debatable; and if passed by a majority of all the Senators elected the vote upon such bill or resolution, with all the amendments thereto which may be pending at the time of such motion, shall be immediately had without further debate or amendment, except by unanimous consent."

Nor does this by any means end the matter on the two sides of the Chamber. There are many distinguished Senators who, in the course of the debates on these questions, expressed similar sentiments. I shall not encumber the RECORD with making quotations from them, except to show that the leaders on both sides of this Chamber, as the exigencies seemed to require, have not hesitated to urge amendment of the rules to provide for a previous question after reasonable debate has been had.

Mr. WEEKS. Mr. President——

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

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

Mr. WEEKS. I wish to ask the Senator if any Senator has ever made that contention when he was in the minority party of the Senate? Has it not always been when he was in the majority?

Mr. OWEN. Oh, I think so, very generally. That does not change the force of the opinions and arguments cited, however. If you gentlemen, through your leadership on that side, declare vehemently in favor of the virtue of a cloture when you are in the majority, and if the gentlemen on this side declare vigorously in favor of a cloture when they are in the majority, does it not argue that both sides have committed themselves earnestly to the reasonable, common-sense rule that the majority shall command this Chamber? And if both sides have committed themselves, with what face will you deny the reason of the rule which you have yourselves advocated with such force and with such earnestness? Do you wish to argue that both sides were fraudulently making the argument and that neither side is entitled to the respect of honest men, and that their opinions are worthless because merely indicating a desire for partisan advantage?

If this be true, let us follow the rule of all other great parliamentary bodies—of Great Britain, of France, of Germany, of Austria, of Italy, of Switzerland, of Hungary, of Spain, of Denmark—of the great States of our own Union, who do not permit filibuster or the rule of the minority over the majority.

Mr. FLETCHER. Mr. President——

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

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

Mr. FLETCHER. May I ask the Senator if he does not think that when the rule was originally adopted providing that a Senator could speak once in one day upon a question in debate, it was contemplated that the speech would be confined to the question pending and then before the Senate?

Mr. OWEN. Oh, absolutely. No one imagined in the early days of the Senate that the minority would have the shameless impudence to try to rule the majority.

Mr. FLETCHER. And does not the Senator think this abuse has grown up not because the rule ever contemplated such abuse, but rather in spite of it, and that the abuse consists largely in the fact that nowadays the so-called debate or discussion or speech is not confined at all to the question before the Senate, but all latitude is given for the discussion of any old subject at any old time, whether it is really before the Senate or not? Does not the Senator think that is really the

abuse, and that that was never contemplated by the Senate when the rules were originally adopted?

Mr. OWEN. That is quite true. When the rules of the Senate were adopted in 1789 they had the "previous question" coming from the Continental Congress, which had the previous question coming from the Parliament of Great Britain, which had the previous question in 1690. The Senate maintained the previous question for 17 years. It was then a small body of very courteous men, only 34 in number, and they dropped the previous question as not needed in so small a body of such very courteous men. They had only used it three times in 17 years, and as a matter of courtesy they merely omitted the previous question from the printed rules. It still was permissible under the general parliamentary law. They never imagined the Senator from Ohio speaking for 9 hours, the Senator from California speaking for long hours on the shipping bill, but confining his rambling observations to a dissertation on Christian science, followed by the Senator from Utah by a 13-hour speech, and speech after speech consuming days for the shameless purpose of killing time and killing majority rule and defeating popular government.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him further?

Mr. OWEN. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I will suggest to the Senator from Florida that if he should enforce that rule it would prevent the Senator from Oklahoma from making his very interesting discussion to-day.

Mr. OWEN. Oh, that may be true, Mr. President. I agree with the Senator from New Hampshire that a speech on the cloture would not be very much in point on the pending question of the shipping bill, but——

Mr. FLETCHER. But that is the pending question.

Mr. OWEN. Yes; it is so far in point that the Senator from Missouri [Mr. REED] has moved a temporary, particular, and special cloture for the purpose of bringing to a conclusion the endless filibuster on that side of the Chamber and getting a vote on the shipping bill. I am not far afield in discussing cloture in this way, for cloture is needed to get the vote on the shipping bill.

Mr. FLETCHER. That is the precise question.

Mr. OWEN. I think I am really much more in point than the Senator from New Hampshire would indicate.

Mr. President, I wish to submit for the RECORD the practice of every State in the Union. I have in my hand a compilation of the rules on the "*previous question*" of the various States comprising this Republic, and I submit them to show that the common sense of the people of this Republic, the common sense moving the legislatures of the various States, has spoken in regard to this matter; and only when they have had no trouble from an unfair filibuster is there the absence of a rule of cloture; that is, where the rule of courtesy carries with it the reciprocal courtesy of permitting the majority to vote after reasonable debate has been had.

The PRESIDING OFFICER. Is there objection to the insertion of the statement in the RECORD?

Mr. GALLINGER. Mr. President, before agreeing to the insertion I will ask the Senator, with his permission, if he has given the rules of the State senates as well as the houses of representatives?

Mr. OWEN. Yes; both are given—both the senate and house, wherever it occurs. I had it compiled by the legislative reference division of the Library of Congress for the use of the Senate.

Mr. GALLINGER. I will say to the Senator that I chance to know that we have not a previous question in the State Senate of New Hampshire.

Mr. OWEN. In the State Senate of New Hampshire, I take it, the Senator will not allege that any filibusters have been carried on so as to defeat the will of the majority. If so, I shall be glad to have the Senator say that that is a fact.

Mr. GALLINGER. I think probably the Senator is correct. We do not have before the Legislature of New Hampshire the great questions that we have before this body.

Mr. OWEN. And therefore there is no need for the rule of cloture, because your senate does not violate the courtesy of freedom of debate by a filibuster——

Mr. GALLINGER. I do not know that there has been any prolonged filibuster, but I do know that unlimited debate is allowed under the rules. That is all I know about it.

The PRESIDING OFFICER. Is there objection to the insertion in the RECORD of the matter referred to by the Senator from Oklahoma? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

PREVIOUS QUESTION IN STATE LEGISLATURES.

ALABAMA.

Senate.

No rule.

House.

20. The previous question shall be in the following form: "Shall the main question be now put?" If demanded by a vote of a majority of the members present, its effect shall be to cut off all debate and bring the house to a direct vote; first, upon the pending amendments, if there are any, in their order, and then on the main question, but the mover of the question or the chairman of the committee having charge of the bill or resolution shall have the right to close the debate after the call of the previous question has been sustained for not more than 15 minutes. (House rules, 1915, p. 8.)

ARIZONA.

Senate.

32. There shall be a motion for the previous question, which being ordered by a majority of senators voting, if a quorum be present, shall have the effect to cut off all debate and bring the senate to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for, or after the previous question shall have been ordered on its passage, for the president to entertain and submit a motion to commit, with or without instructions, to a standing or select committee. (Senate journal, 1912, p. 75.)

House.

Information not available.

ARKANSAS.

Senate.

19. The previous question shall not be moved by less than three members, and shall be stated in these words, to wit: "Shall the main

question be now put?" If the previous question is lost, the main question shall not thereby be postponed, but the senate shall proceed with the consideration of the same. If the previous question is carried, the original mover of the main question, or if the bill or resolution originated in the other house, then the chairman of the committee reporting the same shall have the right to close the debate and be limited to 30 minutes; and should the previous question be ordered on a subject debatable, before the same has been debated, the friends and the opponents of the measure shall have 30 minutes on either side in which to debate the question if desired. (Senate journal, 1901, p. 33.)

House.

53. When any debatable question is before the house any member may move the previous question, but it shall be seconded by at least five members whether that question (called the main question) shall now be put. If it passes in the affirmative, then the main question is to be put immediately, and no member shall debate it further, either to add to or alter: *Provided further*, When the previous question shall have been adopted the mover of the main question or chairman of the committee shall have the privilege of closing the debate and be limited to one-half hour: *Provided further*, When the previous question has been ordered on a debatable proposition which has not been debated 15 minutes in the aggregate shall be allowed the friends and opponents of the proposition each before putting the main question. (House journal, 1913, p. 28.)

CALIFORNIA.

Senate.

57. The previous question shall be put in the following form: "Shall the question be now put?" It shall only be admitted when demanded by a majority of the senators present upon a division; and its effect shall be to put an end to all debate, except that the author of the bill or the amendment shall have the right to close, and the subject under discussion shall thereupon be immediately put to a vote. On a motion for the previous question prior to a vote being taken by the senate, a call of the senate shall be in order. (List of members and rules, 1913, p. 59.)

Assembly.

45. The previous question shall be in this form: "Shall the main question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote on the question or questions before it. (List of members and rules, 1913, p. 119.)

COLORADO.

Senate.

X, 2. Debate may be closed at any time not less than one hour from the adoption of a motion to that effect, and upon a three-fifths vote of the members elect an hour may be fixed for a vote upon the pending measure. On either of these motions not more than 10 minutes shall be allowed for debate, and no senator shall speak more than 3 minutes; and no other motion shall be entertained until the motion to close debate or to fix an hour for the vote on the pending question shall have been determined. (Senate Journal, 1907, p. 101.)

House.

XXVI, 1. When there shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, it shall have the effect to cut off all debate and bring the house to a direct vote upon the immediate question or questions on which it has been asked or ordered. The previous question may be asked and ordered upon a single motion, a series of motions, allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions and amendments, and a motion to lay upon the table shall be in order on the second or third reading of the bill.

2. A call of the house shall not be in order after the previous question is ordered unless it shall appear upon the actual count by the speaker that a quorum is not present.

3. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (House Journal, 1907, p. 215.)

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CONNECTICUT.

Senate.

In the senate of 1911 the previous question was called for, and the point was raised that the previous question does not prevail in the senate; the president pro tempore (Peck) ruled the point well taken. (S. J., 1911, p. 555; register and manual, 1914, p. 133.)

House.

33. When a question is under debate no motion shall be received except—

1. To adjourn.
2. To lay on the table.
3. For the previous question.
4. To postpone indefinitely.
5. To close the debate at a specified time.
6. To postpone to a time certain.
7. To commit or recommit.
8. To amend.
9. To continue to the next general assembly.

Which several motions shall have precedence in the order in which they stand arranged in this rule, and no motion to lay on the table, commit, or recommit, to continue to next general assembly, or to postpone indefinitely, having been once decided, shall be again allowed at the same sitting and at the same stage of the bill or subject matter. (Register and manual, 1914, p. 113.)

DELAWARE.

Senate.

5. All motions shall be subject to debate, except motions to adjourn, to lay on the table, and for the previous question.

25. When a question is under debate no motion shall be received but to adjourn, to lay on the table, for the previous question, to postpone to a certain day, to commit, to amend, and to postpone indefinitely, which several motions shall have precedence in the order in which they are arranged. (Senate rules, 1915, pp. 30, 34.)

House.

35. A motion for the previous question shall not be entertained, except at the request of five members rising for that purpose, and shall be determined without debate; but when the previous question has been called and sustained it shall not cut off any pending amendment. The vote shall be taken, without debate, first on the amendments in their order and then on the main question. (House rules, 1915, pp. 43–44.)

FLORIDA.

Senate.

No rule.

House.

12. He shall put the previous question in the following form: "Shall the main question be now put?" And all debate on the main question and pending amendments shall be suspended, except that the introducer of a bill, resolution, or motion shall, if he so desire, be allowed five minutes to discuss the same, or he may divide his time with or may waive his right in favor of some other one member before the previous question is ordered. After the adoption of the previous question the sense of the house of representatives shall forthwith be taken on pending amendments in their regular order and then put upon the main question.

13. On the previous question there shall be no debate. (House journal, 1911, p. 259.)

GEORGIA.

Senate.

50. The motion for the previous question shall be decided without debate and shall take precedence of all other motions except motions "to adjourn" or "to lay on the table," and when it is moved, the first question shall be, "Shall the call for the previous question be sustained?" If this be decided by a majority vote in the affirmative, the motion "to adjourn" or "to lay on the table" can still be made, but they must be mode before the next question, to wit, "Shall the main question be now put?" is decided in the affirmative; and after said last question is affirmatively decided by a majority vote said motions will be out of order, and the Senate can not adjourn until the previous question is exhausted or the regular hour of adjournment arrives.

51. When the previous question has been ordered, the Senate shall then proceed to act on the main question without debate, except that

before the main question is put 20 minutes shall be allowed to the committee whose report of the bill or other measure is under consideration to close debate. When the report of the committee is adverse to the passage of the bill or other measure, the introducer of the bill shall be allowed 20 minutes before the time allowed to the committee for closing the debate. The chairman of the committee, or the introducer of the bill or other measure, may yield the floor to such senators as he may indicate for the time, or any part of it, allowed under this rule.

52. After the main question is ordered any senator may call for a division of the senate in taking the vote, or may call for the yeas and nays; but on all questions on which the yeas and nays are called the assent of one-fifth of the number present shall be necessary to sustain the call, and when such call is sustained, the yeas and nays shall be entered on the journal.

53. The effect of the order that the "main question be now put" is to bring the senate to a vote on pending questions in the order in which they stood before it was moved.

54. After the main question has been ordered no motion to reconsider shall be in order until after the vote on the main question is taken and announced.

55. In all cases of contested election, where there is a majority and a minority report from the committee on privileges and elections, if the previous question is ordered, there shall be 20 minutes allowed to the member of said committee whose name is first signed to said minority report, or to such member or members as he may indicate, for the time so allowed, or any part of it, before the 20 minutes allowed to the chairman submitting the majority report.

56. The previous question may be called and ordered upon a single motion or an amendment, or it may be made to embrace all authorized motions or amendments and include the entire bill to its passage or rejection.

57. A call of the senate shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the president that a quorum is not present.

58. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1900-1901, pp. 30-32.)

House.

64. The motion for the previous question shall be decided without debate, and shall take precedence of all other motions except motions "to adjourn" or "to lay on the table," and when it is moved the question shall be, "Shall the motion for the previous question be sustained?" If this be decided by a majority vote in the affirmative, the motion "to adjourn" or "to lay on the table" can still be made, but they must be made before the next question, to wit, "Shall the main question be now put," is decided in the affirmative, and after said last question is affirmatively decided, by a majority vote, said motion will be out of order, and the House can not adjourn until the previous question is exhausted or the regular hour of adjournment arrives.

65. When the previous question has been ordered the House shall proceed to act on the main question without debate, except that before the main question is put 20 minutes shall be allowed to the committee whose report of the bill or other measure is under consideration to close the debate. Where the report of the committee is adverse to the passage of the bill or other measure the introducer of the bill shall be allowed 20 minutes before the time allowed to the committee for closing the debate. The chairman of the committee or the introducer of the bill or other measure may yield the floor to such Members as he may indicate for the time, or any part of it allowed under this rule. This rule shall not be construed to allow the 20 minutes above referred to to be used but once on any bill or measure, and then on the final passage of the bill or measure.

66. After the main question is ordered, any Member may call for a division of the House in taking the vote, or may call for the yeas and nays; if the call for the yeas and nays is sustained by one-fifth of the Members voting, the vote shall be taken by the yeas and nays and so entered on the Journal.

67. The effect of the order that the "main question be now put," is to bring the House to a vote on pending questions in the order in which they stood before it was moved.

68. After the main question has been ordered, no motion to reconsider shall be in order until after the vote on the main question is taken and announced.

69. In all cases where a minority report has been submitted on any question, if the previous question is ordered, there shall be 20 minutes

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allowed to the Member whose name is first signed to said minority report, or to such Member or Members as he may indicate, for the time so allowed, or any part of it, before the 20 minutes allowed to the chairman submitting the majority report.

70. The previous question may be called and ordered upon a single motion or an amendment, or it may be made to embrace all authorized motions or amendments and include the entire bill to its passage or rejection.

71. A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

72. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual 1900–1901, pp. 106–108.)

IDAHO.

Senate.

IV, 2. When a question is under debate the president shall receive no motion but—

To adjourn.
To take a recess.
To proceed to the consideration of the special order.
To lay on the table.
The previous question.
To close debate at a special time.
To postpone to a certain day.
To commit.
To amend or postpone indefinitely.

And they shall take precedence in the order named. (Rules, 1915, pp. 21–22.)

House.

14. Upon the previous question being ordered by a majority of the members present, if a quorum, the effect shall be to cut off debate and bring the house to a direct vote upon the pending question. It shall be in order, pending the motion for or after the previous question shall have been ordered, for the speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee, which motion shall be decided without debate.

15. When the previous question is decided in the negative, it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of.

16. All incidental questions of order arising after a motion is made for the previous question, during the pending of such motion or after the house shall have determined that the main question shall be put, shall be decided, whether an appeal or otherwise, without debate. (Rules, 1915, pp. 3–4.)

ILLINOIS.

Senate.

62. The previous question shall be stated in this form: "Shall the main question be now put?" and, until it is decided, shall preclude all amendments or debate. When it is decided that the main question shall now be put, the main question shall be considered as still remaining under debate.

63. The effect of the main question being ordered shall be to put an end to all debate and bring the senate to a direct vote, first upon all amendments reported or pending, in the inverse order in which they are offered. After the motion for the previous question has prevailed, it shall not be in order to move for a call of the senate unless it shall appear by the yeas and nays as taken on the main question that no quorum is present, or to move to adjourn, prior to a decision on the main question. (Senate Journal, 1911, p. 13.)

House.

60. The previous question shall be put in this form: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When it is decided that the main question shall not now be put, the main question shall be considered as still remaining under debate.

The effect of the main question being ordered shall be to put an end to all debate and bring the house to a direct vote, first, upon all amendments reported or pending in the inverse order in which they are offered. After the motion for the previous question has prevailed it shall not be in order to move for a call of the house unless it shall

appear by yeas and nays, as taken on the main question, that no quorum is present, or to move to adjourn prior to a decision of the main question: *Provided*, If a motion to postpone is pending the only effect of the previous question shall be to bring the House to a vote upon such motion. (House Journal, 1913, p. 318.)

INDIANA.

Senate

18. The previous question shall be put in this form: "Shall the main question be now put?" Until it is decided it shall preclude all debate and the introduction of all further amendments. The previous question having been ordered, the main question shall be the first question in order, and its effect shall be to put an end to all debate and bring the senate to a direct vote on the subsidiary questions then pending in their order, and then on the main question. When operating under the previous question there shall be no debate or explanation of votes. (Legislative Manual for 1913, p. 67.)

House.

60. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the house to a direct vote upon a motion to commit if such motion shall have been made, and if this motion does not prevail, then upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question. But its only effect, if a motion to postpone is pending, shall be to bring the house to a vote upon such motion. On the previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and, pending such motion, shall be decided, whether on appeal or otherwise, without debate. And after a demand for the previous question has been seconded by the house no motion shall be entertained to excuse a member from voting. The ordering of the previous question shall not prevent a member from explaining his vote, but no member under this rule shall be permitted more than one minute for that purpose. (Legislative Manual for 1913, p. 82.)

IOWA.

Senate.

11. A motion to adjourn, to lay on the table, and for the previous question shall be decided without debate, and all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided—whether an appeal or otherwise—without debate.

12. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the senate to a direct vote upon pending amendments and then upon the main question, unless otherwise indicated by the motion and ordered by the senate, except that the member in charge of the measure under consideration shall have 10 minutes in which to close the discussion immediately before the vote is taken upon the main question. If the previous question is decided in the negative, the senate shall proceed with the matter before it the same as though the previous question had not been moved. (Official Register, 1911–12, p. 179.)

House.

26. The previous question shall always be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and to bring the house to a direct vote upon amendments and then upon the main question, unless otherwise indicated by the motion and ordered by the house, except that the member in charge of the measure under consideration shall have 10 minutes in which to close the discussion before the vote is taken. On a motion for the previous question, and prior to seconding the same, a call of the house shall be in order; but after such motion shall have been adopted no call shall be in order prior to the decision of the main question. If the previous question is decided in the negative, the house shall proceed with the matter before it the same as though the previous question had not been moved.

27. Motions to lay on the table, to adjourn, and for the previous question shall be decided without debate. (Official Register, 1911–12, p. 185.)

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KANSAS.

Senate.

15. Any five senators shall have the right to demand the previous question. The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When on taking the previous question the senate shall decide that the main question shall not be put, the main question shall be considered as still remaining under debate. The main question shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending the question shall first be taken upon such amendments in their order; and when amendments have been adopted in committee of the whole and not acted on in the senate, the question shall be taken upon such amendments in like order, and without further debate or amendment. But the previous question can be moved on a pending amendment, and, if adopted, debate is closed on the amendment only; and after the amendment is voted on the main question shall again be open to debate and amendments. In this case the question shall be, "Shall the vote now be taken on the pending amendment?" (Senate rules, 1913, 1st ed., p. 5.)

House.

51. The "previous question" shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendment or debate. When, on taking the previous question, the house shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The main question shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall first be taken upon such amendments in their order; and when amendments have been adopted by the committee of the whole and not acted on in the house, the question shall be taken upon such amendments in like order, and without further debate or amendment. (House Rules, 1913, p. 16.)

KENTUCKY.

Senate.

55. When the "previous question" has been moved, seconded, and adopted a vote shall be immediately taken upon the pending measure and such pending amendments as are in order.

The effect of the "previous question" shall therefore be to put an end to all debate; to prevent the offering of additional amendments, and to bring the senate to an immediate vote upon the measure as aforesaid.

The previous question may be ordered by a majority of the senators voting on that question. On the call of the roll no senator shall be allowed to speak more than three minutes to explain his vote and shall not speak at all if the question is not a debatable question. After the previous question has been ordered a senator, whose bill or amendment or motion—if debatable—is pending, may speak not exceeding 10 minutes thereon, and one senator of the opposition may speak not exceeding 10 minutes. (Directory, 1914, p. 244.)

House.

24. The previous question being moved and seconded, the question from the Chair shall be, "Shall the main question be now put?" And if the nays prevail, the main question shall not then be put. The effect of the previous question shall be to put an end to all debate except on the final passage of the measure under consideration; then the opponents of the measure shall have 10 minutes to debate the proposition and the proposer of the measure shall be limited to 10 minutes to close the debate, unless his time be extended by consent of the house, and bring the house to a direct vote on amendments proposed by a committee, if any; then on pending amendments and all amendments which have been read for information of the house by the clerk shall be regarded as pending amendments; and then upon the main question. (Directory, 1914, p. 253.)

LOUISIANA.

Information not available.

MAINE.

Senate.

No rule.

House.

31. When motion for the previous question is made the consent of one-third of the members present shall be necessary to authorize the speaker to entertain it. No debate shall be allowed until the matter

of consent is determined. The previous question shall be submitted in the following words: "Shall the main question be put now?" No member shall speak more than five minutes on the motion for the previous question, and while that question is pending a motion to lay on the table shall not be decided without debate. A call for the yeas and nays or for division of a question shall be in order after the main question has been ordered to be put. After the adoption of the previous question the vote shall be taken forthwith upon amendments, and then upon the main question. (Maine Register, 1914–15, pp. 186–187.)

MARYLAND.

Senate.

No rule.

House.

19. There shall be a motion for the previous question, which, being ordered by a majority of the members present, shall preclude all further debate and bring the house to a direct vote upon the immediate question or questions on which it has been asked and ordered. It may be asked and ordered upon any debatable motion or a series of motions to and embracing the main question, if desired. (Maryland Manual, 1912, p. 287.)

MASSACHUSETTS.

Senate.

47. Debate may be closed at any time not less than one hour from the adoption of a motion to that effect. On this motion not more than 10 minutes shall be allowed for debate, and no member shall speak more than 3 minutes. (Manual for the General Court, 1913, p. 533.)

House.

81. The previous question shall be put in the following form: "Shall the main question be now put?" and all debate upon the main question shall be suspended until the previous question is decided.

82. On the previous question debate shall be allowed only to give reasons why the main question should not be put.

83. All questions of order arising after a motion is made for the previous question shall be decided without debate, excepting on appeal; and on such appeal no member shall speak more than once, without leave of the house.

84. The adoption of the previous question shall put an end to all debate, except as provided in rule 86, and bring the house to a direct vote upon pending amendments, if any, in their regular order, and then upon the main question.

85. Debate may be closed at any time not less than 30 minutes from the adoption of a motion to that effect. In case the time is extended by unanimous consent, the same rule shall apply at the end of the extended time as at the time originally fixed.

86. When debate is closed by ordering the previous question or by a vote to close debate at a specified time, the member in charge of the measure under consideration shall be allowed to speak 10 minutes and may grant to any other member any portion of his time. When the measure under consideration has been referred to the committee on ways and means, under house rule 44, the member originally reporting it shall be considered in charge, except where the report of the committee on ways and means is substantially different from that referred to them, in which case the member originally reporting the measure and the member of the committee on ways and means reporting thereon shall each be allowed to speak five minutes, the latter to have the close. When the member entitled to speak under this rule is absent, the member standing first in order upon the committee reporting the measure who is present and joined in the report shall have the right to occupy such time. (Manual for the General Court, 1913, pp. 566–568.)

MICHIGAN.

Senate.

41. The mode of ordering the previous question shall be as follows: Any senator may move the previous question. This being seconded by at least one other Senator, the chair shall submit the question in this form, "Shall the main question now be put?" This shall be ordered only by a majority of the senators present and voting. The effect of ordering the previous question shall be to instantly close debate and bring the senate to an immediate vote on the pending question or questions in their regular order. The motion for the previous question may be limited by the mover to one or more of the questions preceding the main question itself, in which case the form shall be, "Shall the question, as limited, be now put?" The yeas and nays may be demanded on

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any vote under this rule, and a motion for a call of the senate shall be in order at any time prior to the ordering of the previous question. Any question of order or appeal from the decision of the chair, pending the previous question, shall be decided without debate. When the question is on motion to reconsider, under the operation of the previous question and it is decided in the affirmative, the previous question shall have no operation upon the question to be reconsidered. If the senate refuses to order the previous question, the consideration of the subject shall be resumed, as if no motion therefor had been made. (Michigan Manual, 1913, p. 586.)

House.

51. The method of ordering the previous question shall be as follows: Any member may move the previous question. This being seconded by at least 10 members, the chair shall put the question, "Shall the main question now be put?" This shall be ordered only by a majority of the members present and voting. After the seconding of the previous question, and prior to ordering the same, a call of the house may be moved and ordered, but after ordering the previous question nothing shall be in order prior to the decision of the pending questions, except demands for yeas and nays, points of order, and appeals from the decision of the chair, which shall be decided without debate. The effect of the previous question shall be to put an end to all debate and bring the house to a direct vote upon all pending questions in their order down to and including the main question. When a motion to reconsider is taken under the previous question, and is decided in the affirmative, the previous question shall have no operation upon the question to be reconsidered. If the house shall refuse to order the main question, the consideration of the subject shall be resumed, as though no motion for the previous question had been made. (Michigan Manual, 1913, p. 594–595.)

MINNESOTA.

Senate.

25. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by a committee, if any, then upon all pending amendments in their order, and then upon the main question. On a motion for the previous question, and prior to the ordering of the same, a call of the senate shall be in order, but after a majority shall have ordered such motion, no call shall be in order prior to the decision of the main question.

26. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, Minnesota, 1913, p. 156.)

House.

30. (a) The previous question shall be in this form: "The gentleman from ——— moves the previous question. Do 10 members second the motion?" If the motion be properly seconded, the question shall be stated, as follows: "As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No.'"

There shall be a motion for the previous question which, being ordered by a majority of all members present, shall have the effect to cut off all debate and bring the house to a direct vote upon the immediate question or questions upon which it has been asked or ordered.

The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments; or it may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection.

(b) A call of the house shall not be in order after the previous question is ordered unless it shall appear that a quorum is not present.

(c) When the previous question is decided in the negative, it shall leave the main question under debate for the residue of the sitting unless sooner disposed of by taking a vote on the question or in some other manner. (Legislative Manual, Minnesota, 1913, p. 169.)

MISSISSIPPI.

Information not available.

MISSOURI.

Senate.

47. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted on demand of two senators and sustained by a vote of a majority of the senators present,

and its effect shall put an end to all debate and bring the senate to a direct vote upon a motion to commit if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question. On demand of the previous question, a call of the senate shall be in order, but after a majority have sustained such a motion no call shall be in order prior to the decision on the main question.

48. On motion for the previous question no debate shall be allowed, and all incidental questions of order arising after the motion is made for the previous question, and, pending such motion, shall be decided, on appeal or otherwise, without debate. If, on a vote for the previous question, a majority of the senators vote in the negative, then the further consideration of the subject matter shall be in order. (Senate Journal, 1911, p. 37.)

House.

57. The previous question shall be in this form: "Shall the question now under immediate consideration be now put?" It may be moved and seconded like any other question, but it shall only prevail when supported by a majority of the members present, and, until decided, shall preclude amendment and debate; and a failure to sustain the same shall not put the matter under consideration from before the house, but the house shall proceed as if said motion had not been made. (House Journal, 1911, p. 21.)

MONTANA.

Senate.

30. The previous question shall be in this form: "Shall the main question be now put." It shall only be admitted when demanded by a majority of the senators present, upon division, and its effect shall be to put an end to all debate and bring the senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the senate shall be in order, but after a majority of the senators have seconded such motion no call shall be in order prior to the decision of the main question. If the previous question is negatived, the senate shall proceed in the same manner as if the motion had not been made.

31. On a motion for the previous question and under the previous question there shall be no debate; and all incidental questions of order arising after a motion is made for the previous question (or while acting under the previous question) shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1895, pp. 23–24.)

House.

XXIII. 1. There shall be a motion for the previous question, which, being ordered by a majority, if a quorum be present, shall have the effect to cut off all debate and bring the house to a direct vote upon the immediate question or questions on which it has been asked or ordered: *Provided*, That when the previous question is ordered on any proposition on which there has been no debate it shall be in order to debate the proposition to be voted on for 30 minutes, one-half of such time to be given to debate in favor of and one-half in debate in opposition to such proposition. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, and include the bill to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the speaker to entertain and submit motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

2. A call of the house shall not be in order after the previous question is ordered unless it shall appear upon an actual count by the speaker that a quorum is not present.

3. All incidental questions of order arising from, after a motion is made for the previous question, and pending such motion shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1895, pp. 34–35.)

NEBRASKA.

Senate.

16. When a question is under debate no motion can be received but to adjourn, for the previous question, to lay on the table, to postpone indefinitely, to postpone to a certain day, to commit, or amend, which several motions shall have precedence in the order they stand arranged. (Legislative Manual, 1911–12, p. 112.)

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House.

26. The previous question shall be in this form: "Shall the debate now close?" It shall be admitted when demanded by five or more members and must be sustained by a majority vote, and until decided shall preclude further debate and all amendments and motions except one motion to adjourn and one motion to lay on the table.

27. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question and pending such motion shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1911–12, p. 153.)

NEVADA.

Senate.

18. The previous question shall not be put unless demanded by three Senators, and it shall be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall put an end to all debate and bring the senate to a vote on the question or questions before it, and all incidental questions arising after the motion was made shall be decided without debate. (Appendix to Journals, 1911, v. 1, p. 125.)

Assembly.

33. The previous question shall be in this form: "Shall the main question be now put?" and its effect, when sustained by a majority of the members elected, shall be to put an end to all debate and bring the house to a vote on the question or questions before it.

34. All incidental questions arising after a motion is made for the previous question and pending such motion or previous question shall be decided, whether on appeal or otherwise, without debate.

35. The previous question shall only be put when demanded by three members. (Appendix to Journals, 1911, v. 1, p. 141.)

NEW HAMPSHIRE.

Senate.

No rule.

House.

23. The speaker shall put the previous question in the following form: "Shall the main question now be put?" and all debate upon the main question shall be suspended until the previous question has been decided. After the adoption of the previous question, the sense of the house shall forthwith be taken upon pending amendments, in their regular order, and then upon the main question. The motion for the previous question shall not be put unless demanded by three members.

24. All incidental questions of order arising after a motion for the previous question and related to the subjects affected by the order of the previous question shall be decided without debate.

25. If the previous question is decided in the negative, it shall not be again in order until after adjournment, but the main question shall be left before the house and disposed of as though the previous question had not been put. (Manual for the General Court, 1913, pp. 407–408.)

NEW JERSEY.

Senate.

No rule.

House.

33. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be, if decided affirmatively, to put an end to all debate, and bring the house to a direct vote upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question; if decided in the negative, to leave the main question and amendments, if any, under debate for the residue of the sitting, unless sooner disposed of by taking the question, or in some other manner. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate. (Legislative Manual, 1914, p. 84.)

NEW MEXICO.

Information not available, except that before inauguration of statehood previous question in both houses was allowed. (Council Rules, 1907, p. 8; House Rules, 1901, p. 11.)

NEW YORK.

Senate.

32. When any bill, resolution, or motion shall have been under consideration for six hours it shall be in order for any senator to move

to close debate, and the president shall recognize the senator who wishes to make such motion. Such motion shall not be amendable or debatable and shall be immediately put, and if it shall receive the affirmative votes of a majority of the senators present, the pending measure shall take precedence over all other business. The vote shall thereupon be taken upon such bill, motion, or resolution, with such amendments as may be pending at the time of such motion according to the rules of the senate, but without further debate, except that any senator who may desire so to do shall be permitted to speak thereon not more than once and not exceeding one-half hour. After such motion to close debate has been made by any senator, no other motion shall be in order until such motion has been voted upon by the senate. After the senate shall have adopted the motion to close debate, as hereinbefore provided, no motion shall be in order but one motion to adjourn and a motion to commit. Should said motion to adjourn be carried, the measure under consideration shall be the pending question when the senate shall again convene and shall be taken up at the time of such adjournment. The motion to close debate may be ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill, resolution, or motion to its passage or rejection. All incidental questions of order, or motions pending at the time such motion is made to close debate, whether the same be on appeal or otherwise, shall be decided without debate. (Red Book, 1914, pp. 627–628.)

House.

29. The "previous question" shall be put as follows: "Shall the main question now be put?" and until it is decided, shall preclude all amendments or debate. When on taking the previous question the house shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The "main question" shall be the advancement or passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall first be taken upon such amendments in their order. (Red Book, 1914, p. 659.)

NORTH CAROLINA.

Senate.

24. The previous question shall be as follows: "Shall the main question be put?" and, until it is decided, shall preclude all amendments and debate. If this question shall be decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending the question shall be taken upon such amendments, in their order, without further debate or amendment. However, any senator may move the previous question and may restrict the same to an amendment or other matter then under discussion. If such question be decided in the negative, the main question shall be considered as remaining under debate.

25. When the motion for the previous question is made, and pending the second thereto by a majority, debate shall cease, and only a motion to adjourn or lay on the table shall be in order, which motions shall be put as follows: Previous question; adjourn; lay on the table. After a motion for the previous question is made, pending a second thereto, any member may give notice that he desires to offer an amendment to the bill or other matter under consideration, and after the previous question is seconded, such member shall be entitled to offer his amendment in pursuance of such notice. (Manual, 1913, p. 21.)

House.

56. The previous question shall be as follows: "Shall the main question be now put?" and, until it is decided, shall preclude all amendments and debate. If this question shall be decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration, but when amendments are pending, the question shall be taken upon such amendments, in their order, without further debate or amendment. If such question be decided in the negative, the main question shall be considered as remaining under debate: *Provided*, That no one shall move the previous question except the member submitting the report on the bill or other matter under consideration, and the member introducing the bill or other matter under consideration, or the member in charge of the measure, who shall be designated by the chairman of the committee reporting the same to the house at the time the bill or other matter under consideration is reported to the house or taken up for consideration.

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When a motion for the previous question is made, and pending the second thereto by a majority, debate shall cease; but if any member obtains the floor he may move to lay the matter under consideration on the table, or move an adjournment, and when both or either of these motions are pending the question shall stand:

(1) Previous question.
(2) To adjourn.
(3) To lay on the table.

And then upon the main question, or amendments, or the motion to postpone indefinitely, postpone to a day certain, to commit, or amend, in the order of their precedence, until the main question is reached or disposed of; but after the previous question has been called by a majority no motion, amendment, or debate shall be in order.

All motions below the motion to lay on the table must be made prior to a motion for the previous question; but, pending and not after the second therefor, by the majority of the house, a motion to adjourn or lay on the table, or both, are in order. This constitutes the precedence of the motion to adjourn and lay on the table over other motions in rule 25.

Motions stand as follows in order of precedence in rule 26: Lay on the table, previous question, postpone indefinitely, postpone definitely, to commit or amend.

When the previous question is called all motions below it fall, unless made prior to the call, and all motions above it after its second by a majority required. Pending the second, the motions to adjourn and lay on the table are in order, but not after a second. When in order and every motion is before the house, the question stands as follows: Previous question, adjourn, lay on the table, postpone indefinitely, postpone definitely, to commit, amendment to amendment, amendment, substitute, bill.

The previous question covers all other motions when seconded by a majority of the house, and proceeds by regular gradation to the main question, without debate, amendment, or motion, until such question is reached or disposed of. (House Rules, 1915, pp. 8–10.)

NORTH DAKOTA.

Senate.

8. When a question is under debate no motion shall be received except to adjourn, to lay on the table, to move for the previous question, to move to postpone to a day certain, to commit or amend, to postpone indefinitely, which several motions shall have precedence in the order in which they are named, and no motion to postpone to a day certain, to commit, to postpone indefinitely, having been decided, shall be entertained on the same day and at the same stage of the bill or proposition. (Senate Rules, 1915, p. 11.)

House.

14. The previous question shall be in this form: "Shall the main question be now put?" It shall be admitted only when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the house to a direct vote upon the amendments reported by a committee, if any, upon the pending amendments and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the house shall be in order, but after a majority shall have seconded such motion no call shall be in order prior to decision of the main question.

15. When the previous question is decided in the negative it shall leave the main question under debate for the remainder of the sitting unless sooner disposed of in some other manner.

16. All incidental questions of order arising after motion is made for the previous question, during the pendency of such motion, or after the house shall have determined that the main question shall be now put shall be decided, whether on appeal or otherwise, without debate. (House Rules, 1915, pp. 13–14.)

OHIO.

Senate.

105. A motion for the previous question shall be entertained only upon the demand of three senators. The president shall put the question in this form: "The question is, Shall the debate now close?" and until decided it shall preclude further debate and all amendments and motions, except one motion to adjourn, one motion to take a recess, one motion to lay on the table, and one call of the senate.

106. All incidental questions or questions of order arising after the demand for the previous question is made shall be decided without debate and shall not be subject to appeal.

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107. After the demand for the previous question has been sustained no call or motion shall be in order, but the senate shall be brought to an immediate vote, first upon the main question.

108. Agreement to a motion to reconsider a vote on a "main question" shall not revive the "previous question," but the matter shall be subject to amendment and debate. (Legislative Manual, 1912, pp. 22–23.)

House.

52. The previous question shall be in this form: "Shall the debate now close?" It shall be permitted when demanded by five or more members, and must be sustained by a majority vote, and, until decided, shall preclude further debate, and all amendments and motions, except one motion to adjourn, and one motion to lay on table.

53. All incidental questions or questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided without debate and shall not be subject to appeal.

54. On a motion for the previous question, and prior to voting on the same, a call of the house shall be in order; but after the demand for the previous question shall have been sustained no call shall be in order; and the house shall be brought to an immediate vote, first upon the pending amendments in the inverse order of their age, and then upon the main question.

55. If a motion for the previous question be not sustained, the subject under consideration shall be proceeded with the same as if the motion had not been made. (Legislative Manual, 1912, pp. 69–75.)

OKLAHOMA.

Senate.

33 (a) There shall be a motion for the previous question, which shall be stated in these words, to wit, "Shall the main question be now put?" which, being ordered by a majority of the members voting, if a quorum be present, shall have the effect to cut off all debate and bring the house to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, and include the bill to its passage or rejection. It shall be in order, pending the motion for or after the previous question, for the president to entertain and submit a motion to commit with or without instructions to a standing or select committee. (Jefferson's Manual, sec. 34.)

(b) If the previous question is carried, the original mover of the main question, or, if the bill or resolution originated in the other house, then the chairman of the committee reporting the same, shall have the right to close the debate and be limited to 15 minutes, and should the previous question be ordered on a subject debatable before the same has been debated the friends and opponents of the measure shall have 30 minutes on either side in which to debate the question if desired. (Jefferson's Manual, sec. 34; Red Book, 1912, v. 2, p. 109.)

House.

44. When any debatable question is before the house any member may move the previous question, but before it is put it shall be seconded by at least five members whether that question (called the main question) shall now be put. If it passes in the affirmative, then the main question is to be put immediately, and no member shall debate it further, either add to it or alter: *Provided*, That after the previous question shall have been adopted the mover of the main question or the chairman of the committee shall have the privilege of closing the debate and be limited to one-fourth hour: *Provided further*, That when the previous question has been ordered on a debatable proposition which has not been debated 15 minutes in the aggregate shall be allowed the friends and opponents of the proposition each before putting the main question. (Red Book, 1912, v. 2, p. 96.)

OREGON.

Senate.

37. The previous question shall be put in the following form: "Shall the main question now be put?" It shall only be admitted when demanded by a majority of the senators present, and its effect shall be to put an end to all debate, except that the author of the bill or other matter before the senate, shall have the right to close, and the subject under discussion shall thereupon be immediately put to a vote. On a motion for the previous question, prior to a vote of the senate being taken, a call of the senate shall be in order. (Senate Journal, 1911, p. 359.)

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House.

30. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and, until it is decided, shall preclude all amendment and further debate on the main question except by the mover of the original motion, who shall be allowed 10 minutes. On a motion for the previous question, a roll call shall be in order if demanded by two members.

31. On a previous question there shall be no debate; all incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether an appeal or otherwise, without debate. (House rules, 1909, p. 7.)

PENNSYLVANIA.

Senate.

9. The motion for the previous question, for postponement, for commitment, and for amendment, shall take precedence in the order mentioned, and a motion for the previous question shall preclude any of the other motions from being made; a motion to postpone shall preclude a motion to commit; or to amend a motion to commit shall preclude a motion to amend. The motion for the previous question, postponement (other than indefinite postponement), or commitment shall preclude debate on the original subject. The previous question shall not be moved by less than four members.

10. When a call for the previous question has been made and sustained, the question shall be upon pending amendments and the main question in their regular order, and all incidental questions of order arising after a motion for the previous question has been made, and pending such motion shall be decided, whether on appeal or otherwise, without debate. (Smull's Legislative Handbook, 1914, p. 1006.)

House.

21. The previous question shall not be moved by less than 20 members rising for that purpose, and shall be determined without debate; but when the previous question has been called and sustained it shall not cut off any pending amendment, but the vote shall be taken without debate, on the amendments in their order and then on the main question. (Smull's Legislative Handbook, 1914, p. 1031.)

RHODE ISLAND.

Senate.

20. There shall be a motion for the previous question, which shall not be debatable, and which may be asked and ordered upon any bill or section thereof, amendment, motion, resolution, or question which is debatable, any of which shall be considered as the main question for the purpose of applying the previous question. All incidental questions of order arising after a motion for the previous question has been made, and before the vote has been taken on the main question, shall be decided, whether on appeal or otherwise, without debate.

When the previous question has been ordered a motion to reconsider such vote shall not be in order, and no motion to adjourn while a quorum is present shall be entertained between the taking of such vote and the taking of the vote on the main question, but 10 minutes shall be allowed for further debate upon the main question, during which no member shall speak more than 3 minutes, and a further period of 10 minutes, if desired, shall be allowed for debate to the member introducing the bill or question to be acted upon, or to the member or members to whom he may yield the floor, at the close of which time, or at the close of the first 10 minutes, in case the introducer does not desire to so use his time, the vote on the main question shall be taken. If incidental questions of order are raised after the previous question has been ordered, the time occupied in deciding such questions shall be deducted from the time allowed for debate. (Manual, 1914, p. 359.)

House.

29. There shall be a motion for the previous question, which shall not be debatable, and which may be moved, and ordered upon any bill or section thereof, amendment, motion, resolution, or question which is debatable, any of which shall be considered as the main question for the purpose of applying the previous question. When a motion for the previous question has been made, no other motion shall be entertained by the speaker until it has been put to the house and decided. All incidental questions of order arising after a motion for the previous question has been made, and before the vote has been taken on the main question, shall be decided, whether on appeal or otherwise, without debate. When the previous question has been ordered a motion to reconsider such vote

shall not be in order, and no motion to adjourn or to take a recess while a quorum is present shall be entertained between the taking of such vote and the taking of the vote on the main question, but 10 minutes shall be allowed for further debate upon the main question, during which no member shall speak more than 3 minutes, and a further period of 10 minutes, if desired, shall be allowed for debate to the member introducing the bill or question to be acted upon, or to the member or members to whom he may yield the floor, at the close of which time, or at the close of the first 10 minutes, in case the introducer does not desire to so use his time, the vote on the main question shall be taken. If incidental questions of order are raised after the previous question has been ordered, the time occupied in deciding such questions shall be deducted from the time allowed for debate. (Manual, 1914, p. 367.)

SOUTH CAROLINA.

No information available.

SOUTH DAKOTA.

Senate.

62. The previous question shall be stated in this form: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When it is decided the main question shall not be now put, the main question shall be considered as still remaining under debate.

63. The effect of the main question being ordered shall be to put an end to all debate and bring the senate to a direct vote, first, upon all amendments reported or pending in the inverse order in which they are offered. After a motion for the previous question has prevailed, it shall not be in order to move a call of the senate or to move to adjourn, prior to a decision of the main question.

64. The senate may at any time, by a majority vote, close all debate upon a pending amendment, or an amendment thereto, and cause the question to be put thereon, and this does not preclude further amendments or debate on the main subject. (Manual 1913, p. 565–566.)

House.

15. On a motion for the previous question and prior to voting on the same, a call of the house shall be in order, but after the demand for the previous question shall have been sustained, no call shall be in order, and the house shall be brought to an immediate vote—first, upon the pending amendments in the inverse order of their age, and then upon the main question. The previous question may be ordered upon all recognized motions or amendments which are debatable, and shall have the effect to cut off all debate and bring the assembly to a direct vote upon the motion or amendment on which it has been ordered.

16. When the previous question is decided in the negative it shall leave the main question under debate for the residue of the sitting, unless sooner disposed of by taking the question, or in some other manner.

17. All incidental questions of order arising after motion is made for the previous question, during the pending of such motions or after the House shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate. (Manual 1913, p. 569.)

TENNESSEE.

Senate.

22. The previous question shall be in this form: "Shall the main question be now put?" It shall be admitted only when demanded by a majority of the members present. If the previous question is sustained, its effect shall be to preclude all future amendments, and terminate all debate, and bring the senate to a direct vote upon the subject or matter to which it was applied in the call. (Manual 1890, p. 157.)

House.

55. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by two-thirds of the members present. And if the call is made and sustained, its effect shall be to preclude all future amendments and terminate all debate; but it may be applied to the main question, or to the main question and amendment, or the main question, amendment, and amendment to the amendment, and shall bring the house to a direct vote on the question in the order in which they stand and from the point where the call was applied. But in all debates upon resolutions or bills immediately prior to their final passage on third reading the mover or author of the resolution or bill shall have the right to

close the debate thereon, and no call for the previous question, nor any other motion, shall cut off this right in the mover or author of the measure. (Manual, 1890, p. 154.)

TEXAS.

Senate.

90. Pending the consideration of any question before the senate, any senator may call for the previous question, and if seconded by five senators the presiding officer shall submit the question, "Shall the main question now be put?" And if a majority vote is in favor of it, the main question shall be ordered, the effect of which shall be to cut off all further amendments and debate and bring the senate to a direct vote—first, upon pending amendments and motions, if there be any; then upon the main proposition. The previous question may be ordered on any pending amendment or motion before the senate as a separate proposition and be decided by a vote upon said amendment or motion. (Senate Journal, 1911, p. 172.)

House.

XIII.

1. There shall be a motion for the previous question, which shall be admitted only when seconded by twenty-five (25) members. It shall be put by the chair in this manner: "The motion has been seconded. As many as are in favor of ordering the previous question on (here state on what question or questions) will say 'aye,'" and then, "As many as are opposed say 'no.'" If ordered by a majority of the members voting, a quorum being present, it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the immediate question or questions upon which it has been asked and ordered.

2. The previous question may be asked and ordered upon any debatable single motion or series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized debatable motions or amendments, and include the bill or resolution to its passage or rejection. It may be applied to motions to postpone to a day certain, or indefinitely, or to commit, and can not be laid upon the table.

3. On the motion for the previous question there shall be no debate, and all incidental questions of order after it is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

4. After the previous question has been ordered there shall be no debate upon the questions on which it has been ordered, or upon incidental questions, except only that the mover of the proposition or the member making the report from the committee, as the case may be, or, in case of the absence of either of them, any other member designated by such absentee, shall have the right to close the debate, after which a vote shall be immediately taken on the amendments, if any there were, and then on the main question.

5. When the previous question is ordered upon a motion to postpone indefinitely or to amend by striking out the enacting clause of a bill the mover of a proposition or bill proposed to be so postponed or amended, or the member reporting the same from a committee, shall have the right to close the debate on the original proposition, after which the member moving to postpone or amend shall be allowed to close the debate on his motion or amendment.

6. No motion for an adjournment or recess shall be in order after the previous question is seconded until the final vote upon the main question shall be taken, unless the roll call shows the absence of a quorum.

7. A call of the House may be moved after the previous question has been ordered. (House Journal, 1913, p. 70.)

UTAH.

Senate.

No rule.

House.

30. The previous question shall be in this form: "Shall the question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate, except as to the mover of the matter pending or the chairman of the committee who reported it, who shall be privileged to close the debate and bring the House to a vote on the question or questions before it: *Provided*, That when a motion to amend or to commit is pending its effect shall be to cut off debate and bring the house to a vote on the motion to amend or commit only and not upon the question to be amended or com-

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mitted. All incidental questions arising after motion is made for the previous question shall be decided, whether on appeal or otherwise, without debate. The previous question shall be put only when demanded by two members. (House Journal, 1913, p. —.)

VERMONT.

Senate.

26. A call for the previous question shall not at any time be in order. A motion to adjourn shall always be in order, except when the Senate is engaged in voting. (Senate Rules, 1915, p. 17.)

House.

38. At any time in the course of debate on a debatable question a member may move "that debate upon the pending question do now close," and the speaker shall put the question to the house without debate, and if the motion is decided in the affirmative debate shall be closed on the immediate pending question. Or a member may move "that debate on the whole question do now close," and if the motion be decided in the affirmative debate shall be closed on the whole question and the main question shall be put in its order, and no motion, except a motion to substitute either of said motions for the other, shall be in order until the main question is put and decided. (House Rules, 1915, p. 40.)

VIRGINIA.

Senate.

49. Upon a motion for the pending question, seconded by a majority of the senators present, indicated by a rising or by a recorded vote, the president shall immediately put the pending question, and all incidental questions of order arising after a motion for the pending question is made, and, pending such motion, shall be decided, whether on appeal or otherwise, without debate.

50. Upon a motion for the previous question seconded by a majority of the senators present, indicated by a rising or by a recorded vote, the president shall immediately put the question; first, upon amendments in the order prescribed in the rules, and then upon the main question. If the previous question be not ordered, debate may continue as if the motion had not been made. (Rules, 1914, pp. 16–17.)

House.

65. Pending a debate any member who obtains the floor for that purpose only and submits no other motion or remark may move for the "previous question" or the "pending question," and in either case the motion shall be forthwith put to the house. Two-thirds of the members present shall be required to order the main question, but a majority may require an immediate vote upon the pending question, whatever it may be.

66. The previous question shall be in this form: "Shall the main question now be put?" If carried, its effect shall be to put an end to all debate and bring the house to a direct vote upon a motion to commit if pending, then upon amendments reported by a committee if any, then upon pending amendments, and then upon the main question. If upon the motion for the previous question the main question be not ordered, debate may continue as if the motion had not been made. (Rules, 1914, pp. 39–40.)

WASHINGTON.

Senate.

39. The previous question shall not be put unless demanded by three senators whose names shall be entered upon the journal, and it shall then be in this form: "Shall the main question be now put?" When sustained by a majority of senators present it shall preclude all debate, and the roll shall be immediately called on the question or questions before the senate, and all incidental question or questions of order arising after the motion is made after the previous question and pending such motion shall be decided whether on appeal or otherwise without debate. (Legislative Manual, 1911, pp. 36–37.)

House.

27. The previous question may be ordered by two-thirds of the members present upon all recognized motions or amendments which are debatable, and shall have the effect to cut off all debate and bring the house to a direct vote upon the motion or amendment on which it has been ordered. On motion for the previous question and prior to the seconding of the same a call of the house shall be in order, but such call shall not be in order thereafter prior to the decision of the main question.

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The question is not debatable and can not be amended. The previous question shall be put in this form: "Mr. ——— demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No.'"

The results of the motion are as follows:

If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative, the presiding officer at once, and without debate, proceeds to put, first, the amendments pending and then the main question as amended. If an adjournment is had after the previous question is ordered, the subject comes up the first thing after the reading of the journal the next day, and the previous question privileged over all other business, whether new or unfinished. (Legislative Manual, 1911, p. 51.)

WEST VIRGINIA.

Senate.

56. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the senate to direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions, or may be made to embrace all authorized motions and amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending a motion for or after the previous question shall have been ordered on its passage, for the president to entertain and submit a motion to commit, with or without instruction, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

(2) A call of the senate shall not be in order after the previous question is in order unless it shall appear upon an actual count by the president that a quorum is not present.

(3) All incidental questions of order arising after a motion is made for the previous question, and, pending such motion, shall be decided, whether an appeal or otherwise, without debate. (Legislative Manual, 1913, p. 44–45.)

House.

78. If the previous question be demanded by not less than seven members, the speaker shall, without debate, put the question, "Shall the main question be now put?" If this question be decided in the affirmative, all further debate shall cease and the vote be at once taken on the proposition pending before the house. When the house refuses to order the main question, the consideration of the subject shall be resumed as if the previous question had not been demanded.

79. The previous question shall not be admitted in the committee of the whole. (Legislative Manual, 1913, p. 70.)

WISCONSIN.

Senate and house.

80. Moving previous question. When any bill, memorial, or resolution is under consideration, any member being in order and having the floor may move the "previous question," but such motion must be seconded by at least 5 senators or 15 members of the assembly.

81. Putting of motion; ending debate. The previous question being moved, the presiding officer shall say, "It requiring 5 senators or 15 members of the assembly, as the case may be, to second the motion for the previous question, those in favor of sustaining the motion will rise." And if a sufficient number rise, the previous question shall be thereby seconded, and the question shall then be: "Shall the main question be now put?" which question shall be determined by the yeas and nays. The main question being ordered to be now put, its effects shall be to put an end to all debate and bring the house to a direct vote upon the pending amendments, if there be any, and then upon the main question.

82. Main question may remain before house, when. On taking the previous question, the house shall decide that the main question shall not now be put, the main question shall remain as the question before the house, in the same stage of proceedings as before the previous question was moved.

83. One call of house in order, when. On motion for the previous question, and prior to the ordering of the main question, one call of the house shall be in order; but after proceedings under such call shall have been once dispensed with, or after a majority shall have ordered the main question, no call shall be in order prior to the decision of such question. (Manual, 1911, pp. 97–98.)

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WYOMING.

Senate.

43. Any member may move the previous question, and if it be seconded by three other members, the previous question shall be put in this form: "Shall the main question be now put?" The object of this motion is to bring the senate to a vote on the pending question without further discussion; and if the motion fails, the discussion may proceed the same as if the motion had not been made; if carried, all debate shall cease, and the president shall immediately put the main question to vote: First on proposed amendments in their order, and then on the main question, without debate on further amendment: *Provided*, That a motion to adjourn and a call of the senate shall each be in order after the previous question has been sustained and before the main question is put, but no other motion or call shall be in order, except to receive the report of the sergeant at arms or to dispense with the proceedings under the call, and all motions and proceedings authorized by this rule shall be decided without debate, whether on appeal or otherwise. (Senate Rules, 1915, p. 13.)

House.

25. Any member may move the previous question, and if it be seconded by three other members, the previous question shall be put in this form, "The previous question is demanded." The object of this motion is to bring the house to a vote on the pending question without discussion, and if the motion fails, the discussion may proceed the same as if the motion had not been made; if carried, all debate shall cease, and the speaker shall immediately put the question to vote; first, on proposed amendments in their order, and then on the main question, without debate or further amendments: *Provided*, That a motion to adjourn and a call of the house shall each be in order after the "previous question" has been sustained, and before the main question is put, but no other motion or call shall be in order, except to receive the report of the sergeant-at-arms, or to dispense with the proceedings under the call; and all motions and proceedings authorized by this rule shall be decided without debate, whether on appeal or otherwise. (House Journal, 1911, p. 78.)

Mr. HITCHCOCK. Mr. President——

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

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

Mr. HITCHCOCK. I wish to ask the Senator whether there is not a distinction which he ought to draw between the Senate of the United States and these various legislative bodies, and also between the Senate of the United States and the House of Commons in London, the Reichstag in Berlin, and the Chamber of Deputies in Paris? In all of those cases the members vote in accordance with their judgments and their convictions, and when they come to a vote you get the vote of the majority. In the Senate of the United States, however, in the case of the pending bill, you are not permitting Senators to vote in accordance with their judgments and in accordance with their convictions. You have held a so-called Democratic caucus, and it is notorious that a number of the Democratic Senators here are under caucus compulsion to vote against their judgments and against their convictions; so that to hold them thus bound and then compel a vote is to enable 36 Members of the Senate to represent a majority. Now, those 36 Senators do not constitute a majority of the Senate, and the caucus rule coupled with the cloture would not develop the real sense of the Senate of the United States. It would not give to the majority of the Senate the decision of the question. It would be a mechanical, artificial means of enabling 36 Senators to decide the question. Is not that a distinction?

Mr. OWEN. Mr. President, I shall be very glad to answer the Senator. I am glad he asked me the question, because it

affords me an opportunity to answer, and I wish to answer it frankly and with the truth as I understand it.

I think it the common rule of practice that in all the States party caucuses or conferences are used when desired to obtain party harmony in party action.

Under the system that we have of party government, where the members of each party line up with complete solidarity on either side of the aisle—I may say with complete solidarity, because the exception is very rare—where that is the case, and where there is a conference or caucus on both sides, it comes down to a question of party government; and party government must be controlled by a majority of the members of the party. The party then becomes jointly responsible throughout the Nation for the action of the party in the Senate and House of Representatives. If the party acts unwisely, the Senator from Nebraska will be defeated. If it acts wisely, he will not be defeated, under normal conditions.

That being so, if I have to choose between a Republican caucus or a Republican conference and a Democratic caucus or a Democratic conference, I will prefer to yield some portion of my judgment to my own Democratic colleagues and go with them upon a public question. If I find that I can not in conscience, if I can not as a constitutional duty, go with my colleagues, however painful it may be to me, I shall reluctantly go my way and take the consequences. But when I yield a part of my desire I do so freely and voluntarily for the purpose of accomplishing some measure of good rather than by my negative self-opinionated action preventing anything from being accomplished. I would rather go forward to some extent than try to have my own private opinion dominate the majority of my colleagues and disrupt them and not get anywhere.

I think this practice of the Senate in having no cloture, in having no time fixed for voting, has destroyed debate in the Senate and has driven the debate into a conference room, where colleagues can get together and express their minds and hearts to each other and arrive at some measure of solidarity. That is my opinion about it. I concede to the Senator his right to do as he sees fit about it, but I do not find it against my own conscience or my own free will to yield something in my judgment to my party associates. I am glad to do that, because they yield something to me also.

It is a question of mutual compromise between men who are affiliated together upon a party basis for the public good, and they go to the country upon party performance or party neglect or party success in legislation or party defeat in legislation. I am not willing to defeat the party that put me in power and turn upon them and rend them to pieces. I am not willing to disorganize my party and cooperate with Republicans to defeat my party because the majority of my party colleagues do not submit to dictation from me. I wish to cooperate with my party associates and help them when I can. I certainly would not wish to destroy them. I would prefer to be silent if I can not agree with them and merely give the reasons why I can not go with them.

Mr. HITCHCOCK. Well, I——

Mr. OWEN. Just a moment, and then I will yield further to the Senator. What I want to express is that if we had a

cloture we would restore debate in the Senate Chamber, and I would then be glad to listen to debate from Members across the aisle and learn from them, and I would accept from them any proposal that I thought for the common good. In writing the Federal reserve act and taking a part in it many things were proposed by the Republicans which I gladly accepted, as far as I was concerned; and I gave them open credit for it, too.

Mr. HITCHCOCK. How could the Senator accept it if he were restrained by a party caucus?

Mr. OWEN. I was not restrained or coerced by a party caucus. I am glad to cooperate of my own free will. I wish the Senator could appreciate my sentiment in this matter.

Mr. HITCHCOCK. Well, how could he, in the case of this bill, accept it?

Mr. OWEN. In the case of this bill—the shipping bill—we have arrived at a conclusion with regard to what the bill ought to be and have agreed upon it among ourselves. It is not quite what I would prefer, but I am glad to get this much. We have had no method of cooperation with the Republican side of the Chamber, who have fought us on every endeavor we have made on this and every other bill. They have not given us an opportunity. They have lined up solidly and entered into a secret agreement with some of our own Members who were in partial sympathy with them to suddenly and unexpectedly unhorse us, and they have given us no opportunity for free debate here or listening to them. They have given the Democratic Party no opportunity of cooperation, but have tried, by using some of our Members, to wrongfully deprive the Democracy of its right to control the Government and be responsible for government.

Mr. HITCHCOCK. The question which I asked the Senator he has not perhaps apprehended, or I think he would have attempted to answer it.

Mr. OWEN. I will attempt to answer it now, if the Senator will repeat it.

Mr. HITCHCOCK. Let me put it in the form of an illustration.

The Nebraska Legislature is in session. It is true that there is a limit to debate in that body, but practically every question—and I believe I am safe in saying every question—is decided upon nonpartisan lines. The real majority of the Nebraska Senate, the real majority of the Nebraska House of Representatives, when it comes to vote, votes in accordance with its convictions—each man in accordance with his convictions. When they can so vote it is proper that there should be a cloture; but when men are restrained from voting their own convictions, when you have a machine, when you have a wheel within a wheel, so that 36 men are controlling the votes of 53 men, then I doubt very much whether we should have a cloture.

Mr. OWEN. I do not regard it as controlling my vote when I voluntarily cooperate with other men who are my political colleagues and yield something of my judgment to them when they yield something of their judgment to me. I do not feel like asserting every inch and particle of my opinion and ungenerously yielding nothing whatever to my associates who are generous to me, and then say that I am being *coerced* by others because I will not cooperate with them. When I cooperate

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with my associates I do it voluntarily. I do not do it under compulsion. I do it because I want to do it, and because I know it is necessary to party solidarity and to obtaining responsible action of my own party, whose *future success* depends on *present harmony*.

Mr. HITCHCOCK. The Senator is a Democrat, and he believes in the rule of the majority?

Mr. OWEN. I do, most certainly.

Mr. HITCHCOCK. Yet this mechanical device of the party caucus destroys the rule of the majority, by giving to 36 men the power to vote 53 men.

Mr. OWEN. There is a certain measure of truth in what the Senator says, and there is also serious deduction or inference which is untrue in what the Senator says. If this body consisted of men chosen upon an open ballot from Nebraska and Missouri and Oklahoma without any party designation, then the caucus would be held on this floor. As it is, the power is intrusted to a party, and in order to have party action the members of it have got to consult among themselves and determine the party action. You do not determine the party action by consulting with Senators on the other side of the Chamber who are hostile to the party, who are laying plans wherever they can to destroy the party and break it down, in order that they may themselves regain control of the country, and who show a greater party solidarity than the Democrats ever do. In a caucus of 53 men all of the members express their views and concede to each other, finally reconciling all differences by a majority vote, because that is the only way such differences can be reconciled. The implication that an organized majority of the 53 members of the caucus get together to tyrannize over the minority of the 53 members is entirely false, I verily believe. Some members constantly in such conferences find themselves now in a majority, now in a minority—and out of mutual concessions present party harmony ensues and future party success may be hoped for.

Mr. GALLINGER. Mr. President——

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

Mr. OWEN. I yield.

Mr. GALLINGER. If I understood the Senator correctly, he said that the Democratic Party held caucuses and the Republican Party held caucuses, and, of course, he would follow his own party.

Mr. OWEN. I used both terms, "caucus" and "conference."

Mr. GALLINGER. I want to say to the Senator, in all seriousness, I have been here nearly 24 years and have attended every conference when I have been in the city, and the Republican Party has never undertaken to bind its members to vote on any question whatever.

Mr. OWEN. That does not seem to have been necessary.

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

Mr. OWEN. I suggested to the Senator that there seemed to be no necessity of imposing a rule upon a party which holds its party solidarity without a caucus.

Mr. GALLINGER. That is begging the question. What I meant to say is that in our conferences, when they are dis-

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solved every member of the conference has a right to vote as he pleases upon any question before the body.

Mr. OWEN. I only infer from the record, and assume that there is some kind of amiable understanding, which seems to be sufficient for that purpose, because no Republican ever votes with the Democrats except on the rarest of occasions. They vote all together, even when they are obviously wrong and even on minor questions.

Mr. SMOOT and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. Senators will please be in order. The business of the Senate can not be conducted when more than one Senator is talking at a time.

Mr. OWEN. Did the Senator from Utah rise to interrupt me?

Mr. SMOOT. I simply want to add to what the Senator from New Hampshire has already stated, that not only has the Republican Party not held caucuses to bind any Senator, but in all the time I have been a Senator of the United States I have had no President of the United States ask me to vote any way but once, and then President Taft asked me if I could see my way clear to vote for Canadian reciprocity. I told the President I could not, and that I would vote against it.

Mr. OWEN. May I ask the Senator from Utah a question in response?

Mr. SMOOT. Certainly.

Mr. OWEN. I merely want to ask the Senator from Utah if it is not a fact that the last Republican President refused patronage to Republican Senators who did not vote the way he wanted them.

Mr. SMOOT. I am sure he did not. I know he did not refuse it to me. I know I voted against Canadian reciprocity and I know a majority of the Republicans voted against it, but I never have heard——

Mr. OWEN. A letter from the former President's secretary was widely published to the effect that the Progressive Republicans were very much grieved at the time and made quite a loud outcry about the treatment they received.

Mr. SMOOT. What the newspapers may say is not always true. I wish to say to the Senator that the only time I was ever asked to vote for any measure by any President was by President Taft, and he asked me if I could not see my way clear to vote for Canadian reciprocity. I told him, "No; I could not"; and I voted against it and did all I could to defeat it, and I know a majority of the Republicans voted against it and tried to defeat it; and I know of none to whom patronage was denied, as the Senator has referred to that, because of the fact that they voted against Canadian reciprocity.

Mr. THOMAS. Mr. President——

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

Mr. THOMAS. I merely wish to say, Mr. President, that the public were informed, and I have never seen it successfully denied, that the Congress which ended in March, 1911, which had a very large Republican majority in both Houses, and which was therefore controlled by the Republicans in both Houses, seemed to act with singular unanimity, and it was generally understood that the Republican majority of the Senate

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branch of that Congress voted and legislated under the dictation of a single man, thus making a caucus unnecessary.

Mr. SMITH of Michigan. When was that?

Mr. SMOOT. I should like to ask the Senator a question.

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

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

Mr. SMOOT. What was the bill, or to what legislation has the Senator from Colorado reference?

Mr. THOMAS. I have reference, Mr. President, to the legislation that was enacted under the domination of the then senior Senator from Rhode Island, Mr. Aldrich.

Mr. SMOOT. I suppose the Senator means the tariff bill, and I think that he——

Mr. THOMAS. He was the caucus and his mandate was your law.

Mr. SMOOT. Of course, that is an assertion made wholly without any truth whatever. I know one thing. I know that he was not the caucus for the Senator from Utah and I do not believe he was the caucus for anyone else on this side.

Mr. THOMAS. I do not think that the Senator from Utah differed very materially from the Senator from Rhode Island during that Congress. My recollection is that he was his chief lieutenant.

Mr. SMOOT. As far as that is concerned, I will say that wherever I believe a principle to be right and any other Senator may believe the same way I am not going to differ with him, if he votes his convictions as I do; and I believe the Senator will admit I always vote what my true convictions are irrespective of what any man in the world may think of it or may say.

Mr. THOMAS. I concede that; but I want Senators to be consistent. I vote my convictions, but I am accused of voting at the dictation of 36 members of my party. Now, is it possible that because 36 members of my party meet in caucus—and I am not afraid of the word "caucus," Mr. President, I believe in it—and because I vote in accordance with what the caucus of my party determines after full deliberation, am I to be accused also of surrendering my convictions, my freedom of action? It remains just the same; and I think my short record in this body will demonstrate the fact, notwithstanding that caucuses seem at present to be so annoying to those who represent the other side and also to some who are on this side of the Chamber.

Mr. SMOOT. Mr. President——

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

Mr. SMOOT. There is just one other statement I desire to make.

Mr. OWEN. I yield.

Mr. SMOOT. Of course, the Senator from Colorado believes in caucuses. I do not. I think some of the worst legislation that was ever enacted in Congress has been the result of caucuses.

Mr. THOMAS. Does the Senator believe in conferences?

Mr. SMOOT. I believe in conferences, but I do not believe the conferences should bind anybody who attends them.

Mr. THOMAS. I have noticed that the conferences which already have been held by my Republican friends have re-

sulted in a unanimity of action and of sentiment that is simply astonishing.

Mr. SMOOT. I can say to the Senator from Colorado that I have attended many conferences where there was a divided vote. I will say this: I do not remember attending a conference of the Republican Party where there has been a unanimity of sentiment.

Mr. THOMAS. I do not know, of course, what is the unanimity of sentiment in the conference. I am talking about the unanimity displayed here.

Mr. SMOOT. I will say to the Senator that there has been no conference held on this bill.

Mr. THOMAS. Then there is a mysterious magnetic something which seems to act of its own volition and which binds our brethren more closely than any caucus even seems to be able to bind this side.

Mr. OWEN. Mr. President, I wish to place in the RECORD at this point the precedents of the English Government, of the French Government, of the German Government, of the Austria-Hungary Government, of the Austrian Government, and of the Governments of Belgium, Denmark, Netherlands, Portugal, Spain, and Switzerland, and, not desiring to take the time of the Senate to read them, I will ask to insert them without reading with the authority from which it is taken.

The matter referred to is as follows:

ENGLISH PRECEDENTS.

"The rule of the majority is the rule in all the parliaments of English-speaking people. In the Parliament of Great Britain, in the House of Lords, the 'contents' pass to the right and the 'not contents' pass to the left, and the majority rules.

"In the House of Commons the 'ayes' pass to the right and the 'noes' pass to the left, and the majority rules. (Encyclopædia Britannica, vol. 20, p. 856.)

"The great English statesman, Mr. Gladstone, having found that the efficiency of Parliament was destroyed by the right of unlimited debate, was led to propose cloture in the first week of the session of 1882, moving this resolution on the 20th of February, and expressing the opinion that the house should settle its own procedure. The acts of Mr. Gladstone and others of like opinion finally led to the termination of unlimited debate in the procedure of Parliament. In these debates every fallacious argument now advanced by those who wish to retain unlimited debate in the United States Senate has been abundantly answered, leaving no ground of sound reasoning to reconsider these stale and exploded arguments.

"The cloture of debate is very commonly used in the Houses of Parliament in Great Britain; for example, in standing order No. 26. The return to order of the House of Commons, dated December 12, 1906, shows that the cloture was moved 112 times. (See vol. 94, Great Britain House of Commons, sessional papers, 1906.)

FRANCE.

"In France the cloture is moved by one or more members crying out 'La cloture!'

"The president immediately puts the question, and if a member of the minority wishes to speak he is allowed to assign his reasons against

the close of the debate, but no one can speak in support of the motion and only one member against it. The question is then put by the president, 'Shall the debate be closed?' and if it is resolved in the affirmative the debate is closed and the main question is put to the vote.

"M. Guizot, speaking on the efficacy of the cloture before a committee of the House of Commons in 1848, said:

"I think that in our chamber it was an indispensable power, and I think it has not been used unjustly or improperly generally. Calling to mind what has passed of late years, I do not recollect any serious and honest complaint of the cloture. In the French Chambers, as they have been during the last 34 years, no member can imagine that the debate would have been properly conducted without the power of pronouncing the cloture.

"He also stated in another part of his evidence that—

"Before the introduction of the cloture in 1814 the debates were protracted indefinitely, and not only were they protracted, but at the end, when the majority wished to put an end to the debate and the minority would not, the debate became very violent for protracting the debate, and out of the house among the public it was a source of ridicule.

"The French also allow the previous question, and it can always be moved; it can not be proposed on motions for which urgency is claimed, except after the report of the committee of initiative. (Dickinson's Rules and Procedure of Foreign Parliaments, p. 426.)

GERMANY.

"The majority rule controls likewise in the German Empire and they have the cloture upon the support of 30 members of the house, which is immediately voted on at any time by a show of hands or by the ayes and noes.

AUSTRIA-HUNGARY.

"In Austria-Hungary motions for the closing of the debate are to be put to the vote at once by the president without any question, and thereupon the matter is determined. If the majority decides for a close of the debate, the members whose names are put down to speak for or against the motions may choose from amongst them one speaker on each side, and the matter is disposed of by voting a simple yes or no. (Ibid., p. 404.)

AUSTRIA.

"Austria also, in its independent houses of Parliament, has the cloture, which may be put to the vote at any time in both houses, and a small majority suffices to carry it. This is done, however, without interrupting any speech in actual course of delivery, and when the vote to close the debate is passed each side has one member represented in a final speech on the question. (Ibid., p. 409.)

BELGIUM.

"In Belgium they have the cloture, and if the prime minister and president of the Chamber are satisfied that there is need of closing the debate a hint is given to some member to raise the cry of 'La cloture,' after a member of the opposition has concluded his speech, and upon the demand of 10 members, granting permission, however, to speak for or against the motion under restrictions. The method here does not prevent any reasonable debate, but permits a termination of the debate by the will of the majority. The same rule is followed in the Senate of Belgium. (Dickinson's Rules and Procedure of Foreign Parliaments, p. 420.)

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DENMARK.

"In Denmark also they have the cloture, which can be proposed by the president of the Danish chambers, which is decided by the chamber without debate. Fifteen members of the Landsthing may demand the cloture. (Ibid., p. 422.)

NETHERLANDS.

"In both houses of the Parliament of Netherlands they have the cloture. Five members of the First Chamber may propose it and five members may propose it in the Second Chamber. They have the majority rule. (Ibid., p. 461.)

PORTUGAL.

"In Portugal they have the cloture in both chambers, and debate may be closed by a special motion, without discretion. In the upper house they permit two to speak in favor of and two against it. The cloture may be voted. (Ibid., p. 469.)

SPAIN.

"The cloture in Spain may be said to exist indirectly, and to result from the action allowed the president on the order of parliamentary discussion. (Ibid., p. 477.)

SWITZERLAND.

"The cloture exists in Switzerland both in the Conseil des Etats and Conseil National."

Mr. GALLINGER. Has the Senator the rules or the law governing the Canadian Parliament?

Mr. OWEN. No; I have not.

Mr. GALLINGER. They have no previous question, I believe; they have unlimited debate.

Mr. OWEN. They have no need for it, as there is unanimity of sentiment and reciprocal courtesy in their comparatively small Parliament.

Mr. GALLINGER. They succeeded in defeating the reciprocity bill because of that fact.

Mr. OWEN. Oh, I think not "because of that fact," Mr. President. Now, Mr. President, I want to call the attention of the Senate to an editorial from one of the greatest journals of the country that I think is worthy of very respectful attention, the New York World of January 29, 1915:

SET THE SENATE FREE.

The Republican minority in the Senate which is attempting to talk the ship-purchase bill to death is also attempting to talk majority rule to death. If by its filibuster it can prevent action before the expiration of Congress on March 4, it will have defeated majority rule as emphatically as would gunmen at a polling place who drove intending voters away from the ballot box.

It is claimed on behalf of this minority that it is exercising the right of debate and merely asserting the time-honored privileges of the Senate. In truth, it is preventing reasonable debate, and the privileges to which it refers ought to be protected from abuse, as they have been by other legislative bodies. The British House of Commons, the mother of parliaments, exceedingly jealous of every real right and privilege, throttles those who would throttle it—

I commend that sentiment to the attention of the Senate of the United States—

The American House of Representatives has not once been coerced by a minority since the Reed rules were established 25 years ago.

Evidently the time must soon come when a courageous majority of the Senate will emancipate itself from a thraldom humiliating alike to itself and to the people. Every right properly belonging to minorities must be safeguarded, but no minority has a right to rule, no minority has a right to establish by indirection policies which it has not the votes

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to carry, and no minority anywhere in this country, except in the United States Senate, maintains such a pretense.

The seventeenth amendment, providing for the popular election of Senators, was a Democratic measure in its origin, and to the present Democratic administration fell the honor of proclaiming its adoption. Why should not the same party complete the reform by such a revision of the Senate rules as to strip of power those who obstruct the popular will lawfully expressed?

Now, Mr. President, I want to say just one or two words before I close. Some of our Democratic brethren in the South, still haunted by the old fear of a force bill led by the Senator from Massachusetts [Mr. LODGE], believe that it would be dangerous to abandon the alleged right of the minority to conduct an endless filibuster and thereby obstruct anything to which the minority seriously objects. What I want to call to the attention of the Senate is that under the change of the Constitution providing for the direct election of Senators by popular vote the Senate of the United States never can again be made the instrumentality of privilege or plutocracy or monopoly or organized greed; never can again, by a majority of this body, be controlled against the interests and the welfare of the common people of this country. The majority always in the future, till time shall be no more, will represent in truth the sovereignty of the common people of this country. That being so, I do not see how a man who is a heartfelt Democrat can reconcile it to his conscience to put in the hands of those who are at heart opposed to the sovereignty of the people the right to obstruct their will and prevent legislation which the people desire.

I have said on the floor to the Senator from New York [Mr. ROOT] that this filibuster was preventing the presentation of the rural credits bill. What is the use of a committee bringing forward a bill that has no possible chance of consideration? If that were possible now, if we had a reasonable cloture, the Banking and Currency Committee could get together and in all probability agree upon some measure acceptable to them, acceptable to the Senate, and acceptable to the country. But that is a small part of the terrible harm being done. This filibuster is not only preventing the rural credits bill from being considered; it is preventing this whole calendar, page after page, of listed bills that are important to the country, from receiving any consideration at all. This body is presenting the strange, unthinkable, sad spectacle to the country that a majority is willing to stay here all day and all night, night after night, in order to exercise the constitutional privilege of voting their wishes as representatives of the people of the United States, while an organized filibuster prevents the majority rule; prevents even a vote.

We can not consider rural credits, good roads, waterways, justice to labor, the employment of the unemployed, the public health, and the many vital questions affecting the conservation and development of human life and energy. We are paralyzed by partisan bigotry and ambition.

I say to the Senate that the people of the United States are not going to submit to this wrong any more. It is an outrage on justice; it is shameful; it is despicable; and no words within the scope of a parliamentary language are strong enough to express my condemnation of it.

I yield the floor, Mr. President.

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ADDENDUM.

[From the North American Review of November, 1893.]

THE STRUGGLE IN THE SENATE.

II. OBSTRUCTION IN THE SENATE.

[By Senator HENRY CABOT LODGE, of Massachusetts.]

Parliamentary obstruction has of late years engaged public attention to a degree quite unusual for a subject so technical in its nature. When the Reed rules, which first brought the subject into prominence in this country, were under discussion, I pointed out in an article in the Nineteenth Century that the question was widespread and general and in no sense local or peculiar to the United States. At that time the Democratic orators and the Democratic newspapers seemed to think that the effort to do away with parliamentary obstruction in the House of Representatives was a malignant invention of the Republican Party and particularly of Mr. Reed. If they had taken the trouble to inform themselves—a form of mental exercise in which they rarely indulge—they would have discovered that it was nothing of the sort. They would have learned what is now evident to all men that the Republican reform of the rules of the House was but part of a general movement against an abuse which in the process of time had become intolerable. Not only in many States of the Union but in England also the matter of parliamentary obstruction had reached the proportion of a great and a very grave public question. This was neither accidental nor the result of partisanship. It was the outgrowth of conditions which had been slowly developed.

The English-speaking race are the originators of free representative government. Among them this great system has grown to maturity and by them its details have been gradually elaborated. The fundamental principles of popular representation and of free speech, of the control of taxation, and of public expenditures, were established long since as the result of many hard-fought battles. With this development of representative government there should have gone hand in hand a development of the rules by which the representative bodies transacted their business. This, however, did not occur. As so often happens in history, the substance of things changed, but the forms survived. While the power and the business of representative bodies both in England and the United States expanded enormously, the rules in accordance with which these powers were exercised and this business transacted remained unaltered. Ordinarily forms are not of much consequence provided the essence of things is preserved, but in this instance it happened that forms and rules were of vital importance, although it is only very recently that this fact has been fully and properly realized.

The rules and practices of the Congress of the United States and of the House of Commons were adopted under conditions widely different from those which exist to-day. They were formed for representative bodies, in this country at least, much smaller in number, and for the management of the public affairs of small populations, with industrial and commercial interests absolutely insignificant when compared with the vast volume of business to-day, quickened as it now is by the telegraph and the railroad, and beating with a pulsation which is felt in every corner of the globe within 24 hours. The result has been that the old rules and forms have not only proved inadequate for the transaction of business, but have furnished the means for indefinite resistance to action. When parliamentary rules were first formulated, the preservation of freedom of debate was rightly considered to be of the last importance, and, so far as these original rules, which were in great degree haphazard, could be said to have any principle, the protection of freedom of debate was their controlling purpose. All danger to freedom of debate in English-speaking countries at least has long since vanished, and the tendency of the old system is to encourage debate, of which there is now too much, and to prevent action, of which there is now too little.

The primary and the only proper and intelligent object of all parliamentary law and rules is to provide for and to facilitate the ordinary action of public business. When any set of parliamentary rules ceases to accomplish this object they have become an abuse—and an abuse of the worst kind. They not only prevent action, but, what is far worse, they destroy responsibility; for, if a minority can prevent action, the majority, which is entitled to rule and is intrusted with power, is at once divested of all responsibility, the great safeguard of free representative institutions.

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This question has been fought out in the English House of Commons and the passage of the home rule bill is conclusive evidence that the system of enforcing action is not only necessary in England, but that it is finally and firmly established. The same battle has been fought out also, and the same result attained, in our own House of Representatives. The great reform which Mr. Reed carried through and which marks an epoch in parliamentary government in the United States has been in principle finally established. Received at the moment with much passionate oratory and many loud objurgations, such as always accompany the onward march and the ultimate triumph of a great reform, it has at last prevailed. As the dust of that memorable conflict cleared away, it was discovered that Mr. Reed had only been enforcing principles which were accepted in nearly every other parliamentary body in the world and that he had not invented them himself for the mere gratification of a tyrannical spirit. Then it was further discovered that his methods, instead of being illegal and unconstitutional, had received the sanction of every judicial body before which they had been brought, and they were finally upheld by the unanimous decision of the Supreme Court of the United States.

The last stage, the acceptance of the reform by the opposite political party, has just been passed. Mr. Speaker Crisp, with a large Democratic majority at his back, has enforced Mr. Reed's principles by stopping dilatory motions and bringing the House to a vote. The only difference has been that Mr. Reed put his principles into practice under accepted methods and in accordance with parliamentary law, while Mr. Crisp very unnecessarily, because no such violence was required, enforced action with entire disregard of the usual and proper forms. He is not, however, to be too severely criticized for this. It was quite natural that the Democratic Party in the House should writhe at adopting the principles and carrying into effect the very methods which they had denounced so exuberantly only three years ago. They appeared to think that they could get around by some bypath to the Republican result, and thus escape a march through the valley of humiliation, if they discarded the forms under which their adversaries had performed the same work. Unfortunately such evasions are never possible and the valley of humiliation can not be avoided by those who have opposed what is righteous, and then, after a short interval, have accepted righteousness for their own purposes. In any event the result is the same. The right of the majority to rule, and to pass after due debate such measures as it sees fit, has been firmly established in the House of Representatives.

As a practical public question in the United States, parliamentary obstruction has now shifted to the Senate, where it has aroused lately the keenest public interest owing to the condition of business and the intense eagerness of the country for the passage of some measure of relief. The case in the Senate is very different in many particulars from what it was either in the House of Commons or the House of Representatives. The Senate of the United States is still a small body; it has great powers conferred upon it by the Constitution and weighty responsibility. It is properly very conservative in its habits and very slow to change those habits in any direction. There could be no better example of this than in its parliamentary procedure. The rules of the Senate are practically unchanged from what they were at the beginning. They are the same now to all intents and purposes as when they were first adopted more than a hundred years ago. There has never been in the Senate any rule which enabled the majority to close debate or compel a vote. The previous question, which existed in the earliest years, and was abandoned in 1806, was the previous question of England and not that with which every one is familiar to-day in our House of Representatives. It was not in practice a form of closure and it is therefore correct to say that the power of closing debate in the modern sense has never existed in the Senate.

The rules of the Senate are few and simple. Formed for the use of a body of 26 Senators, they have continued in force unchanged, until they now govern the deliberations of 88. That rules so simple should have worked so well during so long a period with an increasing number of Senators and an enormous growth in the volume of business is no slight tribute to the character of the body which has worked under them. But they are now beginning to show the same defects and abuses, arising from the same causes, which have produced such fundamental changes in larger representative bodies.

The rules of the Senate, providing for no form of compulsion, rest necessarily on courtesy. In other words, as there is no power to compel action, it is assumed that the need for compulsion will never arise.

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For this reason, obstruction in the Senate, when it has occurred, has never taken the form of dilatory motions and continual roll calls, which have been the accepted method of filibustering in the House. The weapon of obstruction in the Senate is debate, upon which the Senate rules place no check whatever. Practically speaking, under the rules, or rather the courtesy of the Senate, each Senator can speak as often and at as great length as he chooses. There is not only no previous question to cut him off, but a time can not even be set for taking a vote, except by unanimous consent. This is all very well in theory, and there is much to be said for the maintenance of a system, in one branch at least of the Government, where debate shall be entirely untrammeled. But the essence of a system of courtesy is that it should be the same at all points. The two great rights in our representative bodies are voting and debate. If the courtesy of unlimited debate is granted it must carry with it the reciprocal courtesy of permitting a vote after due discussion. If this is not the case the system is impossible. Of the two rights, moreover, that of voting is the higher and more important. We ought to have both, and debate certainly in ample measure; but, if we are forced to choose between them, the right of action must prevail over the right of discussion. To vote without debating is perilous, but to debate and never vote is imbecile. The difficulty in the Senate to-day is that, while the courtesy which permits unlimited debate is observed, the reciprocal courtesy, which should insure the opportunity to vote, is wholly disregarded.

If the system of reciprocal courtesy could be reestablished and observed, there need be no change in the Senate rules. As it is, there must be a change, for the delays which now take place are discrediting the Senate and this is something greatly to be deplored. The Senate was perhaps the greatest single achievement of the makers of the Constitution. It is one of the strongest bulwarks of our system of government, and anything which lowers it in the eyes of the people is a most serious matter. How the Senate may vote on any given question at any given time is of secondary importance, but when it is seen that it is unable to take any action at all the situation becomes of the gravest character. A body which can not govern itself will not long hold the respect of the people who have chosen it to govern the country.

No extreme or violent change is needed in order to remedy the existing condition of affairs. A simple rule giving the majority power to fix a time for taking a vote upon any measure which has been before the Senate and under discussion, say for 30 days, would be all sufficient. Such a change should be made and such a rule passed, for the majority ought to have and must have full power and responsibility.

On this point of the power of the majority, however, there is a great deal of popular misconception. It is customary to assail with bitter reproaches, as we have seen during the struggle over silver repeal, the minority who are resisting action. This is putting the blame in the wrong place. The minority may be justly censured for not conforming to a system of courtesy, but when that system has been overthrown, as is the case in the Senate in regard to voting and debate, the fault is no longer theirs. No minority is ever to blame for obstruction. If the rules permit them to obstruct, they are lawfully entitled to use those rules in order to stop a measure which they deem injurious. The blame for obstruction rests with the majority, and if there is obstruction it is because the majority permit it. The majority to which I here refer is the party majority in control of the Chamber. They may be divided on a given measure, but they, and they alone, are responsible for the general conduct of business. They, and they alone, can secure action and initiate proceedings to bring the body whose machinery they control to a vote. The long delay on the repeal of the purchasing clause of the silver act of 1890 has been due, without any reference to their internal divisions on the pending question, solely to the Democratic majority as a whole in full control of the Chamber and of the machinery of legislation. There never was a time when they could not have brought about a vote with the assistance of the Chair, whose occupant was also of their party, if, as a party, they had only chosen to do so.

No further argument is, I think, needed to show the necessity of some rule which, after allowing the most liberal latitude of debate, will yet enable the majority of the Senate to compel a vote. The prospects, however, of any such change are not very promising. It is not probable that any form of closure will be adopted by the Senate for some time to come. It will certainly never be attained unless the popular demand for it is not only urgent but intelligent. Newspapers and people generally have a way of rising up and demanding that filibustering be put down and closure enforced whenever some measure in which

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they are specially interested at the moment is obstructed. On the other hand, filibustering is often regarded as very patriotic by people who do not want a given measure to pass. Many of the newspapers, for example, which have been shouting themselves hoarse over the obstruction to silver repeal in the Senate, loudly applauded precisely the same methods of obstruction when directed against the Federal elections bill a few years ago. It is this fact which takes all weight from the demands of the most vociferous shouters for action at the present time. Obstruction must be always good and proper or always bad and improper. It can not be sometimes good and sometimes bad as a principle of action. If the power to close debate is righteous for one measure it is righteous for all; and until that principle is accepted there is no possibility of reform. For example, the Democratic majority in the Senate refuses to change the rules in order to pass silver repeal. They can not, then, go on and introduce closure to pass the Federal elections bill and the tariff. They must apply closure to all or none.

The only way in which proper rules for the transaction of business in the Senate can be obtained will be through the action of a party committed as a party to the principle that the majority must rule, and that the parliamentary methods of the Senate must conform to that principle. The change must also be made at the beginning of the session, so as to apply to all measures alike which are to come before Congress, and it must be carried and established on its own merits as a general principle of government and not to suit a particular exigency. Whenever this reform is made it will come and it can come only in this way.

HENRY CABOT LODGE.

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REMARKS

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

DECEMBER 9, 1913

On the importance of saving time in the United States Senate and need for cloture in order to have time for prompt consideration of the numerous statutes required for the conservation and promotion of human life, human efficiency, and human happiness

WASHINGTON
1914

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REMARKS
OF
HON. ROBERT L. OWEN.

Thursday, December 9, 1913.

The Senate, as in Committee of the Whole, had under consideration the bill (H. R. 7837) to provide for the establishment of Federal reserve banks, for furnishing an elastic currency, affording means of rediscounting commercial paper, and to establish a more effective supervision of banking in the United States, and for other purposes.

Mr. OWEN. Mr. President, during the last 10 days Senators on the opposite side of the aisle have frequently made it a matter of entertainment to be making the point of no quorum for the obvious purpose of delaying and wasting time. It is perfectly well known to every Senator who has made the point of no quorum that the Members of this body are in the cloakroom or in the immediate vicinity if they are not on the floor. I believe it has only occurred once, or perhaps twice, that it took some minutes to obtain a quorum. The country might as well observe what the meaning of this is, and I wish to call the attention of the country to the attitude of Senators who are wasting the time of this body.

Mr. BRISTOW. Mr. President——

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

Mr. OWEN. I decline to be interrupted, Mr. President.

Mr. BRISTOW. I thought the Senator would in making such remarks as those.

Mr. OWEN. Yes; I do; especially by the Senator from Kansas, whose lack of self-restraint has been so obvious.

The Congress of the United States has a vast work to perform. This currency bill is only a part of it; the tariff bill was only a part of it. Under the head of currency matters we have still many other things which are necessary to be done by Congress. We should have a codification of the national bank acts; we should have laws passed controlling the abuses, the outrages, of the various stock exchanges, of the exchanges that gamble with food products, with agricultural products, and help to fix high prices upon this country. We should pass laws that are necessary to control the abuses of the clearing houses.

We should pass laws prohibiting interlocking directorates, which control banking systems and trust companies and great industrial companies and railways, linked together on a gigantic scale and thus making effective private monopoly. We ought to pass laws establishing an agricultural credit system in this country, a matter of the most serious importance in promoting the food products of this Nation and in promoting the production of the raw materials which come out of the soil. We ought to pass the necessary measures which will control the abuses of private monopoly in this country, and yet day after

day is wasted by idle talk upon the floor of the Senate and by call after call for a quorum, when it is perfectly well known that a quorum will immediately respond to the roll call. We ought to pass laws solving the problem of the high cost of living, which is making the ordinary citizen of this country tremble under the load he carries.

We ought to pass laws providing for good roads in this country; we ought to pass laws providing for the development of our national waterways. I have some other things to present which this Congress ought to consider and act on, and I propose to place them in the RECORD now for the information of the country—not for the information of the Senate, for the Senate knows perfectly well what they are. We ought to pass a law establishing an independent bureau of public health to protect the public health of this country, which now is simply under the jurisdiction of a branch of the Treasury Department, relatively obscure, smothered, ineffective, although not without much value. We ought to pass laws protecting child labor in this country; we ought to pass a proper employees' insurance system; we ought to pass proper laws for the compensation of workmen; we ought to pass laws establishing proper safety appliances and steel cars on the railway systems of the country; we ought to pass a law for the "probation of convicts" for the benefit of young men who are convicted for the first time, young men who are sent to their ruin by the cruel hand of society, because they make a single mistake.

Year after year I have tried to secure the passage of such a bill through the Senate, and have made no progress. We ought to have cold-storage legislation; we ought to have legislation to bring about pure fabrics and honest measures of goods that are sold to our people; we ought to have a better system for the proper control of railway rates; we ought to have a better system for the control of the issue of stock and bonds, so that the people of this country may not be unfairly taxed by the issue of fraudulent watered securities; we ought to establish vocational education in this country, so as to teach the boys and girls, the young men and women, of this country how to make a living.

How shall we ever consider these things when day after day is used up in idle debate, without any economy whatever of the time of the Senate? That is the reason why these seats of Senators are vacated. It is because Senators who have made up their minds, have studied the question, do not want to stay a whole week listening to a debate which no longer instructs or interests. That is evidently the reason why Senators vacate their seats—because the debate on the floor of the Senate has become a farce.

We ought to establish postal telegraphs and postal telephones cheap and at the convenient service of the people instead of a monopoly controlled by a few men unfairly taxing the people and giving them indifferent and poor service.

The Government of the United States ought to own plants for making its own armor plate, for making its own powder, for making its own guns and materials of war, and for building its own battleships. We have not time even to discuss such questions, but have spent about 10 hours during the last week debating a motion to meet at 10 o'clock in the morning.

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We ought to have proper legislation to build up the merchant marine of the American Nation. Our flag is practically never seen in foreign ports, and hardly ever seen in our own ports. We ought to take steps, through the Legislature of this Nation, in the House of Representatives and in the Senate, to promote, bring about, and establish universal peace, which we could do if we spent the same amount of money and energy in promoting peace that we do in building navies and in supporting armies.

Nevertheless, until we have a better condition, we ought to have time to consider the naval program and the development of our military forces.

We ought to have time to discuss on the floor of the Senate the right of the women of this country to the equal privilege of life, liberty, and the pursuit of happiness. This question affects the right of 45,000,000 Americans. Yet we talk from noon till 10 or 11 o'clock at night on Hetch Hetchy, a serious waste of time, because two or three days would be sufficient for the Frisco water supply.

We ought to have an opportunity to discuss upon the floor licentiousness in the public press, which under present conditions is able to give publicity broadcast and wholesale and continuously to things that are untrue and against the public interest. The fountains of information for the people are frequently poisoned by reckless publications that ought to be guided by law along the lines of decency and moderation, at the same time that full liberty of the press is preserved. We have not time to debate such questions, but can discuss questions of order at length.

We shall have to pass in the Senate a thousand million dollars of appropriations, and the time will come in the Senate when in a few hours you will see rushed through this body appropriation bills carrying $100,000,000 with very little analytical discussion. We never have had time even to pass on the question of a budget or to take the necessary steps to adequately provide for the adequate economy and efficiency of the Government.

We have had volumes of reports on economy and efficiency. I have tried to read them. I have read them in part. I doubt if many Senators on the floor have had time to read these reports, which have cost this Nation thousands and thousands of dollars. Yet the recommendations there would seem to be of great value in promoting both economy and efficiency of government.

We ought to have a national progressive inheritance tax as a part of the fiscal system, as every country in Europe has, because no State can make it effective.

We ought to have the "gateway amendment" passed by which to make comparatively easy the amendment of the Constitution of the United States by the people, because whenever you come into a condition where a vested wrong is established you will find always that the Constitution is urged to prevent a remedy for the people. We could not pass an income tax because the Constitution forbade it, according to the interpretation of a divided court.

We ought to pass an act providing for a presidential primary for the nomination and election of Presidents.

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We ought to have an act passed that will establish the improvement of judicial processes in this country, by which the people may obtain quick justice and cheap justice.

We ought to have laws improving the conditions of labor.

We ought to have a legislative reference bureau and drafting division for the Senate and for the Congress. It is on the calendar. Every time it is brought up objection is made to its consideration.

We ought to have the systematic development of our water powers and laws passed to encourage and direct them.

We ought to have laws passed for the proper conservation and use of our national forests and of our national minerals, laws that will enable the living generation to enjoy them, to use them, and to conserve them.

We ought to have our patent laws perfected.

There are innumerable questions affecting the welfare of this Nation, in the way of social and industrial reforms, which ought to be considered by the Senate. The time of the Senate ought not to be wasted, and I want to put in the RECORD my protest against it.

I do not make these observations because of the banking and currency bill. The banking and currency bill is only one of the many things which ought to be passed by the Congress.

The reforms have been pledged or suggested in various platforms, not only Democratic platforms but other platforms, representing large groups of people.

I have in my hand a splendid statement of the various needed social and industrial reforms, which was put into the platform of the Progressive Party of the Nation, a party which registered 4,000,000 votes.

It proposes the conservation of human resources through enlightened measures of social and industrial justice.

It proposes effective legislation, looking to:

The prevention of industrial accidents;

Occupational diseases, overwork;

Involuntary unemployment and other injurious effects incident to modern industry;

The fixing of minimum safety and health standards for the various occupations, and the exercise of the public authority of State and Nation, including the Federal control over interstate commerce and the taxing power, to maintain such standards;

The prohibition of child labor;

Minimum wage standards for working women, to provide a "living scale" in all industrial occupations;

The prohibition of night work for women and the establishment of an eight-hour day for women and young persons;

One day's rest in seven for all wageworkers;

The 8-hour day in continuous 24-hour industries;

The abolition of the convict contract-labor system, substituting a system of prison production for governmental consumption only, and the application of prisoners' earnings to the support of their dependent families;

Publicity as to wages, hours, and conditions of labor; full reports upon industrial accidents and diseases; and the opening to public inspection of all tallies, weights, measures, and check systems on labor products;

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Standards of compensation for death by industrial accident and injury and trade diseases, which will transfer the burden of lost earnings from the families of working people to the industry, and thus to the community;

The protection of home life against the hazards of sickness, irregular employment, and old age, through the adoption of a system of social insurance adapted to American use;

The development of the creative labor power of America by lifting the last load of illiteracy from American youth and establishing continuous schools for industrial education under public control and encouraging agricultural education and demonstration in rural schools;

The establishment of industrial research laboratories to put the methods and discoveries of science at the service of American producers.

These are some of the social and industrial reforms which ought to be considered, which ought to be provided for, as far as the Federal Government can do so or promote them. And I want to protest again against the waste of time in the United States Senate. The time has come for cloture in the Senate of the United States. The time has come when Senators who want to address the Senate upon a subject shall be given a reasonable time within which to do it, and then yield the floor to other Senators.

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The Commission Form of Government for Municipalities as an Agency for the Restoration of Integrity and Efficiency of Government and the Termination of Corruption in City, State, and Nation, and the Overthrow of the Undue Influence of Commercialism in Government.

SPEECH

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

FRIDAY, JULY 7, 1911

WASHINGTON
1911

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SPEECH

OF

HON. ROBERT L. OWEN.

On the subject of municipal government.

Mr. OWEN said:

Mr. PRESIDENT: The progressive movement in this country has for its object the overthrow of commercialism in government and the restoration of equality of opportunity and of the rights of human beings in preference, where the choice must be made, to the rights merely of property accumulation. The chief purpose of the progressive movement is to overthrow the chief agency of commercialism in government, machine politics and the rule of the minority through corrupt practices, and to restore the rule of the majority through honest registration laws and election laws. This is to be accomplished by the passage of certain tried and tested statutes, including, particularly, the initiative, the referendum, and the recall, a thoroughgoing corrupt-practices act, complete publicity of all public business, and including the commission form of government for municipalities, or the short-ballot system. The commission form of government may be properly regarded as a very important auxiliary in the progressive movement.

The commission form of government has a national value and a direct bearing upon the integrity of the election of Senators and Congressmen, because it is an important agency in overthrowing corrupt machine politics in municipalities and cities. The proportion of inhabitants living in cities, as compared to the inhabitants of the United States, is 53.7 per cent, not counting towns of less than 2,500 inhabitants. IF CORRUPT GOVERNMENT CAN BE TERMINATED IN CITIES, IT CAN NOT SURVIVE IN THE STATES OR IN THE NATION.

The relative urban and suburban population of the different States I submit as Exhibit A.

Machine politics and their centers of activity are in the cities, and if corrupt political organization can be overthrown in cities it will go far toward establishing integrity of government throughout the States and throughout the Nation, as machine politics do not easily flourish among country people who are not so easily reached or so easily influenced by machine methods.

The commission form of government eliminates mere partisan politics in cities, towns, and villages in the government of such municipalities. The commission form of government usually carries with it the initiative, referendum, and recall, giving home government popular government, the people's rule enabling the citizens of each town to control the governing business in that town. It enables them, through the initiative, referendum, and recall, to initiate and pass any law they do want, including corrupt-practices prevention acts, and veto any law

they do not want, such as the granting of franchises of value without consideration, and enables them to recall inefficient or dishonest officials.

For these reasons I have thought it worth while to call to the attention of the Senate and of the country the importance of the commission form of city government as an agency in restoring integrity of government and overthrowing the corruption and inefficiency which have so seriously invaded the governing function under color of partisan zeal.

WHAT THE COMMISSION FORM OF CITY GOVERNMENT IS.

The commission form of government, as usually understood, may be illustrated with the system adopted in Des Moines, Iowa, under the act of the general assembly of that State (Exhibit B) and the charter of that city (Exhibit C).

The general plan is that the citizens by primary may nominate candidates for mayor and four commissioners, *who shall have complete charge of town business—legislative, executive, and judicial.* Any person can be nominated by a petition of 25 citizens. The 10 candidates having the highest vote at the primary two weeks later are submitted to the citizens for an election, and the 5 candidates having the highest votes at this election comprise the city council, with full powers—legislative, executive, and judicial. They manage the business as completely as the board of directors could manage the business of a bank. There are five departments, as follows:

First. A department of public affairs.
Second. A department of accounts and finance.
Third. A department of public safety.
Fourth. A department of streets and improvements.
Fifth. A department of parks and public property.

The mayor, by virtue of his office, has charge of the department of public affairs, with general supervision over the other departments, and receives a salary of $3,500. The other commissioners receive a salary of $3,000. *The council, by majority vote, appoints all other officials of the town*—city clerk, solicitor, tax assessor, police judge, treasurer, auditor, civil engineer, city physician, marshal, chief of fire department, street commissioner, library trustees, and all other necessary officers and assistants. *These selections are made under a board of civil service commissioners,* who conduct examinations of a practical character to determine the fitness of applicants. Each commissioner appoints the subordinate employees in his own department and *each commissioner is held responsible for the successful management of his department.*

Extreme pains are taken to prevent fraud in the elections. For instance, the fullest publicity is required of campaign funds. Both the source and the manner of expenditures are required to be reported under oath. No officer or employee is permitted to be interested, directly or indirectly, in any contract with the city or in any public-service corporation, or to accept any free service therefrom. All council meetings to which any person not a city officer is admitted must be open to the public.

"*All franchises* or right to use the streets, highways, or public places of the city can be granted, renewed, or extended only by ordinance, and every franchise or grant for interurban or

street railways, gas or water works, electric light or power plants, heating plants, telegraph or telephone systems, or public-service utilities *must be authorized or approved by a majority of the electors* voting thereon at a general or special election.

"*Every motion, resolution, and ordinance of the council must be in writing, and the vote of every member* of the council, for and against it, *must be recorded.* The council is required to print and effectively distribute each month, in pamphlet form, a detailed, itemized statement of all receipts and expenses and a summary of its proceedings during the preceding month. At the end of each year the council must cause a full and complete examination of all the books and accounts of the city to be made by competent accountants and publish the report in pamphlet form.

" Every ordinance or resolution appropriating money or ordering any street improvements or sewers, or making or authorizing any contract, or granting any franchises must be complete in its final form and remain on file with the city clerk for public inspection at least one week before its final passage or adoption, and must be at all times open to public inspection." (Hamilton.)

Nothing is permitted to be done in secrecy or in the dark. The public business *is* public.

PARTISANSHIP IN CITY BUSINESS ELIMINATED.

Partisanship is eliminated. No party emblems are permitted on the ticket, but the candidates are listed in serial order, without party designation, and are nominated and elected as far as possible on the ground of personal fitness. In this way partisanship is carefully and deliberately eliminated, as far as practicable.

Ward lines are abolished in the choice of city commissioners, so that each citizen votes for every commissioner, both in nominating and in electing him.

THE WARD SYSTEM ABOLISHED.

The abolition of the ward system is essential to the successful establishment of the commission form of government. The ward system in the past has been peculiarly injurious to good government because " it perverts the political education of the electors and *encourages a local selfishness destructive of the general* and *ultimately of the local interests as well.* The ward system leads to the nomination of a ward boss, who, under color of intense zeal for that ward and under color of being a great advocate of a political party and by petty ward politics, gets himself elected and tries to keep himself in power by getting things for that ward, more than it would be equitably entitled to and at the expense of the balance of the city. This policy leads to unscrupulous men making combinations in the council, trading with each other, and taking advantage of the portions of the city whose representatives are more scrupulous.

A city is best governed whose government deals with the city as a body unit and where its general interests are held paramount to local, private, or ward selfishness.

Citizens at large nominate men who would not be nominated by the ward system, and thus narrow or unscrupulous men

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are prevented from so easily entering the council. It prevents wards trading in the council at the expense of the city. It prevents extravagance in wards by virtue of such trading.

The abolition of the ward system elevates the character of the officials of the city, and what is far more important, it elevates the electorate of the city by making the citizens feel that they have power to nominate and elect the entire governing board of the city.

We observe in New York City recently a ward boss giving away 7,000 pairs of shoes, apparently from pure benevolence, but more likely for the reason that he could by this process of commendable charity and open-hearted generosity control 7,000 votes in his ward and put himself in a position where he could indirectly recoup himself with usury at the expense of the taxpayers of that great municipality.

THE ESSENTIAL FEATURES OF THE COMMISSION FORM OF GOVERNMENT.

The essential value and features of the commission form of government are, roughly, as follows:

First. *Complete centralization and concentration of all power and responsibility in a small council or commission*, usually of five members, doing away with the separation of powers into the legislative, executive, and judicial. This is fundamental. The commission is thus directly charged with and responsible for the entire administration of the city's affairs.

Second. *The members of the commission must be elected at large and not by wards*, and therefore represent the city as a whole, not by subdivisions.

Third. *The members of the commission must be the only elective officers of the city*, and must have the power of appointing all subordinate administrative officials.

Fourth. The commission must have the power of removing subordinate administrative city officials at will.

Fifth. The commission should be subject to the initiative, the referendum, and the recall, so that if the commission fails to pass the laws the people do want, such laws can be passed by the initiative petition; and so that if the commission propose to pass any law the people do not want, they shall have the right of veto by referendum petition; and so that, if a commissioner proves to be inefficient or corrupt, his successor may be nominated and he may be recalled by a special or general election.

THE PROTEST.

A special provision of the Des Moines charter enables the citizens to prevent the council fastening objectionable legislation upon the city by a protest of 25 per cent of the number of electors previously voting for mayor. Upon the filing of this protest the council must either reconsider and repeal the ordinance objected to or submit it to a vote of the people for acceptance or rejection.

THE RESULTS.

The result of this system has been to abolish the corrupt ward system, with its mischievous waste, inefficiency, and dishonesty. It has eliminated partisanship, and no longer can a ward boss appeal to his fellow citizens to stand by him as the exponent of "the grand old party" of Lincoln, Grant, and McKinley, nor can he appeal to the disciples of Thomas Jeffer-

son with any better effect. His views on the tariff or currency are not regarded as of any importance, but his relation to the gamblers, the law-defying saloon keepers, the political jobbers, public-service corporation and municipal contractors, and his fitness to make a good municipal officer are closely scrutinized by the great body of the citizens of the municipality.

The direct and undivided responsibility and the full power placed in the hands of each commissioner obtains from him his best efforts and the best results.

This system has reestablished popular supremacy in the cities adopting it. There is no doubt that everything bad in city politics is the work of the few and not of the many, and that these few have been led by trained mercenaries, who have paid themselves out of the public treasury, directly or indirectly, for packing caucuses, padding registration lists, repeating, stealing or stuffing ballot boxes, perpetrating frauds in the casting of votes, and doing the thousand and one more or less disreputable things which in American cities have been counted as "helping the party."

The direct rule of the people has been established by the commission form of city government in lieu of all this. They have under this system the right of direct nomination (selection) and election of officials, freedom from fraud, complete publicity, and they have the right of the initiative, referendum, protest, and recall, compelling respect of the popular will, both affirmatively and negatively. In this manner the people are stimulated in a sense of civic righteousness and power and of personal civic responsibility. It has established the rule of the people in town government and has dethroned the city boss and terminated corrupt ward and municipal partisan politics.

Of course, no city can rise higher than the level of its citizenship, but whatever the intelligence and conscience of the citizens of a town are capable of may be attained through this improved method of governing municipalities.

Under this system the public business is conducted with efficiency, promptness, free from blackmail, and free from the petty rascalities, free from the "grand and petty larceny" that have heretofore characterized municipal councils. A request of the commission can be acted upon in an hour, and it is not necessary to run the gauntlet of a corrupt house and council of the old city legislatures, with the long delays and blackmail incident thereto.

Under the civil service, the city employees are chosen upon a basis of merit and actual worth and not as a reward for activity in helping the ward boss to keep himself in power.

City franchises are safeguarded under this new system. It is impossible for the council to sell a franchise by secret barter, or to deliver such a franchise if sold, and no corrupt interest can afford to buy or attempt to buy franchises under these conditions, where delivery is impossible and dangerous.

The causes of corruption are removed. The temptation to corruption is removed. Powerful safeguards against corruption are thus established.

The plan in actual operation has shown the most remarkable results in clean streets and alleys, improved sidewalks and paving, better administration of all public utilities, and freedom from favoritism; and justice and common sense are in control.

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In Des Moines the old "red-light" district, which was owned and controlled by a social-evil trust of "appalling cruelty, greed, and wickedness," was turned into a respectable neighborhood by the vigor and vigilance of a well-directed police force. The city offices are filled by men expert and capable of rendering high-class services. The books and records have been brought up to date and are kept in intelligible condition.

I will observe here that the cities which have adopted this method have adopted in many cases a comparative uniformity of bookkeeping, by which the condition of various departments and services of municipalities are able to be compared one with another, so that a city finding a very high cost in some particular line as compared with other cities in the same department or service may make an inquiry into that particular branch of the service. In that way, by concentrating attention on defective services, they are able to eliminate the wastefulness by which their accounts have been run up in that special branch of the administration. An immense saving of money has been made, and the people are delighted with the splendid results of the new government.

The elections have worked admirably. "Not for a generation has so little money been spent and never have the citizens been able to give their attention so undividedly to the prime issues of a municipal campaign—the honesty, capacity, and fidelity of those seeking public place."

The success of the Des Moines system was due to the activity, first, of James H. Berryhill, of Des Moines, who had business interests in Galveston and who had seen the working of the commission government in that city. The Des Moines Register and Leader, the News, and the Capital, of which the Hon. Lafayette Young, our recent colleague in the Senate, was editor, are entitled to special credit, together with the Bar Association of the State of Iowa and the public debates which were held in this connection. It took the most resolute effort for several years to accomplish this result and get over the opposition of the old machine in Des Moines and Iowa and their influence with the legislature, but, thanks to the patriotic and good men of that State, the legislature gave the necessary authority.

I submit results of the commission form of government in Galveston and Houston, Tex., Leavenworth, Kans., Des Moines and Cedar Rapids, Iowa, as given by Hamilton. (Exhibit D.)

I submit also a list of over a hundred of the cities which have adopted this plan for the last two years. (Exhibit E.)

I expressly acknowledge indebtedness to John J. Hamilton and his excellent work on the "Dethronement of the City Boss" (Funk & Wagnalls); to Ford H. MacGregor, Bulletin No. 423 of the University of Wisconsin; to Prof. Frank Parsons's "The City of the People," published by C. F. Taylor, 1520 Chestnut Street, Philadelphia, Pa.; "The Digest of Short Ballot Charters," by Charles A. Beard, Ph. D., The Short Ballot Organization, 383 Fourth Avenue, New York; and Buffalo Conference for Good City Government, Clinton Rogers Woodruff, editor.

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The constitutionality of the Texas law giving municipalities the right of recall, rendered by the civil court of appeals, I submit as Exhibit F.

Seventy-four cities and towns in the State of New York, I am informed by the secretary of the Commission Government Association of Buffalo, are considering this method, and a large number of them have petitioned the New York Legislature for the right of home government for cities. Up to this time, in spite of promises, those in control of the governing business, including the bipartisan machine men in New York State, have denied them their just rights of local self-government, and it will require a pitched battle with the forces of machine politics to obtain this right for these cities, the chief of which is Buffalo, with over 400,000 inhabitants.

The Short Ballot Organization, of which the Hon. Woodrow Wilson, governor of New Jersey, is the president, has excited a very great interest throughout the Union, and it is easily applicable not only to cities, but also to counties and States, the purpose being to concentrate the attention of the electorate upon a few responsible men charged with the control of policies and administrative responsibility, so that the people may give their concentrated attention to these few officials and choose them wisely.

It is impossible to have the people choose wisely when they are called upon by the party bosses and party machines to vote on 200 or 300 names at a time. Tammany Hall, for example, has a committeeman for each 25 voters of New York City, a committee so large that Madison Square Garden could not hold it. Its primary ballot contains from 300 to a thousand names. The consequence is that democracy is defeated and "bossism" is enthroned.

Gov. Johnson, of California, put the matter in a nutshell in his last annual message, when he said:

> It is time we stopped scolding the voters for their inattention to the offices at the foot of the ticket and cut the ballot down to the number of officials that they will take the trouble to select. The job of reforming the voter is too big. He has a living to make and has to have some fun as he goes along. But the job of reforming the ballot is simple. All that is needed is to cut out the offices that have to do merely with the routine and clerical work and call on the voter to elect only those that control policies.

Over 200 cities and towns have adopted some form of this improved method of city government within the last two years, the list submitted being incomplete and imperfect.

I submit a form of ballot used by Grand Junction, Colo., which is the most improved form of municipal ballot that has yet been adopted. The Grand Junction ballot gives the first, second, and third choice to each citizen for the members of the city council. If there are not a sufficient number of votes of the first choice to give a majority of the votes, then the first and second choices are added together. If that does not give a majority, then the first, second, and third choices are added together, which always results in a majority vote, so that it requires no nomination and subsequent election. One election is enough. At one election the public officials are both nominated and elected. It is economical and it is satisfactory in its results and operation.

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OFFICIAL BALLOT.

GENERAL MUNICIPAL ELECTION, CITY OF GRAND JUNCTION, COLO., NOVEMBER 2, A. D. 1909.

INSTRUCTIONS.—To vote for any person, make a cross (X) in ink in the square in the appropriate column according to your choice, at the right of the name voted for. Vote your first choice in the first column; vote your second choice in the second column; *vote any other choice* in the third column; vote only one first and only one second choice. Do not vote more than one choice for one person, as only one choice will count for any candidate by this ballot. Omit voting for one name for each office if more than one candidate therefor. All distinguishing marks make the ballot void. If you wrongly mark, tear, or deface this ballot, return it and obtain another.

For Commissioner of Public Affairs:	1st choice.	2d choice.	3d choice.	Totals.
D. W. AUPPERLE	465	143	145	753
W. H. BANNISTER	603	93	43	739
N. A. LOUGH	99	231	238	568
E. B. LUTES	41	114	88	243
EDWIN M. SLOCOMB	243	357	326	926
THOS. M. TODD	362	293	396	1,051

No. 769.

Official ballot for election precinct No. 16, in Grand Junction, Mesa County, Colo., Nov. 2, 1909.

H. F. VERBECK, *City Clerk.*

The following letter of Karl A. Bickel, Esq., of Grand Junction, Colo., explains its working:

STATE OF COLORADO,
LEGAL DEPARTMENT, INHERITANCE TAX DIVISION.

Senator ROBERT L. OWEN,
Senate, Washington, D. C.

In re sample preferential ballot, with results in one set shown:

Had the election been conducted under the old-style plan, as is common in 85 per cent of American cities, Bannister, the "old-gang" candidate, would have been elected. Had it been conducted along the cumbersome Des Moines system, the race would have been between Aupperle and Bannister. Yet when the people had fully and accurately expressed themselves on all the candidates and demonstrated their full choice, it was shown that Bannister was not within the first three of being the most desired man, and that Aupperle did not have within 196 votes of a majority of all votes cast, and that Todd was the only man of the six who did have the support of a majority of the voters—that is, a majority of the voters would rather have Todd elected than any other man, although a large number of those who voted for Todd had preferences above him. The preferential system keeps the whole people organized to smash the organized minority and prevents minority rule. There were not as many spoiled ballots as a result of the G. J. preferential election than usual in the Australian-ballot elections.

K. A. BICKEL.

Mr. President, I have submitted this matter because I regard it as having very great influence upon the integrity of the Government of the United States. This method has been found to work so well that, within the strict interpretation of what might be called a commission form of government, there are nearly 200 cities that have recently, within three years past, adopted this method of governing in 27 States, and if it would not weary the Senate I should like to call attention to some of them.

The two great cities of Alabama, for instance, Birmingham and Montgomery.

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In California, Santa Cruz, Berkeley, Modesto, Oakland, San Diego, San Luis Obispo, Vallejo, and Monterey.

In Colorado, Colorado Springs, Grand Junction, and, I believe, Denver now has adopted it.

Idaho, Lewiston.

Illinois, Carbondale, Decatur, Dixon, Elgin, Hillsboro, Jacksonville, Kewanee, Moline, Ottawa, Pekin, Rochelle, Rock Island, Springfield, Spring Valley, Waukegan, and Clinton.

Iowa, Burlington, Cedar Rapids, Davenport, Des Moines, Fort Dodge, Keokuk, Marshalltown, and Sioux City.

Kansas, Anthony, Abilene, Coffeyville, Cherryvale, Caldwell, Council Grove, Dodge City, Emporia, Eureka, Girard, Hutchinson, Independence, Iola, Leavenworth, Kansas City, Marion, Newton, Neodesha, Parsons, Pittsburg, Topeka, Wichita, and Wellington.

Kentucky, Newport.

Louisiana, Shreveport.

Maryland, Cumberland.

Massachusetts, Gloucester, Haverhill, Lynn, and Taunton.

Michigan, Harbor Beach, Port Huron, Pontiac, and Wyandotte.

Mississippi, Clarksdale and Hattiesburg.

Minnesota, Faribault and Mankato.

New Mexico, Roswell.

North Carolina, Greensboro, High Point, and Wilmington.

North Dakota, Bismarck, Mandan, and Minot.

Oklahoma, Ardmore, Bartlesville, Duncan, El Reno, Enid, Miami, McAlester, Muskogee, Purcell, Sapulpa, Tulsa, Wagoner, Guthrie, and Oklahoma City.

Oregon, Baker City.

South Carolina, Columbia.

South Dakota, Dell Rapids, Huron, Pierre, Rapid City, Sioux Falls, Vermilion, Yankton, Aberdeen, Canton, and Chamberlain.

Tennessee, Memphis.

Texas, Aransas Pass, Austin, Beaumont, Corpus Christi, Port Arthur, Dallas, Denison, Fort Worth, Galveston, Greenville, Houston, Kenedy, Marble Falls, Marshall, Palestine, Port Lavaca, and Sherman.

Utah, Salt Lake City.

Washington, Spokane and Tacoma.

West Virginia, Bluefield, Huntington, and Parkersburg.

Wisconsin, Eau Claire and Appleton.

In Texas, among the cities, I call attention to Dallas, the largest city in the State; to Houston, Fort Worth, Galveston, and a large number of others.

Mr. MARTINE of New Jersey. I will state in this connection that in New Jersey it has taken a strong hold of the people there. The city of Trenton, the capital of our State, has recently ratified it. It is now being agitated in the great city of Jersey City, in New Brunswick, Plainfield, and a number of other cities. It is taking a strong hold upon the people of New Jersey.

Mr. OWEN. I have thought it proper to submit this matter to the Senate because I think it deserves to have the attention of the country called to it as an agency for bringing about a restoration of honest government in this country. Our municipalities, and especially our great municipalities, have been most

seriously afflicted by a partisan or bipartisan system of corrupt politics, of which the examples are too numerous to mention and some of them so egregious as to make it a serious humiliation to the American Republic. The condition which was exposed by Francis J. Heney and Rudolph Spreckels in San Francisco is a painful exhibition of it. Ben Linsay's disclosure of the conditions in Denver was equally bad. The disclosures of Joe Folk in St. Louis were just as striking and painful. In Pittsburg, where 116 men, including a large part of the city council, the legislative authority of that city, mercenaries who were engaged in a wholesale conspiracy to rob that city and the people of the city under the party and ward service in the governing business. The conditions in Harrisburg, Pa., the conditions in Philadelphia, in New York, in Albany, and in Boston furnish a like painful and sorrowful record.

I wish to say that this method of governing municipalities by the commission plan is not only adapted to villages and to towns, but to great cities, cities as large as New York City and Philadelphia, and the bigger the city the more efficient and valuable becomes the principle of governing the municipality by the commission plan, which concentrates power and makes those who exercise it responsible directly to the people under the initiative, referendum, and recall.

It is sufficient to call the attention of the country to the expediency of this method of administering the government of municipalities and its wonderful success where it has been tried, and I have done so for the purpose of promoting efficiency and honesty of government not only in cities, but in counties, States, and Nation. For it must be always remembered that a corrupt city boss uses his city machine to levy tribute on the county-machine managers, on the State-machine managers, and on the national-machine managers to demand public offices and legislative and administrative favor for himself and his commercial and political allies.

Mr. President, the great problem of the present time is the restoration of equality of opportunity, so that every man, every woman, and every child may receive and enjoy a fair return for labor honorably and faithfully performed; so that every human being can have an equal opportunity to enjoy the providences of God and the inalienable rights of life, liberty, and pursuit of happiness.

The only way that this equality of opportunity can be established is through genuine, real self-government of the people, by the people, for the people. Under actual self-government when the majority of the people are in power—the majority of the people will always refuse to grant special privileges to the few at the expense of the many; refuse to grant to the few the right to tax the many for the benefit of the few at the cost of the many.

It will not do to say that the people have self-government when in reality they are actually governed by machine politics; when under the mechanism of party management their governors, Congressmen, and Presidents are nominated by the delegated delegates in State conventions of delegated delegates in county conventions sent by ward and precinct caucuses manipulated by local bosses and their henchmen; where the machine under the mechanism of party management can nominate all

public officials under a system which does not give to each citizen an equal opportunity, through the mandatory direct primary, safeguarded by law, to nominate public officers; where there is no thoroughgoing corrupt practices act to prevent the machine politicians from false registration, from stuffing the ballot box or stealing the elections, through a variety of fraudulent practices; where there is no system by which the people can recall crooked officials or veto laws which the people do not want, or initiate laws which the people do want, it is perfectly obvious to the most casual observer that the people do not rule, but are ruled by the mechanism of machine politics under the guidance of the so-called local, county, and State boss, because the machine is in control in a majority of States.

Of course in nominating the President or in nominating any other important officer, as a governor of a State, the machine will not dare to nominate a man who is incapable of standing a campaign. But it must always be remembered that all men, including public men, are influenced powerfully by their environment and political associations and affiliations, and that the great corporate monopolies of the country are fully aware of those whose predilections will enable them to be subjected to influences in the interest of big business.

It is not at all necessary to suggest that machine candidates are of necessity dishonest or even insincere. It is sufficient that they are subject to the domination or influence of special interests. In this event, the people are not in reality exercising the right to rule, but they are being ruled by nominees and candidates chosen against the interests of the people, and who would be greatly disliked by the people if the people really understood what to expect from them.

Self-government is through two main systems; either it is party government in combination with constitutional government or self-government solely through the constitutional form; that is, the direct rule of the people through constitutional forms, without having party government.

The great political problem of the age is, How can real self-government be reestablished in national affairs, and be reestablished in the States and in the towns and cities wherein as yet the people are still out of power?

The line of least resistance in reestablishing the self-government of the people is through the initiative and referendum by questioning candidates on this issue when the candidate is seeking votes. The ordinary candidate will not dare to refuse his promise to support the initiative and referendum when he is seeking to be nominated or elected, if vigorously questioned by organized bodies of voters. To do so is to ask the voters to support him as a lawmaker and at the same time to deny the people whose votes he solicits their right to initiate any law they do want or to veto any law they do not want. Few candidates have the hardihood to do this. No candidate can succeed in it where the people are in earnest in making the demand.

With the initiative and referendum established, so that the people can initiate any law they do want and veto any law they do not want, the next steps are easy—to establish a thoroughgoing, mandatory, direct primary, safeguarded by law, and to establish, also, a thoroughgoing corrupt-practices act that will

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secure an honest registration law, faithfully administered, and will guarantee likewise elections free from bribery, coercion, and corruption. In this way self-government can be secured for the States as States.

For villages, towns, cities, and counties the answer is: Secure from the legislature the right to establish a system of government in which a small number of representatives—town or county commissioners—directly nominated, directly elected, and subject to recall, shall be directly chosen by the people, responsible to the people, and who shall be both the legislators and the executors of the public will. They will then conduct the governing business for the people. The name of the system is The Commission Form of Municipal Government. It may be easily adapted to counties and to States.

It completely establishes the self-government of the people, and will make it thoroughly efficient and honest.

COMMERCIALISM IN GOVERNMENT.

Commercialism has invaded the governing function. The administrative branches of the Government, the legislative branches of the Government, and even the judicial departments of Government are not free from its corrupting influence.

Commercialism has insinuated itself unfairly, unjustly, and corruptly into the governing function in counties, in towns, in cities, in States, and in the Nation.

Secret alliances have been entered into in innumerable counties, cities, and States between various special interests and the so-called partisan or bipartisan political machines.

These special interests have an infinite variety of forms. It may be a gas company desiring to monopolize the gas at a high rate in some city; it may be a traction company; it may be a water company; it may be a municipal-contract company dealing with the paving, sewerage, municipal buildings; it may be the Oil Trust, Tobacco Trust, or any of a thousand trusts in commerce, transportation, or public utilities; it may be any form of selfish interest or a combination of them.

It may be a combination of mere political mercenaries banded together to put themselves in office, inspired not by patriotism, not by desire to render public service, but banded together by the "cohesive power of public plunder."

The main point is that these special interests use the political machine as an agency through which they can promote their selfish interests at the expense of the general welfare.

CORRUPT MACHINE POLITICS MUST BE TERMINATED.

It is for this reason that machine politics must be overthrown and will be overthrown by the progressive movement, which stands for an honest registration act, an honest election law and secret ballot, a direct primary law, a thoroughgoing corrupt-practices prevention act, the initiative and referendum and recall, the commission form of government for cities, the publicity pamphlet, a strict civil service, for direct nomination of party delegates and of the presidential and vice presidential candidates, and so forth. By these processes the power of the political machine as an agency for corrupt government in the service of the special interests against the general welfare can be greatly abated and finally terminated.

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It sometimes happens that even a political machine is in the hands of ambitious but upright men, who do not lose sight of honest government and may give the people a fairly satisfactory government, but the opportunities for corruption of government under this system is always open to the unscrupulous when men inspired alone by the general welfare grow weary, inattentive, and relax their vigilance. It is a bad system, defective, and full of pitfalls.

THE POLITICAL MACHINE.

Mr. President, legitimate organization of patriotic men to promote the policies of government in which they believe is highly commendable and meets with my cordial and warm approval. I have always been active myself in promoting and taking personal part in what I deemed legitimate political organization for patriotic purposes; but when legitimate party organization degenerates into a corrupt and corrupting political machine, led by mercenaries with sinister purposes, who get possession of the machinery of political organization, under color of intense devotion to the party service or of great zeal in promoting party doctrines, and resort to corrupt practices, it should be restrained and abated. When party knaves engage in false registration of voters, registering absentees, dead men, fictitious persons, and ghosts, and thereafter have such falsely registered electors impersonated at the polls and falsely vote them; when they stuff the ballot box with fictitious ballots; when their strikers mutilate the ballots of honest men to defeat the public will; when they make a false count of the registered votes; when they make false returns of the registered votes; when they steal the election by corrupt practices, coercing men who are unfortunate, poor, or dependent; when they bribe voters by the thousand, as they did in Adams and Scioto Counties, Ohio; and put unworthy allies into office and public power; when they enter into unholy alliance with sinister commercial interests to defeat the public will, to buy municipal councils, as they were exposed in doing in San Francisco, in Denver, in St. Louis, in Chicago, in Pittsburg, and in innumerable cities; when they and their office-holding allies enter into corrupt agreements with municipal contractors to defraud the people of the city in the building of streets, bridges, sewers, and waterworks; when they give away or convey for a trifling consideration valuable franchises belonging to the people of the cities, or the people of the States, or the people of the United States, through corrupt combinations of this character; when they nominate public officials, secretly pledged to serve special interests, by packing conventions in towns, cities, counties, and States; when these combinations nominate Members of Congress and procure the election of Senators by bribery and corrupt methods and practices as the servants of special interests, the time has come when an end shall be put to it by the people of the United States and the integrity of government be reestablished by the overthrow of such corrupt machines whether in city, State, or Nation.

The corrupt political machine is the chief agency through which special interests operate in the United States. Those desiring special privilege contribute large sums of money to the organized machine—to the local, the city, the State, or the national political "boss." They bring about the coercion

of employees of corporations by tens of thousands for the support of machine rule. They furnish the means for bribery and corrupt practices and are paid back their investment by the machine or the boss at public expense—by county contracts, by municipal contracts, by laws they desire passed or laws they desire defeated, by immunity from law, by the law's delay, or by the appointment of various officials who administer the law, prosecuting attorneys, and even of judges on the bench who will interpret the law favorably to them.

It is extremely difficult for the ordinary citizen to uncover, expose, and punish these corrupt and corrupting processes.

Corrupting special interests will not hesitate to spend money for the purchase of seats on the floor of the Senate and to use other corrupt processes to unfairly influence legislators in the choice of Senators. When a Senator is to be elected every available pull on the individual member of the legislature is taken advantage of through the ambition, the interest, the selfishness, the weakness, or the affections and obligations of the individual member of the general assembly. Any member of the general assembly whose house is mortgaged, who has serious debts he can not meet, is thus capable of being subjected to such unfair pressure. It is for these reasons that the people of the United States demand election of Senators by direct vote of the people. It is for these reasons that Oregon and other States are adopting the people's rule system and the presidential-preference voting system, so that the citizens may deal directly with the nomination of a President. It is for these reasons that the people of this country are demanding direct primaries, so that they can select all candidates and party delegates, and explains the demand for the initiative and referendum, so that they can initiate the laws they do want and veto the laws they do not want. By the initiative system alone can they force through thoroughgoing corrupt-practices prevention acts in the several States over the heads of legislatures controlled by corrupt machines. It is for these reasons that the short ballot has been so widely advocated and so largely adopted in municipalities. It is for these reasons the people demanded improved methods of administering the business of the House of Representatives and relieving that body from machine methods, and it is for these reasons that a commission form of government for municipalities is so desired and so necessary.

EXHIBIT D.

[Pages 169 to 181, inclusive, from "The Dethronement of the City Boss" (Funk & Wagnalls), by John J. Hamilton.]

RESULTS OF THE NEW SYSTEM IN FIVE TYPICAL CITIES.[1]

1. IN GALVESTON, TEX.

A board of three eminent engineers was employed and paid to devise plans for the reconstruction of the city after the flood.

The emergency following the great storm was dealt with efficiently by the city acting independently and also jointly with the county and State.

The grade of the entire city was raised by the city with the assistance of the State; a great sea wall was constructed by the county; these improvements aggregating in cost $4,000,000.

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[1]A majority of the cities operating under the new plan have adopted it within the year 1909, and many of these have not yet held their first elections under it.

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Annual budgets exceeding the city's revenue by an average of about $100,000 gave way to budgets kept strictly within the municipal revenues.

A floating debt of $204,974.54 was paid off out of current revenues; bonds to the amount of $462,000 were retired; new bond issues were restricted to permanent improvements; an agreement was reached with holders of city bonds whereby the interest was reduced from 5 to 2½ per cent for a period of five years.

The city hall and the waterworks pumping station wrecked by the flood were rebuilt.

The water system was extended and provision made for a duplicate main across the bay.

Three engine houses were built and others damaged by the storm were repaired.

The entire business section was repaved at a cost of $183,027.07.

Rock and shell roads, costing $181,064.04, were constructed.

The drainage system was extended at a cost of $245,664.47.

Old judgments to the amount of $18,026.65, inherited from former administrations, were paid off.

City employees were paid in cash instead of in scrip subject to heavy discounts.

City bonds quoted as low as 60 in the flood year were speedily brought to a premium.

A modern system of bookkeeping was introduced.

Interest was collected on city balances in depositories.

A plan of preparing the annual budget and strictly adhering to it was adopted.

The sanitation of the city was greatly improved.

The streets were kept cleaner and cleared of fruit stands and other obstructions.

Police regulations were more strictly enforced.

Saloons were excluded from the residence districts.

The policy evil and public gambling were abolished.

The city hall was transformed from a resort for loafers into a business office.

Political influence was eliminated in selecting heads of departments and employees; the merit system was established.

The city water service was metered.

Favoritism was done away with in all public services.

The services of men of the highest character and ability were secured for the municipality.

Public confidence in the city government was fully restored.

The city was emancipated from the long reign of strife, dissension, and jealousy; harmony and general prosperity were reestablished.

Notwithstanding the enormous extension of municipal activities and the increase of efficiency a tax rate of $1.60 for city purposes, the lowest of any large city in Texas, was not increased.

2. IN HOUSTON, TEX.

City indebtedness to the amount of $400,000 was retired.

The practice of issuing bonds to cover annual deficits was discontinued; expenditures were kept rigidly within the city's income.

Current obligations were promptly met; warrants, previously quoted at 75 to 80, became worth par.

The city credit was completely restored, following a period when bondholders had been threatening to sue on account of defaults.

Waterworks were purchased for $901,000 with popular approval, showing confidence in the new government. The purchase was approved in 1906 by a vote of three to one, whereas it had been rejected in 1903.

The water service and fire protection were greatly improved.

The street railways were required to bear their share of public burdens and improve the service.

Three schoolhouses were built, at a cost of $106,000.

A 15-acre park was purchased for $55,000 cash.

Dangerous old bridges across the bayou, in the heart of the city, which the old government had refused to replace, except by bond issues, were replaced with new bridges, paid for out of current revenues.

Twelve other bridges were put in repair.

The city plumbing work and supplies were obtained at 15 to 25 per cent less cost by the adoption of business methods.

Good vitrified brick paving was substituted for inferior work.

A shipload of brick was imported from New York, and the brick combination was broken.

The cost of electric lights was reduced from $80 to $70 per arc per year.

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The tax rate was reduced from $2 to $1.80.

Graft, sinecurism, favoritism, and incompetency, which permeated every department of the old government, were done away with.

Police and sanitary regulations were strictly enforced; the fostering of vice was discontinued.

Quarreling and dissensions disappeared; harmony was restored both in the city government and among citizens.

Business methods were adopted in all departments. Council sessions became short, businesslike, and devoid of speech making.

The confidence of citizens in the integrity of the city government was completely restored.

Growth and prosperity of the city were stimulated by improved civic conditions.

These good results were obtained simply from change of the system, members of the commission having been connected with the former government.

3. IN LEAVENWORTH, KANS.

Strict enforcement of law was substituted for the city's traditional policy of defiance of State prohibitory laws.

Bankruptcy and financial helplessness were succeeded by a thoroughly satisfactory condition of the city's finances.

Citizens of the highest standing were induced to accept office under the new régime, the politicians being driven from power by large majorities.

A period of decreasing population and stagnation in business and building was followed by one of rapid growth in all of these respects.

In 25 years under the old form of government the city paved 12 miles of streets. In the first 21 months under the new system 5½ miles were paved.

City bonds to the amount of $20,200 were paid off in two years.

The county indebtedness for which the city was responsible was paid off by the latter to the net amount of $119,750 within two years.

Only $27,000 of the new bonds were issued against these reductions; a net reduction of the bonded indebtedness of $112,950 took place, while the new issues represented permanent improvements.

A new set of books was operated, and the city's business handled like that of "an up-to-date mercantile establishment."

All bills due from the city were paid before the 10th of each month.

Appointments were made on account of fitness, regardless of party affiliations.

Property values largely increased, and the volume of real estate transfers showed unprecedented growth of the city.

New factories were built, which give employment to 300 men.

All of these improved conditions were brought about without increased taxation, despite a loss of $80,000 a year from illegal saloon licenses.

4. IN DES MOINES, IOWA.

The city's net loss in the last year of the old government was $134,510.62; the net gain in the first year under the new charter was $48,439.10, a total relative saving of $182,949.65.

The tax levy for city purposes in the last year of the old charter was 38.7 mills (on the 25 per cent valuation established by law); the first year under the new charter it was 36.4 mills.

Public improvements to the value of $357,755.50 were made during the first year under the new system.

Contractors were held strictly to the specifications, and claims for extras, which had grown into a crying abuse, were firmly rejected; the quality of all public work visibly improved.

Several carloads of inferior creosote paving blocks were rejected.

A modern bookkeeping system was installed.

Municipal expenditures were held strictly within the city's revenues, ending the practice of piling up yearly deficits, to which almost the entire city bonded debt was due.

Numerous leaks were stopped; all the licenses collected were turned into the treasury.

Street lights, formerly costing $75 to $95, were reduced to a uniform rate of $65 per arc per year, and the moonlight schedule abolished, insuring better service.

Incandescent lights were reduced from $24 to $17 in some cases and the all-night schedule was substituted for a moonlight schedule in others, at the same price, $17.

All public work was promptly done; complaints were given immediate attention.

The streets were kept noticeably cleaner; the alleys in business sections, never before cleaned at all, were now thoroughly cleaned.

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Street signs were put up throughout the city, years of clamor for it having failed to induce the old government to make this improvement.

The wages of men with teams were increased from $3.50 to $4.50; those of day laborers from $2 to $2.25; much better service was required.

The quality of public service in all departments was noticeably bettered.

The cost of cleaning catch basins was reduced from $1.40 to $1.12.

Uniform cement walks were laid throughout the business section.

Bridge paving under the old system cost $4.74 per yard by contract; under the new system it was done by day labor for $4.09.

Culverts costing $17.61 per cubic yard under the old plan were built for $12.63 under the new.

Mowing in the parks was done at 75 per cent of the old cost.

Work done by contract was let to the lowest bidders, without manipulation.

The "red-light" district, operated under the corrupt and unlawful monthly fining system, was entirely abolished.

Bond sharks, who owned the segregated "red-light" district and oppressed the inmates of disorderly houses, were driven from business.

Public gambling houses, previously operated under police protection, were closed.

Petty gambling devices, such as slot machines, formerly protected, were effectually prohibited.

Ordinances regulating saloons were strictly and uniformly enforced.

Friendly, but mutually self-respecting, relations between the city government and public-service corporations were established.

City politics were entirely divorced from State and national politics.

Private enterprise and public spirit were remarkably stimulated. Over $400,000 was raised for public purposes by citizens in two years. A great coliseum, new Y. M. C. A. and Y. W. C. A. buildings were provided, etc.

The city, formerly notorious for "divisive strife," became notably harmonious.

The confidence of citizens in the representative character of the city government was fully reestablished.

Following is a comparative statement of working funds in Des Moines in 1907 and 1908:

Cash on hand Apr. 1, 1907	$70,396.63	
Claims outstanding	55,085.83	
Excess cash over claims		$15,310.80
Cash on hand Apr. 1, 1908	$72,790.11	
Claims outstanding	191,989.93	
Excess claims over cash		119,199.82
Loss, 1907 (last year under old charter)		$134,510.62
Claims outstanding Apr. 1, 1908	$181,989.93	
Claims paid by bond issue	175,616.07	
Claims that were not paid by bond issue	16,373.86	
Cash on hand Apr. 1, 1908	72,790.11	
Excess cash over claims that were not paid by bond issue	56,416.25	
Cash on hand Apr. 1, 1909	$164,352.05	
Claims outstanding	59,496.77	
Excess cash over claims	104,855.28	
Gain, 1908 (first year under new charter)		48,439.03
Gain, 1908 over 1907		182,949.65

5. IN CEDAR RAPIDS, IOWA.

Bonds were retired and interest paid thereon amounting to a total of $61,980.

Extensive park improvements were made.

Additional park property was acquired.

A new fire station was erected. All city buildings were put in good repair.

The island in Cedar River, formerly a dumping ground, was purchased by the city and turned into a beautiful civic center.

The services of Charles Mulford Robinson, the civic improvement expert, were secured, and, following his advice, streets were extended, street signs were erected, waste paper receptacles provided, etc.

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Public works of all kinds were done on a large scale, and well done.
The receipts from the police court increased from $75 to $700 per month without an increase of arrests.
License taxes were impartially collected.
Milk and meat inspection laws were enforced.
Five patrolmen were added to the city police force.
Gamblers were driven from the city.
The social evil was segregated and put under severe restrictions.
Defective paving was rejected; contractors were held to the specifications.
Cash discount was taken on all city bills.
Interest was collected on city balances in banks.
The city's credit was established at the highest standard.
Business methods were introduced in all departments of the city government.
Complaints from citizens were given immediate attention. Civic pride was awakened.
The growth of the city was largely accelerated.

For the following exhibits see CONGRESSIONAL RECORD of July 13, 1911:

Exhibit A.—Census Office report of city and county population;

Exhibit B.—The Iowa law;

Exhibit C.—Ordinance under which the first administration of Des Moines, Iowa, was organized;

Exhibit E.—List of cities having commission form of government in some form; and

Exhibit F.—"Texas recall upheld by higher court;" "Dallas City Charter held to be valid." Text of opinion.

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DEMOCRACY AND THE TARIFF

SPEECH

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

MAY 27, 1909

WASHINGTON
1909

86796—8398

SPEECH
OF
HON. ROBERT L. OWEN.

The Senate, as in Committee of the Whole, having under consideration the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes—

Mr. OWEN said:

Mr. PRESIDENT: I have listened with interest to the Democratic Senators from Louisiana urging a tariff rate on sugar which will give "protection" to the sugar planters of Louisiana, Colorado, and other States, and the citations of the junior Senator from Louisiana, quoting Washington, Jefferson, Madison, Andrew Jackson, and various great Democrats down to Samuel J. Tilden, showing that they approved—incidental—protection under a revenue-producing tariff.

I have observed the vote of various Democratic Senators for a revenue duty, with its incidental protection, on lumber, iron, and so forth, and various Democratic speeches favoring a duty on articles produced in their several States, with rates which carried incidental protection to such industries.

It has been suggested in various ways that the action of these Senators was not Democratic. Mr. President, I do not agree with the suggestion that this is necessarily a just criticism of their action.

Mr. President, the first duty of a Democratic representative is to represent the will of the people who have sent him. He has no right, in my opinion, to disregard the well-known wishes of the great majority of the people of his State, and should resign if he can not represent them.

He has a right to believe, however, that when he is nominated and elected by the Democrats of his State he is elected by those who believe substantially in the teaching of Democracy. And I respectfully submit that these Senators have not violated the true canons of the Democracy when they vote for a tax on lumber, or on lead and zinc, or hides, or on pineapples, when they represent the wishes of the majority of the people of their States, provided always that the duty imposed is not prohibitive, does not prevent competition, and is laid at a point not in excess of a maximum revenue-producing point.

Article I of section 8 of the Constitution lays down the authority of Congress, which every Senator must construe on

honor to the best of his judgment and according to the dictates of his conscience—

That the Congress shall have power to levy and collect taxes, duties, imposts, and excises to pay the debts and to provide for the common defense and general welfare of the United States.

When, under the color of raising the revenue for the common defense and general welfare of the United States, a duty is imposed having for its purpose to prevent importations and prevent a revenue being derived from such pretended revenue law, it is a transparent wrong, a violation of the spirit of the Constitution itself, and is not Democratic doctrine. Taxation can only have for its legitimate object the raising of money for public purposes and the proper needs of government economically administered, and the exaction of moneys from citizens for other purposes and to favor private interests at the expense of all the people is not a proper exercise of this power. No one has more strongly expressed than Cooley the distinction between a duty imposed for revenue under the constitutional authority and a duty imposed for the purpose of preventing imports, and thereby protecting some industry from competition. Cooley says:

It is only essential that the legislature keep within its proper sphere, and should not impose burdens under the name of taxation *which are not taxes in fact;* and its decision as to what is proper, just, and political must *then* be final and conclusive. (Con. Lim., 7th ed., p. 678.)

John Marshall said, in McCulloch *v.* Maryland (4 Wheat., 316):

The power of taxing the people and their property is essential to the very existence of government, and may be legitimately exercised on the objects to which it is applicable to the utmost extent to which the government may choose to carry it. The only security against the abuse of this power is found in the structure of the government itself. In imposing a tax the legislature acts upon its constituents. This is, in general, a sufficient security against erroneous and oppressive taxation. The people of a State, therefore, give to their government a right of taxing themselves and their property; and as the exigencies of the government can not be limited, they prescribe no limits to the exercise of this right, resting confidently on the interest of the legislator and *on the influence of the constituents over their representative to guard them against its abuse.*

And in the case of Providence *v.* Billings (4 Pet., 514) he said:

The power of legislation, and consequently of taxation, operates on all persons and property belonging to the body politic. This is an original principle, which has its foundation in society itself. It is granted by all for the benefit of all. It resides in the government as part of itself, and need not be reserved where property of any description, or the right to use it in any manner, is granted to individuals or corporate bodies. However absolute the right of an individual may be, it is still in the nature of that right that it must bear a portion of the public burdens, and that portion must be determined by the legislature. *This vital power may be abused;* but the interest, wisdom, and justice of the repre-

sentative body and its relations with its *constituents furnish the only security* where there is no express contract against unjust and excessive taxation, as well as against unwise legislation generally.

With the consent of the Senate, I desire to insert in the RECORD an extract from Cooley and from the decisions of the Supreme Court upon this point.

THE PURPOSES OF TAXATION.

Constitutionally a tax can have no other basis than the raising of a revenue for public purposes, and whatever governmental exaction has not this basis is tyrannical and unlawful. A tax on imports, therefore, the purpose of which is, not to raise a revenue, *but to discourage and indirectly prohibit some particular import for the benefit of some home manufacture, may well be questioned as being merely colorable,* and *therefore not warranted by constitutional principles.* But if any income is derived from the levy, the fact that *incidental protection* is given to home industry *can be no objection to it,* for all taxes must be laid with some regard to their effect upon the prosperity of the people and the welfare of the country, and their validity can not be determined by the money returns. This rule has been applied when the levy produced no returns whatever; it being held not competent to assail the motives of Congress by showing that the levy was made, not for the purpose of revenue, but to annihilate the subject of the levy by imposing a burden which it could not bear. (Veazie Bank *v.* Fenno, 8 Wall., 533.) Practically, therefore, a law purporting to levy taxes, and not being on its face subject to objection, is unassailable, whatever may have been the real purpose. And perhaps even prohibitory duties may be defended as a regulation of commercial intercourse.

LEVIES FOR PRIVATE PURPOSES.

Where, however, a tax is avowedly laid for a private purpose, it is illegal and void. The following are illustrations of taxes for private purposes. A tax levied to aid private parties or corporations to establish themselves in business as manufacturers (Loan Association *v.* Topeka, 20 Wall., 655, 663; Allev *v.* Jay, 60 Me., 124); a tax, the proceeds of which are to be loaned out to individuals who have suffered from a great fire (Lowell *v.* Boston, 11 Mass., 454); a tax to supply with provisions and seed such farmers as have lost their crops (State *v.* Osawkee, 14 Kans., 418); a tax to build a dam, which, at discretion, is to be devoted to private purposes (Attorney-General *v.* Eau Claire, 37 Wis., 400); a tax to refund moneys to individuals, which they have paid to relieve themselves from an impending military draft (Tyson *v.* School Directors, 51 Penn., Sr., 9; Crowell *v.* Hopkinton, 45 N. H., 9; Usher *v.* Colchester, 33 Conn., 567; Freeland *v.* Hastings, 10 Allen (Mass.), 570; Miller *v.* Grandy, 13 Mich., 540); and so on. In any one of these cases the public may be incidentally benefited, but the incidental benefit is only such as the public might receive from the industry and enterprise of individuals in their own affairs, and will not support exactions under the name of taxation.

But, primarily, the determination what is a public purpose belongs to the legislature, and its action is subject to no review or restraint *so long as it is not manifestly colorable. All cases of doubt must be solved in favor of the validity of legislative action,* for the obvious reason that the question is legislative, and only becomes judicial when there is a plain excess of legislative authority. A court can only arrest the proceedings and declare a levy void when the absence of public interest in the purpose for which the funds are to be raised is so clear

and palpable as to be perceptible to any mind at first blush. (Broadhead *v.* Milwaukee, 19 Wis., 624, 652; Cheaney *v.* Hooser, 9 B. Monr. (Ky.), 330, 345; Booth *v.* Woodbury, 32 Conn., 118, 128; Hammett *v.* Philadelphia, 65 Penn. St., 146; Tide Water Co. *v.* Coster, 18 N. J. Eq., 518.)

But sometimes the public purpose is clear, though the immediate benefit is private and individual. For example, the Government promises and pays bounties and pensions; but in every case the promise or payment is made on a consideration of some advantage or service given or rendered or to be given or rendered to the public, which is supposed to be an equivalent; and the law for the payment has in view only the public interest, and does not differ in principle or purpose from a law for the payment of salaries to public officers. The same is true where a State continues the payment of salaries to officers who have been superannuated in its service. The question whether they shall be paid is purely political and resolves itself into this: Whether the State will thereby probably secure better and more valuable service, and whether, therefore, it would be wise and politic for the State to give the seeming bounty.

Where a law for the levy of a tax shows on its face the purpose to collect money from the people and appropriate it to some private object, the execution of the law may be resisted by those of whom the exaction is made, and the courts, if appealed to, will enjoin collection or give remedy in damages if property is seized. But if a tax law on its face discloses no illegality, there can in general be no such remedy. Such is the case with the taxes levied under authority of Congress; they are levied without any specification of particular purposes to which the collections shall be devoted, and the fact that an intent exists to misapply some portion of the revenue produced can not be a ground of illegality in the tax itself. In cases arising in local government an intended misappropriation may sometimes be enjoined; but this could seldom or never happen in case of an intended or suspected misappropriation by a State or by the United States, neither of them being subject to the process of injunction. The remedies for such cases are therefore political and can only be administered through the elections. (Cooley's Principles of Constitutional Law, Chap. IV, p. 57, The Powers of Congress.)

The bills of rights in the American constitutions forbid that parties shall be deprived of property except by the law of the land; but if the prohibition had been omitted, a legislative enactment to pass one man's property over to another would, nevertheless, be void. (See Cooley's Con. Limitations, p. 208.)

Nor, where fundamental rights are declared by the Constitution, is it necessary at the same time to prohibit the legislature, in express terms, from taking them away. The declaration is itself a prohibition, and is inserted in the Constitution for the express purpose of operating as a restriction upon legislative power. (See Cooley's Con. Limitations, p. 209.)

Cooley also states on page 587, in speaking of the power of taxation, as follows: "Taxes are defined to be burdens or charges imposed by the legislative power upon persons or property, to raise money for public purposes."

Again, on page 598, he says: "Everything that may be done under the name of taxation is not necessarily a tax; and it may happen that an oppressive burden imposed by the Government, when it comes to be carefully scrutinized, will prove, instead of a tax, to be an unlawful confiscation of property, unwarranted by any principle of constitutional government. In the first place, taxation having for its only legitimate

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object the raising of money for public purposes and the proper needs of government, the exaction of moneys from the citizens for other purposes, is not a proper exercise of this power, and must therefore be unauthorized."

The Supreme Court of the United States, in the Topeka case, said:

"To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and *build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation.* This is not legislation; it is a decree under legislative forms." (20 Wallace, 664, in Loan Asso. *v.* Topeka.)

Mr. OWEN. Mr. Cooley, in Constitutional Limitations, points out with great force that a legislator has no constitutional right, under the color of imposing a duty by which to raise revenues, to pass a law which, in fact, has the purpose to prevent importation and the raising of revenue by such pretended duty, but which in reality has for its purpose *to build up private fortunes by preventing competition.*

The Democracy has declared in one of its planks in the platform of 1892 in favor of a tariff for "revenue only," which is only another way of saying that duties shall not be imposed for any other *purposes* than revenue; that they shall not be imposed for the purpose of excluding importations and giving monopoly to combinations in this country, against which the Democracy has continually protested since 1892; but this language can not justly be construed to mean a declaration against incidental protection. The fact that it was so unjustly construed led the Democrats to drop the word "only" in the platform of 1896, thus affirming the doctrine of the Democracy that incidental protection is entirely just when equitably distributed.

Every *tariff for revenue* and *for revenue only* carries with it an unavoidable "protection." This unavoidable protection is called "incidental protection"—that is, a protection incidental to the raising of revenues under a constitutional tariff.

To say, therefore, that it is undemocratic to demand the incidental benefits or incidental protection of a revenue-producing tariff to be equitably distributed is utterly unreasonable and absurd. The very essence of Democracy is *equality before the law* and *under the law*, and since every tariff for revenue carries an incidental protection, it is perfectly just and perfectly right to ask that its benefits be equitably distributed. I therefore have no fault to find with Democrats who, representing their own States, demand a tariff for revenue which shall give incidental protection to their own States.

I venture to say that the Democratic Senators from Louisiana would probably cease to represent that State if they ignored the wishes of the people of that State in laying a revenue-producing duty carrying incidental protection to the sugar planter.

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I should myself vote for a lower duty on sugar and increase the competition with the American Sugar Refining Company, whose exactions, I think, too great. Indeed, I favor free lumber, paper and wood pulp, free iron, free coal, free wool, and free hides, and free raw materials as a general rule. But I shall not take issue with the Democratic Senators of Louisiana because they represent the will of the constituency which sent them *nor read them out of the party.* If the Senators from Louisiana advocated a duty so high as to exclude foreign sugar from our country, cutting off potential foreign competition and establishing a complete monopoly behind a tariff wall for the sugar planter, I should then say, that although they claimed to be Democrats and claimed to represent a Democratic State, they were not Democrats on this sugar schedule and that their State was not Democratic in regard to this schedule, but, notwithstanding that fact, I should even in that contingency *still be glad to see their cooperation in every other respect with the organized Democracy.*

Mr. President, I can not approve the view of those statesmen who lay down too hard and fast or dogmatic rule by which they approve or condemn a man who claims to be a Democrat, and would refuse political association to a man who believes with the Democracy in the body of the Democratic doctrine, but represents occasionally a local interest at variance with a national platform. No member of any great political party agrees in every particular with every other member of that party. There must be greater or less differences among six or eight millions of people as to what constitutes Democracy, and as to what constitutes Republicanism. As I understand the differences the Democratic doctrine insists on freedom of speech, freedom of the press, freedom of conscience, the equality of all citizens before the law, the greatest good to the greatest number, the faithful observance of constitutional limitations, and believes in as great a measure of decentralization as is consistent with the strict exercise of the national function, while the Republican party generally believes in the greatest exercise of the national function, unmindful or in willful disregard of the reserved rights of the States, although against this is recently appearing some respectable Republican reaction, and therefore the tendency of the Republican party is to give constantly increasing powers to the centralized government, while the Democratic party insists that the powers of government should be retained as near to the people as possible. The Democratic party would trust the people more; the Republican party would trust the convention leaders of the people more;

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the Republican party would exclude foreign competition, actual or potential, for the benefit of certain favored individuals and the enrichment of private persons and corporations, while the Democratic party would favor a tariff for revenue carrying incidental protection, but not to the extent of cutting down the revenue by being above the maximum revenue-producing point or cutting off foreign competition and so establishing monopoly.

Both parties declare themselves attached to purity of government, and both parties practice it just in degree as the judgment and the consciences of the local constituencies require.

The Democrats in 1892 denounced Republican protection as a fraud, a robbery of the great majority of the American people for the benefit of the few. It should be observed that it was not protection or incidental protection which was denounced as a fraud; it was "Republican protection" which was denounced as a fraud, as a robbery of the great majority of the American people for the benefit of the few. It was pointed out at the same time by this Democratic platform that this robbery of the great majority was due to monopolies built up as a natural consequence of the prohibitive taxes, which prevented free competition. There is an element of justice and wisdom in so drafting our revenue tariff as to afford incidental protection to American industries. And a tariff for revenue which imposes a duty upon articles of international trade high enough to produce a proper revenue will always be found high enough to protect American labor and the American manufacturer who desires of his fellow-citizens nothing more than a tariff rate which shall equal "the difference in the cost of production at home and abroad."

The Republican party pretends to stand for this, but in the Senate and House have utterly disregarded this rational standard, have ignored "the difference in the cost of production," which will not equal 20 per cent, and written a tariff averaging more than 100 per cent higher than would be required to equal "the difference in the cost of production at home and abroad." They have written a tariff to prevent legitimate competition, and in this manner promote monopoly and favor special persons and corporations at the expense of all the people.

It seems to me that the Democratic party contains within itself and should welcome and embrace all of those whose sympathies are, in the main, with the Democracy, and not impose too narrow or too dogmatic standards of Democracy, which will tend to disintegrate that great party of the people and make its future success impossible.

The first duty of a patriotic minority is to become a majority and write its principles into the laws.

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NATIONAL AND STATE AID IN THE CONSTRUCTION OF GOOD ROADS

The farms should be made more productive, more valuable, and country life made more attractive for those who produce the food supplies and raw materials of this Nation, by perfecting National and State highways and county and local roads. The residents of city and country alike are interested in the construction and maintenance of good roads.

REMARKS

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

APRIL 8, 1912

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REMARKS
OF
HON. ROBERT L. OWEN.

The Senate having under consideration the bill (S. 2935) to provide for the construction, maintenance, and improvement of post roads and rural-delivery routes through the cooperation and joint action of the National Government and the several States in which such post roads or rural-delivery routes may be established—

Mr. OWEN said:

Mr. PRESIDENT: Senate bill 2935, prepared by the Senator from Virginia [Mr. SWANSON], is drawn in the light of his experience as the chief executive of my old home Commonwealth of Virginia.

This bill provides for the appropriation of $20,000,000 annually for the construction, maintenance, and improvement of post roads and rural delivery routes through the cooperation and joint action of the National Government and the several States in which such roads may be established, the Nation and State contributing equally to the cost. The value of this proposal is that *the Federal Government would at once take the initiative* and make available to every State the expert knowledge gathered together by the Federal Government on the construction and maintenance of good roads.

This initiative is of supreme importance. No great public enterprise will receive proper attention unless some one is charged with the direct duty of attending to that business.

Experience has shown that the private individual will not take the initiative in building good roads, because the task is too great for him, and in like manner the county, except for the laws passed by the State, would not initiate good roads except in special instances. But with the Federal Government taking the initiative, inviting the State cooperation, every State would be strongly stimulated to improve the roads. This feature of this bill is of great value.

The good-roads department under this bill would speedily formulate and submit to the various States a method of cooperation which would result in coordinating the State and Federal activities in road building upon a uniform and judicious basis. I am sure that the people of my own State of Oklahoma would be glad to cooperate with the Federal Government in improving the highways and rural routes. In the constitution of Oklahoma we established a department of highways, and Hon. Sidney Suggs, of Ardmore, the strenuous and able head of this department, is actively organizing public opinion in support of this the next great step in the national development of the Republic.

Mr. President, nothing that I shall say will be either original or novel, but the facts and the reasons should be emphasized on the attention of the country. The improvement of the public

roads of the United States is urgently necessary for a variety of reasons.

The national growth and prosperity must depend on good roads.

The development of the suburban schools, churches, mail delivery, the intelligence and social intercourse of the country people, the attractiveness, the value, the financial returns, and the physical productiveness of the farm depend upon good roads. Cheaper food products and cheaper manufactured products both depend upon good roads.

Inaccessible and muddy roads cost the Nation a thousand millions annually.

Justice to the farmer, who pays 60 per cent of the taxes and gets but little in return, demands it. The value of the public school, the press, the pulpit, the platform, and all the advantages of civilized life depend upon access, and access upon good roads. The extension of trade, the improvement of the opportunities to the citizen, the relief of the congestion of population in the cities depend upon good roads.

Good roads are absolutely necessary in peace and in war. They are the chief agency of a great industrial people for the free interchange of the products of labor.

THE CONSTITUTIONALITY OF FEDERAL AID TO GOOD ROADS.

It has been said that the United States has no constitutional right to contribute to the building of good roads. I emphatically deny it.

Under section 8, Article I, of the Constitution, Congress is expressly authorized *to establish post roads*, and is given power "to collect taxes," "to provide *for the common defense and general welfare* of the United States."

The perfection of the postal highways and of the Rural Free Delivery Service will extend post roads over every important road in the United States upon which any national attention need be given, and the right of the United States to provide for the common defense carries with it the right to establish national highways, as Rome did, for the movement of our national troops in time of war and for the "general welfare" and the movement of interstate commerce and transportation in time of peace.

The right to provide for the general welfare of the United States sufficiently covers national aid in establishing highways of stone as well as of steel rails throughout the United States.

Why, Mr. President, Congress authorized the Cumberland Road at the headwaters of the Potomac in 1811 at a cost of $7,000,000, and in 11 years about this period 14 great highways were authorized to be built by Congress.

It was the generally acknowledged doctrine of our forefathers that the Government had this right, and from 1850 the Government granted aid to highways with steel rails from the Mississippi to the Pacific coast and subsidized the Union Pacific, the Central Pacific, the Northern Pacific, the Southern Pacific, and gave away 200,000,000 acres of the public domain in support of national highways.

These contributions would be worth approximately $2,000,000,000, which went to private persons and private corporations for the building of national highways.

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There is no merit in the contention that the National Government may not contribute to the support of post roads within the States.

Down to the most recent days, since the War with Spain, there has been expended from our National Treasury for road building in—

Alaska	$1,925,000
Porto Rico	2,000,000
The Philippines	3,000,000
The Canal Zone	1,459,073
Total	8,384,073

THE URGENT NECESSITY FOR NATIONAL AID.

Mr. President, we have the biggest country, the finest land, the richest people—and the poorest roads on earth. There is a reason for this, and the reason is that our road-building system is based on the old localized English system in the days of the American Colonies, and has never been adequately improved to meet the advancing knowledge of civilization.

In many of our States we still keep up the destructive and wasteful system of financing road building by taxing adjoining property and administering the construction and maintenance by utterly unskilled, intensely localized management, which is very often too incompetent to merit consideration or defense. It is grossly unjust to tax the farmer to build and sustain the road which passes through his farm, when that road, in fact, is a highway used by tens of thousands who ought to contribute their proportionate part to the construction of the highway.

The National Government, which raises revenue by taxing every man, and the State government, which raises its revenues by taxing all the people, should cooperate with these taxes levied on all the people to construct these highways which are used by all the people just in proportion to the use of the roads. To compel the construction and maintenance of the main highways by the local citizen who has had no opportunity of being instructed in the construction or maintenance of roads is necessarily to place the highways under an administration not equipped to do this work under the safeguard of thoroughly scientific knowledge, which is essential to proper results. Millions have been squandered by this obsolete method, and the roads remain to-day as an overwhelming witness of the incompetence of past management. For example, under the present laws of Texas, in a State which spends more than $8,000,000 annually on road improvement, the county judge is the one absolute authority on road matters. Such a thing as a county engineer, except by special act of the legislature, seems to be unthought of.

In France, where they have the best roads in the world, at the head of the road system there is a magnificent technical school of roads and bridges, maintained at the expense of the National Government, from which graduates are chosen as highway engineers to build and maintain the roads of France. There is an immediate cooperation between the Republic, the departments, and the communes as completely as an organized army, directed by the most intelligent head possible to obtain.

At the head of the administrative organization is a director general of bridges and highways, under whom are the chief engineers, ordinary engineers, and subordinate engineers, the latter

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being equivalent in rank to noncommissioned officers in the army. The subdivisions are under the direction of principal conductors and ordinary conductors. Next in line come the foremen of construction gangs, the clerks employed at headquarters, and, finally, the patrolmen, each having from 4 to 7 kilometers of highway under his immediate supervision.

The great administrative machine working in complete harmony, with definite lines of responsibility clearly established, accomplishes results with military precision and regularity. In this great army of workers not the least important unit is the patrolman, who has charge of a single section of the road. He keeps the ditches open, carefully fills holes and ruts with broken stone, removes dust and deposits of sand and earth after heavy rains, removes the trees, shrubs, and bushes, and when ordinary work is impossible breaks stone and transports it to the point where it is likely to be needed. He brings all matters requiring attention to the notice of his chief.

Every detail requiring attention is carefully noted and reported to the central authorities, so that at any time the exact condition of every foot of road throughout France may be ascertained.

Here is a system, the best in the world, over which magnificent highways vast volumes of farm products find their way at a cost of from 7 cents to 11 cents a ton per mile. Over these roads motor cars can travel 50 miles an hour without danger. They are beautiful. They are lined on either side by ornamental and fruit trees. They are of great commercial value. They lower the cost of living, both to the town and the country, by furnishing the city with cheap food and furnishing the country with cheap freight in transporting their products to town and their materials back to the farm.

In France at the present time there are 23,656 miles of national routes, which cost $303,975,000 to build. There are 316,898 miles of local highways, built at a cost of $308,800,000, of which the State furnished $81,060,000 and the interested localities $227,740,000. The roads of France are classified into five different divisions:

First. The national routes, traversing the various departments and connecting important centers of population.

Second. The department routes, connecting the important centers of a single department and bisecting the national routes.

Third. Highways of general communication, little less important than the previous class.

Fourth. Highways of public interest, traversing a single canton and connecting remote villages with more important roads.

Fifth. Private roads.

In the German Empire a similar system prevails, and these great nations, including the other nations of Europe, for that matter, set an example to the people of the United States which they would do well to follow.

In England they have a much more localized system, and in consequence there is in England the most striking example of lack of uniformity of road work and of excessive expenditure in proportion to mileage.

The most perfect road system, however, is that of France, which has the *most highly centralized* management of all the road systems.

It is not my purpose, Mr. President, to go into detail with regard to the best methods of construction, but only to point out the extreme importance of *centralized initiative* and *centralized knowledge proceeding with efficiency upon a fixed basis.*

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I do not regard Senate bill 2935, which I advocate, as necessarily an absolutely perfect bill, but I do regard it as a step of very great importance, and I do believe that out of this measure, if it be enacted into a law, we would enter upon a proper system.

I believe we should have *a legislative reference bureau* (for which I have heretofore contended), for the convenience of Congress in digesting and arranging data and making preliminary drafts of bills and which in this case might thoroughly work out a perfected plan suitable to the use of the United States under our particular form of government, providing a system for the most perfect cooperation between the National and State Governments for the development of good roads in this country.

THE COMMERCIAL VALUE OF GOOD ROADS.

Mr. Halbert P. Gillette, an engineer of ability, has with great pains estimated the cost of hauling agricultural products to and from the farm. (S. Doc. No. 204, 60th Cong., 2d sess., p. 56.)

The average haul in the United States is 12 miles of 2,000 pounds at a cost of 25 cents a ton, on an average of $3 a ton for delivering farm products from the farm to the railway.

In France the cost of hauling a ton a mile is 7 cents and in Germany and England from 9 cents to 12 cents. The direct loss on the tonnage actually hauled in the United States is perfectly enormous. The Interstate Commerce Commission reports show that the railroads handle upward of 900,000,000 tons of freight, of which 32 per cent, or approximately 275,000,000 tons, are the products of forest, field, and miscellany.

Estimating only 200,000,000 tons at a cost of $3 a ton, we have $600,000,000 in this item, of which over $400,000,000 is a flat loss, due to bad roads; but these figures are only a fraction of the haul. To this must be added the enormous tonnage hauled from farm to farm, from farm to village, from farm to town, from farm to canals, wharves, and docks for shipment by water. The unemployed land, the defectively developed land, the wasted products not hauled because of the expense and of impassable roads, the lack of intensive farming at any distance from cities because of the expensive hauling are grave factors of the huge loss due to bad roads. The loss by bad roads upon any reasonable basis would probably exceed $1,000,000,000 per annum, or the cost of conducting our National Government.

We have bad roads standing as a barrier, preventing the hauling of products from the farm, because the cost of hauling is too high and products are wasted on the farm.

Lands distant from market are not cultivated at all and farms reasonable near to the markets are not put into crops *which would be productive of large bulk*, because of the ruinous expense of hauling such products, and for this reason there are huge areas uncultivated in the United States, estimated by the Department of Agriculture at over 400,000,000 acres. Improved roads would develop this vast domain and make *food products cheaper*. It would lead to intensive and more extended farming. Where the average value is $8.72 per acre of wheat, $7.03 an acre of corn, the value of vegetables in 1899 was $42 an acre and of small fruits $80 an acre.

The commercial value of good roads, therefore, would mean a saving of a thousand million dollars annually. It would mean

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bringing into cultivation vast areas of land now uncultivated. It would bring intensive farming on the lands which are now cultivated. It would mean very much cheaper food products. It would mean the improved financial, social, religious, and educational condition of the farmers.

It would mean a vast increase in the farming population drawn from the congested cities for the benefit of city and country alike.

IT WOULD INCREASE THE VALUE OF FARM LAND.

We have about 850,000,000 acres of farm land improved and unimproved in the United States.

The good roads will exercise a tremendous influence over increasing the value of farm lands accessible to good roads.

By "accessible" it must not be understood as being immediately on a perfected highway. It is an important fact that a team of horses *for two hours out of a day* can *exert about four times* their average tractive force without injury. For this reason they may pull a heavy load for 3 or 4 miles over a dirt road to a perfect highway without injury, and then carry the heavy load easily to market a long distance without harm, so that the farmers within 3 or 4 miles on either side of a good highway would be directly benefited by it; and with the King drag road leading off 4 or 5 miles on either side of a perfected highway all of the farmers of the country could be brought in touch with good roads at a minimum expense to the great increase of their farm-land values.

BAD ROADS MEANS LOSS OF POPULATION.

The sections of country *which have lost in population* by the last census are conspicuous for impassable roads. In 25 counties, for example, selected at random by the United States Office of Public Roads, the population between 1890 and 1900 fell away over 3,000 persons in each county where the roads showed an average of only 1½ per cent of improved roads, while in another 25 counties, in which there was an average of 40 per cent of improved roads, the population in each county had increased over 31,000.

It is density of population and accessibility of land which increase the value of land.

GOOD ROADS MEAN BETTER SCHOOLS AND CHURCHES.

Improved roads mean improved schools and churches. Where the roads are very bad the children can not easily attend school, nor can the people easily attend the churches, but with good roads they could do so. In the States of Massachusetts, Rhode Island, Connecticut, Ohio, and Indiana, in which, in 1904, about 35 per cent of the roads were improved, 77 out of each 100 pupils enrolled attended the schools regularly; but in the five States of Alabama, Mississippi, Arkansas, Georgia, and South Dakota, which had, in 1904, only 1.5 per cent of good roads, only 59 out of each 100 pupils enrolled could attend public schools regularly. Thus good roads enable 30 per cent more children to attend school.

THE PRESENT CONDITION OF THE PUBLIC ROADS.

We have to-day 2,155,000 miles of public roads within the United States. Less than 180,000 miles are macadamized or improved with hard surfacing.

More than nine-tenths of the public roads and highways of the United States in the rainy season are almost unfit for use,

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and a large part in a very rainy season are utterly unfit for use and impassable, to the grave injury of the farmer and the *equal injury of the town people who depend upon him for regular supplies of food.*

In some of the States improved State methods are being put into force, but the department of good roads of the United States Government should be stimulated in the highest degree, so as to furnish the people of the United States with full information upon the important commercial, financial, educational, and social aspects of this great national problem. The department should be put in a position where it can stimulate public attention and bring all of the States into harmony with this great scientific problem. Road building and road maintenance is a great *science.* It has taken generations of men to learn the best methods of road building and maintenance, and the highest knowledge in the world in scientific road building should be placed at the disposal of the humblest citizens of this Republic so that he could be a direct beneficiary of the advancement of human knowledge in this respect.

THE RELATION OF PUBLIC ROADS TO THE FARMER.

Farm life should be made more attractive. No matter how fertile the land or how favorable the climate, if the farmer is imprisoned by bad roads, he can not enjoy fully farm life. He can not conveniently reach the school, the church, the town, or his friendly neighbors if the roads are very bad.

We can not expect the greatest social, moral, mental, and material development of the farmer if the roads are bad.

Only 8.2 per cent of the total road mileage of the United States is improved at the present time, yet we expended approximately $79,000,000 in work on roads in 1904. The expenditure has been entirely out of proportion to the results accomplished. The reason for this I have pointed out. It is due to the extreme localization, bad road laws, bad administration, and lack of coordination. We have little skilled supervision, with but few men with a knowledge of road building or of any profound interest in it. The laws must be changed, and they can only be changed and greatly improved by instructing the public mind and public men.

The profit of the farmer is represented by the difference between the cost of production and transportation and the selling price. If he can cut the transportation in half, he will materially benefit himself financially; and if the cost of transportation could be reduced $600,000,000, the farmer would easily be benefited to the extent of one-half of this saving, granting that the city inhabitants would benefit by the other half of the saving. We complain of the high cost of living, and do not sufficiently analyze the reasons for the high cost. Lower transportation means lower cost of living, both to the farmer and city resident.

We should perfect the national waterways likewise and control the railways to lower the cost of transportation.

The mean cost of carrying wheat from New York to Liverpool—*by water 3,100 miles*—is only 3.8 cents per bushel, while it costs the farmer on an average more than that to haul his wheat to the railway station.

The consular reports show that hauling in Germany, France, and England is frequently as low as 7 and 8 cents a ton a mile, and rarely higher than 13 cents.

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The cost on fair earth roads is 25 cents a ton per mile; on earth roads containing ruts, 39 cents; on sandy roads when wet, 32 cents; on sandy roads when dry, 64 cents; on black gumbo when thoroughly wet passing is impossible. Steep grades on the roads is another serious tax on transportation, because "the chain is no stronger than the weakest link."

If the farmer has good roads, he can take to the town two or three times as much in a load as he does now. He could haul to town from a distance two or three times as great as he does now. He could haul to town products which now are prohibited by the expense of hauling. He could raise a larger variety of products suitable for marketing. He would be directly benefited by making the town, the people, and the school more accessible.

He would be benefited by making his neighbors easier of access, and in that way his social pleasure and personal happiness would be increased.

He would be able to deliver his farm products to the town every day in the year, and therefore would have a steady market throughout the year for his products, whereas he may be by muddy roads excluded for two and three months at a time from his market, and the town people in like manner may be deprived of vegetables, fowl, eggs, milk, and other farm products which are essential to their comfort.

In Bradley County, Tenn., bonds were issued for 160 miles of excellent macadam roads, and lands that were valueless before these roads were built now find ready purchasers at from $15 to $30 per acre.

EFFECT OF ROAD IMPROVEMENT ON TRAFFIC.

If the roads were improved, *traffic would not be congested* at one season and very limited at another season, because the transportation of the crops could be made at convenience and uniformly without the interruptions of bad weather. The railroads could, therefore, maintain a more regular service with a smaller equipment, fewer employees, and less cost of operation. This means cheaper freight rate for all the people and lower cost of living.

I have not taken into account the wear and tear on teams due to bad roads, the destruction of wagons and vehicles, the danger to life and limb from bad roads.

THE RELATION OF GOOD ROADS TO THE PUBLIC HEALTH.

If the roads are perfectly good, the physician or surgeon can with the modern motor car go to the aid of one in danger of death almost immediately, but when the roads are impassable death might ensue before relief could be obtained. If the roads are wet and bad and children march to school with wet and muddy feet, their vitality is lowered and loss of life must ensue.

THE DIFFERENCE BETWEEN THE CITY AND THE COUNTRY.

Many men complain that there has been a steady movement from country to city. The reason is plain. The city is more attractive to live in because *it has perfect roads* of asphalt, macadam, and Belgian block, and concrete sidewalks. No person need to have his feet muddy in going from one point to another. In the city is concentrated many of the things that human beings desire, but if the country had good roads it would be a more desirable place to live in than the city. The

countryman has good air, free from dust and smoke. He is away from the roaring noise of the city and the everlasting grind of the wheels of the street car. In the country he has his own fresh food, prepared by nature, at his hand; poultry, eggs, fresh milk, cream, butter, fresh vegetables of all kinds, and fresh fruits—peace, young animal life to interest and please him, and nature smiling back in his face and giving him 10,000 per cent for every seed he plants. With good roads he can come to the city when he likes and go back to his peaceful, pleasant home, satisfied.

City life enervates and weakens human beings, as a rule, because of the nervous strain of city life, while in the country a man grows strong, with steady nerves, good lungs, and brawny limbs. The conditions of country life should be made more attractive. The social intercourse and pleasure of country people, proper school facilities, and church advantages should be made available with good roads. From the country has sprung the greatest men of genius and patriotism. Nearly half of all of our people are engaged in agriculture, and they furnish half of the taxes and produce three-fourths of the wealth of the Nation. I am in favor, for their sakes, of stimulating the building of good roads, but let us remember that the building of good roads is just as important to the city man who lives on the produce of the country as it is to the countryman who raises that food supply. It is of equal importance and value to both the residents of the city and of the country. It is of equal importance to the professional man and to the laborer, to the farmer and the city merchant, to the producer and the consumer. It means lower cost of living to all. It means great commercial and financial advantage to all. It means greater pleasure and enjoyment of life to all.

Many of our Government expenditures are made without return, but here is a magnificent investment, which, if it were based upon the credit system, would pay 15 per cent on every dollar judiciously invested and would add to our national wealth more rapidly than any other national investment into which we could invest our national credit or our national energies. The experience of other States has shown the importance of the State taking the initiative and guiding the activities of the counties and in this way getting greater results. This has been fully explained by the Senator from Virginia as the experience in that State.

AN AVENUE TO EMPLOY THE UNEMPLOYED.

If we had this system established we could give employment to the unemployed at rates that would not attract men already engaged but would attract men out of work and in need. There are hundreds of thousands of men of this class available.

Mr. President, this bill ought to be immediately reported and passed. I remind Republicans that public sentiment has so far crystallized that in their national platform of 1908 they cordially indorsed aid to good roads in the following language:

> We recognize the social and economic advantages of good country roads, maintained more and more largely at public expense and less and less at the expense of the abutting property owner. In this work we commend the growing practice of the National Agricultural Department by experiment and otherwise to make clear to the public the best methods of road construction.

And I remind my brother Democrats that in our last platform we had the following plank.

POST ROADS.

We favor Federal aid to State and local authorities in the construction and maintenance of post roads.

Let us fulfill in good faith our party pledges.

THE VALUE OF INTENSIVE FARMING—"BACK TO THE LAND."

"Gentlemen, it would be impossible to exaggerate the importance of the objects contemplated by the National Farm Land Congress.

"In 40 years we shall have over 200,000,000 people, and this estimate does not fully take into account the geometric progression which immigration makes probable under the enormous growth of seagoing vessels of mammoth size.

"Our breadstuff exports in 25 years has decreased 24 per cent, notwithstanding large areas of new lands producing wheat and corn.

"Our home demand for wheat in a quarter of a century has grown 80 per cent more than the supply of wheat.

"The object contemplated by the National Farm Land Congress is to develop farm lands, encourage home building on the farm, increase the productiveness of our farm land, make our farms more accessible by the building of good roads and improved national and local highways, and make our farms a potential factor in promoting the wealth, the health, the beauty, and happiness of the Nation. Nothing could be of greater national importance.

"With these objects I find myself deeply in sympathy. One of my earliest recollections was of the intensive farming of a piece of land in Lynchburg, Va., of about 2½ acres, surrounded by a high brick wall; the inclosed land was divided up into a dozen or more plots of ground, with graveled walks lined in certain parts of the garden with dwarf box and with flowers.

"Some of the squares were used for vegetables, Irish and sweet potatoes, beets, parsnips, salsify, okra, radishes, onions, lettuce, cabbage, mustard, asparagus, tomatoes, several kinds of sweet corn, the watermelon, cantaloupe, and sweet pumpkin for cooking, rhubarb, and other succulents. Other beds against the brick wall had beds of strawberries, raspberries, blackberries, currants, gooseberries, and various vines.

"Even in the winter this land furnished the table with vegetables stored in sand pits, and with fruits preserved and canned, and with pickles, marmalades, and other things edible.

"I remember sweet herbs in this garden—of thyme, sage, etc. I recall with affection certain arbors devoted to the grape, which, in their season, had a special charm for me. Around the edge of these squares were many beautiful varieties of fruit—of peaches, of pears, the sweet Sickle, the Royal Bartlett, the Damson, the plum, the cherry, the apple. The yellow June apples in that garden were sweet enough to tempt, and often did tempt, a small boy about my size to risk an appearance before the Throne of Grace without any other preparation than an incredible number of June apples eaten in reckless disregard of consequences.

"I have never seen anywhere a more beautiful variety of hyacinths and tulips than grew in this garden, with all the old-fashioned English flowers—the jonquil, the narcissus, the crocus, the lilies of the valley, the phlox, the snapdragon, and many others; the Easter lily, the tiger lily, and a great variety of roses.

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"I remember the yellow and red honeysuckle, covering a trellised summerhouse, mingling its fragrance with the pleasant odors of the climbing rose which helped to cover it.

"As I used to enter this charming spot of land from the dining-room door, I recall passing between two trees of crepe myrtle and, a few steps farther on, by two large shrubs of the euonymus. There were several large box trees in the garden, whose thick cover afforded a hiding place for many birds, whose twilight repose I used to disturb for my amusement by shaking the trees.

"There was in this garden a large clump of cane which furnished the boys of the place with convenient fishing rods, and everywhere throughout this 2 acres was manifest the highest intelligence, the finest taste, and unceasing industry.

"The guardian spirit of this garden was my mother, under whose hand everything which grew out of the ground always flourished. I have always thought that the ministering angels who supervise the growth of plants must have specially loved the gracious spirit of my mother, for her plants lived, no matter what happened to the gardens of other people. I shall never be satisfied until I am able to own and to enjoy such a garden as she had, and with which she made my boyhood days happy. Adjacent to the garden was a big smokehouse where we put up our own meat, and a yard where the chickens and ducks flourished and helped to feed the family.

"I may be forgiven these personal reminiscences when I point to the fact that this two acres and a half of land furnished a very large household with the greatest abundance of food in the form of vegetables, fruits, berries, grapes, throughout the year, as well as with an abundance of beautiful flowers. It was intensive farming. Every foot of the ground was kept thoroughly manured, the plants were transplanted from time to time where their nature required it, and the life habits of every plant were studied and thoroughly understood.

"In contrast to the productive power of this two and one-half acres, I have seen, in Indian Territory, a poor farmer trying to cultivate enormous areas of land with a single team, and with the invariable result that his crop was so poor as to afford him and his family not even the necessaries of life, much less its conveniences or the luxury of fruits and flowers. Such a farmer, with bad and muddy roads to travel, is practically isolated from the market, from the school, from the church, and from other conveniences and pleasures of civilized life, and can not conveniently or cheaply deliver to market even those things which he does raise.

"The man who works more land than he can cultivate thoroughly well wastes his time; he does more: He makes life unhappy for himself, for the faithful woman who loves him, and for the little children who look to him for guidance. He is not as useful nor as happy a citizen as he would be if he concentrated himself on 40 acres, cultivated a garden, kept a few cows for milk and butter, raised chickens and other fowls and domestic animals out of which the profits of the farm arise.

COMPARISON WITH ENGLAND, GERMANY, AND FRANCE.

"In England, Germany, France, Belgium, and Holland the people obtain much higher results than in the United States. The average wheat production of Great Britain is over 32 bushels to the acre, and in the United States only a little over 13 bushels to the acre.

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"I spent the summer in Germany and France, and there I saw that every foot of the ground was thoroughly cultivated. It was divided up into very small tracts, and off at a distance would look like strips of carpet laid upon the rolling fields. There was constant rotation of crops; they were busily engaged in fertilizing with manures, making the ground richer. The farm roads were in splendid condition, and thousands of miles of surveyed, carefully leveled and graded turnpikes afforded the farmer cheap transportation, so that a single team might move 4 or 5 tons with less difficulty than half a ton could be moved by the same team on some of the terrible roads in the United States. What an object lesson to the people of the United States are these splendid roads, which increase the value of the farm, bring the farmer nearer to every convenience of civilized life, make his products more valuable, and make the conditions of life much more attractive.

"Along these roads I observed miles of fruit trees, the cherry, the apple, the pear, and every one of them marked with a number indicating ownership.

"I think I never saw a house so poor that it did not have its vegetable garden and its garden of flowers.

"In coming from Fifty-seventh Street down to the Auditorium, on the Illinois Central, the back lots of the American homes, seen from the cars, shabby, dirty, and unkempt, are absolutely distressing and shocking to those who have positive views in regard to making land either useful or beautiful.

"Every such back lot in Germany and France and England or Belgium or Holland would be a valuable vegetable garden ornamented with flowers. We can be engaged in no better business than in leading our people back to the use, and the perfect use, of our most precious heritage—the land. Let us get back to the land.

THE VALUE OF THE FARM AS A NATIONAL RESOURCE.

"Our farms produced last year eight thousand millions of created wealth. Our cotton crop alone furnished enough export cotton to give us a balance of trade in our favor. The output of the American farm, by proper cultivation, could, however, be immediately doubled, and by reclaiming waste places with proper cultivation, could easily produce over twenty billions of wealth per annum—a sum about equal to the total accumulation of a century in the banking resources in all of our 25,000 banks.

"The work of such men as Luther Burbank, of Santa Rosa, Cal., in improving plant life has a value of which our people generally have had an adequate conception.

"In Oklahoma a new plant has been developed from the common seeding Bermuda, called the "Hardy Bermuda," which has great national value. It has been developed by careful selection of plants which have withstood severe freezing. The plant has as good nutritive quality as timothy; it comes up early in the spring; it has a root over a foot deep; it grows almost as thick as the hair on the head; it grows luxuriantly in the face of dry weather; will successfully stand the most extreme drouth; is not killed by many days of overflow; will grow on alkali spots and in the sand. It will produce a very large amount of food to the acre, and is an excellent grazing grass. It is impossible to exaggerate the value of a plant of this character, which will convert land heretofore unproductive into productive areas of

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great value. Our people must have food, and this plant will produce great food supplies from land heretofore producing nothing. We must emphasize making our lands more productive by using proper suitable plant life and concentrating labor on the land.

IMPROVEMENT OF THE NATIONAL HEALTH.

"The annual death rate of New Zealand is nine to a thousand, and of the various Australian States, ten to a thousand. In the United States it is over sixteen to a thousand—60 per cent more than in Australia. If our people can be led back to the farm, where they can get plenty of fresh air, fresh vegetables, milk and butter, and chickens, we will save these lives which now amount to over a half million beings per annum in excess of what it ought to be.

"The tables of mortality show that this high death rate is very largely due to the bad housing, bad food, and bad sanitary conditions of the very poor in our congested cities.

"In the fight on tuberculosis abundant fresh air has been demonstrated to be essential to a recovery. Abundant fresh air is essential to keep people well who are not now sick, and is all the more important when they become afflicted with the extremely dangerous tubercle bacillus. Let us encourage our people to get back to the land, and we shall greatly improve the national health.

IMPROVEMENT IN SELF-RELIANCE AND OTHER MORAL QUALITIES.

"In cultivating the land, all of the moral qualities are stimulated, independence, self-reliance, initiative, courage, honesty of mind. In working on the land, a man is able to provide his own comfort; he can build his own house with his own hands; he can supply every article of food he needs, and create a surplus sufficient to buy other things. He receives nothing for which he does not give an equivalent; he promotes his own comfort, his own self-respect, and his own dignity. The greatest men of the Nation have come from the farm. The man on the farm, who is cultivating a small piece of land of his own, need have no fear of being suddenly discharged by his employer and left with a family on his hands to feed, and no means to buy food or pay rent until he finds another job. On the farm there is no danger in losing his job.

"This gives a man courage, self-reliance, and those moral qualities which go to make up good citizenship. Without the private virtue of the individual citizen our Republic can not rise to its great and honorable destiny. Let us get back to the land. Let us improve the roads that lead to the farm and from the farm and give the farm greater attractiveness because of its accessibility to the towns and cities.

THE VALUE OF SMALL HOLDINGS.

"The French Revolution was due to the abuse of the unrestricted land holdings of the nobility, from which vast incomes were derived, thus leading to a great extravagance of the land-holding class in the face of the extreme poverty and misery of the unemployed landless masses. The landholders were so rich they did not need to use the land in full, but devoted very large areas to game preserves, while the poorer French people, who had also been brought into the world by the hand of the Omnipotent, were denied access to the land by the landlords, who preferred to see their estates used in large part for purposes

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of amusement, as hunting parks. The French law, of course, sustained the French landlord until the corrupt extravagance of the landholding class and the abject hunger and misery of the multitudes led to the overthrow of the laws which permitted this condition, and the bloody French Revolution followed.

"The revolution resulted in the subdivision of France into small landholdings, which, under the laws of inheritance, was still further subdivided.

"The result of this subdivision has been intensive cultivation and great agricultural wealth from the soil of France, making it one of the richest nations in the world. The reverse of this policy is seen in Spain and Mexico, where huge estates have been permitted to exist, with the unavoidable result that the productive capacity of the land has not been developed, and where the extremes of great wealth and abject poverty are in more marked contrast than in any other civilized country.

"The United States should pursue a policy of small landholdings, and the State of Oklahoma has led the way by passing laws imposing a progressive tax on large holdings of land, for the purpose of stimulating actual home building, of promoting the greatest productive capacity of the land, and for the abatement of the nuisance and danger of large landed monopoly.

"The smaller subdivision of land will lead, therefore, directly to its intensive cultivation, and just in degree as the lands are thoroughly well cultivated, just in that degree will the value of farm lands increase, and with the increase in the value of farm lands, and the growth of their productions, just in that degree will city property and suburban property increase in value.

"Likewise, this will lead to the building of good roads, and to the increase of the liberty, of the independence, and of the personal happiness of all of our people, both on the farm and in the cities. Our cities are sadly congested and millions of people could be led to the farm, both to their own welfare and to the advantage of the Nation. The pimp, the cadet, the white woman slave would be more useful and happier as an honest plowman, gardener, and milkmaid.

"THERE IS A CHARM ABOUT THE FARM.

"Under proper conditions nothing can be more beautiful or more attractive than the farm life. In times past with bad roads and muddy weather, and fields too big for the farmer to cultivate successfully, men have often worked themselves down, have grown weary, have made themselves poor, by ill-directed effort, and have made themselves, their wives, and children sorrowful and miserable in consequence. Under such conditions the farm has often been like a prison instead of being a place of liberty, prosperity, and happiness. The boys and girls have too often been glad to leave the farm to get away from its dull routine and solitude. But the time has come when there should be a complete reversal of all this. We have learned how to avoid these things and the valuable lesson should be universally taught and made a common heritage.

"Let the man—if he have too much land—sow his excess in grass, in hardy Bermuda; let him confine himself to what he can thoroughly cultivate; use only plant life suitable to the seasons, as kaffir corn and milo maize for dry weather, and learn how to do the work well; let him surround himself with a beautiful garden; let the women and children be taught to love these things and the farm will become a lovely home.

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"It's a good thing to keep the children on the farm, away from the temptations and evil suggestions that surround them on every hand in the city. In the light of modern invention, with our wondefful modern transportation, with electric railroads running everywhere, with rural mail delivery, with cheap power, heat, and light, with improving values in farm products, with cheapening goods of every description, every family man should have a piece of land, if it is only 10 acres, or 1 acre, upon which he might surround himself with the fragrance and the blossom and the fruit of plant life, where he might raise healthy, happy children. What can be more beautiful, or more valuable than a well-kept vegetable garden, filled with all kinds of foods of every flavor—filled with berries and grapes, and trees bearing fruits and nuts, and ornamented with the endless procession of flowers each advancing season affords?

"What more attractive than to be surrounded by the young and cheerful life of the farm—young chickens, ducks, turkeys, calves, lambs, pigs, colts, and last but not least, the opportunity to have a few good dogs, whose love and companionship is not the least of the attractions of the farm.

"'Back to the farm' should be the bugle call to the youth of our land.

"Back to the farm, where peace and quiet and sound, refreshing sleep follows happy labor, where we can hear the birds, singing their songs of thanksgiving in the early morning among blossoming trees, where homely joys can give a life of happiness, where men and women grow sound of heart and strong of limb and nerve.

"Back to the farm, with the friendly brute for neighbor,
Where honest content will make amends for every city glamour.

"I should like to see an agricultural school of practical instruction and of plant and seed distribution in every agricultural county in the United States, where the care of cattle and horses and sheep and swine and domestic fowl and the economies of farm life and its productive capacity should be properly taught; where the great lesson might be taught and emphasized by the Government—both National and State—that there is *no* profession more honorable than farming, and that no occupation is of such *vital importance* to the wealth and health of the Nation.

"I rejoice at an opportunity of giving expression before the National Farm Land Congress of the deep interest which I feel in this matter, and I trust that this congress may be the beginning of an organization which will emphasize in the most powerful manner the importance of the farm to our national wealth and to our national health and happiness.

"This congress should, above all things, emphasize the great importance of good roads to and from the farms of the country. It should encourage State and National aid to good roads, so as to bring to the expenditure on road building the greatest degree of intelligence and efficiency and concentrated effort. This is, perhaps, the most important factor of all in making the farm more desirable to the people, in making the farm more attractive, in making it more remunerative, and giving to it those elements which are necessary and essential to peace of mind and to the prosperity and happiness of the farmer."

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THE INITIATIVE AND REFERENDUM

WHAT THEY ARE
WHERE THEY ARE IN USE
HOW THEY WORK

PRESENTED

BY

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

OCTOBER 8, 1914

WASHINGTON
GOVERNMENT PRINTING OFFICE
1914

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PRESENTED

BY

HON. ROBERT L. OWEN.

THE INITIATIVE AND REFERENDUM.

Mr. OWEN. Mr. President, I ask permission to insert in the RECORD a memorandum relating to the initiative and referendum, explaining what it is, where it is in use, and how it works.

The VICE PRESIDENT. There being no objection, the request of the Senator from Oklahoma is granted.

The matter referred to is as follows:

THE INITIATIVE AND REFERENDUM—WHAT IT IS—WHERE IT IS IN USE—HOW IT WORKS.

What is direct legislation?

Direct legislation is the right of the people to enact or reject laws by their votes at the polls, just as they now vote upon candidates or constitutional amendments. It is exercised through the initiative and referendum.

What is the "initiative"?

The initiative is a method by which the people can propose a law or constitutional amendment by petition. The petition is filed with the secretary of state four months prior to a general election, and submitted by him to the voters at the ensuing election. If a majority of the voters voting on the question vote "yes," the law is enacted and goes into operation. If a majority vote "no," it is rejected. Example: The people of Maine for years demanded a direct primary law. The legislature refused to pass it. An initiative petition, signed by 12,000 voters, was filed. The law was submitted at the general election of 1911 and adopted by a vote of 65,810 to 21,774. It has since been in operation.

What is the "referendum"?

The referendum is a method by which the people may reject at the polls acts of the legislature which do not suit them. A petition against a law must be filed within 90 days after the legislature adjourns. The law is then suspended and a vote is taken upon it at the next general election. If a majority vote "no," the law is vetoed; if "yes," the legislature is sustained. Example: The Legislature of South Dakota passed a State militia bill. It was opposed because it put an added heavy expense on the taxpayers and because the people were against militarism. A referendum petition was filed, the bill was suspended from operation, and rejected at the general election of 1910 by a vote of 57,440 "no" to 17,854 "yes." And so the law was "vetoed" by the people.

Are the initiative and referendum "new" and "revolutionary" doctrines?

No. From the beginning of our Government, the American people have retained the right to vote on certain questions, such as State constitutions, bond issues, city charters, location of State and county seats of government, boundary lines, local option, etc. Also they have voted on amendments to State constitutions, city charters, and occasional laws, but only when the legislature would permit them. The initiative and referendum give the people the power to vote on any measure they desire and when they want to, without the permission of the legislature.

How large petitions are required?

Eight per cent of the voters of a State are usually required on initiative petitions and 5 per cent upon referendum petitions. A better system is to require a flat number of signatures. The splendid amendment pending in Mississippi requires 7,500 qualified voters upon initiative petitions and 6,000 for the referendum. Maine requires 12,000 for the initiative and 10,000 for the referendum. One man in convention or legislature can make a motion and 10,000 citizens combined should not be denied this right.

Why do we need the initiative and referendum?

"The methods of our legislatures make the operations of political machines easy, for very little of our legislation is formed and effected by open debate upon the floor. Almost all of it is framed in lawyers' offices, discussed in committee rooms, and passed without debate. Bills that the machine and its backers do not desire are smothered in committee; measures which they do desire are brought out and hurried through their passage. It happens again and again that great groups of such bills are rushed through in the hurried hours that mark the close of the legislative sessions, when every one's vigilance is weakened by fatigue and when it is possible to do secret things.

"When we stand in the presence of these things and see how complete and sinister their operation has been, we cry out with no little truth that we no longer have representative government. * * *

"If we felt that we had genuine representative government in our State legislatures no one would propose the initiative and referendum in America They are being proposed now as a means of bringing our representatives back to the consciousness that what they are bound in duty and in mere policy to do is to represent the sovereign people whom they profess to serve, and not the private interests which creep into their counsels by way of machine orders and committee conferences. * * *

"It must be remembered by every candid man who discusses these matters that we are contrasting the operation of the initiative and referendum not with the representative government which we have in theory, but with the actual state of affairs."—(President Woodrow Wilson, in an address at Kansas City, May 5, 1911.)

Who favor and who oppose direct legislation?

The men of every political party who believe in the American doctrine of government by the people are favorable. It has been adopted in the platforms of all political parties at various times and places. Organizations of the producing classes, such as farm and labor organizations, reform organizations, etc., are especially strong for it. It is strenuously—but often secretly—opposed by all reactionary politicians, all the big trusts and corporations, nearly all the corporation lawyers, and every corrupt political boss in the United States. This is the line-up.

Where are they in operation?

In many States and in a large number of cities throughout the Nation. The following is a table of the 17 States in which initiative and referendum amendments to the State constitutions have been submitted by the legislatures and adopted by the people:

[From Bulletin No. 1, issued by the bureau of information of the National Popular Government League. Compiled by Judson King, executive secretary, Washington, D. C.]

Date of adoption.	State.	Popular vote on amendment.		Character of amendment.
		For.	Against.	
1898	South Dakota	23,816	16,483	Defective.
1900	Utah [1]	19,219	7,786	Worthless.
1902	Oregon	62,024	5,688	Excellent.
1905	Nevada	4,393	792	Defective.
1912	do. [2]	9,956	1,027	Good.
1906	Montana	36,374	6,616	Defective.
1907	Oklahoma	180,383	73,059	Do.
1908	Maine	51,991	28,712	Do.
1908	Missouri	177,615	147,200	Good.
1910	Arkansas	91,363	39,680	Do.
1910	Colorado	89,141	28,698	Do.
1911	Arizona	12,534	3,920	Excellent.
1911	California	138,181	44,850	Do.
1912	Nebraska	189,200	15,315	Defective.
1912	Washington	110,110	43,905	Do.
1912	Idaho [1]	43,658	13,490	Worthless.
1912	Ohio	312,592	231,312	Fair.
1913	Michigan	219,388	152,038	Good.

[1] Amendment not self-executing; legislature has refused to pass an enabling act, hence people have never been able to use it.

[2] Referendum only; initiative added.

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Is the movement growing?

Yes; and rapidly. Initiative and referendum amendments will be voted upon at the general election November 3, 1914, in the States of Mississippi, Wisconsin, Minnesota, North Dakota, Texas, and Maryland. It is a live political issue in nearly every other State.

BRYAN FOR THE MISSISSIPPI AMENDMENT.

Hon. William Jennings Bryan, Secretary of State, has written a letter indorsing the Mississippi amendment and urging its adoption. It shows his attitude upon the initiative and referendum. He says, in part:

"I am gratified to learn that the Legislature of Mississippi at its last session submitted a constitutional amendment providing for the initiative and referendum. *I have examined the amendment and believe it to be one of the best submitted.* As you know, I have for a number of years been an active advocate of the initiative and referendum. We put it in our State platform in Nebraska 18 years ago, and since that time I have spoken for it in many States.

A DEMOCRATIC PRINCIPLE.

"The principles underlying the initiative and referendum are so democratic that these reforms are sure to commend themselves to the Democratic Party. It is commending itself, too, to a large majority of the Republican Party, who at heart have faith in the capacity of the people for self-government. There are only two objections that can be honestly made to the initiative and referendum. One is the aristocratic objection, which is based upon the lack of confidence in the masses, and the other the plutocratic, which is based upon the idea that the masses can not be trusted to deal justly with property interests.

THE PEOPLE CAN BE TRUSTED.

"Both of these objections are groundless. The masses have proven, wherever given an opportunity, their ability to deal with questions of government. The aristocratic idea of representative government is that the people themselves are not intelligent enough to decide public questions, but should select a few superior men to think for them and act for them. *This reasoning is, of course, fallacious as well as undemocratic. The people can act more intelligently upon a proposed reform of government than they can upon an individual, because they can understand a proposed reform better than they can a person; and then, too, a proposed reform does not change after the election, while the individual may.*

THE PLUTOCRATS ARE WRONG.

"The plutocratic argument against the initiative and referendum is equally unsound. The people are conservative; they can be trusted not to violate the rights of property. Experience will show that violations of property rights are more often traceable to the avarice of those who are able to obtain a monopoly than to the masses, who can have no selfish interest in the doing of injustice.

THE DANGER FROM NEGLECT.

"I have no doubt that a majority of those who vote upon the proposed amendment will vote for it; the only danger in Mississippi is the danger that the friends of the initiative and referendum had to encounter in Arkansas, namely, the failure to vote. Your constitution requires that the amendment shall receive not merely a majority of the votes cast upon that subject but a majority of all votes cast at that election, and experience shows that a great many people fail to vote on amendments unless an active campaign is waged to bring the amendment clearly to the attention of the people. I hope, therefore, that those in favor of the initiative and referendum will see to it that every voter is reminded of the fact that the amendment is to be acted upon, so that it will not be lost by failure of some of the voters to express themselves on this particular subject.

"I regard the initiative and referendum as the greatest modern improvement in the strengthening of representative government."

SENATOR LA FOLLETTE URGES ADOPTION OF THE INITIATIVE AND REFERENDUM IN WISCONSIN.

United States Senator La Follette, of Wisconsin, is a distinguished champion of popular government. In urging the adoption of the pending amendment in his own State he says:

"For years the American people have been engaged in a terrific struggle with the allied forces of organized wealth and political corruption. Battles have been won and lost. The unequal contest goes on. The lesson is obvious. The people must have in reserve new weapons for every emergency if they are to regain and preserve control of their Government.

"The forces of special privilege are deeply intrenched. Their resources are inexhaustible. Their efforts never relax. Their political methods are insidious. It is impossible for the people to maintain perfect organization in mass. They are often taken unawares and are liable to lose at one stroke the achievements of years of effort. In such a crisis nothing but the united power of the people expressed directly through the ballot can overcome the enemy.

"Through the initiative, referendum, and recall the people in any emergency can absolutely control. The initiative and referendum make it possible for them to demand a direct vote and repeal bad laws which have been enacted, or to enact by direct vote good measures which their representatives refuse to consider. The recall enables the people to dismiss from public service those representatives who dishonor their commissions by betraying the public interest. These measures will prove so effective a check against unworthy representatives that it will rarely be found necessary to invoke them.

"If there is a State in this Nation in which the people are capable of deciding questions for themselves, it is Wisconsin. We should adopt the initiative, referendum, and recall by an overwhelming vote on November 3."

How has direct legislation worked in the States where it has been tried?

It has worked well. Although reactionary politicians in these States would be delighted to have the initiative and referendum abolished, they do not dare to start a movement for their repeal. They know it would spell their political death, because the people believe in the initiative and referendum and value it highly, especially after they have used it a few years. The experience of all these States can be summed up in a recent statement by Mr. William Spence, master of the farmers State Grange of Oregon, in which he said:

"The common people of Oregon would not give up the referendum. It has done too much good. No one fights against it here but the corporations and grafting politicians it has put out of a job."

The corporation newspapers and lawyers are trying to convince the people of other States that the initiative and referendum have failed where tried. What hurts them is that the people are using their power for their own benefit and not for the benefit of the interests. The Government is passing from the hands of the bosses into the hands of the people. The bosses do not like it and that is the whole story in a nutshell.

Was not this Nation founded upon the principle of "representative government," and is not the initiative and referendum in conflict with that principle?

Former Senator Joseph W. Bailey, of Texas, made this contention the chief basis of an attack upon initiative and referendum at the time he retired from the United States Senate, and it is being widely used by reactionaries throughout the Nation. Senator Bailey's argument was completely annihilated by Senator ROBERT L. OWEN, of Oklahoma, in reply to Bailey. Here is a quotation:

"This Republic was not founded on any so-called 'representative principle.' The representative is merely a convenience, a servant, an agency, subject of right to the direct control of the people.

"This Republic was founded on the principle that the people were sovereign and had a right, if they pleased, to manage their business directly, a God-given right, vested in them, inalienable and indefeasible, and directly to alter, amend, or abolish any law. Every State constitution declares and exemplifies this fundamental principle. Every State constitution, except one, was established by the direct lawmaking power of the people.

"The option to use the initiative and referendum is not in conflict with the present convenient system of legislating through representatives, but is in harmony with that system and makes it more representative, not less representative."

[NOTE.—Senator OWEN'S complete speech entitled "People's Rule *v.* Boss Rule" can be had upon application to the National Popular Government League, Washington, D. C.]

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Answers to Objections.

The following are the most familiar objections made to the establishment of the initiative and referendum and answers by eminent public men.

I. THE PEOPLE ARE NOT INTELLIGENT ENOUGH TO VOTE UPON LAWS.

"The alleged ignorance of the people has been urged in all ages against progress in government. It was the chief argument made against the establishment of the American Republic. Some ultra-conservative people may honestly believe the people are incompetent, but the objection is usually made by those who fear the intelligence, not the ignorance, of the people.

"The judgment of a whole State, expressed at the ballot box, after full discussion and opportunity for information, which the State should furnish, is about the safest guide in the affairs of government I know of.

"Our whole system of government assumes the capacity of the people to judge the worth of legislative acts. We elect men upon the measures they advocate or oppose. We reelect them or not, as we think the measures they have enacted good or bad. Is it not absurd, then, to hold that the people have brains enough to vote upon the men but not intelligence enough to vote upon the measures themselves, printed in black and white? I confess it is a mystery to me how some men can conceive the people to be 'intelligent citizens' just before election and 'an irresponsible mob' immediately after election." (Hon. George W. Norris, United States Senator from Nebraska.)

II. WHAT IS THE USE OF THE LEGISLATURE IF THE PEOPLE ARE TO ENACT LAWS?

"The initiative and referendum do not abolish the legislature or the need for one. They are called into action only in emergencies, when the legislature fails to accomplish the will of the people, and usually upon important questions. Since the initiative and referendum were established in Oregon over 98 per cent of the laws have been enacted by the legislature. In other States the percentage is higher than this." (Hon. Robert Crosser, Congressman at large from Ohio and author of the Ohio provision for the initiative and referendum.)

III. THERE WOULD BE TOO MANY ELECTIONS, AND THE COST WOULD BANKRUPT THE STATE.

"Men making this objection are either misinformed or willfully misstating the truth. All initiative and referendum provisions require that questions submitted to the people through popular petition should be voted upon at the regular general elections. Special elections can only be held on questions of immediate moment and magnitude, and then only when especially ordered by the State legislature or by the governor, as may be provided by law. In 11 years the initiative and referendum has cost the people of Oregon but a few cents apiece." (Hon. Moses E. Clapp, United States Senator from Minnesota.)

IV. THERE WOULD BE TOO MANY QUESTIONS ON THE BALLOT, AND THE PEOPLE WOULD BECOME CONFUSED.

"In the last three elections, due largely to the failure of the legislature to carry out the will of the people, a relatively large number of questions have been submitted in Oregon through the initiative and referendum. Political experts have been astonished at the ease and intelligence with which the voters dispose of these questions. The citizens of Oregon are not worried, but there seems to be great alarm among eastern newspaper editors lest the minds of our people be overstrained. I fear that the fact that we are voting on vital issues, which certain people would not like to see raised, is what troubles some. The people of Oregon consider that they are as capable of deciding on 30 measures with 4 months' preparation and more as the legislature is on 824 measures in 40 days." (William S. U'Ren, father of the "Oregon system.")

"Up to 1912, 11 States have secured working State-wide initiative and referendum amendments—6 good ones, the others limited or defective. From 1898, to and including 1912 election, there were voted upon in those States a total of 176 initiative and referendum measures, placed on the ballot by petition, as shown by the following table:

[From Bulletin No. 4, issued by the bureau of information of the National Popular Government League. Compiled by Judson King, executive secretary, Washington, D. C.]

Adopted.	State.	Number of measures voted on in election of—						Total.
		1904	1906	1908	1910	1911	1912	
1898	South Dakota[1]	.....	.....	4	6	.....	4	14
1902	Oregon	2	11	15	27	.....	31	86
1905	Nevada[2]	.....	.....	1	.....	.....	.....	1
1906	Montana	.....	.....	.....	.....	.....	5	5
1907	Oklahoma	.....	.....	1	7	.....	4	12
1908	Missouri	.....	.....	.....	2	.....	3	5
1908	Maine	.....	.....	.....	3	1	1	5
1910	Arkansas	.....	.....	.....	.....	.....	7	7
1910	Colorado	.....	.....	.....	.....	.....	26	26
1911	Arizona	.....	.....	.....	.....	.....	9	9
1911	California	.....	.....	.....	.....	.....	6	6
		2	11	21	45	1	96	176

[1] None from 1898 to 1908.
[2] Had referendum only. Amendments and laws submitted by legislature not included.

V. THE SYSTEM IS TOO EXPENSIVE.

"The most expensive government in the world is that managed by a privileged few. The less democratic the more costly—witness Russia or the frightful squandering of the public funds in States controlled by political machines. The referendum is the greatest foe to extravagance in public affairs known—witness the results in Oregon, South Dakota, Montana, and other States. Since measures are ordinarily submitted at general elections the added cost is but slight. If the State adopts the expensive and inefficient system of publishing pending measures in newspapers, this cost will be quite heavy, but if they adopt the Oregon, Arizona, and California plan of sending a pamphlet to the voters the expenses will be but a few thousand dollars for the entire State and the education of the voters by this means is worth a thousand times more than it costs." (Hon. Carl Schurz Vrooman, Assistant Secretary of Agriculture.)

VI. HOW WILL THE PEOPLE BE INFORMED SO AS TO VOTE INTELLIGENTLY ON PENDING QUESTIONS? BY PUBLICITY PAMPHLETS ISSUED BY THE STATE TO EACH CITIZEN.

"The problem of educating voters upon questions submitted under the initiative and referendum has been solved in California by having the secretary of state send to the voters through the mails a little pamphlet containing copies of the proposed laws, a reprint of the ballot title, and also with explanatory arguments for and against each measure. In Oregon the system also includes the right of citizens or organization to present arguments, they paying the exact cost of the space taken. These pamphlets are read and studied by an unexpectedly large proportion of our citizens and who are thereby enabled to vote intelligently. I consider the pamphlet system of great importance, as it is far better and cheaper than newspaper advertising." (Dr. John Randolph Haynes, Los Angeles, father of direct legislation in California.)

VII. IF WE HAVE DIRECT LEGISLATION, THE COLORED PEOPLE AND FOREIGNERS WILL CONTROL THE GOVERNMENT.

"During our campaign for the initiative and referendum in Arkansas in 1910 every conceivable argument calculated to frighten the voters into rejecting these people's rule measures was brought against us by the reactionary few.

"We were told that 'legalized anarchy' would follow its adoption; that there would a 'French Revolution'; that we would 'lapse into barbarism'; and as a crowning absurdity we were warned that with the initiative and referendum 'the State would be controlled by negroes.' My answer to this tirade was, and is now, that this is a white man's country and white men will continue to govern it, and that what the

predatory corporations, their lawyers, and politicians feared was the white people's intelligence and not the negro's ignorance. Also that it was foolish to talk about anarchy unless a majority of the people were anarchists, since nothing could be done to which a majority of the voters did not agree and that it was an insult to call the voters anarchists." (Hon. George W. Donaghey, former governor of Arkansas.)

The way to handle that portion of the "foreign vote" which can be purchased, or any other class of purchasable voters, is the enactment of a stringent corrupt-practices act which will put in jail the men who try to bribe them. As a matter of fact, election returns show that the ignorant and careless voters of any class do not vote upon initiative and referendum questions. It requires too much intelligence.

THE DANGER FROM "JOKERS."

To work successfully, initiative and referendum provisions must be drawn with exceeding care. The people of Oregon have accomplished great results, because they have the best system produced to 1912. California and Arizona are also good. The chief "jokers" and so-called "safeguards and restrictions" which destroy the efficiency of the "initiative and referendum" are as follows:

First. To require a large number of signatures to petitions or put hampering restrictions upon the people in securing them.

Second. To insert a clause which permits the legislature to deny the people the right of a referendum on anything the legislature declares to call an "emergency."

Third. To deny the right of referendum upon all appropriations.

Fourth. To deny the right of the people to initiate an amendment to the State constitution.

Fifth. To require a majority of the votes cast for candidates *"in the election"* as necessary to enact measures instead of a majority of the vote cast *"on the question."*

Sixth. To require pending measures to be advertised only in newspapers. This is frightfully expensive and inadequate. The pamphlet system is the only cheap and effective plan.

WHERE TO GET INFORMATION.

The National Popular Government League, a nonpartisan organization, maintains a bureau of information upon every phase of the initiative, referendum, recall, and other measures designed to place more political power in the hands of the people.

Address Judson King, executive secretary, 1017 the Munsey Building, Washington, D. C.

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"IF THE PEOPLE REALLY RULE, WHY DON'T THE PEOPLE GET WHAT THEY WANT?"

The Election of Senators by Direct Vote of the People
The Need for the Direct Rule of the People
The Laws Needed for the People's Rule
The Method by Which to Obtain the People's Rule

SPEECH

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

WASHINGTON
GOVERNMENT PRINTING OFFICE
1912

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SPEECH
OF
HON. ROBERT L. OWEN.

The Senate having under consideration the election of Senators by direct vote of the people—

Mr. OWEN said:

Mr. PRESIDENT: On the 21st day of May, 1908, in accordance with the wishes of the Legislature of the State of Oklahoma, expressed by resolution of January 9, 1908, I introduced Senate resolution No. 91, providing for the submission of a constitutional amendment for the election of Senators by direct vote of the people.

Article V of the Constitution provides that Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments which, in either case, shall be valid when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or other mode of ratification may be proposed by Congress.

The reasons why the people wish this proposed reform are thoroughly well understood.

First. It will make the Senate of the United States more responsive to the wishes of the people of the United States.

Second. It will prevent the corruption of legislatures.

Third. It will prevent the improper use of money in the campaigns before the electorate by men ambitious to obtain a seat in the Senate of the United States.

Fourth. It will prevent the disturbance and turmoil of State legislatures and the interferences with State legislation by the violent contests of candidates for a position in the United States Senate.

Fifth. It will compel candidates for the United States Senate to be subjected to the severe scrutiny of a campaign before the people and compel the selection of the best-fitted men.

Sixth. It will prevent deadlocks, due to political contests in which various States from time to time have been thus left unrepresented.

Seventh. It will popularize government and tend to increase the confidence of the people of the United States in the Senate of the United States, which has been to some extent impaired in recent years.

Mr. President, as the State of Idaho points out, and as the State of New Jersey points out, in their resolutions herewith submitted *the House of Representatives of the Congress of the United States has on four separate occasions passed by a two-thirds vote* a resolution proposing an amendment to the Constitution providing for the election of United States Senators by direct vote of the people.

And the Senate has, on each occasion, failed or refused to vote upon such resolution or to submit such constitutional amendment to the several States for their action, as contemplated by the Constitution of the United States.

On July 21, 1894, the House of Representatives, by vote of 141 to 50 (CONGRESSIONAL RECORD, vol. 26, p. 7783), and on May 11, 1898, by vote of 185 to 11 (CONGRESSIONAL RECORD, vol. 31, p. 4825), and on April 13, 1900, by vote of 242 to 15 (CONGRESSIONAL RECORD, vol. 33, p. 4128), and on February 13, 1902, by a viva voce vote, nem. con. (CONGRESSIONAL RECORD, vol. 35, p. 1722), has recorded the wishes of every congressional district of the United States, with negligible exceptions, in favor of this reform.

The Speaker of the Fifty-fifth Congress said, and Mr. Corliss, February 19, 1902, repeated the sentiment, "that this was a measure demanded by the American people, and that the Members of this House, representing directly the people, should pass this measure, and continue to pass it, and knock upon the doors of the Senate until it listens to the voice of the people." (CONGRESSIONAL RECORD, vol. 35, p. 1721.)

Is a unanimous vote of the House of Representatives an index to the wishes of the American people or is the will of the people of sufficient importance to persuade the Senate to act and comply with their repeatedly expressed wishes?

On May 23, 1908, I called attention of the Senate to the various resolutions passed by 27 States of the Union praying Congress and the Senate for this reform, and on behalf of my own State of Oklahoma I urged the Senate to act.

Over my protest the Senate referred this joint resolution 91 to the Committee on Privileges and Elections by the following vote:

The result was announced—yeas 33, nays 20, as follows:

YEAS—33.

Aldrich	Clark, Wyo.	Hale	Richardson
Allison	Crane	Heyburn	Smith, Md.
Bacon	Cullom	Hopkins	Stewart
Bankhead	Depew	Kean	Warner
Brandegee	Dick	Knox	Warren
Briggs	Dillingham	Lodge	Wetmore
Burnham	Foraker	Long	
Burrows	Gallinger	Nelson	
Carter	Guggenheim	Penrose	

NAYS—20.

Ankeny	Dixon	Newlands	Piles
Beveridge	Gore	Owen	Simmons
Borah	Johnston	Overman	Smith, Mich.
Brown	La Follette	Paynter	Stephenson
Clapp	McCreary	Perkins	Teller

NOT VOTING—39.

Bailey	Dolliver	Hansbrough	Platt
Bourne	du Pont	Hemenway	Rayner
Bulkeley	Elkins	Kittredge	Scott
Burkett	Flint	McCumber	Smoot
Clarke, Ark.	Foster	McEnery	Stone
Clay	Frazier	McLaurin	Sutherland
Culberson	Frye	Martin	Taliaferro
Curtis	Fulton	Milton	Taylor
Daniel	Gamble	Money	Tillman
Davis	Gary	Nixon	

(Page 7115 CONGRESSIONAL RECORD, May 23, 1908.)

This vote meant the defeat of the proposed constitutional amendment.

The Senator from Michigan [Mr. BURROWS], chairman of the Committee on Privileges and Elections, never gave any hearing on this resolution and never reported it, but allowed the Sixtieth Congress to expire without taking any action in regard to it, notwithstanding the Legislature of the State of Michigan had theretofore by joint resolution expressly favored the submission of an amendment for the election of Senators by direct vote.

On July 7, 1909, I introduced the same resolution again in the present Congress as Senate Joint Resolution No. 41.

I trust I may not be regarded as inconsiderate, too hasty, or too urgent, if after waiting over two years for a report by the Senator from Michigan, I now call upon him to perform his duty to the people and respond to their repeatedly expressed wishes in this matter, or else that he frankly refuse to do so.

Mr. President, the present Committee on Privileges and Elections of the Senate is composed of the following Members, 8 Republicans and 5 Democrats:

JULIUS C. BURROWS of Michigan, CHAUNCEY M. DEPEW of New York, ALBERT J. BEVERIDGE of Indiana, WILLIAM P. DILLINGHAM of Vermont, JONATHAN P. DOLLIVER of Iowa, ROBERT J. GAMBLE of South Dakota, WELDON B. HEYBURN of Idaho, MORGAN G. BULKELEY of Connecticut, JOSEPH W. BAILEY of Texas, JAMES B. FRAZIER of Tennessee, THOMAS H. PAYNTER of Kentucky, JOSEPH F. JOHNSTON of Alabama, DUNCAN U. FLETCHER of Florida.

Ten of these 13 States favor the choice of Senators by the vote of the people, but I fear the Senators from Vermont, New York, and Connecticut, whose States are not officially committed, may unduly influence the committee, paralyze its activities, and prevent a favorable answer to the petition or wishes of the 37 other States.

Eight Republican Senators, as a practical matter, control the policy of this committee, and 4 of these can prevent action under the present very enlightened system of organized party management of the majority party, which is under an influence that is almost occult, and a management that seems excellently well devised to control all committee action by a majority of a majority plan that enables 4 to defeat 13 on the Committee on Privileges and Elections. This is an example of what is called "machine politics."

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The fuller details relative to primary elections will be found in the work Primary Elections, a Study of the History and Tendencies of Primary Election Legislation, by C. Edward Merriam, associate professor of political science in the University of Chicago, 1908.

Only nine States—New England, New York, Delaware, and West Virginia—have failed to definitely act in favor of the election or selection of Senators by direct vote of the people, and even in these States the tendency of the people is strongly manifested toward such selection of Senators.

In West Virginia they have primaries in almost all of the counties, instructing members of the legislature as to the election of Senators.

In Delaware the election of the members of the legislature carries with it an understanding as to the vote of the member on the Senatorship.

In Massachusetts the legislature, through the house of representatives, has just passed a resolution favorable to this constitutional amendment and is now considering the initiative and referendum.

Maine has recently adopted the initiative and referendum—the people's rule.

It is obvious that in Maine the question of who shall be Senator is entering vigorously into the question of the election of members of the legislature, and commitments are demanded of candidates for the legislature; and so in greater or less degree even in some other Northeastern States, which are not definitely committed to the election of Senators by direct vote of the people, a similar method is followed, which, in effect, operates as an instruction, more or less pronounced, in favor of a candidate for the Senate.

In the five remaining States, New York, New Hampshire, Vermont, Connecticut, and Rhode Island, a majority of the people unquestionably favor the election of Senators by direct vote of the people, which is demonstrated by the approval of the Democrats of these States of this policy and in addition by the various nonpartisan organizations, the National Grange, American Federation of Labor, and so forth, and by the attitude of many individual Republicans, who are not sufficiently strong, however, to control the party management.

In the effort I made to have the amendment to the Constitution submitted to the various States on May 23, 1908 (S. J. Res. 91), it was obvious that I had not the sympathy of those who control the Senate and no vote from a Northeastern State.

I had, in fact, the active opposition of the Senator from Rhode Island [Mr. ALDRICH], the Senator from Massachusetts [Mr. LODGE], the Senator from New Jersey [Mr. KEAN], the Senator from Maine [Mr. HALE], the Senator from Pennsylvania [Mr. PENROSE], the Senator from New York [Mr. DEPEW]—the leaders of the Republican Party in the Senate. The Senator from Massachusetts and the Senator from Rhode Island and the Senator from New Jersey actually tried to prevent my obtaining a vote, resorting to the small parliamentary device of asserting or suggesting that I was asking unanimous consent for a vote after I had moved the Senate to take the vote. If I had acceded to this untrue assertion consent would have been denied and a vote thus prevented. What does this fear of a record mean?

I do not in the least complain of such parliamentary tactics, nor of the opposition. I merely think it my duty to call the attention of the country to it, that it may not be doubted that the Republican leaders of the Senate are opposed to giving the people of the United States the power to choose their own Senators.

The right of the people to elect Senators ought not to be denied, and the party leaders who are unwilling to trust the people to elect Members of the Senate ought not to be trusted with power, because the Senate can block and actually does block every reform the people desire.

The Senate has frequently been used to obstruct the will of the people, and especially the will of the people to elect Senators by direct vote.

I had then and I will have to-day the efficient opposition of the Republican managers of the Senate, who do not listen to the voice of the people, even if they believe in it. The Senator from Rhode Island, for example, the acknowledged leader, has an environment that unfits him to believe in the wisdom of popular government, because in Rhode Island, under an unwise and archaic mechanism the government of the State is said to be controlled by about 11 per cent of its voters and what might fairly be called a party machine, which is under the powerful domination of commercial interests. I do not say this in any sense as a reproof, because I believe each State must determine its own management, but as an historical observation, which I think is accurately made, and as showing the important need of improvement in our system of government.

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The Senator from Rhode Island, in answer to my presentation of the resolutions passed by the various 27 States, asked the following illuminating question of me:

Mr. ALDRICH. Does the Senator from Oklahoma understand that a Senator is bound to vote according to the instructions of his legislature?

While I answered in the negative, as a mere legal proposition, nevertheless I do think that when the opinion of the people of a State is thoroughly well made up a Senator ought not only to be bound by it, but that he ought to feel glad to carry into effect the will of the people whom he represents, and ought not to set up for himself a knowledge or an understanding greater than that of the people of the entire State who have sent him as their representative. I believe that the will of the people is far more nearly right, in the main, than the will of any individual statesman who is apt to be honored by them with a transitory seat in the Senate; that the whole people are more apt to be safe and sane, more apt to be sound and honest than a single individual. At all events, I feel not only willing, but I really desire to make effective the will of the people of my State. I believe in popular government, and I believe that the people are more conservative, more "safe and sane," and more nearly apt to do right in the long run than ambitious statesmen temporarily trusted with power.

I will submit, Mr. President, the direct evidence and record of the public opinion of the people of the United States as expressed through their legislatures, or by the voluntary act of party regulations in instructing candidates for the legislature on the question of the election of United States Senators, or by primary laws as far as they apply.

It will be thus seen that Democratic States and Republican States alike, west of the Hudson River, have acted favorably in this matter practically without exception. Only eight or nine States have failed to act, and I do not doubt that if the voice of the people of these States of New England, of New York, Maryland, and Delaware could find convenient expression, free from machine politics, every one of them would favor the election of Senators by direct vote, and would favor the right of the people to instruct their Representatives in Congress and in the Senate, a right which they enjoyed from the beginning of the American Republic down to the days when this right was smothered and destroyed by the convention system of party management.

Not only the States have acted almost unanimously in favor of this right of the people, but all the great parties of the country have declared in favor of it, except the Republican Party, and this party would have declared for it except for the overwhelming influence and domination of machine politics in the management of that party and the prevalence of so-called boss influence. And this is demonstrated by the fact that the large majority of the Republican States, by the resolutions or acts of their legislatures, have declared in favor of it, and that several times the House of Representatives, when Republican, by a two-thirds vote, passed a resolution to submit such a constitutional amendment.

The trouble is the machine has gotten control of the Republican management of the Senate and can thus block every reform the people want. The insurgents insurge in vain.

If I remember correctly, the Senator from Wisconsin [Mr. LA FOLLETTE], at the last national Republican convention, raised this issue on the floor of the convention, and the proposal to put in the Republican platform the election of Senators by direct vote of the people was defeated by the powerful influence of a political machine, which, on that occasion, manifested itself in the delegates there present—a machine so obviously a machine as to excite the term of derision, "the steam roller." The "steam roller" is not an emblem of representative free government of a free people.

* * * * * * *

Mr. President, I have great personal respect for very many of the representatives of the great party the control of which by machine methods I am assailing on the floor of this body, and do not wish to appear to say anything that would imply the contrary. I am assailing a bad system of government, which leads to evil, and not assailing individuals, or desiring to do so.

I do not approve machine methods in the Senate, in the House, or in the management of parties, because it leads to absolute bad government and gives peculiar opportunity.

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The *Democratic Party*, representing about half of the voters of the United States (6,409,104 voters), in its national platform adopted at Denver, Colo., July 10, 1908, says:

> We favor the election of United States Senators by direct vote of the people, and regard this reform as the gateway to other national reforms.

In like manner the Democratic national platform in 1900 had declared for—

> *Election of United States Senators by the direct vote of the people,* and *we favor direct legislation wherever practicable.*

And in 1904 repeated the doctrine:

> We favor the election of United States Senators by the direct vote of the people.

The platform of the *Independence Party*, adopted at Chicago, Ill., July 28, 1908, declared for direct nominations generally, and further made the following declaration:

> We advocate the popular election of United States Senators and of judges, both State and Federal, * * * and any constitutional amendment necessary to these ends.

The platform of the *Prohibition Party*, adopted at Columbus, Ohio, July 16, 1908, made the following its chief plank after the prohibition question, to wit:

> The election of United States Senators by direct vote of the people.

The platform of the *New York Democratic League*, adopted at Saratoga, N. Y., September 10, 1909, declares for the—

> Election of United States Senators by the direct vote of the people.

The platform of the *People's Party* at Sioux Falls (1900) contained the following declaration:

> We demand that United States Senators be elected by direct vote of the people.

The *American Federation of Labor*, consisting of 118 national and international unions, representing, approximately, 27,000 local unions, 4 departments, 38 branches, 594 city central unions, and 573 local unions, with an approximately paid membership of 2,000,000 men, representing between eight and ten millions of Americans, with 245 papers, have declared repeatedly in favor of the election of Senators by direct vote of the people.

The *National Grange*, comprising the Association of Farmers in the Northeast and in Central States, including nearly every farmer in Maine and in the New England States, and in Pennsylvania and Ohio and Michigan, the *Society of Equity* and the *Farmers' Educational and Cooperative Union* of the West and South, and all together representing the organized farmers of the entire United States, have declared in favor of the election of Senators by direct vote of the people. In this group of people our census of 1900 disclosed 10,438,218 adult workers and probably 45,000,000 people.

The State of Iowa in a joint resolution of April 12, 1909, makes the following statement:

> Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing submission of such an amendment to the States is through a constitutional convention to be called by Congress upon the application of the legislatures of two-thirds of all the States—

And the Legislature of Iowa therefore resolved in favor of a constitutional convention, in effect, because of the neglect and refusal of the Senate of the United States to perform its obvious duty in the premises, the lower House having, by a two-thirds vote on four previous occasions, passed a resolution providing for the submission of such a constitutional amendment.

In the speech of the Hon. William H. Taft accepting the Republican nomination for the office of President of the United States at Cincinnati, Ohio, on July 28, 1908, he said:

> With respect to the election of Senators by the people, personally I am inclined to favor it, but it is hardly a party question. A resolution in its favor has passed a Republican House of Representatives several times, and has been rejected in a Republican Senate by the votes of Senators from both parties. It has been approved by the legislatures of many Republican States. In a number of States, both Democratic and Republican, substantially such a system now prevails.

The President justly says it is hardly a party question, and that personally he is inclined to favor it; that a resolution in its favor has passed a Republican House of Representatives several times, but has been rejected in a Republican Senate by votes of Senators from both parties; that it has been ap-

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proved by the legislatures of many Republican States; nevertheless, it is perfectly obvious to the country that any action by the Senate in favor of complying with the will of the people of the United States in this connection will be rejected. I naturally ask, under the circumstances, since the Democratic Party is fully committed to it, since many Republican States favor it, since a Republican House of Representatives has passed a resolution in its favor several times, since a Republican President is inclined to favor it, *Why can the people get no action?* I naturally ask under the circumstances, Do the people rule, or are they ruled by machine rule unduly influenced by commercial interests?

Mr. President, I now submit the resolutions or abstract of laws of 37 States, over three-fourths of the States of the Union, which have shown themselves as favoring election of Senators by direct vote of the people or by direct nominations, either by these resolutions or by actual practice in primaries.

I know that the leaders of the Republican Party in the United States Senate will refuse to comply with the express desire of over three-fourths of the States in this matter, but they ought not to be understood by the people of the United States to have done this in ignorance, and for that reason I propose to insert in the RECORD the attitude of the 37 States that favor the election of Senators by direct vote of the people, and merely ask the simple question: "Do the people rule?"

As it would take considerable time to read all these resolutions, I ask the consent of the Senate to insert them without reading except in so far as they may be needed.

The VICE-PRESIDENT. Without objection, the request is granted.

The matter referred to is as follows (see CONGRESSIONAL RECORD of May 31, 1910):

Here find resolutions, laws, etc., of 37 States.

* * * * * * *

In spite of 37 States demanding or adopting the indirect method of selecting Senators by vote of the people, in spite of all the evidence submitted to show universality of opinion, the will of the American people is refused the courtesy of a hearing.

Mr. President, *I ask you, I ask the Senate, I ask the people of the United States, Do the people really rule?*

The refusal of the Senate of the United States to perform its obvious duty in this matter of the submission of a constitutional amendment for the election of Senators by direct vote, while very important as the GATEWAY TO OTHER NEEDED REFORMS, is, however, merely characteristic of the Senate under the control of a party management that is ruled by a machine method unduly influenced by commercial allies and the so-called big interests. I shall presently show that the people can get none of the reforms they want while this unfortunate condition remains.

Mr. President, the unwearied and unconquerable Democracy in the opening declarations of its last national platform laid down the great issue that must next be settled in this country and said:

> We rejoice at the increasing signs of an awakening throughout the country. The various investigations have traced graft and political corruption to the representatives of predatory wealth and laid bare the unscrupulous methods by which they have debauched elections and preyed upon a defenseless public through the subservient officials whom they have raised to place and power.
>
> "The *conscience of the Nation is now aroused to free the Government from the grip of those who have made it a business asset of the favor-seeking corporations;* it must become again *a people's government* and be administered in all its departments according to the Jeffersonian maxim, *Equal rights to all and special privileges to none.*"
>
> SHALL THE PEOPLE RULE? IS THE OVERSHADOWING ISSUE WHICH MANIFESTS ITSELF IN ALL THE QUESTIONS NOW UNDER DISCUSSION.

THE GREATEST OF ALL ISSUES.

Mr. President, the greatest of all issues, not only in the United States but throughout the civilized world, is the issue of popular government, or the government of the people against delegated government, or government by convention, or government by machine politics.

The vital question is, Shall the people rule? Shall they control the mechanism of party government? Shall they have the direct power to nominate, to instruct, to recall their public servants; to legislate directly and to enact laws they want and to veto laws they do not want, free from corruption, intimidation, or force, as well as elect Senators who claim to represent them on this floor?

The Senator from Oregon well says (May 5, 1910):

"ABSOLUTE GOVERNMENT BY THE PEOPLE.

"Under the machine and political-boss system the confidence of sincere partisans is often betrayed by recreant leaders in political contests and by public servants who recognize the irresponsible machine instead of the electorate as the source of power to which they are responsible. If the enforcement of the Oregon laws will right these wrongs, then they were conceived in wisdom and born in justice to the people, in justice to the public servant, and in justice to the partisan.

"*Plainly stated, the aim and purpose of the laws are to destroy the irresponsible political machine and to put all elective offices in the State in direct touch with the people as the real source of authority;* in short, to give direct and full force to the ballot of every individual elector in Oregon and *to eliminate dominance of corporate and corrupt influences in the administration of public affairs. The Oregon laws mark the course that must be pursued before the wrongful use of corporate power can be dethroned, the people restored to power, and lasting reform secured.* They insure absolute government by the people."

THE SECRET ALLIANCE BETWEEN MACHINE POLITICS AND SPECIAL INTERESTS.

Mr. President, the great evil from which the American people have suffered in recent years has been the secret but well-known alliance between commercial interests and machine politics, by which special interests have endeavored and often succeeded in obtaining legislation giving them special advantages in Nation, State, and in municipalities over the body of the American people and obtained administrative and judicial immunity so that the laws have not been properly enforced against them; by which means they have enriched themselves at the expense of the American people; at the expense of Democrats and Republicans alike; by which private individuals have become enormously and foolishly rich, and many millions of people intellectually, physically, financially, or morally weak have been reduced to poverty and to a condition of relative financial, industrial, and moral degradation.

Mr. President, the mad scramble for unneeded millions, the unrestrained lust for money and power has become a national and a world-wide scandal. How unwise it seems, Mr. President, when a man already has more than enough to gratify every want, every taste, every luxury, every wish that is within the bounds of reason or of common sense that he should still pursue a mad race for sordid wealth, using his great opportunities for good, not for the welfare of his poorer and weaker brothers, but to press them to hard labor through the artificial mechanism of corporate taskmasters like galley slaves sent to twelve hours of labor seven days a week, to degeneracy and ruin, as has been reported to this Senate through the protected iron and steel industries of Pittsburgh (Pittsburgh Survey) and at Bethlehem (Report of Secretary of Commerce and Labor).

What an evil influence over our national life is being exercised by the false social standards of lavish extravagance and wasteful ostentation, standards set by the thoughtless rich and imitated in graduated degrees by their satellites and admirers down through society to those who can not afford extravagance without injury or ruin. Our whole society is being injuriously affected by these false standards of "high living." People have automobiles who have no homesteads.

Mr. President, I regard it as of great importance that the country should understand the manner in which commercial interests are using the powers of government through the mechanism of machine politics.

Many men without the slightest intention of departing from the line of the strictest rectitude nevertheless engage in the political game and use machine politics for their own preferment, recognizing no better method and thinking it to be a fact that purity in politics is an iridescent dream, and content that they are themselves guilty of no criminal or gross immoral act. My comments on these matters are intended to have no application whatever to any individual in the sense of imputing to him a bad or depraved motive. It is the system which I attack.

All men where severely tempted are liable to err, and I believe our Government should be so changed as to protect the individual from temptation of any kind as we would protect a friend from exposure to disease.

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Mr. President, I have no desire to seek partisan advantage by pointing out the weaknesses of government under present methods of party management. I should like to see the complete restoration of good government in the United States. It will require the most vigorous efforts of the honest men of both parties to restore the Government to a condition of integrity, where high purposes, honor, and the common good shall exclusively rule.

* * * * * * *

THE BIPARTISAN ASPECT.

Mr. President, I shall not offend the columns of the CONGRESSIONAL RECORD with the multitudes of instances of corruption in municipality, city, or Federal Government with which the public press has been constantly filled. The corruption shown in St. Louis by Mr. Folk; in San Francisco by Heney; in Chicago; in Pittsburgh, where more than 40 members of the city council were indicted for graft; in Albany, N. Y.; in Harrisburg, Pa.; in New York; in Boston; in Philadelphia—the wide prevalence of corruption in government in our great Republic is a deep national disgrace. The number of egregious instances is both shocking and amazing. This nation-wide evil is, however, directly due to the weakness of human nature and the defective mechanism of party government which has unavoidably developed under a system of machine politics, with its corrupt and corrupting methods, which subjects men to temptations that too often prove irresistible. The evil, under such a bad system, would arise under any party in power, and can be absolutely eliminated and eradicated by the laws I propose.

A distinguished statesman once said that the idea of purity in politics was in iridescent dream.

The people retired him, and thereafter he described himself as "a statesman out of a job."

He neglected his opportunity to find a remedy and point it out. Yet he was a well-meaning man, an orator and a scholar of great ability; but he saw no way out.

PURITY IN POLITICS.

It is not true, Mr. President, that purity in politics is an iridescent dream. It can be made a reality through the Oregon system of popular government and by the overthrow of the imperfect mechanism of party government which has evolved the bad system of machine-rule government. The remedy for the evils from which our national, State, and municipal governments have suffered is to restore the rule of the people—to restore the full powers of government to the people by the Oregon system; to pass laws by which the people can directly nominate, directly initiate laws they do want, directly veto laws they do not want, directly recall public servants, by which the people can set aside political mercenaries who often seize upon the reins of party control under color of party enthusiasm with the cold-blooded, criminal purpose of selling government favor of profit or power. I pray the leaders of all parties to promote the rule of the people by the Oregon system.

The people have no sinister purposes. The people will not sell out.

The people are "safe and sane."

The people are conservative and sound.

The people are honest and intelligent.

The people would vote for the public interest alone and would not vote for purely selfish private interests.

The people would not grant 99-year or perpetual corporate franchises or legislative privileges of enormous value without adequate consideration.

The people would not deprive any persons of their just rights.

Under the rule of the people the issue of world-wide peace would be raised and would, by popular vote of all nations, be made a permanent international law.

The people know more than their Representatives do, and are less passionate and less liable to be led into either internal or international complications.

The people are worthier to be confided in than any individuals trusted with temporary power.

The people would be economical in government.

Under the rule of the people, with the right of recall, their public servants would be more upright, more faithful, more diligent, more economical, and more honest; the public service would be purified; the bad example of corruption and

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extravagance in high places would be removed and new and better standards of public and private conduct would prevail.

The servants of the people would then concern themselves more in bringing about the reforms which the people desire.

IF THE PEOPLE REALLY RULE, WHY DON'T THE PEOPLE GET WHAT THEY WANT?

Mr. President, "popular distrust of our legislative bodies is undermining the confidence of the people in representative government." It is promoting radical socialism and developing elements of criminal anarchy.

It is developing forces that have in past history overthrown Governments and destroyed the existing order.

The people desire many things which they are entitled to receive, which have been promised to them, and which have been withheld or at least not delivered by their public servants, who in reality make themselves the masters of the people when trusted with power.

The people want lower prices on the necessaries of life and the reduction of the tariff. Why do they not get it? They were promised reduction, but they got a higher tariff and higher prices than before.

Why do they not get reciprocity? It has been repeatedly promised in party platforms and on the hustings.

Reciprocity was the policy repeatedly declared by Blaine and McKinley, and it was again proclaimed in the Republican national platform of 1900, upon which McKinley and Roosevelt were elected, confirming the policy upon which the people had previously trusted the Republican Party with power.

But the Republican organization in the Senate on March 5, 1903, finally defeated every reciprocity treaty negotiated under the authority of the "Act to provide revenue for the Government, and to encourage the industries of the United States," approved July 24, 1897, to wit: The convention with France, submitted December 6, 1899, agreement extending time to ratify; submitted March 21, 1900; again March 9, 1901; December 4, 1902, and so forth. Recommitted March 5, 1903. In like manner were smothered and killed the following reciprocity treaties:

The convention with Great Britain, March 5, 1903; the convention for Barbados, March 5, 1903; the convention for British Guiana, March 5, 1903; the convention for Turks and Caicos Islands, March 5, 1903; the convention for Jamaica, March 5, 1903; the convention for Bermuda, March 5, 1903; the convention for Newfoundland, March 5, 1903; the convention with Argentine Republic, March 5, 1903; the convention with Ecuador, March 5, 1903; the convention with Nicaragua, March 5, 1903; the convention with Denmark for St. Croix, March 5, 1903; and so forth, and so forth.

The people want lower prices and the reduction of the tariff. Why don't they get it? They were promised reduction, but they got a higher tariff and higher prices than before, and shameful "*retaliation*" instead of honorable "reciprocity?"

The people want the control of monopoly and the reduction of the high prices of monopoly. Why don't they get it? All parties promise it, yet Moody's Manual shows that the gigantic monopolies have rapidly grown until their stocks and bonds comprise a third of the national wealth. They aggregate over thirty thousand millions of dollars. Moody's Manual for 1907, page 2330, gives over 1,000 companies absorbed or merged by or into other companies for 1907, and these conditions grow worse each year.

Organized monopoly controls the meat market; controls the selling price of beef, mutton, pork, fowls, and every variety of meat.

Organized monopoly controls the prices of all bakery products and candies and preserves; controls the prices of all canned goods and tropical fruits; controls the price of sugar and salt and spices. Monopolies control everything that goes on the table, as food, as tableware, china and glass ware, and the price of the table itself; controls the price of everything that enters the house, the furniture, the carpets, the draperies; controls the price of everything worn upon the back of man, of woolen goods, of linen goods, of silk goods, of cotton goods, of leather goods. They control the price of all materials of which buildings are constructed—lumber, iron and steel, cement, brick, plaster, marble, granite, stone, tile, slate, and asphalt. They control paper and stationery goods, iron, copper, and steel and metals, and goods made of these materials. They control dairy products; they control railways and steamship lines, telegraph, telephone, and express companies. They control everything needed by man,

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from the cradle which receives the baby, and the toys with which a child plays, to the casket and the cerements of the grave.

They have raised prices 50 per cent higher than the markets of the world, and their apologists, the political allies of commercial monopoly and their intellectual mercenaries, fill the public press with solemn argument about the quantitative theory of money and the increase of gold as explaining and justifying high prices.

The whole world is staggering under the high prices of monopoly, and the people of the United States are afflicted with prices 50 per cent higher than those paid by the balance of mankind. The people ask for bread and they get a stone. They ask for lower prices and they get a senatorial investigation as to the causes of high prices, and the causes of high prices when ascertained by this unnecessary and absurd research will unquestionably be used as a special plea and as an apology and pretext for denying the reasonable demand of the American people for the restraint of monopoly and the lowering of prices.

These high prices mean that it takes $150 to buy what $100 bought before and ought to buy. It is very hard on domestic servants, all of whom are asking higher wages. It is very hard on people with fixed salaries or of small fixed incomes and annuities and with pensions. These artificial high prices make the few, the monopolists, very rich, but they sorely, painfully tax the living of the poor.

This policy is justified neither by common sense nor by patriotism.

The people demand a fair price for their crude products, for their cattle and hogs and sheep and the corn and hay and grass fed into these domestic animals and marketed. The Beef Trust artificially fixes the price of what they produce, without competition, at an unfair price, and no remedy is afforded. The Tobacco Trust fixes the price of their tobacco, and is stirring up the night riders' rebellion, with its ignorant, criminal, and pitiful protests, by stealing the value of the labor of the tobacco raiser by artificial prices, and no relief is given.

The thief uses the sword of the State to punish the protest of its victim who in blind passion violates the law of the Government that does not protect him. It is a sorrowful sight.

Gamblers in the market places undertake to force prices of wheat, corn, oats, and cotton back and forth for gambling purposes, and no relief.

Is it any wonder the people abandon the farm and find a worse condition in the grinding competition of labor in our great cities, where monopoly again fixes the price of labor? Is it any wonder labor makes violent efforts to protect itself and to protect the wives and children who look to them for protection?

IF THE PEOPLE RULE, WHY DO THEY NOT GET WHAT THEY WANT?

The people have been promised the control of monopoly. Why do they not get it? Are the people in control of Government, or are the trusts in control? Do the people really rule?

The people do not approve blacklisting of employees by the tariff-protected monopolies, yet they get no relief.

The people do not approve the grinding down of wages by the protected monopolies, from which brutal policy poverty, crime, inefficiency, sickness, and death must unavoidably follow.

WHY DO THEY GET NO RELIEF?

The people desire an *employers' liability act*—eight hours of labor and one day of rest in seven and sanitary housing for labor. Why do they not get it? Is the demand unreasonable? Has not the condition at Pittsburgh, the center of the great system of American protection, been fully set forth by the highest authority, by the trained experts of the Russell Sage Foundation?

Did they not point out 12 hours of labor 7 days in the week as the usual rule, impure water, impure food, insanitary housing, sick women and children? Does not the recent report of the Department of Commerce and Labor of the Bethlehem Co. confirm it? Why is there no relief from these hideous conditions of American life?

The people do not approve 12 hours of labor for 7 days in the week that makes of man a pitiful beast of burden and destroys his efficiency and life. The Sage Foundation pointed out these tragical conditions at Pittsburgh, as I have heretofore pointed out to the Senate; the Department of Commerce and Labor has

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reported to the Senate a like condition at the Bethlehem Steel Works, in answer to a resolution of the Senate offered by me.

Why is there no relief or attempt at relief?

The part which the United States Steel Corporation has played in promoting political campaigns is an open secret and furnishes one of the obvious reasons why relief is not afforded.

The people would like publicity of campaign contributions, and a thorough-going corrupt-practices act. Why do they not get it?

Who is interested in maintaining the corrupt practices? Do not the people desire corrupt practices stopped?

Who opposes publicity of campaign contributions? Do not the people wish publicity of campaign contributions and effective control of the use of money in campaigns?

The people desire to control gambling in agricultural products. Who is concerned in maintaining this evil system of gambling in wheat and corn and oats and rye and cotton? Do the people desire this gambling to continue, and would it continue under the rule of the people?

The people despise the legislative treachery of the so-called "joker" in their laws which defeats the implied promise of relief in the law. When the people rule, this legislative trickery will cease.

Oh, it is said, Mr. President, that the people do not know what they want nor how to govern themselves directly, but only by representatives.

I emphatically deny it. The demonstration in Oregon is a final answer to such shallow pretenses. I confess for the most part they are an unorganized mob in politics; that for many years they have trusted political parties, managed by machine methods; that they do not select candidates or issues; but Oregon and Oklahoma point a new and safe way to correct this deficiency.

The people wish the gambling in stocks and bonds to be terminated. Why does the Senate not act? Why does not the Congress act and forbid the mails to the most gigantic and wicked gambling scheme the world has ever known—a gigantic sponge which absorbs by stealth and craft hundreds of millions annually from foolish trusting citizens, misled by false appeals to their avarice, cupidity, and speculative weaknesses, derisively called "the lambs," who pass in an unbroken stream to slaughter on the fascinating altars of mammon.

Why are the reserves of the national banks not used exclusively for commerce, but used instead as an agency of stock gambling and overcertification of checks as a chief auxiliary? I tried my best in the Senate when the financial bill was pending in 1908 to amend this evil condition, but the Senate will remember the denial of that relief.

Why is there no control *of overcapitalization* of the *overissue of stocks and bonds of corporations,* another means by which the people are defrauded?

Why is there *no effective control of railroad, passenger, and freight rates* after 40 years agitation? Do the people want reasonable railroad rates, or do the people conduct the Government of the United States?

The present discussion of railroad freight rates on the floor of the Senate and on the floor of the House is almost entirely in vain, because the jury is not a jury in sympathy with the people, but a jury that, most unfortunately, *under machine rule,* can not be free from the influence of the enormous power of the railroads in politics. The debate is well-nigh useless, and for this reason will amount to nothing in the way of substantial relief to the American people, except to defeat a skillful raid planned against the people under color of serving them.

Why is there *no adequate control of the discrimination of railways* against individuals, or discriminations in favor of one community against another?

The people are opposed to these discriminations, but their representatives—the party leaders who are in power—do not adequately represent the reasonable desires of the people.

Why is there no physical valuation of railways—giving the railway companies generous consideration of every value they are entitled to—as a basis of honest freight and passenger rates? The Interstate Commerce Commission has repeatedly advised us that it was essential and necessary, but yet there has been no response from the authorized representatives of the people.

IF THE PEOPLE RULE, WHY DO THEY NOT GET WHAT THEY ARE ENTITLED TO?

Why is there no parcel post? Would it serve the interest of the people and protect the deficit of the Post Office Department? Undoubtedly. But the

great express companies have such political power with the dominant representatives of the people that the dominant representatives do not justly represent the people, but represent instead those who contribute money and influence secretly to campaign funds.

Why do we not have *a national development of good roads*, cooperating with every State and county in the Union?

The people undoubtedly want it and undoubtedly need it.

Why do we not have *a systematic development of our national waterways?* The people want that, but the recent rivers and harbors will, appropriating fifty-two millions, spent many millions on local projects with political prestige, but without a thoroughgoing national design.

The people desired *a pure food and drug act*, and it took a long time to get it, and *its administration now is made almost impossible by the influences over government of self-promoting commercial interests.*

Why is equality of opportunity being rapidly destroyed and absorbed by corporate growth and power without any protection of the young men and of the young women and people of the land? Do the people want equality of opportunity? Was it not promised in the Republican platform?

The people universally desire an income tax. It was defeated in the Supreme Court by a fallacious argument, which I have heretofore pointed out, and will probably be defeated as a constitutional amendment because of machine rule and the influence of private interest with machine rule, which is more potential than the public welfare.

Why do the people not get a progressive inheritance tax on the gigantic fortunes of America? The people want it. Every nation in Europe has it, even under monarchies, as I have heretofore shown, with the most exact particulars. Common honesty and fairness demands it, its constitutionality is affirmed by the highest courts, and it would not offend the feelings of the most avaricious multimillionaire at the time of its enforcement—after he was dead.

Why do we wait so long for the admission of Arizona and New Mexico? For years it has been promised; for years those people have waited upon the administration of justice by the Congress of the United States.

Finally, Mr. President, *why do we not have election of Senators by direct vote of the people?* The elected representatives of the people in four preceding Congresses have, by a vote substantially unanimous, favored and passed resolutions for this purpose. Did they represent the people of the United States? Thirty-seven States now stand for it. Do they represent the people of the United States? All the great nonpartisan organizations of the country, the American Federation of Labor, the Society of Equity, the National Grange, the Farmers' Educational and Cooperative Union, and every one of the great political parties with the exception of the dominant party, in its national platform, and even here a majority, a great majority, of Republican States favor it and have so expressed themselves, and yet no action. Nine-tenths of the people want it, and the Senate of the United States defeats it, and the Senator from Idaho [Mr. HEYBURN] amuses the Senate by calling this mature judgment of the American people "popular clamor." It is enough to make the Senate laugh, this mirth-provoking "popular clamor," evidenced by the insane legislatures of Idaho and Kentucky.

It is wrong to inquire—

DO THE PEOPLE RULE?

Everything that they stand for and desire is defeated. All of the great doctrines that they have been urging forward are obstructed. Some of the Republican leaders say, "Yes; the people rule through the Republican Party." My answer is, Mr. President, that *if the people ruled through the Republican Party, they would have long since answered their own prayers and demands favorably and not denied themselves their own petitions.*

Mr. President, the evils which have crept into our Government have grown up naturally under the convention system, not through the faults of any particular man or any particular party. I believe in the integrity of the great body of the Republican citizens of this country, but I have little patience with pure machine politics guided by selfish interests in either party. The system of delegated government affords too open and abundant opportunity for commercialism and for mere self-seeking political ambition.

It has seized upon the party in power, as it always seeks to do with the party that *can deliver*, and it will be a task of enormous difficulty to purge the party

in power of these dangerous and sinister forces, if, indeed, it do not prove utterly impossible except by its retirement from power.

In some cases delegated government, even under a machine form, is perfectly upright, perfectly honest, and serves the cause of the people excellently well, but the mechanism of government by the delegate plan affords too great opportunity for the alliance of commercialism and political ambition. An ordinary State convention, under the machine-rule plan, is composed of delegates delegated from county conventions; the county conventions consist of delegates delegated from the ward primary; the ward primary consists of a ward boss, a bouncer or two, and a crowd of strikers who do not represent the actual membership of the party voters of that ward, so that when a Senator is nominated by a State convention he is often three degrees removed from the people, and is the choice of a machine and does not really feel fully his duty to the inarticulate mass.

It will be better for this country when Senators and Members of Congress and State legislators and municipal legislators are chosen by the direct vote of the people and when the people have the right of recall by the nomination of a successor to their public servants. The people will never abuse their power.

The great political need in the United States is the establishment of the direct rule of the people, the overthrow of machine politics, the overthrow of corrupt or unwise use of money, intimidation, coercion, bribery; the overthrow of the various crafty corporate and political devices which have heretofore succeeded in nullifying the will of the people.

The great issue is to restore the direct rule of the people as members of parties and within both parties, and to abate the malign influence of machine methods.

The great issue is to enable the members of the Republican Party to control it, to provide *a mechanism by which the members of the Republican Party,* for example, *can really nominate their own candidates for public office and for party office,* and then *require their elected representatives to represent* the people who elect them and make effective the will of the party members who have nominated and elected them.

The great issue is to enable the members of the Democratic Party *to directly nominate their own candidates, both in the party itself* and *for public office,* and then require such public servants so nominated and elected to represent the people who nominated and elected them under penalty of the recall or under the safeguards of the initiative and referendum.

All the people now have is the power to defeat on election day a bad candidate, and thus they exercise some influence over nominations. The people do not in reality rule.

The people appear to rule through the present machinery of party government, but they do not rule in fact, because the party machinery is so largely in the hands of machine men, is so largely controlled in the interest of the few and against the interest of the many; because the present mechanism of party management is so contrived as to largely exclude automatically the cooperation of the great body of the members of the party, and is so contrived as to cause the party power to fall by gravity into the hands of professional managers.

The remedy for these evils is to restore the government of the people and to modify the present mechanism of party government, so the party members may conveniently control their own party.

In order to accomplish this there must be—

First. *An honest and effective registration law.*

Second. *An honest and effective ballot law.*

Third. *A direct primary law,* properly safeguarded, by which candidates for public office and for party office may be directly and safely nominated.

Fourth. *Constitutional* and *statutory laws providing the initiative and referendum,* by which the people may directly legislate, if the legislature fail, and may directly exercise the veto power over an act of their representatives in the legislature if a law is passed they do not want.

Fifth. *A thoroughgoing corrupt-practices act,* forbidding election rascalities, prohibiting the use of money, and providing full publicity.

Sixth. *An act providing for the publicity pamphlet,* giving the arguments for and against every measure, the argument for and against every candidate, and putting this pamphlet in the hands of every citizen before each election for his information and guidance.

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Seventh. *The right of recall.*

In order to get relief from the evils, a few of which I have tried to point out, these important statutes must be written on the statute books of every State, and the machine must not be allowed to fill them full of "jokers." *The machine must not be allowed to change a word of these laws that does not stand the approval of the friends of the rule of the people.*

In order to have these laws passed by the State legislatures, *every candidate for membership in the legislature should be questioned* and his written answer demanded by authorized committees of the people—committees partisan and nonpartisan, committees Republican and Democratic, committees of all parties, committees of the American Federation of Labor, of the Farmers' Union, of the Grange, and of other organizations of free men, operating together whenever convenient.

The candidates for the legislature who refuse to agree to support cordially the legislative program of the people's rule deserve to be defeated as they were defeated in Oklahoma in the campaign for the constitutional convention in 1906. Question the candidates on the people's rule.

No candidate can expect, or ought to expect, the vote of the people when he defies the right of the people to rule.

The Democratic Party inscribed on its banners in the last national platform the doctrine of the people's rule, and I do hope all Democrats will do what they can to make effective the platform declaration by concrete laws.

The enemies of the people's rule obscurely discourse about destroying representative government. Nobody should be deceived for a moment by this illogical, unreasonable, unfounded, and utterly absurd pretension. It is the argument of the machine and should brand the proponent as an enemy of popular government.

My representative represents me best when he receives my instruction and when I retain the right to instruct him and to recall him and to act independently of him if necessary.

I firmly believe in representative government.

Those who stand for the people's rule program believe in representative government.

It is representative government they want.

It is representative government they demand.

It is representative government they insist on.

The end of misrepresentative, corrupt machine government is the corollary of this demand and its necessary complement.

I trust to see the time come, Mr. President, when the citizen can vote with full knowledge and by secret postal ballot, to be counted at State headquarters and registered with the same certainty, secrecy, and security that his check would be registered in a bank office, without cost, without inconvenience, and at his leisure.

Only by the overthrow of corruption in politics and by the elimination of the sinister influences of commercialism will the people of the country ever be able to consider dispassionately the great matters of public policy which are so essential to their future development and welfare. When we shall have purged our Government of dishonest methods and have provided a means by which the people can intelligently and honestly rule; *when we shall have provided a mechanism by which the people can authoritatively express themselves, they will vote for universal peace. The people of the United States to-day, if they could vote on the question of international peace, on the question of limiting the armament of nations, would heartily be in favor of it. The people of Germany would vote the same way. The people of Great Britain would vote the same way.*

The danger of war arises not from the people, but from ambitious leaders, anxious for activity, anxious for service, anxious for promotion. The dogs of war in every nation are anxious to fight, and commercial interests engaged in furnishing the muniments of war, in furnishing material for building battleships, fill the press with rumors of war when the naval appropriation is before Congress, and these things tend to irritate nations with each other.

The international mischief-makers, who prate too much about the excessive delicacies of questions of national honor that can only be settled by the arbitrament of war, should be sternly suppressed and would be rendered powerless for harm under the rule of the people.

If the people could express themselves, they would immediately vote for good roads, improved waterways, wholesale education, eight hours of labor, improved

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protection of the public health, lower prices, reasonable control of public-utility corporations, reasonable freight rates, reasonable rates by express, telephone, and telegraph, the right of direct legislation, and to control their public servants.

Mr. President, the citizens of the great Republic wait in vain for substantial relief, while machine politicians in State and municipalities growl at each other; but the Democrats and Republicans at home and men of all opinions are robbed with perfect impartiality by the organized monopolies and trade conspiracies of this country. I am unwilling to see the people wait any longer.

Mr. President, the people's rule is the only way to end political corruption, and I am rejoiced to see the great American press giving the question of the new system of government vigorous attention. With the active help of the newspaper men of the United States this system will be in control of the United States in two and a half years.

The newspaper men who appreciate the gradual closing of the doors of opportunity for young men by the gigantic growth of monopoly will stand for the rule of the people, as the doctrine of organized righteousness and as *the soundest safeguard of property rights* as well as of human rights.

Unrestrained organized greed can not oppress human beings too far without explosive consequences of far-reaching danger to property rights.

The compilation of laws, with explanatory notes, which I have submitted as a Senate document, looks to the restoration of the rule of the people of the United States; and when I say people, I mean the rule of the Republican people, the Democratic people, the independent people, the Socialist people, and the Populist people. And, Mr. President, I ask that it be printed as a Senate document. [S. Doc. No. 603.]

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair hears no objection to the request of the Senator from Oklahoma.

Mr. OWEN. At present these people do not rule; they only think they rule. They are, in fact, ruled by an alliance between special commercial interests, at the head of which is the great political trade combination known as the Protective Tariff League and a great political machine whose name I need not mention in this presence.

Mr. President, the Senator from Oregon has heretofore set up in the clearest possible manner, in his most notable and valuable speech of May the 5th, the system of the people's rule of Oregon. I wish to give it my cordial approval and to say with the adoption of this method the people of the United States can relieve themselves in very great measure, if not entirely, of the sinister influences to which bad government in this country is directly due.

PROGRESS OF SYSTEM.

Mr. President, as one of the steps to the restoration of the people's rule I call to the attention of the Senate Senate joint resolution No. 41, providing for the submission to the States of the Union of a constitutional amendment providing for the election of Senators by direct vote of the people, and move that the Committee on Privileges and Elections be instructed to report the same at the first day of the next session of this Congress, which will give the committee abundant time; and on this motion I call for the yeas and nays. (My motion talked to death. R. L. O.)

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[To be released Saturday p. m., June 20, 1914.]

Duty and Opportunity of the Present Ruling Majority in Congress.

SPEECH

OF

HON. ROBERT L. OWEN,

OF OKLAHOMA,

IN THE SENATE OF THE UNITED STATES,

Saturday, June 20, 1914.

Mr. OWEN. Mr. President, the Democratic national platform includes the following pledge:

> We call attention to the fact that the Democratic Party's demand for a return to a rule of the people, expressed in the national platform four years ago, has now become the accepted doctrine of a large majority of the electors. We again remind the country that only by the larger exercise of the reserved power of the people can they protect themselves from the misuse of delegated power and the usurpation of governmental instrumentalities by special interests. For this reason the national convention insisted upon the overthrow of Cannonism and the inauguration of a system by which the United States Senators could be elected by direct vote. The Democratic Party offers itself to the country as an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected.

No plank in the Democratic platform was of greater importance than the pledge to overthrow corruption, fraud, and machine rule in politics. Machine rule and corruption in party government has been the bane of both the Republican and Democratic Parties, and one of the greatest difficulties in the way of perfecting true and honest democratic government.

The means by which machine rule and corruption have accomplished their sinister designs are perfectly well understood, and the remedy is perfectly well understood by students of government.

The Democratic Party and the members of the Republican party as well, should join with enthusiasm in eliminating corruption and machine rule. The Republican Party was torn in half by machine rule in Chicago in 1912. No Senator on this floor, I believe, would venture to say that he thought it a wise policy to permit in any way machine rule, fraud, or corruption in our election machinery. But no individual seems to feel charged with the responsibility of preparing the necessary measure and urging its passage which will make effective the right of the people to express themselves freely and to have authoritative knowledge of the claims of the candidates and of measures and have their will made effective.

I propose, therefore, a resolution charging the Committee on Privileges and Elections with this duty, in the hope that it may meet with the sympathetic cooperation not only of all Democrats, but of all the Republican and Progressive Senators as well.

To facilitate these reforms I have prepared and submit herewith four proposed bills.

CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

First. The first law requiring important amendment is the law preventing private individuals from contributing unlimited amounts of money in the campaigns relating to the Presidency and to the Members of Congress and Senators. I have had this statute carefully examined and prepared by one of the ablest experts in the United States on this question, Mr. George H. Shibley, and I have introduced it and had it referred to the Committee on Privileges and Elections, Senate bill 5810.

The present law permits any amount of contribution to be made and expended by private persons in relation to these elections and permits intrastate committees the liberty of doing as they please with regard to the nomination and election of Senators and Congressmen, without any conditions being imposed by the Federal law. The plan which I have proposed is to lay down a minimum of requirements in the way of contributions and expenditures by corporations, committees, or individuals; and if passed, this bill will have an important effect upon diminishing fraud in the election of Congressmen and Senators, and would have an important effect on overthrowing machine rule and corruption.

PUBLICITY PAMPHLETS.

Second. In order to enable the people to have knowledge of the claims of the candidates or the public measures upon which they vote there should be a public pamphlet issued at Government expense and delivered by Government Postal Service to the hands of each citizen, giving proper space to each candidate and to each measure voted on. In like manner, I have had prepared and submitted a bill, Senate bill 5865, covering this subject. This bill would permit a man without wealth to make the race for the Senate, and also for Congress, and would place his claims before every voter. The bill proposes a partial contribution, so as to prevent irresponsible candidates entering the field.

PREFERENTIAL BALLOT.

Third. I propose a preferential ballot in order to prevent minority or plurality nominations, which is the most important instrument in the hands of the machine politicians who have always a highly organized, militant minority under their control, led by captains and lieutenants. They divide the unorganized but more honest majority into three or four or more groups by bringing out a number of unsophisticated candidates, each of whom can command a popular following because of individual merit, and with an organized minority of twenty to thirty per cent of the voters, aided by selfish interests and by fraud, the machine can put over its plurality nomination and win the party nomination and then demand party allegiance and party loyalty in support of their unfairly minority-nominated candidate.

The preferential ballot automatically coheres a majority of electors in favor of the candidate most acceptable to the majority and destroys the plurality nomination, which, as I have stated, is the chief agency of the political machine. The Democratic Party can not make effective its platform pledge unless it disarms the political machine. I have had prepared a suitable statute, as above, on this point, Senate bill 5809, which I urgently commend to the attention of the Senate, not only the Democrats

but the Republicans as well, because it is equally important to honest Republicans as to honest Democrats that a majority of the Republicans should be permitted to nominate candidates acceptable to a majority of their party members, as it is to the Democrats to have the right to nominate candidates acceptable to a majority of their members.

I remind the Senate that the preferential ballot was adopted by both branches of Congress in the Federal reserve act, section 4, for the selection of the directors of the 12 Federal reserve banks, and this system is perfectly well understood by the country.

CORRUPT PRACTICES.

Fourth. I have also had drawn in like manner Senate bill 5864, to define corrupt practices in connection with campaigns for the nomination or election of United States Senators and Congressmen, and to provide punishment therefor. I believe that every Senator will agree, whether he be Democrat or Republican or Progressive, in the importance of having the nominations and elections of the Congressmen and Senators free from corrupt practices.

These and other steps are obviously necessary to carry out the pledge of the Democratic national platform at Baltimore, in which the Democratic Party offered itself to the country as "*an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected.*"

PRESIDENTIAL PRIMARY.

I think we should provide for the nomination of candidates for the Presidency and the Vice Presidency by the preferential primary ballot, and that proper statutes should be drawn and enacted covering this point along the line recommended by the President in his annual message last December.

The Democratic platform upon this point declared:

> The movement toward more popular government should be promoted through legislation in each State which will permit the expression of the electors for national candidates at *presidential primaries.*

In order to have uniformity in the 48 States, Congress should lay down a few fundamental rules, which would be a minimum condition imposed upon the States in this legislation. At present Congress requires the States to conform to certain rules in selecting Senators, and the constitutionality of the imposition upon the States of a reasonable requirement in regard to this matter will not be denied, since it is the practice of a hundred years.

The State primaries on presidential, senatorial, and congressional candidates could be ordered to take place the second Tuesday in June, beginning in 1916, and the national convention authorized and required to meet within 30 days thereafter for the sole purpose of ratifying the primaries and writing the platforms.

The conventions should consist of nominees for Congress, for the Senate, and of hold-over Senators not defeated in the primaries.

The Federal Government within its sphere is as sovereign as are the States within their sphere, and the Federal Government can and should by statute indicate the minimum requirements that should be provided by the laws of the several States in

perfecting the right of the Federal Government to have its officers nominated and elected by a majority of the people, safeguarded against fraud and corruption. If the minimum requirements are not provided by the State law, then the Federal requirement should apply, as in the case of the recent statute for the election of Senators.

If the Democratic Party now in power leaves the country under the machine-rule system, with the door wide open to fraudulent practices in nominating and electing Senators and Members of Congress, after its solemn promise to the American people and after it has been trusted with power by the American people, for the chief purpose of controlling the special interests and the vicious alliance between corrupt business and corrupt politics, it will undoubtedly receive severe condemnation for violating these vital promises so intimately affecting integrity of government.

I move, therefore, the following resolution:

Whereas the party now in power appealed to the American people in 1912 upon the following statement:

"The Democratic Party offers itself to the country as an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected;" and

Whereas it is the sincere desire of all patriotic men of every party to terminate corruption in government:

Resolved, That the Committee on Privileges and Elections prepare the bills necessary to more strictly control corruption, fraud, and machine politics in the nomination and election of the officers of the United States, and to enable the people to have authoritative knowledge with regard to the claims of candidates.

SHALL THE PEOPLE BE TRICKED OUT OF THEIR POWER TO RULE?

The warfare of the allied reactionary corporation and political interests to prevent the successful establishment and permanence of the initiative and referendum in American States and cities has been directed along four general lines:

1. To prevent their introduction at all.
2. To have them declared "unconstitutional" by the courts.
3. To induce legislatures to insert "jokers" in proposed amendments which would render them unworkable when secured.
4. To break them down after they are secured.

In Missouri, for example, the legislature has submitted, in the place of the good one now in force, a substitute amendment, which, if adopted, will practically kill the initiative and referendum in that State.

REMARKS

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

AUGUST 20, 1914

PRESENTING A STATEMENT BY THE

NATIONAL POPULAR GOVERNMENT LEAGUE

ENTITLED

THE NATION-WIDE ATTEMPT TO DESTROY THE EFFICIENCY OF THE INITIATIVE AND REFERENDUM

WASHINGTON
1914

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REMARKS

OF

HON. ROBERT L. OWEN.

SHALL THE PEOPLE BE TRICKED OUT OF THEIR POWER TO RULE?

Mr. OWEN. Mr. President, the assaults being made upon the initiative and referendum throughout the Nation merit the careful attention of every American citizen who believes in popular government and genuine majority rule.

Direct legislation is now in operation in 15 States, and its adoption is a vital issue in many others. Its advance is, of course, bitterly opposed by the special interests. But not content with combating the further extension of the initiative and referendum, various corrupting corporations and the corrupt political machines under their influence or control are determined to destroy these instruments of self-government in States which have already secured them.

In Missouri, for example, the legislature has submitted, in place of the excellent provision now in force, a new substitute amendment which will, if adopted, practically kill the initiative and referendum in that State. The people of Missouri are not aware of the true character of the proposal made to them.

They are being asked to support a deceptive substitute, on the grounds that it will prohibit the initiative from being applied to the single tax. *As a matter of fact, they are being asked to renounce the sovereign control which they now possess over the lawmaking function, forfeit the powers they gained after years of struggle, and once more place the State legislature in supreme control over themselves.*

In Montana the supreme court has recently been asked to invalidate, upon absurd technicalities, an initiative and referendum amendment adopted by the people of that State in 1906.

In Arkansas the supreme court has by unfriendly decisions destroyed a great part of the amendment adopted in 1910.

In Washington the organized farmers and workingmen have found great difficulty, under the unjust and arbitrary conditions imposed by the legislature, in securing petitions for laws desired by them. Even after petitions have been secured, the State officials are seemingly making every effort to keep these questions off the ballot—questions which the special interests do not want submitted to the people.

In Oregon an attempt is being made to secure the passage of a law which will render it almost impossible to secure petitions. In Colorado Gov. Ammons has declared himself in favor of inhibitive restrictions. Like attacks might be mentioned in other States.

Mr. President, the cause of this sinister warfare against the people's new-found liberties is not far to seek. Many laws of the highest importance to equalize opportunity, to conserve, protect, and develop human life and human energy are urgently

needed. Those great objects are to be accomplished by a series of measures involving social and industrial reforms. There is in reality a political struggle being waged between the masses of the people and the organized forces of human selfishness, which have systematically glorified the acquisition of property at the expense of human life and happiness.

It is the failure of representative government to give the people what they want that has caused the people of several States to demand and secure the initiative and referendum. A demand for direct legislation is being made by the people of every State. This movement the forces of reaction are determined to overthrow; if not openly, then by betrayal. This is the explanation of all these amazing attempts to prevent true self-government from being established in this Republic, founded upon the principle of the sovereignty of the people. This is why men who claim to reverence Thomas Jefferson and Abraham Lincoln bend their energies to subvert and annihilate methods of government which embody the very essence of every principle for which those great exponents of government by the people stood. I deem it a public duty to expose upon the floor of the Senate this attack upon popular government, and I desire to insert as a part of my remarks a statement upon this subject prepared by the National Popular Government League, of this city, which sets forth in detail the methods now being employed to destroy the initiative and referendum and block the efforts of the American people to attain true political liberty.

If there is no objection, I should like to insert that in my remarks.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Without objection, it will be so ordered.

The matter referred to is as follows:

THE NATION-WIDE ATTEMPT TO DESTROY THE EFFICIENCY OF THE INITIATIVE AND REFERENDUM.

A statement prepared by Judson King, executive secretary of the National Popular Government League, and individually reviewed, accepted, and approved by the following officers of the league:

President: Hon. ROBERT L. OWEN, United States Senator, Oklahoma.

Vice presidents: Charles S. Barrett, Union City, Ga., president National Farmers' Union; Hon. GEORGE E. CHAMBERLAIN, United States Senator, Oregon; Hon. MOSES E. CLAPP, United States Senator, Minnesota; Samuel Gompers, Washington, D. C., president American Federation of Labor; Dr. John R. Haynes, Los Angeles, father direct legislation in California; C. B. Kegley, Palouse, Wash., president National Conference of Progressive State Granges; Hon. M. CLYDE KELLY, Congressman, Pennsylvania; John P. White, Indianapolis, president United Mine Workers of America.

Of the finance committee: George P. Hampton, chairman, New York, secretary Farmers' National Committee on Popular Government; Hon. WILLIAM E. CHILTON, United States Senator, West Virginia; Carl Schurz Vrooman, Bloomington, Ill., author "American railway problems."

Of the executive committee: Hon. Frank P. Walsh, chairman, Kansas City, Mo., chairman Federal Commission on Industrial Relations; Prof. Lewis J. Johnson, Cambridge, Mass., civil engineering, Harvard University; Dr. A. J. McKelway, Washington, D. C., southern secretary National Child Labor Committee; Hon. GEORGE W. NORRIS, United States Senator, Nebraska; the president and executive secretary of the league.

Of the committee on legislative forms: William S. U'Ren, chairman, Oregon City, Oreg., father of the "Oregon system"; Hon. ROBERT CROSSER, Congressman, chairman initiative and referendum committee, Ohio constitutional convention; Hon. Joseph W. Folk, Washington, D. C., ex-governor of Missouri, solicitor Interstate Commerce Commis-

sion; Francis J. Heney, San Francisco, attorney at law; Stiles P. Jones, Minneapolis, secretary the Voters League; Dean William Draper Lewis, Philadelphia, law school University of Pennsylvania; Dr. Charles McCarthy, Madison, Wis., director legislative reference library; Milton T. U'Ren, San Francisco, attorney at law; Delos F. Wilcox, Ph. D., New York, consulting franchise expert, author "Government by all the people."

The warfare of the reactionary allied corporation and political interests to prevent the successful establishment of constitutional amendments and statute laws for the initiative and referendum in American States and cities has been directed along four general lines:

FIRST. TO PREVENT THEIR INTRODUCTION AT ALL.

It took 10 years of strenuous fighting in Oregon to secure direct legislation, 12 years in Missouri, 18 years in Ohio, etc. After 22 years of effort since the popular demand began, only 17 States have amendments, such as they are.

SECOND. TO HAVE THEM DECLARED "UNCONSTITUTIONAL" BY COURTS.

The Morgan interests carried a case to the Supreme Court of the United States in an effort to have the Oregon amendment—and hence all amendments—declared "repugnant to the Federal Constitution." The court decided in 1911 that it was a political question for Congress to determine. And Congress has kept hands off. Attacks of like character have been made in nearly all State supreme courts.

THIRD. TO INDUCE LEGISLATURES TO INSERT "JOKERS" IN PROPOSED AMENDMENTS WHICH WOULD RENDER THEM UNWORKABLE WHEN SECURED.

Of the 17 amendments adopted, only 8 can be called *good*. And there are only 4 honest, adequate, complete systems in operation to-day. The rest are all defective at vital points, and some are absolutely worthless. Six proposed amendments will be voted on November 3, 1914. Four of these are worthless.

FOURTH. TO BREAK THEM DOWN AFTER THEY ARE ESTABLISHED.

An account of attacks of this character is the subject of this writing. In nearly every State which has direct legislation the interests are constantly at work to destroy them or prevent their use *on vital issues*. The courts are appealed to, the legislatures are seduced, and even the people themselves are asked—not to repeal the initiative and referendum, the interests are too clever for that, but to vote for innocent-looking changes in the amendments which will deprive the people of practical power to control the lawmaking function of their government.

It is these "jokers" which shear the voters of their power and against them all champions of government by the people should be on their guard. An abortive initiative and referendum is worse than none at all.

MISSOURI.

One of the cleverest attempts to deprive the people of a great State of the powers they now possess under the initiative and referendum is furnished just now by Missouri.

In 1912 an amendment to the State constitution proposing a mild application of the principle of the single tax was placed upon the ballot by initiative petition, and, after one of the most bitter and sensational campaigns of its kind ever known in the State, was defeated by a vote of 508,137 *against* to 86,647 *for*. The total vote for governor was 699,210; hence 85.1 per cent voted on the proposition. So great was the opposition to the measure that a very considerable demand was made upon the legislature to make it *impossible for the single tax to be again initiated. That was all.* There was no demand from the people that the use of the initiative and referendum on other questions be impaired or prohibited.

The legislature of 1913 submitted an entire substitute initiative and referendum section to be voted upon at the general election, November 3, 1914, which contains a clause prohibiting

the initiative and referendum from being applied to the single tax; *but it did not stop with this.*

Several other new provisions were inserted which, if adopted, will render it easy to stop the use of the initiative and referendum *on any subject whatever* which may meet with any powerful opposition.

THE OPEN RESTRICTION.

What might be called the antisingle-tax section is as follows:

The powers reserved or contained in this section as aforesaid shall not be used to pass a law or constitutional amendment authorizing any classification of property for the purpose of levying the different rates of taxation thereon, or of authorizing the levy of any single tax on land or land values or land sites at a higher rate or by a different rule than is or may be applied to improvements thereon, or to personal property, or to authorize or confer local option or other local powers in matters of taxation in or upon any of the counties, municipalities, or political subdivisions of the State, or to repeal, amend, or modify these provisions relating to taxation.

This is a remarkable proposition.

Not only are the singletaxers tied up tight, but everyone else, no matter how hostile to the single tax. The principle of property classification is not the single tax, but is urged by bitter antisingletaxers. The principle of home rule in taxation is not the single tax. Even the Supreme Court of the United States, which can not be said even to have single-tax leanings, declared (Pacific Express Co. *v.* Seibert, 142 U. S. Repts., 351):

A system which imposes the same tax upon every species of property, irrespective of its nature or condition or class, will be destructive of the principle of uniformity and equality in taxation, and of a just adaptability.

PEOPLE POWERLESS TO CHANGE THIS.

The people are thus asked to surrender any practical control over the function of taxation; but, what is more, they are specifically cut off from ever recovering control if they so desire. They can not use the initiative and referendum to "amend, repeal, or modify these provisions relating to taxation." If the old adage be true, that the power to tax be the power to govern, then a more humiliating proposition was never presented to a free citizenship.

OTHER RUINOUS PROVISIONS APPLYING TO ALL PETITIONS.

But this is not the most important thing. Let us examine further. Another new provision, the conditions of which are in another place repeated so as to *apply also to the referendum*, reads:

Initiative petitions shall be filed with the respective county clerks of the respective counties in which the signers thereof reside and vote not less than four months before the election at which they are to be voted upon. *Within 30 days* after said petitions are filed with the respective county clerks of the respective counties said initiative petitions shall be, by said respective county clerks, laid before the county courts of the respective counties, and said petitions shall be examined by the respective county courts of the respective counties, and *if the signatures thereto are found to be genuine signatures of voters of such counties, they shall, at least three months before the election* at which they are to be voted upon, be certified by the respective county courts of the respective counties to the secretary of state.

This seemingly innocent section when coupled up with another provision "that petitions must be secured—8 per cent for the initiative and 5 per cent for the referendum—in each of at least two-thirds of the congressional districts in the State," can easily be made an insurmountable obstacle to the use of the initiative and referendum.

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WHAT COUNTY CLERKS COULD DO WITH ALL PETITIONS.

Now, watch carefully! All petitions must be in the hands of county clerks *four months* before the election. That means in 1914, say, on July 3, with the election on November 3. But the clerk may hold these petitions for 30 days before turning them over to the county court. He can hold them till August 1 to 3, all petitions filed from July 1 to 3. Now, August 3 is the date on which all petitions must be in the hands of the secretary of state at Jefferson City—that is, "*three months* before the election"—after being examined and certified by the county courts. It would be a physical impossibility for the county court to do all this for all petitions filed late in June or early in July, and the history of similar petitions filed in States all over the Union shows that a goodly portion of such petitions are filed shortly before or on the final date set. And even if the people should file their petitions earlier, the power of the county clerk to hold them 30 days would still be a menace and could cause thousands of names to fail to reach the secretary of state in time.

The county court could easily refuse to certify a petition to the secretary of state on the grounds that it had not had time to examine the genuineness of the signatures.

It is perfectly clear then, that any petition opposed by a small number only of county clerks or county courts would have no possible chance to get through, and these officials would all act within their constitutional rights and could not be touched.

UNPRECEDENTED POWER OVER PETITIONS GIVEN THE COURTS.

But more dangerous still is the unprecedented power given the courts to reject at will not only single-tax petitions but all other petitions of the people. The text says petitions shall be certified by the county courts "*if the signatures thereto shall be found to be genuine signatures of voters of such counties.*" This is the first instance where it has been provided not only that genuine signatures must first actually be obtained, but that they are then of no avail until proved genuine signatures of voters before a judicial officer—*the first time signatures authorized to be procured by law are presumed to be false until found genuine by the courts.*

That this provision would absolutely kill every petition passed upon by an unfriendly court can not be denied. The language is plain; the effect is clear. The examination by the court and the passing upon the signatures by the court, and its finding them to be genuine, is one of the prerequisite steps of a valid petition. Further, the amendment could not be aided by judicial construction *because it is a fundamental condition* on which a law can be initiated or referred.

In other States, and in Missouri now, the oath of the one securing the petitions that they are genuine signatures of voters is sufficient to establish validity, and such petitions are presumed genuine unless they are proven to be otherwise.

But in this provision the little word "if" shifts the burden of proof to the other side. It is not too much to say that a judge desiring to strictly comply with the requirements laid down could compel, or would have to compel, every man signing a petition to come into court and prove to the satisfaction of the court both that his signature was genuine and that he was a legal voter of the county. *Unquestionably, an intolerable bur-*

den is here placed upon the judges which is undesirable to them, and one which it is inexpedient and unwise to place upon them.

This provision, if carried out, *could and would cause the rejection of all petitions*, because it is practically impossible for a judge to examine into the genuineness of all the signatures of his county. If the judge were friendly to the initiated measure he might assume to pass upon the signatures without an examination, but if unfriendly he would simply say, "I am unable to find the signatures 'genuine signatures of voters of such counties,'" and what then? There is no method prescribed for reviewing the judge's conduct. It being a judicial act, the judge can not be compelled, by mandamus or otherwise, to find the signatures "genuine signatures of voters of such counties." Had this section been simply an effort to have questionable signatures passed upon it would have provided that within the 30 days anyone could present to the court evidence of the falsity of signatures questioned, and then the court would have to pass upon only the *questioned* signatures instead of the *unquestioned* ones as well. If the court had to pass only upon the genuineness of the signatures, he might take the testimony of those of actual voters of his county. Think of a county judge examining into the fact as to whether every signer of a petition is a voter.

If the courts, acting clearly within the powers thus granted, could easily throw out petitions which were genuine, consider with how much greater ease they could decline to certify a petition on which a few illegal or doubtful names appeared. It is always a simple matter for those opposing a petition to "job" a solicitor, no matter how honest he may be, and get fraudulent names upon a petition. Judges could hold the whole petition incompetent because of a few bad signatures, no matter how genuine all the rest of the petition might be. The whole provision is comparable only to one which might prescribe that *no man's vote upon a measure could be counted until first passed upon by the courts.*

ESPECIALLY HARD FOR THE FARMERS.

The farmers have made active use of the initiative and referendum in nearly every one of the 15 States where it is in operation. They will want to do so in Missouri. The above provisions will make it harder for them to secure valid petitions even than for town people. For example, the organized farmers of the State of Washington this year initiated seven laws of tremendous value to them, which were rejected by the legislature. They appointed a joint legislative committee to manage the work of securing the seven petitions, and found it a difficult matter. Think of the additional money, anxiety, and trouble it would cost the committee, *under the proposed Missouri conditions*, to watch all the county clerks and the county courts to see if they were properly attending to petitions after they had been filed. The farmers would be helpless against hostile county courthouse "rings," and the rings be protected by the constitution itself. And, then, if they were blocked in just 1 district out of the necessary 11, the whole State petition would fail, even if all the voters in the other 10 districts had signed the petition.

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TIES UP THE PEOPLE FOR SIX YEARS.

It is also provided that any law or amendment to the State constitution rejected by a vote of the people can not be resubmitted by petition for a period of *five years*. This means *six years*, since Missouri has biennial elections. The provision reads:

> When any measure shall have been submitted to the people for their approval *under the powers reserved or contained in this section*, as aforesaid, and shall be rejected by the people, neither the same measure nor any other measure which shall have or *tend to have* the same meaning, nor any other measure which shall have or tend to have the same or similar effect as the measure rejected, shall again be submitted *under the said powers reserved or contained in this section* for a term of five years.

On first blush this is ostensibly inserted to prevent the early resubmission of a defeated *initiative* measure. A law or constitutional amendment rejected in 1914 could not be again presented till 1920, then 1926, and so forth, nor could anything which a court might say "*tended in that direction*" be submitted. An emergency might arise, conditions might change, delay might mean millions of dollars lost; the people might desire to act in 1916 or 1918, but they could not until 1920.

INCLUDES THE REFERENDUM ALSO.

But this provision goes far deeper. It is so worded as to apply to the referendum as well as the initiative. The phrase "powers reserved or contained in this section" includes the referendum.

An amazing limitation on the people is here disclosed which can best be set forth by an example. Suppose the legislature should enact an unpopular law—make some huge appropriation, create some special privilege, give away a railway franchise, or do anything which might be strongly opposed by the people? Suppose a referendum petition is filed and the act is rejected by an enormous majority. *The very next session of the legislature could enact that exact law—or one like it—and the people could not vote on the question for six years.*

A CONFISCATION OF THE PEOPLE'S POWER.

To sum up, what the people of Missouri who vote for this amendment think they are doing is to prevent another submission of the single tax.

What they really will be doing is:

1. To place in the hands of a few county officials power to prevent the people's use of the initiative and referendum on any subject.

2. To surrender their present control of the taxation machinery of the State and hand it over to the legislature.

3. To fix this legislative control in the constitution irrevocably so that the people can never change or recover it.

4. To deny to all the people for six years the use of either the initiative or referendum on the subject matter of any measure once rejected by popular vote.

5. To give the legislature absolute power to immediately reenact its own laws which the people have rejected through the referendum.

When closely examined, therefore, and its "sleepers" pointed out, the people of Missouri are asked in this substitute to vote to curtail and destroy their own legislative powers and to solemnly announce by their votes that they can not trust them-

selves with the instruments of self-government, which they now possess, but must return to the old conditions of being controlled instead of remaining their own masters as at present. If this substitute carries, it will be the first time in American history when the people by their own act have deliberately deprived themselves of popular sovereignty.

It is unthinkable that a majority of the members of the Missouri Legislature who voted for this substitute were correctly informed as to the true significance of the changes proposed, as there are many members who are strong supporters of direct legislation.

WHO IS BACK OF THIS SCHEME?

The whole situation is a pleasing prospect indeed—to the reactionary interest. The railroads, the brewery interests, the franchise grabbers, the wealthy tax dodgers, and, in short, all forms of "special privilege" opposed to the people and who hate the initiative and referendum with an undying hatred, have now their golden opportunity. They know exactly what they are about. Taking advantage of the resentment aroused by the submission of the unpopular single-tax proposal they hope to carry this new substitute amendment and so "hamstring" the initiative and referendum itself. If the people of Missouri fall in with this scheme, they will find their hands completely tied on any practical use of the initiative and referendum in the future.

The great mass of the voters do not know this. In truth, proposed measures are so inadequately published in Missouri that not more than one-third of the voters will ever see the text of this substitute.

Every citizen of Missouri who believes in Democracy and the rule of the people should awake to the fact that the passage of this amendment would destroy his fundamental political rights, won after years of struggle. It would place Missouri in the column of reactionary States.

Talk about the danger of the single tax is without point. The people of Missouri did not want it and voted it down almost unanimously. It is absurd, therefore, to ask this same people to indorse a proposition which implies that they are unfit for self-government and unable to use the initiative and referendum.

Hence, the question before the people of Missouri is not whether they want to vote on the single tax, but whether they want to *retain the power to vote upon anything.*

Here is what some leading public men in Missouri and elsewhere think about the value of the initiative and referendum:

GOV. ELLIOTT W. MAJOR.

Gov. Elliott W. Major, when he was attorney general of Missouri, filed a brief for the initiative and referendum before the United States Supreme Court, in which he argues strongly against the attempt to declare these measures unconstitutional, and he said that they were the distinguishing right of the people under a republican form of government.

GOV. HERBERT S. HADLEY.

In his message to the Forty-ninth General Assembly of Missouri, Gov. Hadley said:

I believe that, on the whole, the initiative and referendum in our constitution has been beneficial. Some persons have urged that the

requirements for initiating laws or amendments to the constitution should be made more difficult. I do not agree with this suggestion and I recommend that the law stand unchanged.

GOV. JOSEPH W. FOLK, NOW ATTORNEY FOR THE INTERSTATE COMMERCE COMMISSION.

Ex-Gov. Folk, in his address before the National Popular Government League in Washington, D. C., on December 6, 1913, strongly condemned this attempt to kill the initiative and referendum in Missouri:

If the opponents of the initiative and referendum succeed in hobbling it with this proposed amendment in this respect—

Taxation—

the next step, of course, will be to hobble it in some other respect, and directly take away from the people the power to vote on some other question. This, *together with the other changes made by the new proposal, leads to the practical repeal or abolition of the initiative and referendum.* I hope the people of Missouri will not be misled into giving up this power that they now have in their hands and the obtaining of which has taken 14 years of political struggle. If they tie their hands now from voting on something they do not want, they will find themselves powerless in the future to secure something they do want.

We want in this country not only good government, we want self-government. We might have good government under a king; we might have so-called good government, though all of us be slaves. As between good government without self-government and bad government with self-government, I would prefer the latter.

The initiative and referendum are the tools of self-government, and when the people have these in their hands they can make the Government just as good as they wish to make it or just as bad as they suffer it to become. The kind of government this movement for better things demands is that which comes through governing ourselves.

EX-PRESIDENT THEODORE ROOSEVELT.

In his public addresses and in the platform of the Progressive Party, Theodore Roosevelt has repeatedly urged the initiative and referendum as necessary instruments in the hands of the people to maintain self-government.

HON. WILLIAM JENNINGS BRYAN.

This great Democratic leader has for 18 years been an active advocate for the initiative and referendum. In a letter written July 15, 1914, urging the voters of Mississippi to adopt a pending amendment providing for these powers, he said:

I regard the initiative and referendum the greatest modern improvement in strengthening representative government.

PRESIDENT WOODROW WILSON.

In his book, "The New Freedom," in chapter 10, entitled "The way to resume," the President said:

Back of all reform lies the method of getting it—

And then he pointed out that the initiative and referendum were necessary instruments in the hands of the people to secure these reforms. They are the key that opens the door to our legislative house. He then says:

The initiative is a means of seeing to it that measures which the people want shall be passed when legislatures defy or ignore public opinion. The referendum is a means of seeing to it that the unrepresentative measures which they do not want shall not be placed upon the statute book.

OREGON.

The notable things accomplished by the people of Oregon through the initiative and referendum have been heralded to the Nation. It is not generally known that since their adoption in 1902 the people of Oregon have been engaged in a *constant struggle to* preserve these legislative powers against repeated

attacks by the enemies of popular sovereignty. The struggle is still on.

The first attack was made by the State legislature of 1903 in an attempt to virtually set aside the referendum by declaring the "emergency clause" upon laws the politicians did not wish to go to the people. The then governor, Hon. GEORGE E. CHAMBERLAIN, now United States Senator from Oregon, being a genuine friend of popular government saw the danger and promptly met the issue by sending such bills back with a stinging veto. His messages roused the State, and it is now dangerous for any member to "trifle" with the emergency clause.

In 1906 the State grange initiated a law taxing the telegraph, telephone, and express companies upon their gross incomes. They were at that time practically untaxed. The bill was adopted by the people. The Morgan interests refused to pay the tax, and took this as a test case to the Supreme Court of the United States in an effort to have the Oregon initiative and referendum declared "unconstitutional," and so kill the movement in the entire Nation. They failed, but the struggle was a costly and harrowing one to the people.

At every session of the legislature laws or changes in the amendments are introduced calculated to "pull its teeth." For example, in 1910 the legislature proposed a new constitutional convention. The evident scheme was to fix up a new constitution in which all the new popular-government provisions would be either abolished or rendered inoperative. A hard campaign ensued, and it was rejected by the people.

In 1910 an amendment was submitted to the people to require measures to receive a majority of "all votes cast in the election" to enact measures instead of a majority of the votes cast on the question, as at present. It took a vigorous campaign to defeat this joker.

At the present time a new amendment is proposed which will prohibit the employment of solicitors to secure petitions. Needless to say, this attempt is meeting with the strong opposition of all organizations and men who know from actual experience what it means to get petitions and what a blow this would prove to the successful use of the initiative and referendum, as it has already proven in the State of Washington.

IDAHO AND UTAH.

By a vote of 43,658 to 13,490, the people of Idaho placed in their constitution at the election of 1912 what they supposed was an initiative and referendum amendment. It contained several jokers, but, worst of all, was not made self-executing. It provided that the legislature should draft laws, filling in details and putting it into effect. The legislature of 1913, in defiance of the direct mandate of the people, refused to pass such legislation. This is a repetition of the same fraud which was practiced upon the people of Utah since 1900. The "general principle" was put in the constitution, and for 14 years the people have waited in vain for the legislature to put the initiative and referendum in action. *No legislature should be permitted to fix by law the conditions upon which the people may review its acts.*

WASHINGTON.

The voters of Washington adopted the initiative and referendum at the general election of 1912. It was a defective amend-

ment. Among other things, it failed to provide for the use of the initiative on amendments to the State constitution. Gov. Hay's opposition to the constitutional initiative defeated him for reelection. The legislature met in January, 1913, and under the guise of "safeguarding" the amendment, deliberately passed an enabling act which needlessly placed severe handicaps upon the people in any use of the initiative and referendum. It is made a "gross misdemeanor" for a busy citizen to aid a petition in which he is interested by hiring a solicitor to secure signatures. Only names of voters who are actually *upon the last registration lists* can be counted on petitions, and so on.

On July 3, after a heroic struggle, the State Farmers' Grange, the State Farmers' Union, the State Federation of Labor, and the Direct Legislation League, acting under the direction of a joint legislative committee, succeeded in surmounting the obstacles and filed petitions for seven laws—"the seven sisters"—of great importance to the common people but undesired by the politicians and the interests. Miss Lucy R. Case, of Seattle, a most able woman and secretary of the committee, gave her entire time for six months, without pay, to the work of securing this petition. But even then the petition cost $1,281.93. Thirty-one thousand eight hundred and thirty-six names were necessary; 35,000 were secured and properly certified to before the county registers, where they were signed.

The interests opposed to these laws organized a "Stop, Look, Listen League," and spent thousands of dollars in paid newspaper advertising and otherwise in an attempt to frighten the people away from signing petitions. They are now bending every energy in an attempt to *prevent the questions from going on the ballot.* In this they evidently have the support of the State administration. The law requires the secretary of state simply to *count* the signatures certified to by the county authorities, and if sufficient, he is required to place the questions on the ballot. Instead of this Secretary Howell assumes jurisdiction upon the genuineness of the signatures and is putting the State to a frightful expense to verify work already done. His every move is hostile and the seeming intent is, upon one pretext or another, to *throw out enough names to cause the principal petitions to fail.*

The attorney general, Mr. Tanner, makes the unheard-of "ruling" that during the 30 days given the secretary of state by law to count the names citizens can *withdraw their names;* and blanks for that purpose have been prepared in the office of the secretary of state. But *no new names can be added.* The "Stop, Look, Listen League" is scouring the State to induce men to withdraw their names, and at this writing (July 27) it is doubtful if the farmers' important laws will go on the ballot.

But whatever the outcome, this experience of the people of Washington serves as a warning to other States to watch "enabling acts" closely. It further shows the bitter hostility of reactionary politicians and corporations to permitting the people expressing their will on important laws. Mr. C. B. Kegley, of Palouse, Wash., master of the State Grange, strongly opposes the law prohibiting responsible organizations and citizens from employing solicitors, thus enabling the volunteer work to be supplemented by men who can give their entire attention to securing petitions in a crisis.

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ARKANSAS.

In Arkansas the opponents of the initiative, referendum, and recall have met with success in their efforts to devitalize the amendment through the decisions of a supreme court hostile to these instruments of popular government.

The original amendment adopted in 1910 read:

> The legislative power of this State shall be vested in a general assembly, * * * but the people of each municipality, each county, and of the State reserve to themselves power to propose laws and amendments to the constitution and to enact or reject the same at the polls—

And so forth.

It is perfectly evident that this is a bungling attempt to establish both the local and State-wide initiative and referendum in one short clause, so adored by constitutional lawyers. In fact, the words "*of each municipality, of each county, and of the State*" were inserted in the original draft as an amendment to accomplish this purpose, and not, as was claimed in the campaign, to permit the cities to override the State constitution.

Nevertheless the supreme court declared itself unable to discover what the language meant, and so abolished the whole clause, *which took from the people their constitutional right of initiative and referendum in counties and cities. Exit the local initiative and referendum!*

Next, the legislature of 1913 passed a law under the "emergency clause" and thus denied a referendum petition upon it on the grounds that it was "necessary for the *immediate* preservation of the public peace, health, and safety," but also provided that the law should not go into effect for *one year*. The supreme court upheld the legality of this action. Hence, *exit the referendum!*

Next, in 1912 the people passed an amendment by initiative petition establishing the recall on all public officers, including judges. Also two other amendments.

Now, the constitution adopted in 1874 provided that the legislature could submit only three amendments at any one election. The initiative and referendum amendment adopted in 1910—36 years later—did not disturb the old system, but made no limitations on the number of amendments the people might submit by petition.

At the 1912 election the legislature submitted proposed amendments No. 11 and No. 12. The people submitted No. 13, limiting the legislative session to 60 days. No. 14 provided for the recall of all elective officials, including judges; also No. 15.

All three of the initiate amendments were adopted by large majorities. The election board refused to certify the adoption of Nos. 14 and 15, on the grounds that they were illegally submitted.

Suit was brought, and the supreme court solemnly decided that limitation of three, adopted in 1874, governed the amendment of 1910, and that amendments 14 and 15 must fall. This is a complete reversal of the universal rule of construction that the last enactment governs and repeals older enactments in conflict.

But by this means *the recall was destroyed.* Hereafter the legislature can prevent the submission of any amendment by initiative of the people by *filling up* the ballot with three amendments of whatever nature. *Exit the constitutional initiative!*

And at the present time it is given to this supreme court to decide whether the people will have the right to vote at the November election upon a bank-guaranty law and a law establishing a State mining board and insure safety for miners. These laws have been properly initiated and promptly enjoined from going on the ballot by the bankers and mine owners.

OHIO.

Ohio adopted the initiative and referendum in 1912. Gross frauds were practiced by the special interests in 1913 in an attempt to secure referendum petitions upon two statutes. These frauds were widely heralded in the press and were made the basis of a demand by these same special interests for a law prohibiting solicitors for petitions to receive compensation. To secure from 60,000 to 125,000 signatures of legal voters upon petitions, as required in Ohio, is a gigantic task, and few petitions could be secured by volunteer work alone.

The friends of direct legislation in the legislature and outside promptly met the issue, a campaign of education was made, the help of the administration was secured, and a law preventing fraudulent securing of petitions was passed, but not the thing desired by the enemies of popular government.

The citizens of Toledo are engaged in a life and death struggle with the public-utility interests over a street car franchise worth $25,000,000. These interests are now carrying a case to the Supreme Court in an attempt to have the municipal initiative and referendum law of the State declared "unconstitutional," and so *deprive the people of a vote upon the settlement of this important question.*

OKLAHOMA.

One of the most vital provisions of a direct-legislation system is adequate publicity upon pending measures for the information of the voters. Oregon has the best method. A neat State pamphlet containing copies of the measures, with their ballot titles, and also explanatory arguments for and against, *furnished by citizens or organizations of citizens,* is mailed from the office of the secretary of state direct to the voters 50 days before election. In Oklahoma, however, the legislature has failed to provide for any arguments from citizens, and the system of distribution is fatally defective. It is supposed to be handed to the voters at the primary election by election officials. On any vital measure opposed by the machines this is not done adequately. Probably not more than one-third of the voters ever see the pamphlet. Another vital defect in the Oklahoma system is the requirement that measures, to be adopted, must receive a majority of all votes cast "in said election" instead of "a majority of all votes cast thereon."

PENDING AMENDMENTS.

At the general election November 3, 1914, proposed constitutional amendments for the initiative and referendum will be voted upon in five States, as follows:

Texas: Petitions must be signed by 20 per cent of the voters for both initiative and referendum. This is preposterous. No State should require over 8 per cent, and in no case more than 50,000 signatures for the initiative; nor more than 5 per cent, and in no case more than 30,000 for the referendum. The amendment is not self-executing and all other details must be

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provided by the legislature. It is the Utah and Idaho trick all over again. The adoption of this subterfuge would kill the movement in Texas for years.

Minnesota: The Minnesota amendment is so full of jokers and restrictions that space does not permit even an attempt at discussion. One provision actually gives the legislature specific power to *prohibit* the circulation of petitions on any subject it sees fit.

Wisconsin: Submits a conservative but fairly good amendment, which it will be worth while to adopt.

North Dakota: Amendment lacks the constitutional initiative, requires too large petitions, and has a wicked "distributing" clause for petitions. There are other jokers. Not worth adopting.

Maryland votes upon an amendment providing for the *referendum* only. It is in very good shape. The people, however, are prohibited from referring any liquor law.

Iowa: An amendment was passed in 1913, which, if adopted by the legislature of 1915, will be voted on in 1916. Among the numerous jokers which render it worthless may be mentioned the right given the legislature to fix petitions at anywhere from 12 to 22 per cent for the initiative, and from 10 to 20 per cent for the referendum. Worthless.

This statement is by no means a complete account of the unwarranted and unjustifiable attacks made upon the initiative and referendum in States and cities where they are established. The few examples given illustrate the general tendency and demonstrate beyond question that strenuous efforts are being made to destroy the initiative and referendum in America, and that the most dangerous forms which the opposition takes are, first, to insert stealthy "jokers" in these provisions which unexpectedly operate at critical junctures against the exercise of direct legislative powers by the people; and, second, to break them down in the courts.

One of the most important functions of the National Popular Government League (nonpartisan) is to point out these "jokers" and warn the people against them. The league maintains a bureau of information and its headquarters are at 1017 Munsey Building, Washington, D. C., where accurate information concerning these matters can be had freely upon application to the executive secretary.

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PEOPLE'S RULE VERSUS BOSS RULE

This Republic was not founded on any so-called "representative principle." The Representative is merely a convenience, a servant, an agency subject of right to the direct control of the people.

This Republic was founded on the principle that the people were sovereign and had a right, if they pleased, to manage their business directly, a God-given right, vested in them, inalienable and indefeasible, and directly to alter, amend, or abolish any law. Every State constitution declares and exemplifies this fundamental principle. Every State constitution, except one, was established by the direct law-making power of the people.

The option to use the initiative and referendum is not in conflict with the present convenient system of legislating through representatives, but is in harmony with that system and makes it more representative, not less representative.

REMARKS

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

MARCH 3, 1913

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REMARKS

OF

HON. ROBERT L. OWEN.

On Senate resolution 413, declaring that such a system of direct legislation as the initiative and referendum would establish is in conflict with the representative principle upon which this Republic was established.

Mr. OWEN. Mr. President, the greatest duty of government is to make effective the primary principle of the Declaration of Independence; to secure to the people, and to all the people, the inalienable right to life, liberty, and the pursuit of happiness.

This inalienable right with which the people were "endowed by the Creator" has been purloined from millions to the benefit of the few through a series of political, commercial, and financial monopolies slowly built up during the last 75 years.

This system has diverted the proceeds of the labor of millions to the coffers of the few, until in spite of the wonderful modern inventions of this age, which pours out a stupendous flood of material things which men desire, we see a thousand millions of dollars of wealth in the hands of a single man and millions of human beings, willing and anxious to do honest labor, without the certainty of food and shelter to-morrow.

The unrestricted right to enjoy life, liberty, and the pursuit of happiness is thus denied millions, and the duty of the Government to make effective the fundamental doctrine of the Republic as yet remains unperformed.

I deem it my duty to call the attention of the United States Senate and the attention of the country to the *cause* and the *remedy* of this serious condition. I make no complaint of a class, emphatically no complaint of a rich class, nor do I complain of the past. I am exclusively concerned with the immediate future welfare of men, women, and children.

THE CAUSE.

The cause is this: The people's-rule party Government under Jefferson has been in past years (from 1844 to 1908) steadily, if not stealthily undermined and replaced by the machine-rule party government. In place of the people's rule the machine rule, financed and engineered by special interests, has placed in power on a vast scale in legislative, administrative, and judicial positions machine-rule representatives—in municipalities, States, and Nation. The rule of the few was thus established. The people have voted, but they have not really ruled.

The rule of the few, consciously or unconsciously, has been too largely for the benefit of the few at the expense of the many.

The few have established all-pervading commercial and financial monopolies; destroyed all competitive markets in selling and buying; limited production on a giant scale, and deliberately

as a policy, thus limiting the employment of labor; manufactured watered stocks and bonds by billions of value, on which the people have been compelled to pay interest; squeezed and expanded the credit market, damaging millions, that a few might absorb values; and have compelled the laboring millions to compete under harsh conditions with each other, until millions of women and children have been driven from the American home into the labor market, and millions of children as well as women and men have been denied the reasonable opportunities of "life, liberty, and the pursuit of happiness."

Machine-made representatives in legislative, executive, and judicial position have granted and protected privilege to the few at the expense of the many until we are face to face with the most tremendous extremes of wealth and poverty the world has ever known.

The cause has been machine-rule party government in collusion with corrupt commercial and financial allies governing for the benefit of the few at the expense of the many, at the expense of all of the people, at the expense of the real producers of wealth.

There are two very different kinds of "*representatives*" in the governing business. The machine-rule party government representatives who take the point of view favorable to privilege and to the few, and the people's-rule party government representatives who take the point of view favorable to equal rights to all, favorable to the great mass of men who labor as artisans, workers in shop, field, forest, and mine, as professional men or in transportation or in other human activities.

I do not trouble myself to question the motives of men; I am concerned with the effect of the actions of men.

THE REMEDY.

The remedy is to restore people's-rule party government and provide a mechanism by which the intelligence and patriotism of the mass of men can control party government and can control the actual direct government by people's-rule representatives in the legislative, executive, and judicial branches of the government.

The statutes necessary to this end are—

First. A thoroughgoing honest registration act.

Second. A thoroughgoing direct mandatory primary act.

Third. Honest election laws and machinery.

Fourth. A thoroughgoing corrupt-practices prevention act.

Fifth. The initiative, referendum, and recall; and the most important of all these acts is the initiative and referendum, which is the open door to all other reforms.

Above all the initiative and referendum offers the line of least resistance in obtaining reform for the reason that no candidate before the people *dares refuse the people* the right of the initiative and referendum where the demand is vigorously insisted on.

In its entire history the Senate has never had a more important question before it. It is the duty of the Senate to throw the weight of its influence on the right side.

And I feel entirely justified in calling the attention of the Senate and of the country to the urgent, vital importance of this issue and to defend it against the unjust assaults of its enemies.

Whatever I may say in regard to the matter must be regarded as entirely impersonal, as I fully concede the right of

others to differ with me and shall carefully abstain from attributing to other Senators any unpatriotic motive in promoting their political philosophy, however mischievous and disastrous I may think the effects of such doctrines would be if they should be adopted.

Mr. President, on January 2, 1912, a then Senator from Texas [Mr. Bailey] delivered an address of three hours in the Senate in an attempt to show that "such a system of direct legislation" as "the initiative and referendum" would establish would be in conflict with "the representative principle" on which he alleged "this Republic was founded."

This speech, on February 4, 1913 (CONGRESSIONAL RECORD, p. 2569), was offered to be printed as a Senate document.

In order to make this deliberate assault on the principles of popular government the then Senator raised a moot question by submitting and speaking to the following resolution:

Senate resolution 413.

Resolved, That such a system of direct legislation as the initiative and referendum would establish is in conflict with the representative principle on which this Republic was founded and would, if adopted, inevitably work a radical change in the character and structure of our Government.

No action was requested on this resolution. It is obvious that this speech, offered to be printed as a Senate document, was intended to be used as a campaign document by those who oppose popular government and the initiative and referendum, which is the open door to real popular government. This opposition to popular government has recently prepared numerous speeches which have been printed as Senate documents for the campaign against the people's rule, some of which I shall mention. For example:

1. An address delivered by Mr. LODGE (Senator from Massachusetts) at Raleigh, N. C., November 28, 1911, on "The Constitution and its makers," and presented to the United States Senate by a Senator from North Carolina [Mr. OVERMAN], with the request that it be printed as a Senate document. (S. Doc. No. 122.)

2. An address delivered by Hon. ELIHU ROOT at the annual meeting of the New York Bar Association in New York City on January 19, 1912, entitled "Judicial decisions and public feeling," presented by a Senator from Utah [Mr. SUTHERLAND], with the request that it be printed as a Senate document, January 2, 1912. (S. Doc. No. 271.)

3. An address delivered by Mr. Nicholas Murray Butler, president of the Columbia University, late Republican vice presidential candidate before electoral college, before the Commercial Club of St. Louis, November 27, 1911, entitled "Why should we change our form of government," presented by a Senator from Utah [Mr. SUTHERLAND] on January 3, 1912, with the request that it be printed as a Senate document. (S. Doc. No. 238.)

4. An address delivered by Hon. SAMUEL W. MCCALL, a Member of Congress from Massachusetts, before the Ohio State Bar Association, on July 12, 1911, entitled "Representative as against direct government," presented by a Senator from Michigan [Mr. SMITH] to the United States Senate, with the request that it be printed as a Senate document, January 23, 1912. (S. Doc. No. 273.)

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5. An address delivered by Hon. Emmett O'Neal, governor of Alabama, at the one hundred and forty-third annual banquet of the Chamber of Commerce of the State of New York at the Waldorf, November 16, 1911, entitled "Representative government and the common law—A study of the initiative and referendum," presented to the Senate by a Senator from Texas [Mr. Bailey], with the request that it be printed as a Senate document, January 3, 1912. (S. Doc. No. 240.)

6. An address by President Taft to the general court of the Legislature of Massachusetts, at Boston, Mass., March 18, 1912, against giving the people direct power, presented to the United States Senate by a Senator from New Hampshire [Mr. GALLINGER] with a request that it be printed as a Senate document, March 22, 1912. (S. Doc. No. 451.)

7. An address by Mr. Wendell Phillips Stafford (an Associate Justice of the Supreme Court of the District of Columbia), before the New York County Lawyers' Association, February 17, 1912, entitled "The new despotism," referring to the despotism of a majority of the citizens in the several States and in the United States over the minority, presented by a Senator from Utah [Mr. SUTHERLAND] to the United States Senate, with the request that it be printed as a Senate document. (S. Doc. No. 344.)

8. An address delivered in the United States Senate by a Senator from Utah [Mr. SUTHERLAND], July 11, 1911, entitled "Government by ballot," denouncing the initiative, referendum, and recall (the principles of the constitution of Utah). (Senate document room.)

9. An address by Hon. William H. Taft (President of the United States) at Toledo, Ohio, on March 8, 1912, entitled "The judiciary and progress," opposing the recall and the extension of popular government, presented to the United States Senate by a Senator from Pennsylvania [Mr. OLIVER], with the request that it be printed as a Senate document, March 13, 1912. (S. Doc. No. 408.)

10. An address by Hon. HENRY CABOT LODGE (a United States Senator from Massachusetts), delivered at Princeton University, March 8, 1912, entitled "The compulsory initiative and referendum and the recall of judges," presented to the United States Senate by a Senator from New Hampshire [Mr. GALLINGER], with the request that it be printed as a Senate document. (S. Doc. No. 406.)

11. An address by a Senator from Texas [Mr. Bailey] opposing the initiative and referendum and the recall, delivered January 2, 1913.

The glaring error of these various arguments against the principles of popular government I caused to be answered by one of the clearest thinkers and most patriotic men in the United States, C. F. Taylor, Esq., editor of Equity, Philadelphia. (S. Doc. No. 651, May 8, 1912.)

But these speeches against the principles of popular government are not the only ones printed as Senate documents and in the CONGRESSIONAL RECORD. The CONGRESSIONAL RECORD, Sixty-second Congress, first session, volume 47, page 3738, contains an argument against the initiative, referendum, and recall, by Clinton W. Howard, introduced into the RECORD by a Senator from Washington [Mr. JONES].

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Hon. HENRY CABOT LODGE, a Senator from Massachusetts, delivered a speech before the Central Labor Union of Boston, opposing the right of the people of Massachusetts to express their opinion on any public policy, which was such a valuable contribution to political literature that it was printed as a Senate document. (S. Doc. No. 114, Sixtieth Congress, first session.)

Hon. James A. Tawney delivered a speech before the Minnesota Bankers' Association, June 21, 1911, opposing the initiative, referendum, and recall, which was so highly approved by Hon. JOSEPH G. CANNON, formerly Speaker of the House of Representatives, that he had it put in the CONGRESSIONAL RECORD the first session of this Congress. (CONGRESSIONAL RECORD, vol. 47, p. 4231.)

And the Hon. George W. Wickersham, Attorney General of the United States, delivered a speech at Syracuse, N. Y., repeated it at Cleveland, and repeated it again at Princeton, N. J., and which was also printed in this Congress as a Senate document. (S. Doc. No. 20.)

Hon. George W. Wickersham, Attorney General of the United States, delivered another argument against the initiative, referendum, and recall before the law school of Yale, which was printed in this Congress as a Senate document. (S. Doc. No. 62.)

They are, with only two exceptions, the arguments of leading standpat Republicans of the most reactionary type. It is the point of view of the federalist as opposed to the democratic point of view. (See Federalist Letter No. 10.)

I need not mention other speeches in opposition. These are sufficient to show who opposes, and to make it easy to ascertain what their point of view is. However worded, the argument of all these gentlemen proceeds from a common basis—a distrust of the people, a lack of confidence in the capacity of the people for self-government.

The then Senator from Texas complained in the beginning of his remarks of the "unparalleled zeal" of those who favor the initiative and referendum, and suggested that "the men who are opposed to the initiative and referendum have made no special effort to combat them." The various speeches above referred to against popular government shows an extensive propaganda against popular government being carried on by the leaders of the Republican Party of the extreme type.

President Taft six years ago traveled 1,600 miles to make a set speech against the initiative and referendum at Oklahoma City, advising the people of Oklahoma against this "cumbersome and illogical legislative method" contained in their proposed constitution, pointing out the dangers that would ensue from such "hasty, irrational, and immoderate" legislation, and so forth.

The people of Oklahoma having considered well the views of Mr. Taft voted in favor of the initiative and referendum by 107,000 majority, substantially only the Republican officeholders and the voters they could influence being against it.

It is an interesting matter to observe that the then Senator from Texas, in his crusade against the initiative and referendum, is found in close working sympathy with the Republican statesmen above referred to, the followers of Alexander Hamil-

ton and his theory of the wisdom of the rule of the few and of the folly of the rule of the common people (Senator LODGE, Senator ROOT, Senator SUTHERLAND, President Taft, James A. Tawney, JOSEPH G. CANNON, Representative MCCALL, Nicholas Murray Butler, W. P. Stafford, C. W. Howard, Attorney General Wickersham, Senator OLIVER, Senator GALLINGER, Senator JONES, Senator SMITH of Michigan). The then Senator explained that he had been called a "reactionary." It is his arguments, his public utterances, and his company in the assault on the initiative and referendum and on popular government that have doubtless contributed to fix this public estimate of the Senator.

THE WEIGHT OF POPULAR OPINION FAVORS THE INITIATIVE AND REFERENDUM WHEREVER IT HAS BEEN DISCUSSED.

I call attention to the fact that the State lately represented by the then Senator—Texas—has just returned his successor—Mr. MORRIS SHEPPARD—who was overwhelmingly elected by the people of Texas over the opposition of the recent Senator after Mr. SHEPPARD had made a campaign defending popular government and the initiative, the referendum, and the recall. So that the people of Texas have thus approved the principles of the initiative and referendum, advocated by their present Senator, and have not been persuaded to the contrary by the eloquence of his predecessor.

Not only have the people of Texas thus approved the advocate of the initiative and referendum [Mr. SHEPPARD], but the great adjacent Commonwealths of Oklahoma, Arkansas, and Missouri have placed the initiative and referendum in their constitutions. The vote in Mississippi in 1912 was two to one in favor of the initiative and referendum, but failed of adoption because of the antiquated provision requiring a majority of all votes cast in the election; and the advisory vote in Illinois was over three to one, but a machine jack-pot legislature trampled upon the direct mandate of the people. The States of Washington, Oregon, California, Arizona, Nevada, Utah, Montana, South Dakota, Colorado, Nebraska, and even the far eastern State of Maine, Arkansas, Missouri, and Idaho and the central State of Ohio, have adopted the initiative and referendum in their constitutions, and many other States are on the point of adopting the initiative and referendum, so that we may speedily expect the adoption in at least 14 additional States of the initiative and referendum which President Taft denounced six years ago when Oklahoma was beginning this great fight for restoring popular government. When I entered the Senate only Oregon had the initiative and referendum in good working order, two other States—Montana and South Dakota—then having adopted it in a weak form. It has become a nation-wide issue among the States, and we find ourselves even in the United States Senate face to face with numerous Senate documents containing many addresses delivered against the principles of direct popular government by various Republican leaders—Senator LODGE, at Raleigh; Senator ROOT; Nicholas Murray Butler; Congressman MCCALL; Senator SUTHERLAND; President Taft before the Massachusetts Legislature; President Taft at Toledo; Justice Stafford, of the District of Columbia, in New York City; Attorney General Wickersham; James A. Tawney; Senator LODGE at Princeton.

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This great progressive movement for perfecting popular government has seized upon the heart of the national Democracy which has chosen as the next President a man who thoroughly understands this issue and has thrown himself with enthusiasm into the leadership of it.

Ninety per cent of the Democratic Party membership is thoroughly progressive. Ten per cent of the members, perhaps, may not clearly understand the issue, or some may be still blinded or misled by private interests, and some may be influenced unconsciously by their attachment to the old game of machine politics, which is now staggering to its final fall on American soil. Shallow epithet or thoughtless denunciation will no longer serve to meet the grave issues presented in this country for the complete reestablishment of popular self-government.

WHY THE PEOPLE NEED THE INITIATIVE AND THE REFERENDUM.

The people need the *initiative* to pass the laws they do want and need and which the legislature (especially a machine-controlled legislature) for any reason fails to pass, and they need the *referendum* so as to have the power of veto over crooked and corrupt or undesired laws which might be passed by the legislature (especially a machine-controlled legislature).

Why is it that they do not get the laws they want, and why is it that they get the laws they do not want?

MACHINE POLITICS OR BOSS RULE.

The answer to this is known to every student of our public law. It is due to the evil results of machine politics, which, in its worst form, begins with a crooked precinct organization, controls nominations and ballot boxes and election machinery, and has contrived to bring about a gross and corrupt miscarriage of our "representative democracy," wherein nominations are fraudulently extracted from prearranged conventions, wherein State officers are nominated by State conventions composed of machine politicians thrice refined through the State convention, the county convention, and the precinct convention or caucus. Machine party rule is organization, once honorable and legitimate, which has fallen into the hands of machine men, where the principle of good government is not the controlling force but where selfish private ambition or private gain controls.

Under this system, if a governor is to be nominated by one or the other of the two leading parties (the process has largely been the same in either party when the corrupt machine is once established), the following method is pursued: The State chairman calls for delegates to a State convention, assigning each county so many delegates. Thereupon the county chairman calls for a county convention, consisting of delegates, assigning to each precinct one or more delegates, whereupon, the precinct committeeman (who when the machine actually exists is a petty precinct boss, a cog in the machine) calls a precinct convention or caucus to select the delegate or delegates to the county convention. Such a precinct boss will call the precinct caucus on short notice, obscure advertisement, at an inconvenient time and place, possibly over a saloon, and will pack this little precinct caucus with his own henchmen and friends by extraordinary diligence. He will have prepared on a slip of paper the delegates he wants elected. He will call the meeting to order perhaps 10 minutes before the time set, his watch being

a little fast, he will ask if there are any nominations, and one of his henchmen will nominate the boss himself, perhaps, or some equally trusted gentleman of the machine, and they will vote instantly. It will be carried by acclamation and the meeting will adjourn sine die, and *then and there the governing power* departs from the "dear people," never to return. The 300 votes in the precinct have then and there had their governing power purloined and stolen by the machine. The American eagle has fallen into the trap of the machine and is safely tied down. The county convention—when under machine management—consists of such high-minded patriots, self-selected, who will nominate the most select of their own class to represent the citizenship of that county in the State convention, and the State convention, consisting of these self-selected rulers by this highly refining process, will dispose of the nominations of all important State offices, governors, attorneys general, supreme court judges, legislators, and so forth and nominate "hand picked" delegates to nominate a presidential candidate in national convention.

In this State convention these self-selected rulers write the party platform which binds the State legislature and the State officials of all classes, from the governor down. The governing business has thus been transferred through the machine-organized precinct from the body of the good citizens, who are unorganized and unobservant, and who possibly may not suspect fraud, into the hands of a band of organized mercenaries.

A national convention based on fraud at the precinct is one degree worse than a State convention. These self-selected rulers who have thus by the crafty process of machine politics succeeded in framing State conventions, county conventions, district conventions, etc., and national conventions, and in nominating the officials of the State and Nation and in laying down the party platform, which means the rule of government, having nominated their chosen friends for various positions, proceed to elect them by processes even more criminal. To start with, they stuff the registration lists with dead men and ghosts. They put down the names of men who do not exist and have their henchmen arrange strikers to represent these artificial voters. In Oklahoma City recently there were large numbers of such false registrations reported. In New York City at one time they discovered over 30,000 of such false registrations. In Philadelphia, I am advised, there were disclosed over 70,000 at one time, and only the Lord of Truth knows how many they really have had in this Nation. These organized scamps get charge of the election machinery, they name the State election board, and the county election boards, the city and county precinct election officials; they have control of the ballot boxes and of the ballots; they bribe or coerce weak voters; sometimes they stuff the boxes; and sometimes, where public opinion will not stand for this, they content themselves by voting thousands of falsely registered names; they arrange that a machine tool may vote five times in a precinct under five different names, and then repeat his vote as many times under other names in each of 10 other precincts. Such a useful voter—called a repeater—deserves to be rewarded with public employment and usually is rewarded by being given some political preferment in a small way, sometimes merely by being paid so much money for his services and by an occasional job.

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The machine may control the police, and at the ballot boxes they can see to it that no interference with their plans is permitted. They also control sometimes the judges of the courts, who will accord "a fair hearing" to any scamp that belongs to the machine and shield him from lawful punishment. There are found sufficient technical reasons why these scoundrels never get inside of the jails. It is not enough to stuff the ballot boxes in this way; these officers of election can also deface and count out the ballots of citizens who are "against the machine." They can, under their rules of management, throw out a precinct or a whole county where the better element prevails for fictitious reasons, deliberately devised by this system of organized rascality. So that, even where an honest majority might, in spite of all pitfalls, be found, the machine, through the process of thus fraudulently nominating and fraudulently electing candidates, can overthrow the majority and retain possession of the governing business. Patriotic men have discovered these evil elements to be in control of the governing powers of the States in greater or lesser degree, and that the machine and its agents and representatives have become the allies and the agents of organized greed and corrupt selfishness, until in some States and cities the whole system of government has become so despicable that the best citizens of the State, in despair, absent themselves from the polls and take little or no interest in public affairs, on the ground that politics is a "dirty business." Honest citizens justly complain of the corrupt alliance between the political party machine—often bipartisan, as in New York, Illinois, and Pennsylvania—and the corrupt corporations, which deliberately engaged in swindling the people out of vast property rights by granting privileges and properties that belong to the people without fair consideration. What is even worse, this evil system has not only given the people no relief against the organized monopoly that has slowly absorbed nearly all of the opportunities of life and are oppressing the people beyond reason in a mad race for wealth accumulation, but has tremendously contributed to the establishment of monopoly by legislative favor and by executive immunity. Congress itself has exemplified this system and until recently had not given relief which the people had a right to ask, although the political parties had been promising the people relief for years.

Those who have opposed enlarging the direct power of the people, led by President Taft, loudly proclaimed in the campaign of 1908, in answer to the Democratic demand for the "people's rule," *that the people did rule through the Republican Party*, and that those who claimed that the people were not ruling were merely agitators and demagogues.

The great progressive party of the country, the Democratic Party, raised this issue of direct legislation and declared in favor of it in the national platform of 1900. They demanded the direct election of Senators; they demanded the publicity of campaign contributions; they demanded an end to corrupt practices; and they demanded "the people's rule" in terms most emphatic in the platform of 1908, denouncing the graft and political corruption traced to the representatives of predatory wealth, the debauchery of elections, and declaring "the rule of the people" to be "the overwhelming issue."

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The people realized in 1909, when the Republican Party leaders passed the Payne-Aldrich Tariff Act, that the Republican leaders did not represent the people but represented privilege and private interests. It was obvious from their conduct that the people did not really rule the country, but that organized plutocracy was in control. In an address to the Senate before the campaign of 1910 on the 28th day of May, 1910, I called the attention of the country to the fact that the people did not really rule in Congress; that the people had been promised many things for years by the party in power and had been continually disappointed. I pointed out then many things which the people justly desired and had prayed for in vain.

That they had urgently desired—

The control of monopoly.

Lower prices on the necessaries of life and on manufactured goods.

Lower railroad rates. Lower passenger rates.

Physical valuation of railroads and of telegraph and telephone and industrial corporations.

Reciprocity with other nations.

An act preventing corrupt practices in governmental processes.

A sweeping control of improper campaign contributions.

An end of gambling in agricultural products, cotton, and foodstuffs.

The abatement of the gigantic stock and bond gambling establishment in Wall Street.

An end to overcapitalization of stocks and bonds.

An end to unfair railway discriminations.

The development of good roads.

The legitimate development of national waterways.

An income tax.

A progressive inheritance tax.

An employers' liability act.

An act providing adequate workmen's compensation.

A minimum wage for women.

An eight-hour labor day.

Fair treatment for child labor.

Fair prices for their crude products.

The right both to buy and to sell on a competitive market.

All these things the people had sought and had not received because *they did not really rule* through the Republican Party.

RELIEF IS ABOUT TO COME THROUGH THE PROGRESSIVE DEMOCRATIC PARTY.

The demand for *the people's rule* became the battle cry of the Democracy in 1908, and in 1910 the people captured the House of Representatives through the Democratic Party and immediately undertook the fulfillment of these promises for a better government by overthrowing Cannonism and by passing numerous acts reducing the tariff, all vetoed by Mr. Taft.

The Democratic Party made good in 1911 and 1912, and in the campaign of 1912 they took further advanced ground toward purifying the processes of government and establishing the rule of the people in the following magnificent declaration:

We direct attention to the fact that the Democratic Party's demand for a return *to the rule of the people, expressed in the national platform four years ago,* has now become the accepted doctrine of a large

majority of the electors. We again remind the country that only by a *larger exercise of the reserved power of the people* can they protect themselves from the misuse of delegated power and the usurpation of governmental instrumentality by special interests. For this reason the national convention insisted on the overthrow of Cannonism and the inauguration of a system by which United States Senators could be elected by direct vote. *The Democratic Party offers itself to the country as an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected.*

They went further; they provided for *a preferential ballot for presidential candidates in 1916 by a primary* and for election likewise of members of the Democratic national committee, who should immediately take their places and put an end to the machine management of the Democratic national committee in the following language:

We direct that the national committee incorporate in the call for the next nominating convention a *requirement* that *all expressions of preference* for *presidential candidates* shall be given and the selection of delegates and alternates made through a *primary election* conducted by the party organization in each State where such expression and election *are not provided for by State law. Committeemen* who are hereafter to constitute the membership of the Democratic national committee and whose election is not provided for by law shall be chosen in each State *at such primary elections,* and the service and authority of the committeemen, however chosen, shall begin *immediately* upon the receipt of their credentials, respectively.

They did more. They pledged an end to abuse of money in elections by publicity and by limiting individual contributions in the following plank:

We pledge the Democratic Party to the enactment of a law prohibiting any corporation from contributing to a campaign fund and *any individual from contributing any amount above a reasonable maximum.*

They went further to break up machine rule by proposing to put an end to the abuse of patronage by a President in renominating himself in the following plank:

We favor *a single presidential term,* and to that end urge the adoption of an amendment to the Constitution making the President of the United States *ineligible for reelection,* and we pledge the candidate of this convention to this principle.

They declared for *the control by the people of the United States Senate* by the direct election of Senators.

The Democratic Congress of 1910 and 1912 was a Congress of magnificent accomplishment, overthrowing Cannonism, passing acts to lower taxes, providing the direct election of Senators, admitting progressive Arizona and giving New Mexico an amendable constitution, limiting the election expenses of Senators and Representatives, passing a bill to prevent the abuse of injunction, passing a bill giving an eight-hour day for workmen, and so forth.

The Democratic Party in its platform of 1912 promised the people the relief which they have all these years hoped for—tariff reform, control of the trusts, lowering the cost of living, physical valuation of railroads, express companies, telegraph and telephone lines, proper banking legislation, development of waterways and roads, declaring in favor of conserving the propery of the people, the protection of the rights of labor, to establish a Department of Labor, to establish an independent public health service, to establish the parcel post (now the law), and to reform the administration of the civil and criminal law.

The tremendous effect of the sound, honest, wise Democratic doctrine has been felt in the Senate itself, whose character and

point of view on next week—March 4, 1913—will be far removed from the point of view of the Aldrich régime of six years ago.

Mr. President, the people are going to rule through the progressive Democratic Party, *which has pledged itself as an agency through which they can really enforce the matured public opinion of the country.*

The progressive policies of the Democratic Party mean the absolute overthrow of the political machine, and I rejoice in the declaration of the noble platform that—

> The Democratic Party offers itself to the country as an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected.

And I remind my fellow Senators that the initiative and the referendum and the recall comprise the quickest, most direct, adequate available means by which to put an end to corrupt machine politics in the Nation and to overthrow the baleful influence of the machine.

The ideals of the machine are low. The notion of the machine politician is to get a job at governmental expense for himself and his cronies; perhaps to make money out of the governing business by selling privileges to those who wish to buy at the expense of the people—it may be the selling of municipal contracts; it may be selling franchises; it may be selling immunity from the law intended to control vice and criminal conduct; it may be the blackmailing of legitimate business through a jack-pot legislature, or the withholding, until paid for, the statutes required by the people. There are numerous degrees of the machine, from the comparatively harmless to that which is utterly corrupt and criminal.

There are many perfectly honest men, however, who stand by a party organization as a matter of party loyalty, not realizing when legitimate organization becomes illegitimate organization; when honest party organization becomes a dishonest organization unworthy the support of good men, when their party management falls into the hands of a selfish or corrupt machine.

This mischief-breeding system has grown from the convention system, as established in 1832, which developed into the dangerous machine-rule system in 1844, against which Benton and Calhoun made their great protests. They forecasted what has happened, and we are now trying to undo the harm which was then begun, and which in recent years has reached such an evil eminence. It is against the bad practices and evil results of machine government that thoughtful citizens have determined to promote the initiative and referendum. In 1902, by the vigorous *questioning of candidates* by nonpartisan organizations, a wedge was forced into the iron-clad panoply of the two great political parties, in both of which the machine existed in greater or less degree, and in this way an opening was made for the establishment of the greatest of all of the agencies for enforcing "representative democracy." We had the form of a representative democracy—we did not have its substance for the reason that in many cases the representatives in State legislatures and in Congress and in executive and judicial offices, owing their elections to the machine, and the political machine having a good working agreement with the corrupt commercial and financial interests, prevented the representatives of the people really representing the people and had them in fact

representing the special interests as against the general interest.

The people need the initiative and referendum as the quickest means by which they can conveniently overthrow the corrupt political machines in the United States. By the initiative the people can pass any law they do want, and by the referendum they can veto any law they do not want, and this is a deadly peril to the machine and to the "representative" who is really a representative of corrupt special interests, while it is a shield and buckler to the "representative" who really at heart represents the people. A good representative is glad to have any bill which he passes referred to the people, and he is glad to have the people initiate any bill which they really desire.

What is the Initiative and Referendum?

THE INITIATIVE.

In its ordinary meaning it is this: The initiative means the right of the people, under forms prescribed by law, to initiate any law they want and to which they can get a sufficient number of thousands of citizens to attach their signatures on petitions, to be submitted by the secretary of state at the next regular election to the voters of the State for their adoption or rejection. It is very troublesome to get up an initiated petition. It is expensive. It is only done by those who are moved by a powerful interest and who believe that their proposal would meet the approval of the majority of the citizens of the State. The *initiative permits a certain number of thousands of voters to make a motion* before all of the citizens of the State, which shall be voted on, just as one man in a mass meeting *can make a motion* and have it voted on, or as one member of a legislative assembly *can make a motion* that a certain bill which he drafts shall be voted on. But the initiative by the people before it can be moved must have thousands of people say that they want it voted on by signing a petition to that effect. It takes over 18,000 voters in Oklahoma to initiate a bill. It gives the people an opportunity to pass any law they do want in this way when their legislature for any reason—particularly for the reason that the legislature is controlled by a crooked bipartisan political machine—refuses to pass laws which are of fundamental importance, such as a thoroughgoing corrupt practices prevention act. Oregon could never get a corrupt practices prevention act that was efficient until Oregon had the initiative and referendum, because the organized rascality of that State was in control of the legislature and would not permit it to be done. They could not get a proper direct primary nor other needed statutes.

THE REFERENDUM.

It is merely this: That the people, within 90 days after an objectionable act is passed, may in like manner sign a petition by a certain number of thousands of voters requesting that the particular objectionable act passed by the legislature which the petitioners believe injurious to the people shall be suspended in its operation until the next regular election, at which time the people shall have the right either to confirm or reject such statute so passed by the legislature. Usually 8 per cent of the voters can initiate a bill they want, and 5 per cent of the voters can have a referendum. A better system would be to require a fixed number of qualified voters, as 10,000, or 15,000, or 30,000,

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as in Maine. This fixes a definite standard and more clearly visualizes to the public the size and dignity of the demand for a proposed measure before it can be submitted to the whole people.

THE INITIATIVE AND THE REFERENDUM AND THE MACHINE.

The initiative and referendum, as I have said, is a deadly enemy to the machine. The machine can only retain its power power by preventing the passage of a corrupt practices prevention act, by preventing honest election laws, and preventing the establishing of honest election machinery. The organized rascality of the machine will always be found in the way of a thorough-going corrupt practices prevention act and will always be found opposed to perfecting the election machinery.

This is why in New York the bipartisan machine, led by machine politicians on the Democratic side, and by machine politicians on the Republican side, defeated a primary law. This is why proper laws controlling corrupt practices and perfecting the election machinery so as to make it absolutely honest have not been passed in New York, in Pennsylvania, and in numerous other States, and this is why the people of California adopted the initiative and referendum and the recall; this is why Oregon adopted it; this is why Oklahoma adopted it, and this is why so large a number of States have adopted the initiative and referendum, and why so many others are about to adopt it, and this is the reason why it is going to be adopted in every single one of the 48 States of this Union.

And no amount of political sophistry is going to stop the American people from adopting the means by progressive measures for putting an end to organized misconduct in the governing business in the United States.

The American people know what the trouble is, and the great English ambassador, James Bryce, in the American Commonwealth, photographed it for their information under the headings "The machine," "Rings and bosses," "Spoils, etc.," in 1888. (American Commonwealth, Vol. II, pp. 51–141, ed. 1888.) Public opinion has not been hasty, but has moved slowly, very slowly, too slowly.

Why, Mr. President, even the control of corrupt practices in the nomination and election of the President of the United States and in electing Senators and Members of Congress has never been properly passed. The law on the publicity of campaign contributions, the law which we have passed, is grossly defective, requiring no publicity of certain individual contributions, no publicity of any committee spending money wholesale on national elections, except where that committee is confessedly in charge of two or more States, and there is no machinery for making effective publicity of campaign contributions. The reason is that the power of the machine has been so great in the House and in the Senate that the perfecting of this law has appeared to be impossible. The American people are going to end it by putting their hands on the governing business with power and with direct authority through the initiative, the referendum, and the recall. These statutes open the door for the passage of corrupt practices prevention acts and for the recalling of unfaithful representatives.

By the initiative and referendum we can pass the Australian ballot, which being a secret ballot prevents the financial and

commercial bullies of the country coercing the suffrage of the poor citizens whose bread and butter these bullies control.

By the initiative and referendum we can pass *a mandatory primary law* in spite of the legislature controlled by the machine, and in this way can permit the citizens to nominate their proposed representatives and take the nomination of public officials out of the hands of the convention system, out of the machine, out of the hands of organized rascality.

By the initiative and referendum we can pass a thoroughgoing *corrupt practices prevention act* that will destroy machine politics and corrupt practices in this Republic, and will drive out of public life machine-picked candidates, who are the allies and often the agents of monopoly and of the corrupt commercial and financial interests, who have not hesitated to use money on a gigantic scale. We have had in recent years overwhelming evidence of this.

By the initiative and referendum a new era of pure and upright government will be introduced into the United States and into the States of the Union in which the welfare of men, of women, and poor children will be the great motive force of law making and of law executing, and an end will be put to the use of legislative and executive power for the purpose of promoting merely the financial and commercial power of organized greed.

By the initiative and referendum we can promote organized righteousness in government and overthrow organized corruption.

By the initiative and referendum we can overthrow the corrupt convention system and establish the rule of the intelligence and conscience of the majority of our citizens.

By the initiative and referendum we can overthrow organized selfishness and establish organized altruism.

By the initiative and referendum we can overthrow the liquor traffic in the United States and establish sobriety and temperance and providence in this Republic.

By the initiative and referendum we can overthrow the Patent Medicine Trust and establish a department of health that will save hundreds of thousands of citizens annually from preventable diseases and death.

By the initiative and referendum we can establish the rights of the weak, of poor feeble men, of women, and of children who can not stand up against the grinding conditions established in this Republic and brought about by the combination of machine politics and organized corrupt selfishness.

It is no wonder that 4,000,000 voters broke away from all party ties and followed Theodore Roosevelt when he threw himself at the head of this vital demand for righteousness and efficiency in government. It is no wonder that Woodrow Wilson, having for years questioned the practicability of the initiative and referendum, changed his mind about it and threw himself on the right side of this vital question and is now a great exponent of this doctrine and the head of a party which thoroughly believes in it.

This noble doctrine of the democracy has won over millions of good citizens heretofore affiliated with other parties and led directly to the organization of the Progressive Party, so called.

The Democratic Party has long been the more progressive party of the Nation, even if it has had its efficiency impaired by

corrupt machine politics in some of the States. It has been demanding the direct election of Senators for many years. It has violently opposed the corrupt use of money and the coercion of voters by commercial and financial interests, and has been opposing the trusts for many, many years. The Democratic Party declared itself boldly and strongly in favor of "*direct legislation*" in its platform of 1900 in the following language:

We favor *direct legislation* wherever practicable.

This means the initiative and referendum. And in its great platform of 1908 was the following noble declaration of progressive principles:

We rejoice at the increasing signs of an awakening throughout the country. The various investigations have *traced graft and political corruption to the representatives of predatory wealth*, and laid bare the unscrupulous methods by which they have *debauched elections* and preyed upon a defenseless public *through the subservient officials whom they have raised to place and power.*

The *conscience of the Nation is now aroused* and will free the Government from the grip of those *who have made it a business asset of the favor-seeking corporations.* It must become again *a people's Government*, and be administered in all departments according to the Jeffersonian maxim—"equal rights to all; special privileges to none."

"Shall the people rule?" is the overwhelming issue which manifests itself in all the questions now under discussion.

The people can only rule by having the right of direct legislation which they may exercise *at their option.* They do not wish to exercise this right except in important cases. They prefer their representatives to make, judge, and execute the law. It is only when their representatives fail to represent the people that the people would care to exercise direct power. By arranging that the people may exercise direct power *at their option*, the representatives would make it unnecessary for the people to exercise this power, because the big stick of public opinion, being available through the initiative and referendum and recall, the legislator, the judge, the administrative officer will represent matured public opinion to the best of his limited understanding, and generally in a satisfactory manner.

Our President elect, Woodrow Wilson, although at one time regarding the initiative and referendum as unnecessary and unsuitable, came to change his mind substantially about it for the same reason that other thoughtful men changed their minds, and are daily changing their minds, on this great question; and that is, for the reason that you can not get the economic and humane reforms desired for the welfare of the race until you overthrow the machine and establish righteous and responsive government by giving the people a mechanism through which the public conscience and public intelligence can act. On August 26, 1911, in the Outlook, Gov. Wilson said:

For 15 years I taught my classes that the initiative and referendum wouldn't work. I can prove it now; but the trouble is *they do.* * * * *Back of all other reforms lies the means of getting it.* Back of the question, What do we want? is the question, How are we going to get it? *The immediate thing we have got to do is to resume popular government.* * * * We are cleaning house, and in order to clean house the one thing we need is a good broom. The initiative and referendum are good brooms.

And Theodore Roosevelt, before the Ohio constitutional convention on April 21, 1912, said:

I believe in the initiative and referendum, which should be used not to destroy representative government, but to correct it whenever it becomes misrepresentative.

United States Senator ROBERT M. LA FOLLETTE, of Wisconsin, has said:

In my judgment the public interests would be promoted if a majority of the voters possessed the option of directing by ballot the action of their representatives on any important issue, under proper regulations, insuring full discussion and mature consideration upon such issue by the voters prior to balloting thereon.

United States Senator JONATHAN BOURNE, of Oregon, has said:

The initiative and referendum is the keystone of the arch of popular government, for by means of this the people may accomplish such other reforms as they desire. The initiative develops the electorate, because it encourages study of principles and policies of government and affords the originator of new ideas in government an opportunity to secure popular judgment upon his measures. The referendum prevents misuse of the power temporarily centralized in the legislature.

United States Senator MOSES E. CLAPP, in San Francisco in 1911, said:

The initiative and referendum I regard as more than monitorial. If the American people are going to make a success of free government, they have got to take an interest in government. These measures are a thousand times more valuable as an educational and inspirational force, great as their monitorial value may be. They open an avenue to the voter, so that he does not have to ask any political boss permission to air his views.

Gov. John F. Shafroth, about to enter the Senate as the Senator from Colorado, said:

The initiative and referendum places the Government nearer to the people, and that has always been the aim of the framers of all republican forms of government.

Gov. Hiram W. Johnson, of California, the recent candidate for Vice President of the United States, and who received over 4,000,000 votes, said in his inaugural address before the California Legislature:

I commend to you the proposition that after all the initiative and referendum depend upon our confidence in the people and their ability to govern. The opponents of direct legislation and the recall, however they may phrase their opposition, in reality believe the people can not be trusted. * * * We who espouse these measures do so because of our deep-rooted belief * * * not only in the right of the people to govern but in their ability to govern.

Judge Ben B. Lindsay, of Denver, recently said in the Toledo News-Bee:

It is hard for me to understand how anyone familiar with the methods of the great privileged interests of the country in controlling courts and legislatures could fail to be an enthusiastic supporter of the initiative and referendum.

Prof. Franklin H. Giddings, of Columbia University, in an address before the City Club of Philadelphia on March 23, 1912, said:

I believe that the people of the United States are changing their form of government somewhat by introducing such new measures as the referendum, the initiative, the recall, and the direct primary, in part because their interests have become largely new, in part because of real restiveness under existing conditions, but in part also because, to an extent never before seen in our history, the people are now thinking about things, whereas during a great part of our political history they have thought not about things but only about *candidates*.

And Dr. Charles A. Beard, associate professor of politics in Columbia University, said:

* * * anxiety for the preservation of representative institutions need not lead anyone into the extreme view that the initiative and referendum are incompatible with them. They do not destroy representative government, neither is there any indication, nor anything in the nature of things, showing that they can destroy such government.

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Switzerland has this system in excellent working order, and many of our American States have adopted it for the reasons which I have briefly suggested.

AN ANSWER TO THE ARGUMENT IN FAVOR OF SENATE RESOLUTION 413.

Mr. President, I shall now directly answer the proposals of Senate resolution 413, that the initiative and referendum as established or proposed in the American States is *in conflict with the representative principle* on which this Republic was founded and would work a radical change in the character of our Government.

The argument made by the then Senator from Texas on this point is that the language used by certain "representative" citizens in the Constitutional Convention of 1787 would argue that they thought the Government of the United States was intended to be "a representative democracy" and not a monarchy, an aristocracy, or a "pure democracy."

Conceding that these gentlemen made the illuminating remarks attributed to them, after all, what they said is immaterial and irrelevant.

The remarks of Charles Pinckney, or Madison, or Hamilton, or of Fisher Ames, or of Ellsworth, or of Pendleton, in secret convention or elsewhere, are unimportant in the presence of the actual history and constitutions of the 48 States, even if any accidental phrase or opinion emanating from any of these excellent gentlemen had relevancy, which they have not.

Some of these men suggested the importance of people in thickly settled communities delegating to representatives their governing powers as a matter of necessary convenience, and the wisdom of this observation no man disputes. Some of them pointed out that a "pure democracy" was not practicable or wise in a country such as ours, and to this proposal no advocate of the *optional* initiative and referendum, which is the only form proposed in America, takes issue.

Mr. LODGE has the precaution upon further study of this question to discuss the "*compulsory* initiative and referendum" (at Princton, March 8, 1912), which is not an issue in the United States, and he thereby practically concedes that he has no adequate argument *against* the *optional* "initiative and referendum," the only form suggested in this country.

The *compulsory* initiative and referendum would mean that the people would be compelled to pass on every law, which is not suggested by anyone as suitable in a Republic of 90,000,000 people. Mr. LODGE's escape through the "compulsory door" is ludicrous and a humorous side light on his estimate of the ignorance of his Princeton audience.

Even if Madison and Pinckney and Hamilton had known what the modern initiative and referendum is and had opposed it in specific terms, their opinions would be of no importance. We might as well go back to 1787, a hundred and twenty-five years, and have them tell us how to devise a telegraph system, or to invent a telephone system, or to send messages 3,000 miles through the air without wires, or to run railway trains at 60 miles the hour, or to construct a *Maurctania* for the high seas. These innocent old gentlemen would fall dead with astonishment if they could see the conditions of modern life. They are not qualified to instruct us in statecraft.

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The then Senator from Texas makes a crafty appeal to the sense of reverence which all men have for their *ancestors*, and then tries to argue that our *ancestors* were opposed to the initiative and referendum. The answer to all this is that our *ancestors* did not have the slightest idea what the modern optional initiative and referendum is; in the second place, our *ancestors* expressed no opposition to the modern optional initiative and referendum; and, in the third place, our *ancestors* had no conception of how a representative democracy could fall into the control of organized greed through the use of a political machine. They never considered the possibility of such a thing, and if they were to have the present facts before them they would probably support unanimously the initiative and referendum in order to perfect the representative system.

These ancestral statesmen, who met together in the seclusion of closed doors to discuss the framing of a Federal Constitution, were men as a rule of strongly reactionary sentiment. Two-thirds of them were quite thoroughly undemocratic; such leading Democrats as Thomas Jefferson, Samuel Adams, Patrick Henry, et al., were conspicuous by their absence. The debates were behind closed doors, in secret conclave, no member allowed to report or copy any of its proceedings, which were kept profoundly a secret for 50 years, until all the actors were dead. No wonder this profound secrecy was demanded and observed, for the 65 members of this convention *were not authorized* to draft a constitution, but merely to propose amendments to the Articles of Confederation, and in drafting the Constitution they were guilty of usurpation of political power.

The undemocratic character of the men who got into this constitutional convention is demonstrated by numerous secret speeches made by them when in that convention, and which they believed would never be known by the people.

Elbridge Gerry, for example, declared—

> that democracy was the worst of all political evils. (Elliott's Debates, vol. 5, p. 557.)

Edmund Randolph observed, in tracing the political evils of this country to their origin, "that every man (in convention) had found it in the turbulence and follies of democracy."

Hamilton urged a permanent Senate "to check the imprudence of democracy."

Madison thought the Constitution "ought to secure the permanent interests of the country against innovation." (Elliott's Debates, vol. 1, p. 450.)

And Madison, in the Federalist, warned the people against "the superior force of an interested and overbearing majority."

And these distinguished gentlemen from whom the then Senator from Texas quotes with such gusto made a Constitution *practically unamendable by the people*, and *failed to put into the Constitution a bill of rights and the fundamental principles of liberty contained in the Declaration of Independence.*

James Allen Smith, professor of political science, University of Washington, well says:

> From all evidence that we have, the conclusion is irresistible that they sought to establish a form of government which would effectually curb and restrain democracy. They engrafted upon the Constitution so much of the features of popular government as was, in their opinion, sufficient to insure its adoption.

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And James Bryce makes a similar comment on their work. In speaking of checks and balances devised in the Federal Constitution Mr. Bryce says:

> Those who invented this machinery of checks and balances were anxious not so much to develop public opinion as to resist and build up brick walls against it. * * * "The prevalent conception of popular opinion was that it was aggressive, revolutionary, unreasoning, passionate, futile, and a breeder of mob violence." (American Commonwealth, Morris ed., 1906, p. 260.)

The convention of July 4, 1776, and the Declaration of Independence was thoroughly democratic. The Constitution of the United States, drawn by the reactionaries 11 years afterwards, was thoroughly undemocratic in numerous particulars, to some of which I shall call attention.

There were only 65 members of this secret convention; only 55 members attended and only 39 members signed it, and they were nearly all reactionaries.

The Constitution they submitted was undemocratic in the following particulars:

First. The Constitution permitted a life President.

Second. The Constitution did not provide for the nomination or election of the President by the people, but by electors far removed from the people.

Third. The Constitution did not provide for the nomination or election of Senators by the people.

Fourth. The Constitution provided for an uncontrolled judiciary (by possible interpretation), in striking contrast to the laws of every State in the Union, including Utah.

Fifth. A minority of the House (34 per cent) can prevent the majority proposing an amendment to the Constitution. A minority of the Senate (34 per cent) can prevent the majority proposing an amendment to the Constitution. A President can prevent a majority of both Houses proposing an amendment to the Constitution. A small minority of the States (26 per cent) can prevent the amendment of the Constitution.

Sixth. No provision for the adoption of the Constitution was arranged by popular vote.

And some of the delegates who approved the Constitution from Virginia at least disobeyed the instructions of the people.

Seventh. The Constitutional Convention usurped the power in framing the Constitution.

They were only authorized to prepare amendments to the Articles of Confederation, not frame a new Constitution.

Eighth. The Constitution did not protect the right of free speech.

Ninth. The Constitution did not protect the right of free religion.

Tenth. It did not protect the freedom of the press.

Eleventh. It did not protect the right of the people to peaceably assemble.

Twelfth. It did not protect the right of the people to petition the Government for the righting of grievances.

Thirteenth. It did not protect the right of the States to have troops.

Fourteenth. It did not protect the right of the people to keep and bear arms.

Fifteenth. It did not protect the people against the quartering of soldiers upon them without their consent.

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Sixteenth. It did not protect the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures nor against warrants, except upon suitable safeguards.

Seventeenth. It did not protect the people against being held for crime, except on indictment.

Eighteenth. It did not protect the people against a second trial for the same offense.

Nineteenth. It did not protect an accused against being compelled to be a witness against himself.

Twentieth. It did not protect the citizen against being deprived of life, liberty, or property without due process of law.

Twenty-first. It did not protect private property being taken for public use without just compensation.

Twenty-second. It did not secure, in criminal prosecutions, the right of a speedy and public trial by an impartial jury in the place where the crime was committed.

Twenty-third. It did not protect the accused in the right to be informed of the nature and cause of the accusation, of the right to be confronted with the witnesses against him, of the right to have compulsory processes in obtaining witnesses in his favor, and to have the assistance of counsel in his defense.

Twenty-fourth. It did not protect the right of the citizen in common-law suits to a trial by jury.

Twenty-fifth. It did not protect the citizen against excessive bail, against excessive fines, nor against cruel and unusual punishments.

Twenty-sixth. It did not safeguard the rights reserved by the people against invasion by the Federal Government.

Twenty-seventh. The Constitution is undemocratic in making no provision for its subsequent amendment by direct popular vote, although this was the method of the various States.

The ratification of this undemocratic Constitution was only obtained with the greatest difficulty, and in no States was it submitted to the people themselves for a direct vote.

Massachusetts, South Carolina, New Hampshire, Virginia, and New York demanded amendments; North Carolina and Rhode Island at first rejected the Constitution, and except for the agreement to adopt the first 10 amendments and make it more democratic, it would have assuredly failed.

George Washington, as president of the convention, was debarred from sharing in the debates. The Constitution had one very great merit, it established the Union; it had one very great demerit, it was grossly undemocratic. But it was not as undemocratic as some modern statesmen would make it appear. For instance, it did not formally prevent the recall of judges, but provided that judges should hold office "during good behavior," and placed the entire executive power in the hands of a President, and the legislative power in the hands of Congress, both of whom, in my judgment, have the power of removing any Federal judge upon the ground of a high crime and misdemeanor or for any bad behavior and without impeachment.

It was not so undemocratic as to deny the right of direct taxation of private citizens by an income tax, although the Supreme Court of the United States so misinterpreted the Constitution.

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The Constitution says:

No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

The enumeration referred to is as follows:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by adding to the whole number free persons, including those bound to service for a term of years, and excluding Indians, not taxed, three-fifths of all persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and then every subsequent term of 10 years in such manner as they shall by law direct.

The inhibition of a direct tax by the clause above referred to relates *alone to a direct tax on a sovereign State.*

I have heretofore fully shown this by its history, by the Constitutional Convention debates, and by the other parts of the Constitution and its interpretation by all departments of Government.

If this clause of the Constitution were written out in full, it would read:

No capitation tax against a sovereign State or other direct tax against a sovereign State shall be laid unless in proportion to the census or enumeration of the population of such States hereinbefore directed to be taken.

The Supreme Court of the United States, misled by fallacious arguments, interpreted this clause so as to make it read:

No capitation tax against a sovereign State or other direct tax against a private citizen shall be laid unless in proportion to the census or enumeration of the population of the States hereinbefore directed to be taken.

And on this interpretation held that an income tax, being a direct tax on a citizen, was inhibited by this clause of the Constitution.

Such an interpretation of above clause of the Constitution is incongruous and absurd. It is incongruous to interpret the clause to jump from a State to the citizen as its subject. It is absurd to say the clause intended to forbid a direct tax on a private citizen unless in proportion to the census. The United States has always directly taxed its citizens and does so now, so that this interpretation by the Supreme Court is in direct conflict with the historical and as yet unbroken interpretation of the Constitution. The Constitution of the United States, while undemocratic, was not as undemocratic as this.

We do not need to be advised by the undemocratic Alexander Hamilton, nor by the undemocratic members in this secret conclave of 1787, as to the true principles of democracy. These principles are abundantly set forth in the Declaration of Independence and in the constitutions of the 48 States, and show beyond the peradventure of a doubt that the people of the various States intended to preserve their liberties by retaining in their own hands the sovereign powers of government, and this is abundantly shown by the plain words of the Declaration of Independence and of the constitutions of the 48 States.

The then Senator from Texas lays great stress upon the opinions of several of the reactionaries in the secret conclave of 1787, in which 39 "*unauthorized*" delegates, selected by the legislatures before a constitutional convention was suggested, framed a constitution that still ties the hands and interferes

with the liberty of 90,000,000 of human beings to freely govern themselves.

In point of fact there were about 3,000,000 people in America at that time outside of the secret conclave at Philadelphia, where certain "representatives" were embezzling power "for the good of the people."

These 3,000,000 people outside of the little Constitutional Convention at Philadelphia had some very sound opinions on human liberty and on freedom. These were the people who fought the war with Great Britain and established their independence and who proposed to keep it by not setting up any rulers over themselves or any laws over themselves which they could not at any time amend, alter, or abolish. The people of the United Colonies were all right and were believers in popular government and practiced it, and wrote it in their constitutions. Alexander Hamilton and some other reactionaries sympathizing with him were fundamental Tories and at heart opposed to popular government.

The principle on which this Republic was founded was not the representative principle (an incident of the people's basic power), but was the principle of popular sovereignty, the principle that all power was vested in the people by an *inalienable* right, indefeasible, and that the people had the right at any time to exercise this *sovereign power.*

The Unanimous Declaration of the Thirteen United States of America, issued July 4, 1776, said:

> We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends *it is the right of the people to alter or abolish it* and *to institute new government, laying its foundation on such principles* and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness.

This declaration is a declaration in effect that all powers of government emanate directly from the people. And this right is reiterated in the constitution of almost every State in the Union, declaring in various forms that all powers of government spring directly from the people. For example:

ALABAMA.

1819: "*All political power is inherent in the people,* and all free governments are founded on their authority and instituted for their benefit, and therefore they have at all times an *inalienable* and *indefeasible* right *to alter, reform, or abolish their form of government* in such manner as they may deem expedient."

ARKANSAS.

1836: "That *all power is inherent* in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends they have, at all times, an *unqualified right to alter, reform, or abolish* their government in such manner as they may think proper."

CALIFORNIA.

1849: "*All political power is inherent in the people.* Government is instituted for the protection, security, and benefit of the people, and they have *the right to alter or reform the same whenever the public good may require it.*"

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COLORADO.

1876: "That *all political power is vested in and derived from the people;* that all government of right originates from the people, is *founded upon their will only,* and is instituted solely for the good of the whole."

CONNECTICUT.

1818: "That *all political power is inherent in the people,* and all free governments are founded on their authority and instituted for their benefit, and *they have at all times an undeniable and indefeasible right to alter their form of government in such a manner as they may think expedient.*"

DELAWARE.

1792: "*All just authority* in the institutions of political society *is derived from the people* and established with their consent to advance their happiness, and *they may* for this end as circumstances require, from time to time, *alter their constitution of government.*"

FLORIDA.

1838: "That *all political power is inherent in the people,* and free governments are founded on their authority and established for their benefit, and therefore *they have at all times an inalienable and indefeasible right to alter or abolish their form of government* in such manner as they may deem expedient."

GEORGIA.

1777: "We, therefore, the representatives of the *people, from whom all power originates and for whose benefit all government is intended,* by virtue of the power delegated to us, do ordain and declare, and it is hereby ordained and declared, that the following rules and regulations be adopted for the future government of this State."

IDAHO.

1889: "*All political power is inherent in the people.* Government is instituted for their equal protection and benefit, and *they have the right to alter, reform, or abolish the same whenever* they may deem it necessary, and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the legislature."

ILLINOIS.

1818: "*That all power is inherent in the people,* and all free governments are *founded on their authority* and *instituted for their peace, safety, and happiness.*"

INDIANA.

1816: "*That all power is inherent in the people,* and all free governments are founded on their authority and instituted for their peace, safety, and well being. *For the advancemnt of these ends the people have at all times an unalienable and indefeasible right to alter and reform their government* in such manner as they may think proper."

IOWA.

1846: "That all political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and *they have the right at all times to alter or reform the same* whenever the public good may require it."

KANSAS.

1855: "All political power is inherent in the people. Government is instituted for their equal protection and benefit, and

they have the right to alter, reform, or abolish the same whenever they may deem it necessary, and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the general assembly."

KENTUCKY.

1792: "That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness. For the advancement of these ends *they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government* in such manner as they may think proper."

LOUISIANA.

1868: "All men are created free and equal and have certain inalienable rights; among these are life, liberty, and the pursuit of happiness. To secure these rights governments are instituted among men, deriving *their just powers from the consent of the governed.*"

MAINE.

1819: "All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; *they have*, therefore, *an unalienable and indefeasible right to institute government and to alter, reform or totally change the same*, when their safety and happiness require it."

MARYLAND.

1776: "*That all government* of right *originates from the people*, is *founded in compact only* and instituted solely for the good of the whole."

MASSACHUSETTS.

The first constitution submitted in Massachusetts was rejected by the people by direct vote at town meetings in the spring of 1779, because it contained no bill of rights, and for other reasons. The next constitution submitted, that of 1780, the people adopted by direct vote at town meetings and by more than two-thirds of all who voted. The bill of rights declares:

BILL OF RIGHTS.

1780: "ARTICLE I. All men are born free and equal, and have certain *natural, essential, and inalienable rights;* among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

"ART. IV. *The people* of this Commonwealth *have the sole and exclusive right of governing themselves as a free, sovereign, and independent State*, and do, and forever shall, exercise and enjoy every power, jurisdiction, and right which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled.

"ART. V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are their substitutes and agents and *are at all times accountable to them.*"

MICHIGAN.

1835: "All political power is inherent in the people.

"Government is instituted for the protection, security, and benefit of the people; and *they have the right at all times to*

alter or reform the same and to abolish one form of government and establish another whenever the public good requires it."

MINNESOTA.

1857: "Government is instituted for the security, benefit, and protection of the people, in whom all political power is inherent, together with *the right to alter, modify, or reform* such government whenever the public good may require it."

MISSISSIPPI.

1817: "That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit, and therefore they have at all times *an unalienable and indefeasible right to alter or abolish their form* of government in such manner as they may think expedient."

MISSOURI.

1820: "That *all political power is vested in and derived from the people.*"

MONTANA.

1889: "All political power is vested in and derived from the people; all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole."

NEBRASKA.

1866–67: "All men are born equally free and independent and have certain inherent rights; among these are life, liberty, and the pursuit of happiness. To secure these rights governments are instituted among men, *deriving their just powers from the consent of the governed.*"

NEVADA.

1864: "All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and *they have the right to alter or reform the same whenever* the public good may require it."

NEW HAMPSHIRE.

In New Hampshire, four constitutions were submitted to the people, who voted directly upon them at town meetings. The first three were rejected (American Political Science Review, Vol. II, p. 549) largely because there were no express limitations upon the power of the legislature—no bill of rights. The bill of rights of the fourth one, that of 1784, declares:

1784: "VII. The people of this State *have the sole and exclusive right of governing themselves as a free, sovereign, and independent State,* and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right pertaining thereto which is not or may not hereafter be by them expressly delegated to the United States of America in Congress assembled."

NEW JERSEY.

The New Jersey constitution of 1776 declares:

1776: "Whereas all the constitutional authority ever possessed by the Kings of Great Britain over these Colonies or their other dominions *was, by compact, derived from the people* and held of them for the common interest of the whole society, allegiance and protection are, in the nature of things reciprocal ties, each equally depending upon the other and liable to be dissolved by the others being refused or withdrawn. And whereas George III, King of Great Britain, has refused protection to the good people of these

Colonies, and, by assenting to sundry acts of the British Parliament, attempted to subject them to the absolute dominion of that body, and has also made war upon them in the most cruel and unnatural manner for no other cause than asserting their just rights, all civil authority under him is necessarily at an end and a dissolution of government in each Colony has consequently taken place."

NEW YORK.

The New York bill of rights of 1777 declares:

1777: "I. This convention, therefore, in the name and by the authority of the good people of this State, doth ordain, determine, and declare that no authority shall, on any pretense whatever, be exercised over the people or members of this State but such as shall be derived from and granted by them."

NORTH CAROLINA.

1776: "*That all political power is vested in and derived from the people only.*"

NORTH DAKOTA.

1889: "All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and *they have a right to alter or reform the same* when the public good may require."

OHIO.

1802: "That all men are born equally free and independent, and have certain *natural, inherent, and inalienable rights* * * * and every free republican government being founded on their sole authority, and organized for the great purpose of protecting their rights and liberties and securing their independence; to effect these ends, *they have at all times a complete power to alter, reform, or abolish* their government whenever they may deem it necessary."

OKLAHOMA.

1907: "All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare; and *they have the right to alter or reform the same* whenever the public good may require it."

OREGON.

1857: "That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness, and *they have at all times a right to alter, reform, or abolish* the government in such manner as they may think proper."

PENNSYLVANIA.

1776: "That the people of this State *have the sole, exclusive, and inherent right of governing and regulating* the internal police of the same.

"That *all power being originally inherent in*, and consequently derived from, the people; therefore all officers of government, whether legislative or executive, *are their trustees and servants*, and at all times accountable to them."

RHODE ISLAND.

1842: "*The basis of our political systems is the right of the people to make and alter their constitutions of government.*"

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SOUTH CAROLINA.

1790: "*All power is originally vested in the people;* and all free governments are founded on their authority and are instituted for their peace, safety, and happiness."

SOUTH DAKOTA.

1889: "All men are born equally free and independent and have certain *inherent rights*, among which *are those of enjoying and defending life and liberty, of acquiring and protecting property, and a pursuit of happiness.* To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed."

TENNESSEE.

1796: "That all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness; for the advancement of those ends *they have at all times an unalienable and indefeasible right to alter, reform, or abolish the government* in such manner as they may think proper."

TEXAS (REPUBLIC).

1836: "All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and *they have at all times an unalienable right to alter their government in such manner as they may think proper.*"

TEXAS (STATE).

1845: "All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and *they have at all times the unalienable right to alter, reform, or abolish their form of government* in such manner as they may think expedient.

UTAH.

1895: "All political power is inherent in the people, and free governments are founded on their authority for all their protection and benefit; and *they have the right to alter or reform their government as the public welfare may require.*"

VERMONT.

1777: "*That all power being originally inherent in,* and consequently *derived from,* the people; therefore, *all officers of government,* whether legislative or executive, are *their trustees and servants,* and at all times accountable to them.

* * * * * * *

"* * * and that *the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish government* in such manner as shall be, by that community, judged most conducive to the public weal."

VIRGINIA.

1776: "*That all power is vested in,* and consequently derived from, *the people.*"

WASHINGTON.

1889: "*All political power is inherent in the people,* and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights."

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WEST VIRGINIA.

1861–1863: "*The powers of government reside in all the citizens of the State*, and can be rightfully exercised only in accordance with their will and appointment."

WISCONSIN.

1848: "All men are born equally free and independent and have *certain inherent rights; among these are life, liberty, and the pursuit of happiness; to secure these rights governments are instituted* among men, *deriving their just powers from the consent of the governed.*"

WYOMING.

1889: "All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, and happiness; for the advancement of these ends, *they have at all times an inalienable and indefeasible right to alter, reform, or abolish the government* in such manner as they may think proper."

THE PEOPLE BETTER AUTHORITY THAN HAMILTON OR PINCKNEY.

Mr. President, here it will be observed that the people in the States declare all political power vested in and derived from the people, and that they have an inalienable and indefeasible right to alter, amend, or abolish, their form of government in such manner as they may deem expedient. So that we do not need the quotations from a few reactionary citizens who were disobeying their representative instructions in the secret conclave of 1787 to tell us what the Constitution and the law is.

It is rather astonishing to hear from various men of learning that the right of the people to legislate directly is unconstitutional; that it is "in conflict with the representative principle on which this Republic is founded."

This is the same old federalist argument that was answered in the Supreme Court of Oregon in the Pacific Telephone case, where it was urged that the Federal guarantee to the State of a *republican form of government* would forbid the initiative and referendum as in conflict with a republican form of government or with the so-called representative principle. (Exhibit B answers this argument.)

The adoption of the constitution of Texas was an act of *direct legislation* by the people of Texas by the referendum on the initiative of the constitutional convention.

And all of the State constitutions, almost without exception, have been adopted by the act of the people who *directly legislated* in establishing these various State constitutions by the referendum.

And they amend all the constitutions in the same fashion—by *direct legislation*, almost without exception.

James Bryce, in his American Commonwealth (Morris Edition, 1906, p. 258), very properly says:

> The people frequently *legislate directly* by enacting or altering a constitution. The *principle of popular sovereignty* could hardly be expressed *more unmistakably*. Allowing for the differences to which the vast size of the country gives rise, the mass of citizens may be deemed as directly the supreme power in the United States as the assembly was at Athens or Syracuse.

Indeed, from the beginning of the history of the American people they exercised the right of *direct legislation*, and exer-

cised it in the old town meetings of New England and county meetings in the South. The Massachusetts towns still govern themselves by exercising the right of *direct legislation* in their town meetings, both the initiative and the referendum.

And all the States of the Union from time to time have provided for the exercise of the right of *direct legislation* by various forms of *local option*.

To deny the right of the people to *legislate directly* is to deny the fundamental principles of every one of the 48 State constitutions. The "representative principle," so called, is merely an incident of the *delegation* of legislative and ministerial power to "representatives" *as a matter of convenience*. This grant of power to public servants *does not*, as some statesmen believe, *establish public rulers whose right to rule can not be questioned*. The grant of legislative power by the people to a State legislature in no wise prevents the people from exercising their *inalienable and indefeasible right of direct legislation*. The initiative and referendum is perfectly harmonious with the representative principle. In one case the people legislate through their agents; in the other case they legislate directly without agents.

It does not overthrow the representative system of government; it perfects the representative system of government. Those who favor the initiative and referendum do not intend to impair the representative system. They are determined on the contrary to perfect the representative system, which is and always has been a mixture of the exercise by the people of direct power, direct legislation, and of indirect legislation through representatives.

RECALL NO NOVELTY.

Even the right of recall is no novelty under the American system of government. Every one of the 13 Colonies—the State of New Hampshire, the State of Massachusetts Bay, the State of Rhode Island and Providence Plantations, the State of New Jersey, the State of New York, the State of Connecticut, the State of Pennsylvania, the State of Delaware, the State of Maryland, the State of Virginia, the State of North Carolina, the State of South Carolina, the State of Georgia, on the 24th day of July, 1778, solemnly agreed to the Articles of Confederation of 1777, in Article V, to the right of *recall*, in which it was expressly agreed that the various States should appoint delegates to meet in Congress on the first Monday in November of every year—

> With a power reserved to each State to *recall* its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

DEMOCRATIC CONSTITUTIONS EASILY AMENDABLE.

Our State governments, while establishing the representative principle as a matter of convenience, have nevertheless incorporated in every instance the declared principle that all power is vested in the people, and that they retain the right at any time *to alter, amend, or abolish*.

> All democratic constitutions are flexible and easy to amend. This follows from the fact that in a government which the people really control the constitution is merely the means of securing the supremacy of public opinion and not an instrument for thwarting it. * * * A government is democratic just in proportion as it responds to the will

of the people; since one way to defeat the will of the people is to make it difficult to alter the form of Government, it necessarily follows that any constitution which is democratic in spirit must yield readily to changes in public opinion. (Spirit of American Government: Smith.)

The fact is that with the initiative and referendum the people merely propose *to amend the law* establishing the legislatures so as to give to the people *the option* to exercise the right of direct legislation where they may find it expedient and proper to do so. All that is necessary is to enlarge the ordinary State constitution so as to provide for the people the method of directly legislating by passing an initiated bill or vetoing a referred bill. The legislature got its power to legislate from the people and the people violate no principle by exercising directly the legislative power they possess, and which is *inalienable* and *indefeasible*.

In amending the State constitution so as to reserve to the people the power to initiate and pass a bill by direct vote, or by the referendum to veto or affirm, as the case may be, an act passed by the legislature, the people merely exercise their sovereign power in a moderate and restricted way, which they have found necessary after a hundred years of experience with representatives in the legislature who have, particularly in this generation, too frequently failed to pass the laws the people want, and who have too frequently passed the laws which the people do not want.

It is absurd to say that this Republic was founded on the "*representative principle*." This Republic was not founded on the representative principle. *It was founded on the sovereign right of the people to manage their own business* (and not be managed by their servants), and it was for this reason that every State constitution declared this fundamental principle that all political power was inherent in the people, and that as sovereign they could at their pleasure alter, amend, or abolish even the constitutions themselves. This was the great foundation stone, and this is the principle now being asserted by the initiative and the referendum, to wit: *The right of the people to rule*. This is the very meaning of the word "democratic." Demos kratein means "the people have the right to rule." It is the origin of the word "democrat." A democrat is a man who believes in the right of the people to rule.

Aristocracy means the rule of the few, who consider themselves the best.

Autocracy means the rule of a single person.

Plutocracy means the rule of money.

Democracy means the rule of the people.

Delegating power to public servants was not new. It was a convenience and a mode of exercising popular sovereignty, not a means of destroying or of impairing it.

We established the system of delegating the legislative power to representatives in our State constitutions, who should meet in legislative assembly and debate and discuss and frame wise and virtuous laws drawn to promote the general welfare. When they are candidates they pledge their honor to the people to be guided by the general welfare. They go to the assembly and lift their hands to Almighty God and solemnly swear to be faithful to the people, and then special interests come and bring malign influences to bear upon the weakness of human nature

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that lead the legislator away from the paths of public virtue into passing laws against the general welfare, or in refusing to pass laws required by the general welfare. Representative government is a convenience for the people. No progressive wants to interfere with it or to change it where it is faithful and performs its proper duty; but when these representatives fail to pass laws of vital importance, when they pass laws doing a gross wrong to the public interest, the time has come when the people shall directly exercise so much of their legislative power as they may find it necessary to exercise at their option in passing the laws they do want and vetoing the laws they do not want.

THE ATHENS AND ROME ARGUMENT.

Oh, but say these opponents of popular government, remember the overthrow of the direct democracy of Athens and Rome.

It is difficult to argue with entire patience with men of learning and intelligence who will offer as a reason against popular government the so-called direct democracy of Athens and of Rome. We might as well go to Athens and to Rome to get our instruction in the management of modern railways and in handling the telegraph and telephone.

Only one person in 400 could read in Athens and in Rome. The people were divided into the very few intelligent and cultured and into the very, very many who were ignorant of letters and of the art of government, five-sixths of whom were slaves and the vast majority in hopeless poverty. They lacked the spirit of liberty, and the father controlled by law the son and his family as long as the father lived, with power of life and death and property.

It avails nothing to say that the populace of Athens had an appreciation of the beautiful forms of marble which their sculptors developed with great cleverness. The vital fact is that they had no knowledge of government; that they had no means of public communication except by word of mouth; no knowledge of liberty as we know it; and were actually ruled by an intellectual, financial, and military aristocracy under the forms of a direct democracy.

To-day the great body of our citizens can read and write. To-day we have millions of books available and libraries everywhere. To-day the most distant citizen can by the parcel post receive for a trifling expense the last word upon organized government and the art of government. To-day we have the telegraph and the telephone binding the ends of the world together and putting information with regard to government all over the world, its weakness and its strength, in the hands of every citizen who cares to know. To-day we have millions of men who do care to know, and who are interested in good government, and who are determined to have good government and to overthrow the rule of the self-seeking few and to terminate the commercial and financial piracy which has been dealing unjustly with the many for the benefit of the organized few. To-day we have modern newspapers, a miracle in art and in design, filled with news brought instantly by telegraph and telephone from the ends of the earth; filled with knowledge, literature, and art; filled with finance and commerce; filled with sport and humor and fun; filled with ten thousand times ten

thousand wants and opportunities, which the poorest citizen can buy for one-hundredth part of his daily wage. Compare Athens and Rome of 2,000 years ago with Washington, Chicago, or New York!

Oh, no, Mr. President, the comparison can not be justly made; and that the opponents of popular government should go so far to find their argument against the rule of the people shows how poverty stricken and how poor and how mean are the fallacies and pretexts upon which they rely.

INITIATIVE AND REFERENDUM JOKERS.

Mr. President, there are six dangerous jokers which I wish to call attention to and which the friends of popular government should beware of.

Joker 1. *Limiting the initiative* to statute laws and prohibiting the voters from proposing and adopting amendments to the State constitutions.

The constitutional initiative is the most vital part of any amendment. For in the State constitutions are many jokers restraining popular government that need correction by constitutional amendment.

Joker 2. To require an improbable or impossible majority necessary to enact or reject measures submitted to the voters.

Every measure voted on should be decided by the majority of the votes cast thereon.

Joker 3. To require large petitions to render it difficult to secure them, no matter what per cent is required.

This is done by increasing the percentages beyond reason or to require a certain per cent of the legal voters of certain counties.

The signature of any voter in the State should count regardless of residence.

Joker 4. To so frame the emergency clause that the legislature may annul the referendum whenever it chooses. The emergency should only be declared upon a *two-thirds majority* of all members on a recorded vote, *setting forth the reasons for the emergency.*

Joker 5. To put an arbitrary limit upon the number of measures which may be submitted to the people at any one election, because the special interests can thus preclude submission of public measures by offering trivial measures in advance of the public measure.

Joker 6. Failure to provide an adequate and efficient method of informing the voters concerning the measures submitted to them. The only safety for the political machine is to keep the people in ignorance. The Oregon publicity pamphlet informs the people. Insist on the publicity pamphlet.

I submit herewith a model constitutional amendment for the initiative and referendum, free from jokers, and self-executing:

PROPOSED CONSTITUTIONAL AMENDMENT FOR THE INITIATIVE AND REFERENDUM.

The legislative authority of this State shall be vested in a legislative assembly consisting of a senate and house of representatives, but the people reserve to themselves the power to propose legislative measures, resolutions, laws, and amendments to the constitution, and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power, at their own option, to approve or reject at the polls any act, item, section, or any part of any resolution, act, or measure passed by the legislative assembly.

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The first power reserved by the people is the initiative, and not more than 8 per cent, nor in any case more than 50,000, of the legal voters shall be required to propose any measure by initiative petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions, except for municipal and wholly local legislation, shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon. If conflicting measures submitted to the people shall be approved by a majority of the votes severally cast for and against the same, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. Proposed amendments to the constitution shall in all cases be submitted to the people for approval or rejection.

The initiative is also reserved as follows: If at any time, not less than 10 days prior to the convening of the general assembly, there shall be filed with the secretary of state an initiative petition for any measure signed by 1 per cent, nor in any case more than 5,000 legal voters, the secretary of state shall transmit certified copies thereof to the house of representatives and to the senate immediately upon organization. If said measure shall be enacted, either as petitioned for or in an amended form, it shall be subject to referendum petition as other measures. If it shall be enacted in an amended form, or if no action is taken thereon within four months from the convening of the general assembly, it shall be submitted by the secretary of state to the people at the next regular general election, *provided* such submission shall be demanded by supplementary initiative petition signed by 4 per cent, nor in any case more than 30,000, legal voters and filed not less than four months before such election. Such proposed measure shall be submitted either as introduced or with the amendments, or in any amended form which may have been proposed in the general assembly, as may be demanded in such supplemental petition. If such measure so submitted be approved by the electors, it shall be law and go into effect, and any amended form of such measure which may have been passed by the general assembly shall thereby stand repealed.

The second power is the referendum, and it may be ordered either by petition signed by the required percentage of the legal voters or by the legislative assembly as other bills are enacted. Not more than 5 per cent, nor in any case more than 30,000 legal voters, shall be required to sign and make a valid referendum petition. Only signatures of legal voters whose names are on the registration books and records shall be counted on initiative and on referendum petitions.

If it shall be necessary for the immediate preservation of the public peace, health, or safety that a measure shall become effective without delay, such necessity shall be stated in one section, and if, by separate vote of yeas and nays, three-fourths of all the members shall vote on a separate roll call in favor of the measure going into instant operation, because it is necessary for the immediate preservation of the public peace, health, or safety, such measure shall become operative upon being filed in the office of the secretary of state or city clerk as the case may be: *Provided*, That an emergency shall not be declared on any measure creating or abolishing any office or to change the salary, term, or duties of any officer or granting any franchise or act alienating any property of the State. If a referendum petition shall be filed against an emergency measure such measure shall become a law until it is voted upon by the people and if it is then rejected by a majority of those voting upon the question such measure shall be thereby repealed. No statute, ordinance, or resolution approved by vote of the people shall be amended or repealed by the legislative assembly or any city council except by three-fourths vote of all the members taken by yeas and nays. The provisions of this section apply to city councils.

The initiative and referendum powers of the people are hereby further reserved to the legal voters of each municipality and district as to all local, special, and municipal legislation of every character in and for their respective municipalities and districts. Every extension, enlargement, purchase, grant, or conveyance of a franchise or of any rights, property, easement, lease, or occupation of or in any road, street, alley, or park, or any part thereof, or in any real property, or interest in any real property owned by a municipal corporation, whether the same be made by statute, ordinance, resolution, or otherwise, shall be subject to referendum by petition. In the case of laws chiefly of local interest, whether submitted by initiative or referendum petition or by the legislative assembly, shall be voted upon and approved or rejected only by the people of the locality chiefly interested, except when the legislative assembly shall order the measure submitted to the people of the State. Cities and towns may provide for the manner of exercising

initiative and referendum powers as to their municipal legislation subject to the general laws of the State. Not more than 10 per cent of the legal voters may be required to order the referendum nor more than 15 per cent to propose any measure by the initiative in any city, town, or local subdivision of the State.

The filing of a referendum petition against one or more items, sections, or parts of any act, legislative measure, resolution, or ordinance shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislative assembly shall be filed with the secretary of state not later than 90 days after the final adjournment of the session of the legislative assembly at which the measure on which the referendum is demanded was passed, except when the legislative assembly shall adjourn at any time temporarily for a period longer than 90 days, in which case such referendum petitions shall be filed not later than 90 days after such temporary adjournment. The veto power of the governor or the mayor shall not extend to measures initiated by or referred to the people. All elections on general, local, and special measures referred to the people of the State or of any locality shall be had at the regular general elections, occurring not less than four months after the petition is filed, except when the legislative assembly or the governor shall order a special election, but counties, cities, and towns may provide for special elections on local matters. Any measure initiated by the people, or referred to the people as herein provided, shall take effect and become law if it is approved by a majority of the votes cast thereon and not otherwise. Every such measure shall take effect 30 days after the election at which it is approved. The style of all bills shall be: *"Be it enacted by the people of (name of State, municipality, or county)."* This section shall not be construed to deprive any member of the legislative assembly or of a city council of the right to introduce any measure. The whole number of electors who voted for governor at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of registered voters necessary to sign such petition shall be computed. Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state or in municipal or local elections with the county or city clerk or such other officer as may be provided by law. In submitting the same to the people he and all other officers shall be guided by the general laws until additional legislation shall be especially provided therefor. This amendment shall be self-executing, but the legislature may enact laws facilitating its operation. All proposed measures submitted to the people shall be printed in pamphlet form, together with arguments for and against, as may be provided for by law, and mailed by the secretary of state to the electors at least 50 days before the election at which they are to be voted.

OBJECTIONS TO THE INITIATIVE AND REFERENDUM.

Mr. President, what are the objections to the initiative and referendum?

First, it has been objected that it was contrary to the so-called "representative" principle of the Constitution. This objection I have abundantly answered. (Exhibit B.)

Second, that the people are not capable of direct legislation. The contrary has been abundantly shown by the experiences in all of the States and countries which have put it into effect.

Third, that representative democracy is better than direct democracy. The answer to this is that there is no such issue, since the optional initiative and referendum in nowise interferes with representative democracy.

Fourth, that the initiative and referendum would destroy deliberation, debate, and result in hasty legislation. The fact is an initiated bill is usually drawn by a group of patriotic citizens, who prepare the bill with infinite pains, consulting the best experts in the State, and only present it to the State after it has been thoroughly considered. It appears in the public prints; it is discussed by the citizens from one end of the State to the other; it is presented to each citizen of the State in a

publicity pamphlet, giving the arguments for and against it, and a sufficient length of time before the election, that each citizen can thoroughly understand it; and then each citizen in the State, in the quiet and seclusion of the ballot box, expresses his opinion with regard to it, without excitement and without passion and with the utmost deliberation.

In Congress we pass volumes of bills. Is it incredible that the citizens who have the intelligence to select Senators and Presidents should also have the intelligence to pass one bill, or even two or three bills?

I have heard of hasty legislation by representatives, without much debate in legislatures, and sometimes in a conference committee important legislation has been put on a tariff bill by misrepresentatives at the instance of private interests and against the general welfare in great haste and without debate. Such hasty laws under a referendum could be vetoed by the people and ought to be vetoed.

THE PEOPLE WILL NOT VOTE—FALLACY.

The crowning charge against the initiative and referendum by the former Senator from Texas is that only a small per cent of the people will vote, and his data is based on the cases of compulsory referendum. In Oklahoma the percentages have run from 54 to 100 per cent of the citizens voting. In Maine it has run from 50 to 100 per cent. In Missouri, from 71 per cent to 95 per cent; in Arkansas, from 75 per cent to 90 per cent; in Montana, from 72 per cent to 80 per cent; in Oregon it has run from 61 per cent up to 90 per cent; in South Dakota, from 57 per cent to 92 per cent.

Those who do not vote on these questions of public policy submitted by the initiative and referendum are those citizens who are ignorant or indifferent to such questions of public policy, and who voluntarily disfranchise themselves, leaving the more intelligent and more interested citizens to decide these questions. This voluntary disfranchisement of the unfit is of public benefit.

But, Mr. President, out of 187 yea-and-nay votes in the Senate previous to the retirement of the Senator he himself appears only to have voted 18 times, or less than 10 per cent. The people appear to be from 500 to 900 per cent better than this record, and are otherwise not justly subject to his criticism.

I submit an Exhibit A to my remarks upon this question giving in detail the percentages of votes in various States and the principles governing the initiative and referendum and ask that it be printed as a Senate document.

Mr. President, the restoration of popular government is absolutely essential to the welfare and happiness of the American people. The time has come when we must terminate the gross abuses of machine politics, when we must purify our governmental processes and establish the best form of government of which the American intelligence and conscience is capable. The people's rule system of government is not, or should not be, a partisan question. This issue of the people's rule goes to the root of all other questions because all modern questions practically comprise some form in which the rights, the interests, the health, and the happiness of the people is

interfered with by the special interests seeking profit or promotion through the machine method of government. It is absolutely essential for the people to announce a new Declaration of Independence, freedom from the rule of the few, freedom from the rule of the special interests, freedom from the machine politicians who are in alliance with the special interests which have perverted the great Republic from its noblest ideals to sordid and selfish ends. In the words of the immortal Lincoln:

> It is for us, the living, to highly resolve that this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people shall not perish from the earth.

THE REASONS IN BRIEF JUSTIFYING DIRECT LEGISLATION.

The reasons in brief which justify direct legislation have been perhaps best stated by Prof. Frank Parsons in 1900, since deceased. Prof. Parsons was a great publicist, with no ax to grind, no political ambition, and no other purpose than to serve God and mankind "in spirit and in truth."

Direct legislation—that is, *direct legislation* by the optional initiative and referendum.

1. Is essential to self-government.
2. Destroys the private monopoly of lawmakers.
3. Is a common-sense application of the established principles of agency.
4. Will perfect the representative system.
5. Is immediately and easily practicable.
6. Makes for political purity.
7. Kills the lobby.
8. Makes it useless to bribe legislators because they can not deliver the goods.
9. Attracts better men to political life.
10. Simplifies elections.
11. Simplifies the law.
12. Lessens the power of partisanship.
13. Elevates the press and the people.
14. Stops class legislation.
15. Opens the door of progress.
16. Is wisely conservative.
17. Works an automatic disfranchisement of the unfit.
18. Tends to stability.
19. Is a safety valve for discontent.
20. Is in line with the general trend of modern political history throughout the world.

I might add to these reasons—

21. Causes public servants to do their utmost to serve the public interest, knowing that the power of the people is over them directly.
22. It thus enthrones righteousness and the general welfare by giving sovereign power to the intelligence and conscience of the Nation.
23. It tends powerfully to educate the people on questions of public policy and increases the general intelligence.
24. It will enable the people to pass a thoroughgoing corrupt-practices act, a mandatory direct primary, and other progressive statutes necessary to establish the people's rule, which a machine-controlled legislature otherwise can and will prevent.

Are imaginary or based on erroneous information. Under the initiative and referendum *only a few* (*not many*, as objected) important laws would be referred to the people or initiated by the people.

The initiative and referendum is *not hasty*, without deliberation or by impulse, as objected, but the most deliberate of all legislative processes, usually taking about two years.

It is objected that from 20 to *40 per cent of the people do not vote* on initiated measures. This only means that the ignorant or indifferent voter voluntarily disfranchises himself, leaving the questions of public policy to be decided by more intelligent and interested voters.

It is objected that *the voters can not pass on complicated laws*. The answer to this is that, complicated or not, the people well know the difference between honest and dishonest laws, between just and unjust laws, and when they have the power to kill the latter no more of them are apt to be made. Moreover, it is easier to pass upon a law in black and white, even if complicated, than to pass upon a complicated man and what he will do under the influence of the lobby.

It is objected that it is impracticable. This objection is based upon unadulterated ignorance.

It is objected we should "elect better men." We have tried this game long enough. It has failed. The system under which the "big stick" hangs over the "representative man" will make him better. It makes an unfaithful servant powerless, and this is the man we are after.

It is objected that direct legislation will destroy representative government. This is purely imaginary. It will perfect representative government and make the representative perform his duty or enable the people to correct his sins of omission or his sins of commission.

To accomplish integrity of government and perfect the system of popular government, we need—

First. An adequate registration system to register all entitled to vote, so that no person not entitled shall be registered, and open at all times to public examination.

Second. *A secret ballot*—Australian system—under which the financial and commercial bullies can not coerce or bribe the weak citizen whose bread and butter they control.

Third. *A direct mandatory primary*, by which the voters can select their candidates regardless of the political machine.

Fourth. *A statute preventing corrupt practices*, directly limiting the use of money, preventing bribery, coercion, and fraud, requiring publicity of campaign contributions, and giving the voter peace and absolute security from pressure on election day.

Fifth. *A constitutional amendment for the initiative and referendum for every State*, and statutes vitalizing the same so that the people can amend their State constitution when they like and can enact any laws they do want or veto any laws they do not want, in spite of the machine or the influence of political mercenaries.

Sixth. *A statute providing publicity pamphlets*, giving each citizen before election time full information and arguments for and against all public measures and for and against all public candidates.

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Seventh. *A statute providing for the recall*, by which the people can nominate a successor to an incompetent, unfaithful, or obnoxious public servant.

Eighth. *Local self-government for cities and towns by commission*, with the initiative, referendum, and recall.

Ninth. *The short ballot*, with *preferential provisions*, by which the votes of unorganized citizens may be automatically cohered.

Tenth. *The direct election of United States Senators.*

Eleventh. *The direct nomination of presidential candidates.*

These are the chief agencies by which we shall restore the integrity and the efficiency of our Government, and of these agencies "*the initiative and the referendum*" *are first, because they open the door to all the others.*

Mr. President, in my judgment the Senate of the United States should throw the weight of its influence in favor of the initiative and referendum and not against it. I therefore offer a substitute for Senate resolution 413. Strike out all after the resolving clause in Senate resolution 413 and insert the following:

That the system of direct legislation, such as the optional initiative and referendum adopted by Oklahoma, Oregon, California, Washington, Arizona, Utah, Colorado, Montana, North Dakota, South Dakota, Missouri, Arkansas, Nebraska, Wisconsin, Ohio, and Maine, is in harmony with and makes more effective the representative system and the principle of the sovereignty of the people upon which this Republic was founded, and is not in conflict with the republican form of government guaranteed by the Constitution.

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POSTAL SAVINGS DEPOSITORIES

SPEECH

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

FEBRUARY 25, 1910

WASHINGTON
1910

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SPEECH

OF

HON. ROBERT L. OWEN.

POSTAL SAVINGS DEPOSITORIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5876) to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes.

Mr. OWEN. I ask that the amendment I have proposed to the pending bill may be read.

The VICE-PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to strike out all after the enacting clause of Senate bill 5876 and to insert:

From and after the passage of this act the Comptroller of the Currency shall set apart the annual tax on the circulation of the national banking associations of the United States as a special fund, to be designated the "bank depositors' guaranty fund," to be used by the comptroller for the immediate payment of the depositors of any national bank failing after the passage of this act. The net liquidated assets of any national bank of which the Comptroller of the Currency takes charge for the purpose of liquidation shall be deposited to the credit of the "bank depositors' guaranty fund" to the extent required to reimburse such fund any moneys advanced by such fund for the payment of the depositors of such bank. No deposit under contract, either directly or indirectly, to bear interest in excess of 4 per cent per annum on time deposit, or in excess of 2 per cent per annum on current account, shall be included in the insurance provided by this act, and no such deposit shall be paid out of the "bank depositors' guaranty fund."

That any state bank or trust company may have its deposits guaranteed by the "bank depositors' guaranty fund" upon an equitable system to be prescribed by the Comptroller of the Currency and approved by the President of the United States.

Mr. OWEN. Mr. President, in offering a substitute for the postal savings-bank bill I do not do so under the belief that it will be adopted by the Senate, but for the purpose of calling attention to the importance of the subject-matter and because as a Democrat, believing in the doctrine laid down by the national Democratic convention, for one I should like to offer to the Senate at least an opportunity to conform to the proposal of the Democracy in its last national platform, which is as follows:

We pledge ourselves to legislation under which the national banks shall be required to establish a guaranty fund for the prompt payment of the depositors of any insolvent national bank, under an equitable system which should be available to all state banking institutions wishing to use it.

We favor a postal savings bank if the guaranteed bank can not be secured, and believe that it should be so constituted as to keep the deposited money in the communities where the depositors live.

The postal savings-bank bill has been amended in the committee and in the Senate so as to provide that the money shall

be kept in the vicinity in which it is proposed these deposits shall be made, and unless it be amended to the contrary before its passage I should feel obliged to support the bill, because it appeals to my judgment as being practical and sound, as serving a great public use, and because I believe it to be constitutional; but, Mr. President, I see no reason why the postal savings-bank bill should not become a law, and at the same time the bank-guaranty plan be applied to the national banks of the United States under a system which would permit the state banks to be the beneficiaries of that plan.

There has been carried on in this country a deliberate propaganda against either the postal savings-bank proposition or any plan of mutual guaranty of bank deposits by the legislative committee of the American Bankers' Association. I hold in my hand their report of a meeting in Chicago in September, 1909, and, since they are deserving of a hearing, I shall read their objections. They say:

Resolved, That the American Bankers' Association is unalterably opposed to any arbitrary plan looking to the mutual guaranty of deposits either by a State or the Nation, for the following reasons:

1. It is a function outside of the State or National Government.
2. It is unsound in principle.
3. It is impracticable and misleading.
4. It is revolutionary in character.
5. It is subversive to sound economics.
6. It will lower the standard of our present banking system.
7. It is productive of and encourages bad banking.
8. It is a delusion that a tax upon the strong will prevent failures of the weak.
9. It discredits honesty, ability, and conservatism.
10. A loss suffered by one bank jeopardizes all banks.
11. The public must eventually pay the tax.
12. It will cause and not avert panics.

Resolved, That the American Bankers' Association is unalterably opposed to any arbitrary plan looking to the mutual guaranty of deposits either by a State or the Nation, believing it to be impracticable, unsound, and misleading, revolutionary in character, and subversive to sound economics, placing a tool in the hands of the unscrupulous and inexperienced for reckless banking, and knowing further that such a law weakens our banking system and jeopardizes the interests of the people.

Every hostile economic suggestion of these excellent gentlemen has been fully met by the Oklahoma banking system and demonstrated beyond reasonable doubt to be ludicrously untrue.

If there were any more adjectives available in the financial vocabulary they would have been doubtless used by these gentlemen, who, if they lived in the Indian country, would be called "Young-men-afraid-of-losing-their-deposits." When their verbal abuse is all summed up, the meaning of this opposition of the members of this legislative committee of the American Bankers' Association can, I think, be put in a few words, namely, that the very few citizens representing the larger banks of the country who practically dominate and control this association, believe that a guaranty plan making safe the deposits of the small banks will take away from the larger banks, to some measurable extent, a portion of their deposits. In my own judgment, they are in error as to this, because when the small banks become the depositories of the money which is now hidden in private hoards and which is not now in circulation in any bank, the increasing deposits passing into the hands of the small banks will, through the reserve system, contribute most substantially to the city banks. I think the accuracy of their

criticism of this system is perhaps illustrated also by the accuracy of their prophecies. They say:

> Your committee's greatest work during the past year was that of preparing plans and assisting the committee of the savings bank section in defeating the numerous measures for the establishing of a postal savings banking system for the United States.
>
> We will not at this time discuss the various bills, as they are all dead (peace to their memory).

It seems that they are not all dead, but the spirit of the postal savings plan is very much alive in the pending bill. The present postal savings-bank bill is offered to the country in pursuance of the declaration of the Republican platform, pledging to the people of the United States a postal savings-bank bill. Both parties are committed to this proposition—the Democratic party in the alternative, the Republican party directly. I shall stand for this bill in the alternative, as proposed by the national Democracy, and I shall at the proper time propose this amendment to the bill, as well as offer it as a substitute for this bill.

Mr. President, on the 15th of January, 1908, I introduced a bill, Senate 3988, providing substantially for the above provision, for the purpose of preventing panics in the United States and for the purpose of giving stability to our national commerce. On the 14th of February, 1908, the State of Oklahoma passed an act establishing a bank depositors' guaranty fund for the state banks of Oklahoma, under which the national banks of that State might avail themselves of the bank depositors' guaranty fund by a plan to be agreed on between the authorities of the State and the Comptroller of the Currency. The Comptroller of the Currency held that no national bank could be authorized, under the law, to take advantage of the privileges offered by the State of Oklahoma, and the Attorney-General of the United States, in an opinion, sustained that view of the Comptroller of the Currency. In consequence, 73 national banks in Oklahoma in the first seventeen months of the operation of the Oklahoma bank depositors' guaranty law gave up their charters as national banks and became state banks of Oklahoma.

Up to date I understand that over 90 of the national banks have given up their charters in the State of Oklahoma. That is, over a fourth of these banks have retired in less than two years.

Are you prepared to let the national banking system in Oklahoma lose further prestige by refusing the remedy I propose?

The actual operation of the bank depositors' guaranty fund has been the most brilliant answer to every hostile prophecy and the most triumphant reply to every critic of the system. The Oklahoma statute was drawn with great care, with the active assistance and cooperation of many of the leading bankers of that State.

Every reasonable safeguard was provided to give the Oklahoma banks the greatest security and stability possible. For example, the persons organizing a bank were subject as individuals to the approval of the bank commissioner of the State, who required such persons to be men of good character and of good precedents, and free from the suspicion of engaging in the banking business for speculative purposes.

A double liability was imposed upon stockholders.

The capital was required to be fully paid.

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The bank was not permitted to receive money on deposit in excess of ten times the amount of its paid-up capital and surplus, but provided for increase of capital in that event to correspond with increase of deposits.

It was forbidden to pay interest on deposits in excess of a rate to be fixed from time to time by the bank commissioner, who fixed a low rate not exceeding 4 per cent on time deposits and a lower rate on current accounts.

Real estate loans in excess of 20 per cent of the aggregate loan of such banks was forbidden.

The bank commissioner was authorized to require the increase of the bank's capital or surplus to prevent an excess of the bank's deposits of over ten times its capital and surplus.

The active bank officers were forbidden to lend the money of the bank to themselves.

The bank was forbidden to employ its moneys in trade or commerce, to buy the stock of other banks, or to make loans on its own capital stock.

The banks were required to carry a reserve of from 20 per cent in towns of 2,500 or less to 25 per cent in towns exceeding 2,500 inhabitants.

Savings associations were required to keep 10 per cent of their deposits on hand in cash and 10 per cent additional in bonds of the United States, or state, county, or municipal bonds of the State of Oklahoma worth not less than par.

The total liabilities to any bank of any person, company, corporation, or firm for money borrowed, including in the liabilities of such company the liabilities of the several members thereof, were forbidden in excess of 20 per cent of the capital stock actually paid in.

Banks in an insolvent condition were forbidden to receive deposits.

Suitable penalties were provided for any false report or improper conduct.

Full publicity was required.

Frequent reports and examinations were provided.

Overdrafts were forbidden, the officer of the bank allowing the same to be personally liable.

Preference to any depositor or creditor by pledging the assets of the bank as collateral security was forbidden.

Habitual borrowing for the purpose of reloaning was placed under control.

The immediate replacement of an impaired capital was provided.

A bank depositors' guaranty fund was provided, to reach in twenty years an equivalent of 5 per cent of the average deposits of the banks, the guaranty fund to equal 1 per cent of the deposits for the first year and a sum equal to one-twentieth of such 5 per cent, or one-fourth of 1 per cent of such deposits per annum, until the total amount of 5 per cent of such deposits should have been paid at the end of twenty years.

New banks organizing were required to set aside 3 per cent of their capital for the guaranty fund.

Additional assessments were provided for in case of extraordinary emergency, with a proviso that the emergency assessments should not in any calendar year exceed 2 per cent of the average daily deposits of such banks and trust companies.

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If the emergency assessments should prove to be insufficient to pay off the depositors of any failed banks having valid claims against said depositors' guaranty fund, the state banking board is required to issue and deliver to each depositor having any such unpaid deposit a certificate of indebtedness for the amount of his unpaid deposit, bearing 6 per cent interest, consecutively numbered and payable in serial order.

The law provided that any bank put in liquidation by the bank commissioner should have its depositors immediately paid from the bank depositors' guaranty fund. The bank commissioner has similar powers to the Comptroller of the Currency.

The banks are forbidden to loan money in excess of 12 per cent, with a legal rate of 7 per cent.

Mr. President, I have thus outlined the principal features of the Oklahoma law, because it has been much misunderstood throughout the United States and indeed has been grossly misinterpreted by special interests, who regard the prosperity of small banks and the growth of the deposits of small banks with hostility, upon the narrow and unsound doctrine that the volume of deposits going to small banks will diminish the volume of deposits in the large banks.

In point of fact, as the deposits of the small banks grow, such banks naturally become depositors in the larger banks of the country to the extent which the convenience of commerce justifies.

For the information of the Senate and for the information of the people of the United States, I requested a statement from the state banking department of Oklahoma and submit the following letter from Hon. A. M. Young, bank commissioner, together with the inclosed condensed and comparative statements, giving the resources and condition of the state banks and of the national banks between February 14, 1908, when the Oklahoma bank-depositors' guaranty law went into effect, and June 23, 1909, with a further statement between June 23, 1909, and November 16, 1909:

STATE BANKING DEPARTMENT,
STATE OF OKLAHOMA,
Guthrie, February 2, 1910.

Hon. ROBERT L. OWEN,
Washington, D. C.

MY DEAR MR. OWEN: Your telegram received. I should have given this matter attention earlier, but I have been extremely busy.

I inclose condensed and comparative statements which will give you some idea as to the popularity and growth of the guaranty law in our State.

We have had three national and three state bank failures since the law went into effect. Three national banks have converted into state banks since the failure of the Columbia Bank and Trust Company and three state banks have converted into national. I have had about 25 applications for new banks since the failure of the Columbia Bank and Trust Company.

I took charge of the Columbia September 29, with deposits of $2,900,000. The doors were never closed, but individual depositors were paid as they called for their money. This large failure did not in the slightest degree interfere with other banks or the financial interests of the city or State. * * * * * * In fact, in the first sixty days after this failure state banks gained more than 33 per cent in deposits and the national banks something like 16 per cent. I mention this, as it is entirely foreign to what usually follows a bank failure.

The First State Bank at Kiefer had on deposit with the Farmers' National Bank at Tulsa something over $20,000 at the time the latter institution failed. I took charge of this bank December 14. They had $78,000 on deposit. In eight days' time every single depositor had

received their money. The Farmers' National Bank, which closed on the above date, is still closed.

The way a failed national bank is handled is very little short of barbarism.

If there is any other information desired that I can give you do not hesitate to call for it.

Assuring you of my best wishes, I am,

Very respectfully,

A. M. YOUNG,
Bank Commissioner.

STATE BANKING DEPARTMENT,
Guthrie, Okla.

CONSOLIDATED STATEMENT OF THE CONDITION OF STATE BANKS IN OKLAHOMA AND OTHER INFORMATION IN REGARD TO NATIONAL AND STATE BANKS AS SHOWN BY REPORTS OF COMPTROLLER OF THE CURRENCY AND OF THE BANK COMMISSIONER OF OKLAHOMA UNDER DATE OF JUNE 23, 1909.

Consolidated statement of the condition of the state banks in Oklahoma, and other information in regard to national and state banks, as shown by reports under date of June 23, 1909:

State banks of the State of Oklahoma.

RESOURCES.

Loans and discounts	$35,137,300.08
Overdrafts	719,616.37
Bonds, warrants, and securities	3,598,934.06
Banking house, furniture, and fixtures	2,274,558.28
Other real estate owned	307,304.71
Due from banks	14,390,114.86
Exchange for clearing house	299,479.34
Checks and other cash items	280,325.60
Cash in banks	3,643,366.56
	60,650,999.86

LIABILITIES.

Capital stock paid in	10,270,800.00
Surplus fund	758,774.03
Undivided profits	1,615,882.23
Due to banks	3,896,541.02
Individual deposits	42,722,927.57
Cashiers' and certified checks	527,593.53
Bills payable	720,250.98
Rediscounts	138,230.50
	60,650,999.86

The Oklahoma guaranty law went into effect February 14, 1908, since which time 163 state banks have been chartered, 73 of which were conversions of national banks, with deposits approximating $7,300,000.

Individual deposits in state banks February 29, 1908	$18,032,284.91
Individual deposits in national banks February 14, 1908	38,298,247.07
Individual deposits in state banks June 23, 1909	42,722,927.57
Individual deposits in national banks June 23, 1909	38,111,948.40
Gain in state bank deposits since the guaranty law went into effect	24,690,644.66
Loss in national bank deposits for the same length of time	186,298.67
Capital stock of state banks February 29, 1908	5,833,216.65
Capital stock of national banks February 14, 1908	12,215,350.00
Capital stock of state banks June 23, 1909	10,270,800.00
Capital stock of national banks June 23, 1909	9,730,000.00

Number of state banks February 29, 1908, 470.
Number of national banks February 14, 1908, 312.
Number of state banks June 23, 1909, 631.
Number of national banks June 23, 1909, 222.

Ninety national banks have converted and liquidated since guaranty law went into effect.

Average reserve held by state banks June 23, 1909, 42.3 per cent.

The state banks of Oklahoma on February 5, April 28, and June 23, 1909, held a higher reserve than the national banks of any State in the Union except Colorado.

Bank failures, none.

A. M. YOUNG,
Bank Commissioner.

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STATE BANKING DEPARTMENT,
Guthrie, Okla.

Consolidated statement of the condition of all state banks in the State of Oklahoma, as shown by reports under dates of June 23, 1909, and November 16, 1909.

	June 23, 1909.	Nov. 16, 1909.
Number of banks	631	662
RESOURCES.		
Loans and discounts	$35,137,300.08	$35,010,721.96
Overdrafts	719,616.37	2,248,575.08
Bonds, warrants, and securities	3,598,934.06	3,543,359.18
Banking house, furniture, and fixtures	2,274,558.28	2,396,957.14
Other real estate owned	307,304.71	234,726.09
Due from banks	14,390,114.86	18,508,385.20
Exchange for clearing house	299,479.34	1,653,558.19
Checks and other cash items	280,325.60	497,346.52
Cash in banks	3,643,366.56	4,607,348.70
Total	60,650,999.86	68,700,978.06
LIABILITIES.		
Capital stock paid in	10,270,800.00	10,767,800.00
Surplus fund	758,774.03	881,340.87
Undivided profits	1,615,882.23	1,511,122.34
Due to banks	3,896,541.02	[a] 4,537,080.83
Individual deposits	42,722,927.57	[a] 49,775,433.41
Cashiers' and certified checks	527,593.53	[a] 650,752.02
Bills payable	720,250.98	428,378.37
Rediscounts	138,230.50	149,070.22
Total	60,650,999.86	68,700,978.06
Average reserve held.....per cent..	42.3	49.7

[a] Total deposits, $54,963,266.25.

Increase in individual deposits between June 23, 1909, and November 16, 1909	$7,052,505.84
Increase in individual deposits between September 1 and November 16, 1909	4,998,173.96

A. M. YOUNG, *Bank Commissioner.*

Mr. OWEN. Mr. President, I am informed by the bank commissioner that in his judgment the bank guaranty fund of the State of Oklahoma will not be seriously impaired when the assets of the Columbia Bank and Trust Company have been entirely liquidated; that the private depositors will lose nothing and that the State will lose nothing.

It will be observed that the state banks in Oklahoma had only $18,032,000 of individual deposits on February 29, 1908, and on November 16, 1909, had $49,775,433.41 of individual deposits, with total deposits of over $54,963,000, an increase of about 200 per cent in deposits in less than two years.

The individual deposits in the national banks February 14, 1908, were $38,298,000 and the individual deposits in national banks on June 23, 1909, were $38,111,000, showing a gain in the state-bank deposits in seventeen months of over $30,000,000 and a loss in national-bank deposits of $186,000.

Seventy-three national banks, however, during this period were converted into state banks with deposits approximating $7,300,000, so that this item must be considered in comparing the two systems.

The number of state banks has increased from 470, February 29, 1908, to 662 banks. The number of national banks has decreased from 312 to 222 banks, June 23, 1909.

In this short time the state banks from exceeding the national banks in number by about 50 per cent now exceed the national banks in number by about 300 per cent.

The increase in individual deposits in the state banks between June 23, 1909, and November 16, 1909, was $7,052,505.84, a very remarkable showing, considering that in September the serious bank failure of the Columbia Bank and Trust Company, a state bank at Oklahoma City, with deposits approximating three millions. Notwithstanding this failure, the individual deposits of the state banks increased from September 1 to November 16, 1909, $4,998,173.96.

The average reserve held by the Oklahoma state banks June 23, 1909, was 42.3 per cent—a higher reserve than that of any of the national banks of any State in the Union, except Colorado. And on November 16, 1909, the average reserve held by the Oklahoma state banks was 49.7 per cent—a reserve about as great as the average reserve of the Bank of England—and offering a favorable comparison with the Treasury of the United States, as against its outstanding liabilities.

Mr. President, the State of Oklahoma has the best banking system in the United States; it is a model for the balance of the United States. It protects the small depositor and gives him confidence, and when there is a loss due to mismanagement the loss is distributed in such a manner that it is not felt by any of the banks contributing. It is, after all, merely a mutual insurance plan.

And this is the banking system, Mr. President, which is criticised by the American Banking Association as unsound, and as a reckless banking system. It is precisely the contrary. It has promoted stability, a high reserve, and banking of the highest order.

The confidence of the people of Oklahoma in this improved banking system is shown by the deposits of the people increasing nearly 200 per cent in less than two years. The preference of the people to this banking system over the national banking system is clearly manifested by this extraordinary mark of their confidence in making their deposits. The national banks gained but a small per cent, comparatively, on an average, and the state banks gained nearly 200 per cent in this short period of time.

This development of confidence is reflected in the marvelous growth of our towns and cities in Oklahoma, which are growing as rapidly as these astonishing deposits. Let States and cities who want to learn the secret of confidence, of stability, and of rapid development come to Oklahoma and learn the lesson from her wise and virtuous laws.

Mr. President, I had the privilege of establishing the first national bank in Indian Territory, and caused the extension of the national-bank act to that Territory which afterwards became Oklahoma. My personal interests have been, and are now, almost exclusively in the national banks. The national banking system is splendidly administered; it is worthy of all honor and credit. Those banks are thoroughly deserving of the confidence of the depositors of the country, and I should like to see the national banks enjoy the full prosperity to which they are

entitled. During the ten years preceding the last panic the loss to the national-bank depositors did not exceed $1 per annum out of exceeding $60,000 dollars of deposits. The abrasion of gold coin in the pockets of the people would greatly exceed this. It is a wonderful record of fidelity and of sound administration. Yet, notwithstanding this high tribute to the national banking system, we can not forget that a failure such as that of the National Bank of Commerce, of Kansas City, involving a bank whose deposits amounted to thirty-five millions, shook the confidence of the depositors contributing to this bank in twelve or fifteen States. The Walsh failure, in Chicago, served a like harmful purpose in the region of the Great Lakes.

The Morse-Heinze failures in New York shook the confidence of the depositors on the Atlantic seaboard. These failures could have been easily prevented by the guaranty fund plan. It may be true that the depositors under this system may have lost nothing through the National Bank of Commerce, nor through the Walsh failure, but they had their money tied up; they could not get their deposits when they wanted them, and the consequence is the statistical argument is not satisfying to the ordinary depositor, while it may be persuasive to the statesman who is not considering the subject from the standpoint of a depositor.

Our national-bank act should be amended, and amended immediately. It would cost the Government of the United States nothing whatever to provide this mutual insurance plan for the depositors of the national banks, and every State in the Union would immediately follow suit.

This system would give to the people of the United States freedom from financial disturbance, freedom from commercial disturbance. When the banks are disturbed every business man in the country is disturbed, for all of our business men are both borrowers and depositors.

A brilliant example of the stability obtained by the mutual insurance plan was shown in the failure of the Columbia Bank and Trust Company at Oklahoma City, a state institution, with about $3,000,000 of deposits. If this had been a national bank and these deposits had been tied up, to be ultimately paid after the bank assets were liquidated, involving from two to five years, it would have left a harvest of distrust. As it was, the depositors were promptly paid; they immediately redeposited their funds with other banks, and the state banks gained $4,998,000 of deposits from September 1 to November 16, 1909, in two months and a half, showing that the confidence of the people was not impaired by the failure of the Columbia Bank and Trust Company. The people were not hurt by it. The banks of Oklahoma City were not thrown into a panic by it; the commerce of Oklahoma City suffered no serious embarrassment and no shock; the banks did not force their clients to pay up under pressure, but the business of the community remained undisturbed, and the value of the Oklahoma bank system was triumphantly vindicated and its great worth demonstrated in a manner which should forever silence the criticism of those who prophesied evil of it, and who desire to deal fairly, frankly, and justly with this economic question.

The bank mutual-insurance plan by the guaranty fund is preferable to the postal savings system, because the banks can

afford to pay a higher rate of interest than the Government offers through the postal savings plan.

It avoids increasing the governmental activities or offices and leaves the people to manage their own business without increase of government expense or supervision, beyond the present supervision of the comptroller.

The postal savings bank is but another form of the guaranty of bank deposits. It is an unlimited but justifiable guaranty by the United States.

If the guaranty of bank deposits can not be established, then as an alternative I approve of the postal savings-bank system under the amendments accepted by the Senator from Montana, as set forth in the reprints of this bill, under date of February 3, 1910. This system will not take money away from the small communities to concentrate such funds in the large financial centers, but will be an important auxiliary to the state banks and to the national banks, by adding to their deposits those funds which would not be deposited at all, unless such deposits were properly guaranteed. The guaranty of the United States of these deposits will bring from hiding many millions of dollars, which will be immediately redeposited in the local banks. Under this system the unreasoning panic and want of confidence, which has heretofore caused bank depositors to withdraw currency for hoarding, will be prevented. It may not entirely prevent the occasional withdrawal for hoarding by wealthy manipulators, who occasionally lock up currency for speculative purposes in order to depress the stock market and take advantage of such depression as buyers of depressed stocks, but it will make the country outside of the influence of the rich manipulators incapable of being stampeded by the cry of panic, and will go far to give stability to our national commerce, a consummation devoutly to be wished.

The postal savings bill should add to our national banking capital several thousand millions of dollars, because every dollar of currency brought from hiding means approximately $10 of deposits and $10 of loans, the ratio of currency to deposits in the national banks of the United States being at least 10 to 1, as will appear from the reports of the Comptroller of the Currency.

If we can not have the depositors' guaranty plan, I should approve the postal savings bill as now drawn.

Mr. President, I can not acquiesce in the suggestion that the postal savings bill violates the Constitution of the United States, for the reason that I regard the postal savings system as a legitimate extension of the postal service.

The Constitution of the United States was established by the people of the United States, and was ratified by the people of the various States acting through their constituted authority, and was drawn, as its preamble declares:

> In order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, *promote the general welfare,* and so forth.

And the idea of promoting the general welfare runs like a golden thread throughout the entire Constitution, giving life and vitality to clauses which require interpretation in the light of this national purpose.

While I do not believe that section 8, Article I, which provides for the laying and collecting of taxes, could be construed to

apply to any and all objects beyond this obvious and manifest purpose of the raising of taxes, I do believe that the Constitution of the United States, authorizing the establishment of the postal system, providing for the establishment of post-offices and post-roads, is not extended unduly when it embraces the postal savings system. In its primary establishment it was necessarily crude, but by the common consent of all of the people of the United States it has been gradually extended without protest, without conflict, without challenge on the part of anyone that it was a violation of the Constitution of the United States as it has been expanded.

For example, in the matter of issuing money orders, a citizen goes to a post-office, deposits his money in the post-office, receives a postal money order payable either to himself or to his order. It becomes, in effect, a bill of exchange, to be cashed by the post-office in any part of the United States. It is, in fact, a banking transaction. It is making the post-office a place of deposit. It is making the post-office a place where deposits are paid, and the extension of the postal savings system, in the manner proposed in this bill, is only an enlargement providing that these transactions shall be limited to a fixed amount and shall bear interest. Mr. President, since the consent of the governed is the best evidence of the justification of government and since the Republican party, through its national platform, has declared in favor of the postal savings-bank system, and since the Democratic party has made the same declaration through its platform, and since the people of the United States, from the Atlantic to the Pacific, have voted for candidates upon those two platforms, I take it there never was a proposition brought before the Congress that had a more universal acquiescence of the people in its constitutionality. I therefore take it that it is not outside of the grant of constitutional power to extend the postal system so as to include the postal savings plan, because it is a reasonable expansion of the conveniences of the post-offices established under the Constitution and because such expansion is universally approved by the people of the United States.

More than that, Mr. President, since the postal savings plan is of the greatest importance in preventing panics in this country, by providing a safe place of deposit, by taking care of those depositors who are the most timid of any, and who always constitute a menace to the banks of the country by precipitating runs on the banks because of their fears, and since this system will be an important factor in preventing financial panic, the postal savings system will be an agency of the United States in regulating commerce between the States and preventing its paralysis by panic.

By preventing panic it will serve also as an agency of government in regulating the value of money or its purchasing power. I have heretofore shown that money in times of panic has twice the purchasing power which it has in times of financial prosperity.

I take it that both parties in the United States, through their representatives in national convention believed the postal savings system to be constitutional, otherwise both parties in the United States would not have committed themselves to the postal savings system, and therefore it is in order to justify this legislation, outside of constitutional considerations, by say-

ing that it would promote the providence of the people, their economy, their thrift. Outside of the constitutional argument, this legislation is justified because it will bring from hiding immense hoards of banking capital and will add greatly to our financial strength and to our commercial power as a nation.

Every other civilized nation in the world has adopted it. Gladstone declared that it was the most important act of his long life to have promoted this system in the British Empire.

For these reasons, Mr. President, I should give my adherence to this bill in the event that the Senate does not accede to the plan proposed for the strengthening of the national banks, which I should like to see done in any contingency, and I shall at the proper moment offer such an amendment to the consideration and vote of the Senate, after it shall have been disposed of by the vote of the Senate, as a proposed substitute.

APPENDIX.

Statutes of the State of Oklahoma.

CHAPTER VI.

BANKS AND BANKING.

ARTICLE I. Organization.
ARTICLE II. Banking board—guaranty fund.
ARTICLE III. Bank commissioner.

ARTICLE I.

ORGANIZATION.

An act relating to banks and banking and declaring an emergency, as amended by laws of 1909, senate bill 39, same being a bill entitled "An act to amend chapter 6 of the Session Laws of Oklahoma, 1907–8, relating to banks and banking, and declaring an emergency," taking effect March 11, 1909.

SEC. 278. Three persons may organize a bank procedure. Any three or more persons, approved by the bank commissioner, a majority of whom shall be residents of this State, may execute articles of incorporation and be incorporated as a banking corporation in the manner hereinafter provided. Said articles of incorporation shall contain the corporate name adopted by the corporation, which shall not be the same name used by any corporation previously organized, or any limitation of such name; the place where its business is to be conducted; the purpose for which it is formed; the amount of its capital stock, which shall be divided into shares of the par value of $100 each; the name and place of residence of and number of shares subscribed by each stockholder; and the names of the stockholders selected to act as the first board of directors, each of whom shall be a bona fide holder of at least $500 of the stock of said bank, fully paid and not hypothecated; the length of time the corporation is to exist, which shall not exceed twenty-five years; and such other matters not inconsistent with law as the incorporators may deem proper. Said articles of incorporation shall be subscribed by at least three of the stockholders of the proposed banking corporation, and shall be acknowledged by them and filed in the office of the secretary of state and a copy thereof, duly certified by the secretary of state, shall be filed with the bank commissioner. The secretary of state shall issue a certificate in the form provided by law for other corporations, and the existence of such bank as a corporation shall date from the filing of its articles of incorporation and the issuance of certificate of the secretary of state, from which time it shall have and may exercise the powers conferred by law upon corporations generally, except as limited or modified by this act: *Provided*, That such bank shall transact no business except the election of officers and the taking and approving of their official bonds, the receipt of payments on account of subscriptions of its capital stock, and such other business as is incidental to its organization until it shall have been authorized by the bank commissioner to commence the business of banking as hereinafter provided.

SEC. 279. Conditions precedent to doing business: When the capital stock of any bank shall have been paid up the president or cashier thereof shall transmit to the bank commissioner a verified statement showing the names and places of residence of the stockholders, the amount of stock subscribed, and the amount paid in by each, and the

bank commissioner shall thereupon have the same power to examine into the condition and affairs of such bank as if it had before that time been engaged in the banking business; and if the commissioner is satisfied that such bank has been organized as prescribed by law, and that its capital is fully paid, and that it has in all respects complied with the law, he shall issue to such bank, under his hand and seal, a certificate showing that it has been organized, and its capital paid in as required by law, and is authorized to transact a general banking business: *Provided*, That in the reorganization of a bank or trust company the assets may be accepted in lieu of cash at their actual value.

SEC. 280. Amount of deposit—interest: A banking corporation organized under the provisions of this act shall be permitted to receive money on deposit not to exceed ten times the amount of its paid-up capital and surplus, deposits of other banks not included, and to pay interest thereon not to exceed the rate that may from time to time be fixed by the bank commissioner, as the maximum rate that may be paid upon deposits by banks in this State; to buy and sell, exchange, gold, silver, coin, bullion, uncurrent money, bonds of the United States, or of this State, or of any city, county, school district, or other municipal corporation thereof, and state, county, city, township, school district, or other municipal indebtedness; to lend money on chattel and personal security, or on real estate secured by first mortgages, running not longer than one year: *Provided*, That such real-estate loans shall not exceed 20 per cent of the aggregate loans of any such bank; to own a suitable building, furniture and fixtures, for the transaction of its business, the value of which shall not exceed one-third of the capital of such bank fully paid: *Provided*, That nothing in this section shall prohibit such bank from holding and disposing of such real estate as it may acquire through the collection of debts due it: *And provided further*, That all banking institutions now organized as corporations doing business in this State are hereby permitted to continue said business as at present incorporated, but in all other respects their business, and the manner of conducting the same and the operation of said bank, shall be carried on subject to the laws of this State and in accordance therewith: *And provided further*, That no bank, except those that have complied with or that may be organized under the laws of this State relating to trust companies, shall engage in any business other than is authorized by this act. And whenever it shall appear from the preceding-year reports made by such banking corporation that the total deposits are more than ten times the amount of its paid-up capital and surplus, deposits of other banks not included, the bank commissioner shall have power and it shall be his duty to require such bank within thirty days to increase its capital or surplus to conform to the provisions of this act or cease to receive deposits.

SEC. 281. Amount of capital—grades: That hereafter the capital stock, which shall be fully paid up, shall not be less than $10,000 in towns having 500 inhabitants or less; the capital stock, which shall be fully paid up, shall not be less than $15,000 in towns having more than 500 inhabitants and not more than 1,500 inhabitants; the capital stock, which shall be fully paid up, shall not be less than $25,000 in cities and towns having more than 1,500 inhabitants and less than 6,000 inhabitants; the capital stock, which shall be fully paid up, shall not be less than $50,000 in cities having more than 6,000 inhabitants and less than 20,000 inhabitants; the capital stock, which shall be fully paid up, shall not be less than $100,000 in cities having more than 20,000 inhabitants.

SEC. 282. Capital stock may be increased, or decreased, subject to approval of commissioner: The capital stock of any banking association doing business under the laws of this State may be increased or decreased at any time by resolution adopted by three-fourths of its stockholders at any regular meeting or at a special meeting called for that purpose, of which all stockholders shall have due notice in the manner provided by the by-laws of such banking association. A certificate must be filed with the bank commissioner by the chairman and secretary of the meeting, and by a majority of all the directors, showing the compliance of the provisions of this section, the amount to which the capital stock has been increased or decreased, the amount of stock represented at the meeting, and the vote upon the question to increase or decrease the capital stock. No such changes in the capital stock of any such association shall be valid or binding until the same shall have been approved by the bank commissioner. No increase of the capital stock shall be approved until the amount thereof shall have been paid in cash: *Provided, however*, That such increased capital may, when authorized by all the stockholders of said bank, be paid in whole or part from its surplus or undivided profits. Whenever the capital stock of any bank shall be decreased as provided in this section, each stockholder, owner, or holder of any stock certificate shall

surrender the same for cancellation, and shall be entitled to receive a new certificate for his proportion of the new stock. No decrease of the capital stock of any such bank shall be approved unless such bank with reduced capital shall be entirely solvent, and no reduction in capital stock shall be approved to an amount less than is authorized by section 2 of this article (279). Whenever the capital stock of any bank shall be increased or decreased, as provided in this section, and the same shall have been approved by the commissioner, a certificate signed by the president and cashier of the bank, setting forth the amount of stock held by each stockholder, shall be filed with the secretary of state, with the bank commissioner, and with the corporation commission.

SEC. 283. Bank to be under control of board of directors: The affairs and business of any banking association organized under the laws of this State shall be managed or controlled by a board of directors of not less than three nor more than thirteen in number, who shall be selected from the stockholders, at such time and in such manner as may be provided by the by-laws of the association. No person shall be eligible to serve as director of any bank organized or existing under the laws of this State unless he shall be a bona fide owner of $500 of the stock of such bank, fully paid and not hypothecated. Any director, officer, or other person who shall participate in any violation of the laws of this State, relative to banks and banking, shall be liable for all damages which the said bank, its stockholders, depositors, or creditors shall sustain in consequence of such violation. The board shall select from among their number the president and secretary, and shall select from among their stockholders a cashier. Such officers shall hold their offices for the term of one year and until their successors are elected and qualified. The board shall require the cashier and any and all officers having the care of the funds of the bank to give a good and sufficient bond, to be approved by them, and held by the state banking board. The board of directors shall hold at least two regular meetings each year, and at such meetings a thorough examination of the books, records, funds, and securities held by the bank shall be made and recorded in detail upon its record book and a certified copy thereof shall be forwarded to the bank commissioner and to each stockholder of record within ten days.

SEC. 284. Removal of officers: Any officer of a bank found by the bank commissioner to be dishonest, reckless, or incompetent shall be removed from office by the board of directors of the bank of which he is an officer on the written order of the bank commissioner.

SEC. 285. Penalty for any violation of law: The violation of any of the provisions of this act by the officers or directors of any bank organized or existing subject to the laws of this State shall be sufficient cause to subject the said bank to be closed and liquidated by the bank commissioner and for the annulment of its charter.

SEC. 286. Liability of stockholders: The shareholders of every bank organized under this act shall be additionally liable for the amount of stock owned, and no more.

SEC. 287. Limitation to investment: No bank shall employ its moneys, directly or indirectly, in trade or commerce by buying or selling goods, chattels, wares, or merchandise, and shall not invest any of its funds in the stock of any other bank or incorporation, nor make any loans or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such securities or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale; after the expiration of six months, any such stock shall not be considered as part of the assets of any bank: *Provided*, That it may sell any personal property which may come into its possession as collateral security for any debt or obligation due it, upon posting a notice in five public places in the county wherein the property is to be sold, at least ten days before the time therein specified for such sale, and which said notice shall contain the name of the bank and the name of the pledgor, the date of the pledge, the nature of the default and the amount claimed to be due thereon at the date of the notice, a description of the pledged property to be sold and the time and place of sale.

SEC. 288. Reserve required—Depositories—Penalty—Savings associations: Every bank doing business under the laws of this State shall have on hand at all times in available funds the following sums, to wit: Banks located in towns or cities having a population of less than 2,500 persons, an amount equal to 20 per cent of their entire deposits; banks located in cities having over 2,500 population, an amount equal to 25 per cent of their entire deposits; two-thirds of such amounts may consist of balances due to them from good, solvent banks, selected from

time to time with the approval of the bank commissioner, and one-third shall consist of actual cash: *Provided*, That any bank that has been made the depository for the reserve of any other bank or banks shall have on hand at all times in the manner provided herein 25 per cent of its deposits. Whenever the available funds in any bank shall be below the required amount, such bank shall not increase its liabilities by making any new loans or discounts otherwise than the discounting or purchasing bills of exchange payable at sight, nor make any dividends of its profits until the required proportion between the aggregate amount of its deposits and its lawful money reserve has been restored; and the bank commissioner shall notify any bank whose lawful money reserve shall be below the amount required to be kept on hand to make good such reserve, and if such bank or association shall fail to do so for a period of thirty days after such notice, it shall be deemed to be insolvent, and the bank commissioner shall take possession of the same and proceed in the manner provided in this act relating to insolvent banks; the bank commissioner may refuse to consider, as a part of its reserve, balance due to any bank from any other bank association which shall refuse or neglect to furnish him with such information as he may require from time to time relating to its business with any other bank doing business under this act, which shall enable him to determine its solvency: *Provided*, That all savings associations which do not transact a general banking business shall be required to keep on hand at all times in actual cash a sum equal to 10 per cent of their deposits, and shall be required to keep a like sum invested in good bonds of the United States or state, county, school district, or municipal bonds of the State of Oklahoma, worth not less than par.

SEC. 289. Limit to liabilities to any bank: The total liabilities to any bank of any person, company, corporation, or firm for money borrowed, including in the liabilities of the company or firm the liabilities of the several members thereof, shall not at any time exceed 20 per cent of the capital stock of such bank, actually paid in, but the discount of bills of exchange drawn in good faith against actual existing values as collateral security and a discount of commercial or business paper actually owned by the person shall not be considered as money borrowed.

SEC. 290. Penalty for making a false report: Every officer, director, agent, or clerk of any bank doing business under the laws of the State of Oklahoma who willfully and knowingly subscribes to or makes any false report or any false statement or entries in the book of such banks, or knowingly subscribes to or exhibits any false writing on paper with the intent to deceive any person as to the condition of such bank, shall be deemed guilty of a felony, and shall be punished by a fine not to exceed $1,000 or by imprisonment in the state prison not exceeding five years, or by both such fine and imprisonment.

SEC. 291. Officers prevented from borrowing from bank: It shall be unlawful for any active managing officer of any bank organized or existing under the laws of this State to borrow, directly or indirectly, money from the bank with which to loan to any of said persons, as well as the person receiving the same, shall be deemed guilty of a larceny of the amount borrowed.

SEC. 292. Insolvent bank prevented from receiving deposits—penalty: No bank shall accept or receive on deposit, with or without interest, any money, bank bills or notes, or United States Treasury notes, gold or silver certificates, or currency, or other notes, bills, checks, or drafts, when such bank is insolvent; and any officer, director, cashier, manager, member, party, or managing party of any bank who shall knowingly violate the provisions of this section, or be accessory to or permit or connive at the receiving or accepting of any such deposit, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment in the penitentiary not exceeding five years, or by both such fine and imprisonment.

SEC. 293. None but banks and trust companies to receive deposits: It shall be unlawful for any individual, firm, or corporation to receive money upon deposit or transact a banking business except as authorized by this act, or by the laws relating to trust companies. Any person violating any provisions of this section, either individually or as an interested party, in any association or corporation, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than $300 nor more than $1,000, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment.

SEC. 294. Reports, quarterly, published: Every bank shall make at least four reports each year, and oftener if called upon, to the bank commissioner, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association and attested by the signatures of at least two of the directors. Each such report shall exhibit in detail and under the appro-

priate heads the resources and liabilities of the association at the close of business on any past day by him specified, and shall be transmitted to the bank commissioner within ten days after the receipt of a request or requisition therefor by him, and shall be published in the same form in which it is made to the bank commissioner within ten days after the same is made in a newspaper published in the county in which such bank is established, for two insertions, at the expense of the bank; and such proof of publication shall be furnished within five days after date of last publication as may be required by the bank commissioner. The bank commissioner shall also have power to call for special reports from any bank whenever, in his judgment, the same are necessary in order to gain a full and complete knowledge of its condition: *Provided*, The reports authorized and required by this secton to be called for by the bank commissioner shall relate to a date prior to the date of such call, to be specified therein.

SEC. 295. Dividends to be reported: In addition to the reports required by the preceding sections, each bank doing business under this act shall, within ten days after the declaring of any dividends, forward to the bank commissioner a statement of the amount of such dividend and the amount carried to the surplus and undivided profit accounts, and shall forward to the bank commissioner within ten days after the 1st of January in each year, in such form as he may designate, a verified statement showing the receipts and disbursements of such bank for the preceding year.

SEC. 296. Penalty for failure to make report: Every bank which fails to make and transmit or to publish any report required under either of the two preceding sections shall be subject to a penalty of $50 for each day after the period respectively therein mentioned that it delays to make and transmit its report or the proof of publication. Whenever any bank delays or refuses to pay the penalty herein imposed for a failure to make and transmit or to publish a report, the commissioner is hereby authorized to maintain an action in the name of the State against the delinquent bank for the recovery of such penalty, and all sums collected by such action shall be paid into the treasury of the state banking board.

SEC. 297. Banks may voluntarily place their affairs in hands of commissioner: Any bank doing business under this act may place its affairs and assets under the control of the bank commissioner by posting a notice on its front door as follows: "This bank is in the hands of the state bank commissioner." The posting of such notice or the taking possession of any bank by the bank commissioner shall be sufficient to place all of its assets and property of whatever nature in the possession of the bank commissioner and shall operate as a bar to any attachment proceedings.

SEC. 298. Banks may voluntarily liquidate: Any bank doing business under this act may voluntarily liquidate by paying off all its depositors in full, and upon filing a verified statement with the bank commissioner setting forth the fact that all its liabilities have been paid, and the surrendering of its certificate of authority to transact a banking business, it shall cease to be subject to the provisions of this act and may continue to transact a loan and discount business under its charter: *Provided*, That the bank commissioner shall make an examination of any such bank for the purpose of determining that all its liabilities have been paid.

SEC. 299. Banks—when deemed insolvent: A bank shall be deemed to be insolvent, first, when the actual cash market value of its assets is insufficient to pay its liabilities; second, when it is unable to meet the demands of its creditors in the usual and customary manner; third, when it shall fail to make good its reserve as required by law.

SEC. 300. Dividends and surplus funds—declared when: The directors or owners of any bank doing business under this act may declare dividends of so much of the net profits of their bank as they shall judge expedient, but each bank shall, before the declaration of a dividend, carry not less than one-tenth of its net profits since the last preceding dividend to its surplus fund, until the same shall amount to 50 per cent of its capital stock: *Provided*, That such dividends, if any, shall be declared on the first day of January and the first day of July of each year, and it shall be reported to the bank commissioner on forms prescribed by him.

SEC. 301. Losses charged to surplus account: Any losses sustained by any bank in excess of its undivided profits may be charged to its surplus account: *Provided*, That its surplus fund shall thereafter be reimbursed from its earnings, and no dividend shall be declared or paid by any such bank until its surplus fund shall be fully restored to its former amount.

SEC. 302. When dividends may be declared: No bank officer or director thereof shall, during the time it shall continue its banking op-

erations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. If losses have been at any time sustained by such bank equal to or exceeding its undivided profits then on hand, no dividend shall be made, and no dividend shall be declared by any bank while it continues its banking business to any amount greater than its profits on hand, deducting therefrom its losses, to be ascertained by a careful estimate of the actual cash value of all its assets at the time of making such dividends. The present worth of all maturing paper shall be estimated at the usual discount rate of the bank. Nothing in this section shall prevent the reduction of the capital stock of any bank in the manner prescribed herein.

SEC. 303. Penalty for any bank official to fail to perform duties: Every banker, officer, employee, director, or agent of any bank who shall neglect to perform any duty required by this act, or who shall fail to conform to any lawful requirements made by the bank commissioner, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not to exceed $1,000, or by imprisonment in the penitentiary not to exceed five years, or by both such fine and imprisonment.

SEC. 304. Rewards may be offered and paid: The state banking board shall have power to offer and pay out of the depositors' guaranty fund, under such conditions as it may deem proper, and not to exceed the sum of $500 in any one case, rewards for the arrest and conviction of any officer, agent, director, or employee of any bank charged with violating any of the laws of this State relating to banks and banking for which a criminal penalty is provided, or for the arrest and conviction of any person charged with stealing, with or without force, any money, property, or thing of value of any bank.

SEC. 305. Certified checks must be drawn—how: It shall be unlawful for any officer, clerk, or agent of any bank doing business under this act to certify any check, draft, or order drawn upon the bank unless the person, firm, or corporation drawing such check, draft, or order has on deposit with the bank at the time such check, draft, or order is certified an amount of money equal to the amount specified in such check. Any check, draft, or order so certified by the duly authorized officer shall be a good and valid obligation against any such bank, but the officer, clerk, or agent of any bank violating the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished as provided in this act.

SEC. 306. Penalty for embezzlement: Every president, director, cashier, teller, clerk, officer, or agent of any bank who embezzles, abstracts, or willfully misapplies any of the moneys, funds, securities, or credits of the bank, or who issues or puts forth any certificate of deposit, draws any draft or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree, or who makes use of the bank in any manner with intent in either case to injure or defraud the bank or any individual, person, company, or corporation, or to deceive any officer of the bank, and any person who, with like intent, aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a felony, and upon conviction thereof shall be punished as provided in this act.

SEC. 307. Penalty to pay overdrafts: Any bank officer or employee who shall pay out the funds of any bank upon the check, order, or draft of any individual, firm, corporation, or association which has not on deposit with such bank a sum equal to such check, order, or draft shall be personally liable to such bank for the amount so paid, and such liabilities shall be covered by his official bond.

SEC. 308. Banks may borrow money: No bank, banker, or bank official shall give preference to any depositor or creditor by pledging the assets of the bank as collateral security: *Provided*, That any bank may borrow money for temporary purposes, not to exceed in amount 50 per cent of its paid-up capital, and may pledge assets of the bank as collateral security therefor: *Provided further*, That whenever it shall appear that a bank is borrowing habitually for the purpose of reloaning the bank commissioner may require such bank to pay off such borrowed money. Nothing herein shall prevent any bank from rediscounting in good faith and indorsing any of its negotiable notes.

SEC. 309. Impairment of capital stock: Whenever it shall appear that the capital of any bank doing business under this act had become impaired the bank commissioner shall notify such bank to make such impairment good within sixty days, and it shall be the duty of the officers and directors of any bank receiving such notice from the bank commissioner to immediately call a special meeting of its stockholders for the purpose of levying an assessment upon its stockholders sufficient to cover the requirements of its capital stock: *Provided*, That such bank, if not insolvent, may reduce its capital stock to the extent of such

impairment, if such reduction will not place its capital below the amount required by this act: *And provided further*, That the bank shall have a prior lien upon the stock of each individual shareholder to the extent of such assessment, and upon the failure of any such stockholder to pay the assessment authorized by this section within the time fixed by the bank commissioner for making good said impairment said lien may be foreclosed and the stock of such delinquent stockholder sold by giving public notice of the time and place of such sale, and of the stock to be sold, by advertisement for fifteen days in some newspaper of general circulation published in the county where such bank is located.

SEC. 310. National banks may become state banks: Any national bank doing business in this State may incorporate as a state bank, as provided herein for the organization of banks: *Provided*, That the bank commissioner may accept good assets of such national bank worth not less than par in lieu of cash payment for the stock of such state bank.

SEC. 311. Bank to keep list of its shareholders: The president and cashier of every incorporated bank shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the bank and the number of shares held by each in the office where its business is transacted. Such list shall be subject to the inspection of all the shareholders and creditors of the bank and the officers authorized to assess taxes under the state authority during business hours of each day in which business may be legally transacted. A copy of such list on the first Monday in January of each year, verified by the oath of such president or cashier, shall be transmitted to the bank commissioner.

SEC. 312. Commissioner may revoke charter of any bank for cause: Whenever an officer of the bank shall refuse to submit the books, papers, and effects of such bank to the inspection of the commissioner or his assistant, or shall in any manner obstruct or interfere with him in the discharge of his duties, or refuse to be examined on oath touching the affairs of the bank, the commissioner may revoke the authority of such bank to transact a banking business and proceed to wind up its business.

SEC. 313. When real estate may be purchased and sold: Any officer of any bank whose authority to transact a banking business has been revoked, as herein provided, who shall receive or cause to be received any deposit of whatsoever nature after such revocation, shall be subject to the same penalty provided for persons transacting a banking business without authority.

SEC. 314. Real estate—How conveyed: A bank may purchase, hold, and convey real estate for the following purposes: First, such as shall be necessary for the convenient transaction of its business, including its furniture and fixtures, but which shall not exceed one-third of the paid-in capital; second, such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its business; third, such as it shall purchase at sale under judgment, decree, or mortgage foreclosures under securities held by it; but a bank shall not bid at any such sale a larger amount than enough to satisfy its debts and costs. Real estate shall be conveyed under the corporate seal of the bank and the hands of its president or vice-president and cashier. No real estate acquired in the cases contemplated in the second and third subsections above shall be held for a longer time than five years. It must be sold at a private or public sale within thirty days thereafter.

SEC. 315. Shares—Deemed personal property: The shares of stock of an incorporated bank shall be deemed personal property, and shall be transferred on the books of the bank in such manner as the by-laws therefor may direct, but no transfer of stock shall be valid against a bank or any creditor thereof so long as the registered holder thereof shall be liable as a principal debtor, surety, or otherwise to the bank for any debt, nor in such cases shall any dividend, interest, or profits be paid on said stock so long as such liabilities continue, but all such dividends, interests, or profits shall be retained by the bank and applied to the discharge of such liability, and no stock shall be transferred on the books of any bank where the registered holder thereof is in debt to the bank for any matured and unpaid obligations.

SEC. 316. Bank can not loan on its stock: It shall be unlawful for any bank to loan its funds to its stockholders on their stock on collateral security, and the total indebtedness of the stockholders of any incorporated bank shall at no time exceed 50 per cent of its paid-up capital: *Provided*, That any bank may hold its stock to secure a debt previously contracted.

SEC. 317. Commissioner to preserve records: For the purpose of carrying into effect the provisions of this act, the bank commissioner shall provide a form for the necessary blanks for such examinations and reports; and all examinations and reports received by him shall be preserved in his office.

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SEC. 318. Penalty for false swearing: Every officer or employee of a bank required by this act to take an oath or affirmation who shall willfully swear or affirm falsely shall be deemed guilty of perjury, and, upon conviction thereof, shall be punished as provided by the laws of this State in case of perjury.

ARTICLE II.

BANKING BOARD—GUARANTY FUND.

SEC. 319. State banking board—who compose: The state banking board shall be composed of the governor, lieutenant-governor, the president of the board of agriculture, state treasurer, and state auditor. Said board shall have the supervision and management of the depositors' guaranty fund, hereinafter provided for, and shall have power to adopt all suitable rules and regulations not inconsistent with law for the management and administration of the same.

SEC. 320. Assessment for guaranty fund: There is hereby levied an assessment against the capital stock of each and every bank and trust company organized or existing under the laws of this State for the purpose of creating a depositor's guaranty fund equal to 5 per cent of its average daily deposits during its continuance in business as a banking corporation. Said assessments shall be payable one-fifth during the first year and one-twentieth during each year thereafter until the total amount of said 5 per cent assessment shall have been fully paid: *Provided, however,* That the assessments heretofore levied and paid by banking corporations or trust companies now existing shall be deducted from and credited as a payment on said 5 per cent assessment hereby levied. The average daily deposits of each bank during the preceding year prior to the passage and approval of this act shall be taken as the basis for computing the amount of the first payment on the levy hereby made. One year after the passage and approval of this act, and annually thereafter, each bank and trust company doing business under the laws of this State shall report to the bank commissioner the amount of its average daily deposits for the preceding year, and if such deposits are in excess of the amount upon which the first or subsequent payment of the levy hereby made is computed, each bank or trust company having such increased deposits shall immediately pay in the depositors' guaranty fund a sum sufficient to pay any deficiency on said first or subsequent payment, as shown by such increased deposits. After the 5 per cent assessment hereby levied shall have been fully paid up no additional assessments shall be levied or collected against the capital stock of any such bank or trust company, except emergency assessments hereinafter provided, to pay the depositors of failed banks, and except assessments as may be necessary by reason of increased deposits to maintain such funds at 5 per cent of the aggregate of all deposits in such banks and trust companies doing business under the laws of this State. Whenever the depositors' guaranty fund shall become impaired or be reduced below said 5 per cent by reason of payments to depositors of failed banks the state banking board shall have the power, and it shall be their duty, to levy emergency assessments against the capital stock of each bank and trust company doing business in this State sufficient to restore said impairment or reduction below 5 per cent; but the aggregate of such emergency assessments shall not in any one calendar year exceed 2 per cent of the average daily deposits of all such banks and trust companies. If the amount realized from such emergency assessments shall be insufficient to pay off the depositors of all failed banks having valid claims against said depositors' guaranty fund, the state banking board shall issue and deliver to each depositor having any such unpaid deposit a certificate of indebtedness for the amount of the unpaid deposit bearing 6 per cent interest. Such certificates shall be consecutively numbered and shall be payable upon the call of the state banking board in like manner as state warrants are paid by the state treasurer in the order of their issue out of the emergency levy thereafter made; and the state banking board shall from year to year levy emergency assessments as hereinbefore provided against the capital stock of all banking corporations and trust companies doing business in this State until all such certificates of indebtedness, with the accrued interest thereon, shall have been fully paid. As rapidly as the assets of failed banks are liquidated and realized upon by the bank commissioner the same shall be applied first after the payment of the expense of liquidation to the repayment to the depositors' guaranty fund of all money paid out of said fund to the depositors of such failed bank, and shall be applied by the state banking board toward refunding any emergency assessment levied by reason of the failure of such liquidated bank: *Provided, further,* That 75 per cent of the depositors' guar-

anty fund shall be invested for the benefit of said fund in state warrants or such other securities as state funds are now required to be invested.

SEC. 320. Assessment for guaranty fund: There is hereby levied an assessment of 1 per cent of the bank's daily average deposits, less the deposits of the United States, and state funds, if otherwise secured, for the preceding year, upon each and every bank and trust company organized or existing under the laws of this State, for the purpose of creating a depositors' guaranty fund. Said assessment shall be collected upon call of the state banking board. In one year from the time the first assessment is levied, and annually thereafter, each bank and trust company subject to the provisions of this act shall report to the bank commissioner the amount of its average daily deposits for the preceding year; and if such deposits are in excess of the amount upon which 1 per cent was previously paid, said report shall be accompanied by additional funds to equal 1 per cent of the daily average excess of deposits, less the deposits of the United States Government for the year over the preceding year, and each amount shall be added to the depositors' guaranty fund. If the depositors' guaranty fund is depleted from any cause it shall be the duty of the state banking board, in order to keep said fund up to 1 per cent of the total deposits in all of the said banks and trust companies subject to the provisions of this act, to levy a special assessment to cover such deficiency, which special assessment shall be levied upon the capital stock of the banks and trust companies subject to this act, according to the amount of their deposits as reported in the office of the bank commissioner. And such special assessment shall become immediately due and payable.

SEC. 321. New banks to pay 3 per cent on capital stock: Bank and trust companies organized subsequent to the enactment of this act shall pay into the depositors' guaranty fund 3 per cent of the amount of their capital stock when they open for business, which amount shall constitute a credit fund, subject to adjustment on the basis of its deposits, as provided for other banks and trust companies now existing at the end of one year: *Provided, however,* That said 3 per cent payment shall not be required of new banks and trust companies formed by the reorganization or consolidation of banks and trust companies that have previously complied with the terms of this act.

SEC. 322. Commissioner to close up business of insolvent banks: Whenever any bank or trust company organized or existing under the laws of this State shall voluntarily place itself in the hands of the bank commissioner, or whenever any judgment shall be rendered by a court of competent jurisdiction, adjudging and decreeing that such bank or trust company is insolvent, or whenever its rights or franchises to conduct a banking business under the laws of this State shall have been adjudged to be forfeited, or whenever the bank commissioner shall become satisfied of the insolvency of any such bank or trust company, he may, after due examination of its affairs, take possession of said bank or trust company and its assets and proceed to wind up its affairs and enforce the personal liability of the stockholders, officers, and directors.

SEC. 323. Depositors to be paid in full from guaranty fund—Lien on assets: In the event that the bank commissioner shall take possession of any bank or trust company which is subject to the provisions of this act, the depositors of said bank or trust company shall be paid in full; and when the cash available, or that can be made immediately available, of said bank or trust company is insufficient to discharge its obligations to depositors, the banking board shall draw from the depositors' guaranty fund and from additional assessments, if required, as provided in section 2, the amount necessary to make up the deficiency, and the State shall have for the benefit of the depositors' guaranty fund a first lien upon the assets of said bank or trust company and all liabilities against the stockholders, officers, and directors of said bank or trust company against all other persons, corporations, or firms. Such liabilities may be enforced by the State for the benefit of the depositors' guaranty fund.

SEC. 324. Commisioner to take charge: The bank commission shall take possession of the books, records, and assets of every description of such bank or trust company, collect debts, dues, and claims belonging to it, and upon order of the district court or judge thereof may sell or compound all bad or doubtful debts, and on like order may sell all the real or personal property of such bank or trust company upon such terms as the court or judge thereof may direct, and may, if necessary, pay the debts of such bank or trust company and enforce the liabilities of the stockholders, officers, and directors: *Provided, however,* That bad or doubtful debts as used in this section shall not include the liability of stockholders, officers, and directors.

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SEC. 325. Certificate of compliance: The bank commissioner shall deliver to each bank or trust company that has complied with the provisions of this act a certificate stating that said bank or trust company had complied with the laws of this State for the protection of bank depositors, and that safety to its depositors is guaranteed by the depositors' guaranty fund of the State of Oklahoma. Such certificate shall be conspicuously displayed in its place of business, and said bank or trust company may print or engrave upon its stationery and advertising matter words to the effect that its depositors are protected by the depositors' guaranty fund of the State of Oklahoma: *Provided, however,* That hereafter all banks operating under the guaranty law of the State of Oklahoma shall be permitted to advertise that their deposits are guaranteed by the depositors' guaranty fund, but that no bank shall be permitted to advertise its deposits as guaranteed by the State of Oklahoma, and any bank or bank officer or employee who shall advertise their deposits as guaranteed by the State of Oklahoma shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500, or by imprisonment in the county jail for thirty days, or by both such fine and imprisonment, in the discretion of the trial court.

SEC. 326. Stockholders may repair loss: After the bank commissioner shall have taken possession of any bank or trust company which is subject to the provisions of this act, the stockholders thereof may repair its credit, restore or substitute its reserves, and otherwise place it in condition so that it is qualified to do a general banking business as before it was taken possession of by the bank commissioners; but such bank shall not be permitted to reopen its business until the bank commissioner, after a careful investigation of its affairs, is of the opinion that its stockholders have complied with the laws, that the bank's credit and funds are in all respects repaired, and all advances, if any, made from the depositors' guaranty fund fully repaid, its reserve restored or sufficiently substituted, and that it should be permitted again to reopen for business, whereupon said bank commissioner is authorized to issue written permission for reopening of said bank in the same manner as permission to do business is granted after the incorporation thereof, and thereupon said bank may be reopened to do a general banking business.

SEC. 327. Guaranteed banks may become state depositories: Any bank or trust company which has complied with the provisions of this act shall be eligible to act as a depository of state funds, of any fund under the control of the State or any officer thereof, upon compliance with the laws of this State relating to the deposits of public funds.

SEC. 328. State and county depositories: Any bank duly organized under and in compliance with the laws of this State relating to banks and banking corporations and doing business in the State of Oklahoma, or any national bank organized under the laws of the United States and doing business in the State of Oklahoma, shall be qualified to become state and county depositories, when so designated according to law, by giving securities by the depositing with the proper state or county officers United States bonds or state bonds or general-fund state warrants or state special-fund warrants, or approved county or municipal bonds in the State, or approved county or school district warrants in the State, and the proper officers are hereby authorized and empowered to contract accordingly.

ARTICLE III.

BANK COMMISSIONER.

SEC. 329. Commissioner to be appointed by governor: The governor shall appoint, by and with the advice and consent of the senate, a bank commissioner, who shall hold office for the term of four years and until his successor is appointed and qualified. No officer or employee of any bank or any person interested as owner or stockholder of any bank shall be eligible to the office of bank commissioner: *Provided,* That no person shall be appointed as bank commissioner who shall not have had, prior to such appointment, at least three years' practical experience as a banker.

SEC. 330. Commissioner to give bond: The bank commissioner shall, before entering upon the discharge of his duties, take and subscribe the usual oath of office and execute to the State of Oklahoma a bond in the sum of $25,000, with sufficient surety, for the faithful performance of his duty, to be approved and filed as provided by law.

SEC. 331. Banks must be examined twice each year: It shall be the duty of the bank commissioner, or one of his assistants, to visit each and every bank or trust company subject to the provisions of this act

at least twice each year, and oftener if he deems it advisable, for the purpose of making a full and careful examination and inquiry into the condition of the affairs of such bank, and for that purpose the bank commissioner and his assistant are hereby authorized and empowered to administer oaths, and to examine under oath the stockholders and directors and all officers and employees and agents of such banks, or other persons. The commissioner shall reduce the result thereof to writing, which shall contain a full, true, and careful statement of the condition of such bank or trust company, and file and retain the same in his office.

SEC. 332. Salary—positions created: The bank commissioner's salary shall be $2,500 per annum and traveling expenses. There is hereby created and established eight positions, each position to be known as an assistant to the bank commissioner, and to be filled by appointment by the bank commissioner, subject to the approval of the governor, and the salary of each said assistant to the bank commissioner shall be $1,800 per annum and traveling expenses.

SEC. 333. Fee for examination: Each and every bank so examined having not more than $15,000 capital stock paid in shall pay a fee of $15 for each and every examination; and each and every bank having more than $15,000 capital stock paid in and not more than $25,000 paid in shall pay a fee of $20; and each and every bank having more than $25,000 capital stock paid in and not more than $40,000 capital stock paid in shall pay a fee of $25; and each and every bank having more than $40,000 capital stock paid in and not more than $50,000 capital stock paid in, shall pay a fee of $30; and each and every bank having more than $50,000 capital stock paid in shall pay a fee of $35 to the commissioner.

SEC. 334. Fees to be paid into state treasury: It shall be the duty of the bank commissioner to pay over to the treasurer of the state banking board all fees collected by him, and said banking board shall use the same, or so much thereof as may be necessary, in paying the expenses incurred in making examination of banks, subject to any of the banking laws of this State, and other expenses incurred by said banking board in the administration of said depositors' guaranty fund.

SEC. 335. Special reports may be required: The bank commissioner shall have power at any time when he deems it necessary to call upon any bank or trust company organized under the laws of this State, and upon any national bank whose depositors are protected by the depositors' guaranty fund, for a report of its condition upon any given day which is passed, or as often as the bank commissioner may deem it necessary: *Provided*, That he shall require at least four such reports during each and every calendar year. A copy of each call made by the bank commissioner shall be mailed to each such bank.

SEC. 336. Commissioner may be removed from office: Ank bank commissioner or assistant bank commissioner who shall neglect to perform any duty provided for by this act, or who shall make any false statement concerning any bank, or who shall be guilty of any misconduct or corruption in office, shall, upon conviction thereof, be deemed guilty of a felony and punished in the manner provided in this act, and in addition thereto shall be removed from office.

SEC. 337. County attorney to enforce law: It shall be the duty of the bank commissioner to inform the county attorney of the county in which the bank is located of any violation of any of the provisions of this act, which constitutes a misdemeanor or felony, by the officers, owners, or employees of any bank, and upon receipt of such information the county attorney shall institute proceedings to enforce the provisions of this act.

SEC. 338. Repealing clause: All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 339. Bank—what constitutes: Any individual, firm, or corporation who shall receive money on deposit, whether on certificates or subject to check, shall be considered as doing a banking business and shall be amenable to all the provisions of this act: *Provided*, That promissory notes issued for money received on deposit shall be held to be certificates of deposit for the purpose of this act.

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SPEECH OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

JUNE 9, 1910

OPPOSING THE PROSECUTION UNDER THE ANTITRUST LAWS OF LABORING MEN WHO ORGANIZE TO BETTER THE CONDITIONS OF LABOR

WASHINGTON
1910

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SPEECH
OF
HON. ROBERT L. OWEN.

The Senate being in Committee of the Whole and having under consideration the bill (H. R. 25552) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes—

Mr. OWEN said:

Mr. PRESIDENT: I desire to express my regret that the committee should have struck out the proviso of the House bill which provided that the appropriation of $200,000 should not be used in prosecuting labor organizations under the antitrust laws. The House proviso reads:

> That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the condition of labor or for any act done in furtherance thereof not in itself unlawful.

That does seem to me to be the description of a most innocent form of organization, and surely such organizations or their legitimate objects could not be within the purpose of the statute of the United States to forbid the formation of great trust organizations to monopolize trade in this country. The antitrust law is intended to prevent great combinations of capital from depriving men of their just rights.

It is true that the labor organizations which have been built up in this country have in some cases been improvident in some of their actions; but they have been in a large measure excited to such efforts in order to protect themselves and obtain a sufficient amount of the proceeds of their own labor to provide the needs of their families. These are organizations of poor men, men who work by the day, who earn their daily bread with their hands. The purpose of the antitrust law was not to suppress organizations of that kind.

I can not help thinking of the American Tobacco Company and the effect upon the people down in the tobacco-raising country. The tobacco trust, having by monopoly become the sole buyer of tobacco, fixes the price below the cost of produc-

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tion, and has driven the poor farmers who raise tobacco to desperation, and even to criminal acts, in their blind efforts to make a living. The ordinary laws which operate to suppress criminal acts are in full operation and will punish the poor oppressed farmers. If they burn a barn they are guilty of arson. If they commit a crime through their Night Riders' organization they violate the ordinary criminal laws, and there is abundant punishment for the criminal act.

But the antitrust laws were not intended to suppress labor, but are necessary and were intended to protect the laborer and the consumer from a conspiracy to defraud them. They were intended to prevent labor and the consumers from being oppressed.

This proviso passed by the House of Representatives is certainly a most reasonable interpretation of what the law ought to be and a direction to the Executive not to use the appropriation to prosecute labor organizations for combining to increase wages, and so forth. If they commit any act that is unlawful, there is abundant means of punishment; but to prevent the laboring men of the country from organizing for the protection of themselves and their families in earning a reasonable livelihood, to combine to increase wages, to shorten hours of labor, to better their condition; and to break up those organizations by treating them in the same way as the law treats a great conspiracy of organized capital against which the antitrust laws were directed, I think is unfair and unjust.

I do hope that the committee will not insist upon striking out these words inserted by the House. I think they ought to be allowed to remain, and I hope they will remain.

The huge organizations of capital in restraint of trade, raising prices on the necessities of life and imposing on the people for the mere sake of ambition, greed, or cold and cruel avarice, needs restraint both on moral, ethical, and legal grounds.

Organization of laboring men to protect women and children from starvation, from exposure, sickness, and death, are justified on every standpoint and should be encouraged.

The antitrust laws were not intended to be used against labor so protecting itself; and if they were, you now have an opportunity the Republican party should gladly seize, to correct and amend such laws in the interest of labor if the Republicans really and truly are the friends of labor.

I fear, Mr. President, that organized capital, which contributes money to keep the Republican party in power, will

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control the vote of the Senate against the poor laboring organizations. I pray you not to vote against labor.

* * * * * * *

The result was announced—yeas 34, nays 16, as follows:

YEAS—34.

Borah	Carter	Flint	Oliver
Bourne	Clapp	Frye	Perkins
Brandegee	Clark, Wyo.	Gallinger	Smoot
Bristow	Crane	Gamble	Stephenson
Brown	Crawford	Hale	Stone
Bulkeley	Cullom	Heyburn	Warren
Burnham	Dick	Kean	Wetmore
Burrows	Dixon	McEnery	
Burton	du Pont	Nelson	

NAYS—16.

Bacon	Fletcher	Martin	Percy
Burkett	Frazier	Newlands	Simmons
Chamberlain	Gore	Owen	Smith, S. C.
Dolliver	Jones	Page	Warner

NOT VOTING—42.

Aldrich	Daniel	Lorimer	Root
Bailey	Davis	McCumber	Scott
Bankhead	Depew	Money	Shively
Beveridge	Dillingham	Nixon	Smith, Md.
Bradley	Elkins	Overman	Smith, Mich.
Briggs,	Foster	Paynter	Sutherland
Clarke, Ark.	Guggenheim	Penrose	Taliaferro
Clay	Hughes	Piles	Taylor
Culberson	Johnston	Purcell	Tillman
Cummins	La Follette	Rayner	
Curtis	Lodge	Richardson	

So the amendment was agreed to.

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"No election of a Senator clearly shown to have been based in any degree upon bribery or corrupt practices should be allowed to stand. I think the election of United States Senators should be made and kept above suspicion."

REMARKS

OF

Hon. Robert L. Owen

A United States Senator from Oklahoma

ON

The Right of William Lorimer to a Seat in the United States Senate.

5

January 9, 1911.

Mr. Owen said:

Mr. President, on May 21, 1908, I introduced Senate joint resolution No. 91, for the submission of a constitutional amendment providing for the election of Senators by a direct vote of the people.

On May 23, 1908, I urged the Senate to act, showing that 27 States had at that time sought relief in this matter. Senate resolution 91 was never reported by the Committee on Privileges and Elections.

After the convening of the Sixty-first Congress I introduced another Senate resolution, No. 41, for the submission to the States of the Union of a constitutional amendment providing for the election of Senators by direct vote of the people.

On May 31, 1910, I again urged this reform on the attention of the Senate, and was prevented the privilege of a vote, and the committee has never reported on Senate joint resolution 41.

The House of Representatives on five different occasions has passed a bill providing for this reform—in 1892; July 21, 1894; May 11, 1898; April 13, 1900; and February 13, 1902, the last vote unanimously, or no one opposing.

On May 31, 1910, I pointed out to the Senate that every State in the Union had acted favorably in this matter, except the New England States, New York, Delaware, and West Virginia, by passing resolutions addressed to Congress seeking for this reform, or by actually nominating Senators by a popular primary vote.

And that even in the 9 States excepted there were many evidences that the people favored election of Senators by direct vote. The Democratic Party in Connecticut, Massachusetts, New Hampshire, New York, and Rhode Island expressly declared for it in 1910.

The National Democratic Party, the National Prohibition Party, the National Peoples Party, have all declared in favor of it; the American Federation of Labor, the National Grange, the Society of Equity, the Farmers' Educational Cooperation Union, and other great organizations of the country have declared in favor of it. And I insisted, Mr. President, that this reform was needed for the following reasons, among others:

First. That it would prevent deadlocks in State legislatures.

Second. It would compel candidates to be subjected to the severe scrutiny of a campaign before the people and promote the selection of the best qualified men.

Third. That it would prevent interference with State legislation by violent ocntests over the Senatorship.

Fourth. That it would prevent improper use of maney and the corruption of legislatures.

These matters I now refer to in the light of the report of the Committee on Privileges and Elections on the Senate resolution directing an investigation of certain charges made against Mr. WILLIAM LORIMER, of Illinois, where it is obvious these evils have occurred. (Proceedings, p. 638.)

On June 20, 1910, the Committee on Privileges and Elections was directed by Senate resolution 264 to report to the Senate whether in the election of Mr. WILLIAM LORIMER as a Senator of the United States from the State of Illinois—

There were used or employed corrupt methods or practices.

On December 21, 1910, the report of the committee was submitted to the Senate and will be found in the *Record* of that date. (S. Rept. No. 942, 61st Cong., 3d sess.)

The Committee on Privileges and Elections has reached the conclusion that the election of Mr. LORIMER was not invalidated by any sufficient evidence of corrupt practices.

I can not acquiesce in the conclusions of the committee.

In the first place the committee concludes as a principle of law, upon the precedents of cases heretofore before the Senate, that in order to invalidate the election of a Senator on account of bribery it must be made to appear:

First. That the person elected participated in one or more acts of bribery, or attempted bribery, or sanctioned or encouraged the same, or,

Second. That enough votes were obtained for him by bribery or corrupt practices to change the result of the election.

In my judgment the better ethical rule, upon which the Senate should properly stand, is that no election of a Senator clearly shown to have been based in any degree upon bribery or corrupt practices should be allowed to stand. I think that the election of United States Senators should be made and kept above suspicion. In my opinion no elected officer in city, State, or Nation should be allowed to take his seat or to hold it where it was proven he was the beneficiary of any corrupt practice. The Senate is in honor bound to set a high example in this matter, and I refuse emphatically to acquiesce in any lower standard than this. The country is in serious need of a good example. Look at Adams County, Ohio; over a thousand citizens indicted for selling their votes. Adopting the doctrine I suggest will tend to put an end to corrupt practices. The need is obvious.

Mr. President, in Great Britain if a single vote is bribed or any money unlawfully spent in electing a member of Parliament, his election is absolutely annulled. Why should the United States Senate, which is regarded by our people as the most distinguished legislative body in the world, adopt a lower ethical and moral standard than the British House of Commons?

In the second place, I think the evidence, even on the very narrow theory of the committee that it must be shown that enough votes were obtained by bribery to change the result, would justify the invalidation of the elecion of Mr. LORIMER. Mr. LORIMER was compelled to have 103 votes as a constitutional majority. He received 108, and of these at least 10 are already shown not to deserve to be counted on account of corrupt practices, and in my judgment the investigation was by no means as searching and complete as it should have been, no examination having been made into the jackpot conspiracy, a coalition obviously in numbers strong enough to obtain or defeat measures, which was confessed by White to be a consideration moving him to vote for LORIMER, and so forth.

I submit a brief abstract of the evidence filed in the proceedings, referring to pages of the record by number. In considering the evidence of bribe givers and bribe takers and their evasions and falsehoods, I have endeavored to ascertain the actual truth as evidenced by circumstantial evidence, sound reason, and common sense. In spite of all denials the witnesses corroborate each other in the essential facts.

(1) D. W. HOLSTLAW AND (2) JOHN BRODERICK.

D. W. Holstlaw was a senator from the forty-second district in the Legislature of Illinois. He appeared before the Senate committee and on his oath declares that Senator John Broderick, another senator (of the forty-sixth district) in the General Assembly of Illinois, promised him money if he would vote for Mr. LORIMER (p. 198), and the next morning after this promise, on May 26, 1909, he voted for Mr. LORIMER, and that there-

after, on the 16th of June, 1909, in Chicago, Ill., John Broderick paid him $2,500 in currency, and he deposited the same with the State Bank of Chicago, Ill., to the credit of the Holstlaw Bank, of Iuka, Ill. (p. 201). He is confirmed by the bank officer who received the money, Mr. Jarvis O. Newton, and by the deposit slip of the State Bank of Chicago, Ill., June 16, 1909, showing that this amount was deposited in currency (p. 411).

John Broderick was twice called before the committee and withdrawn without testifying (pp. 422, 508), and finally was summoned at the instance of Albert S. Austrian, counsel for the Chicago Tribune, who assumed the burden of presenting evidence (p. 547).

Broderick refused to answer questions (p. 557) on the avowed ground that he might incriminate himself, and is under indictment at Springfield, Ill., for bribery in the Lorimer case.

His testimony was obviously insincere and untrue.

D. W. Holstlaw further testified that he received $700 additional from John Broderick, who told him that there was that much coming to him. In my judgment, if it were merely a question of counting votes neither the vote (1) of D. W. Holstlaw nor of (2) John Broderick should be counted; but, in my opinion, it is not a question of counting votes; it is a question of invalidating the election of a United States Senator, where gross corruption and bribery is established in one or more instances.

(3) H. J. C. BECKEMEYER.

H. J. C. Beckemeyer, member of the Forty-sixth General Assembly of Illinois and a member of the Lee O'Neill Browne faction, who voted for Mr. LORIMER, appeared before the Senate committee and made oath that on or about May 25 or 26, 1909, he entered into an arrangement that proved to be corrupt with Lee O'Neill Browne (the leader of the Browne faction of 37 members of the Democratic Party in the lower house); that he voted for Mr. LORIMER on May 26, 1909; and that he received, on June 21, 1909, in St. Louis, Mo., at the Southern Hotel, $1,000 from Lee O'Neill Browne for his vote for Mr. LORIMER (p. 227), and that on July 15, 1909, at the Southern Hotel, St. Louis, Mo., he received $900 from Robert E. Wilson, the intimate friend and representative of Lee O'Neill Browne, on the same account (p. 228). Beckemeyer deposited $500 of this money from Wilson in the Commercial Trust Co., St. Louis (p. 228).

(4) MICHAEL S. LINK.

Michael S. Link, a member of the Forty-sixth General Assembly of Illinois, a member of the Browne faction, under oath, stated in like manner before the Senate committee that he met Lee O'Neill Browne in St. Louis at the Southern Hotel on June 21, 1909, and received $1,000 from him (p. 281); that he met Robert E. Wilson, the intimate friend and representative of Browne, in St. Louis, Mo., on July 15, 1909, and got $900 from Wilson at the same time and place as Beckemeyer (p. 284). Link pretended to think this "campaign money," although it is obvious it was for the same purpose as that confessed by White and Beckemeyer.

(5) CHARLES A. WHITE, (6) LEE O'NEILL BROWNE, (7) R. E. WILSON.

Charles A. White, a member of the house, Forty-sixth General Assembly of the State of Illinois, and a member of the Browne faction, on his oath, appeared before the Senate committee. He stated that he had made an agreement with Lee O'Neill Browne on May 25, 1909, to vote for Mr. LORIMER, for $1,000 and was to have as much more from other sources (p. 49), repeatedly referred to as the "jack pot;" that he was taken in on the money derived from other sources, the "jack pot," as a part of the consideration for voting for Mr. LORIMER; that Browne paid him $1,000—first, $100 at Springfield, Ill.; $50 in Chicago, Ill.; and $850 in Chicago, Ill. (p. 52), on June 17, 1909, and that he received in like manner $900 from Robert E. Wilson (p. 81), a member of the Browne faction, the intimate friend and representative of Lee O'Neill Browne, at the Southern Hotel, St. Louis, Mo., on July 15, 1909, in accordance with Browne's previous promise.

White's testimony is corroborated by Thomas P. Kirkpatrick, who said that White deposited for safe-keeping a package of money marked "Eight hundred (800.00) dollars" with Mr. Hollender, cashier of the Grand Leader Store in St. Louis, Mo., in the latter part

of June, 1909 (p. 223), and White is otherwise corroborated by accounting for the time, place, and amount of his various expenditures of this money received by him from Browne and Wilson. For these reasons, I believe, that if it were merely a matter of counting votes, which, in my judgment, it is not, that the votes of Charles A. White, H. J. C. Beckemeyer, Michael S. Link, Robert E. Wilson, and Lee O'Neill Browne should not be counted in favor of the election of Mr. LORIMER. It is shown in the evidence that Robert E. Wilson wrote letters falsely dated back a year so as to appear to have been written to Beckemeyer on June 26, 1909; and to Link on June 26, 1909, arranging the St. Louis meeting for the purpose of a banquet for Browne, when, as a matter of fact, these letters were falsely dated and falsely conceived and agreed upon between them, having been written in 1910, after the disclosure of this corruption was threatened.

White testified (p. 81) that Lee O'Neill Browne had on a blue cloth belt July 17, 1909, Briggs House, Chicago, the day he paid White, in which he said he had $30,000. Thirty of the Browne faction voted for LORIMER (p. 639).

Lee O'Neill Browne was indicted for bribery of Charles A. White in the Lorimer case (p. 618)—the first jury was a hung jury, and by the second jury he was acquitted, but it should be remembered also that out of the second trial, at which he was acquitted, his attorney, Erbstein, was indicted for bribing the jury that acquitted Browne. Moreover, the venue of the cases above cited in which Browne had corruptly paid money to Beckemeyer and Link et al. was laid in the State of Missouri, and that Wilson's payments were likewise in the State of Missouri, the crafty purpose of which seem sobvious, i. e., to prevent any indictment in Illinois. On the floor of the legislature, when the Lorimer vote was up, Browne, in his speech, said, "You can not cash dreams," to which Representative Engilsh replied, "He migh cash votes" (p. 636).

(8) CHARLES S. LUKE.

Charles S. Luke, a member of the Browne faction of the Forty-sixth General Assembly of Illinois, is now dead. He voted for Mr. LORIMER May 26, 1909. He met Lee O'Neill Browne in St. Louis, Mo., at the Southern Hotel on June 21, 1909, at the same time Browne paid Beckemeyer and Link. It is shown that he exhibited $950 to his wife immediately afterwards without explaining its source (p. 495).

It is shown that he met Robert E. Wilson, Browne's intimate friend and representative, at the Southern Hotel on July 15, 1909, when other bribe takers were paid.

Charles A. White, in his original statement of this case, declares that Charles S. Luke was angry at getting only $900 at St. Louis, and stated to him that he could have gotten $1,500 at the beginning of the session and was sorry that he did not take it; that he intimated to Luke that he, White, had not received anything, but that Luke answered by saying:

> Yes; you did. You got $1,000, just what we all got except the leaders, and it is to be expected they got more than we (p. 11).

Under these circumstances, if it were merely a matter of counting votes, I do not think the vote of Charles S. Luke should be counted for Mr. LORIMER.

(9) JOSEPH B. CLARK.

Joseph B. Clark was also a member of Browne's faction who voted for Mr. LORIMER May 26, 1909.

The evidence shows that Joseph B. Clark was in St. Louis at the Southern Hotel on June 21, 1909, although he denies it, and that also he was present and met Robert E. Wilson in St. Louis on July 15, 1909. He was present when Robert E. Wilson paid Beckemeyer $900; he it was who by agreement received Robert E. Wilson's manufactured false letter of 1910,, antedated about a year, and which was prepared with the intention of establishing a false excuse for the meeting held in St. Louis on July 15, 1909.

Beckemeyer testified that Mr. Clark agreed with him that it might be all right for Beckemeyer to deny having been in St. Louis on July 15, 1909, showing that Clark agreed to false evidence in regard to the St. Louis meeting.

D. W. Holtslaw states that Clark had told him that they would get something out of the furniture deal, a grossly corrupt transaction for which Clark is now under

indictment. Under all the circumstances, I believe that Joseph B. Clark, as a member of the Browne faction, the "gang" Beckemeyer referred to, in replying that he would go with it wherever it went (p. 258), was also a bribe taker, and that his vote ought not to be counted.

(10) HENRY A. SHEPHARD.

Henry A. Shephard, member of the Forty-sixth General Assembly of Illinois, was a member of the Browne faction, who voted for Mr. Lorimer May 26, 1909. He also met Lee O'Neill Browne at the Southern Hotel, St. Louis, on June 21, 1909, precisely the same place, and at the same time that the payments were made to those who have confessed, or who have been proven to be bribe takers and bribe givers. Immediately at the time, but before Beckemeyer received his $1,000 from Browne, and as he was going into Browne's room, Henry A. Shephard was just coming out of Browne's room (p. 227).

He was at the meeting with Robert E. Wilson with the bribe takers at the Southern Hotel, St. Louis, Mo., on July 15, 1909, and went into the famous bathroom with Wilson just before Charles A. White went into the same bathroom and got $900, but Shephard attempts the silly explanation that his visit to the bathroom related exclusively to answering a question by R. E. Wilson as to the name of a lady who had taken dinner with Henry A. Shephard months before at Springfield, Ill. All of the evidence will justify the belief that Henry A. Shephard, as a member of the "gang," was paid the same amount as the other members of the "gang." His absurd explanation of his going to St. Louis to meet with this party of men, of his going into the bathroom to tell the name of a lady with whom he had taken dinner at a public hotel months before, is unworthy of belief.

Henry A. Shephard, however, explains his vote for Mr. Lorimer on the ground that Mr. Lorimer made him a personal promise (Proceedings, p. 318) that he would do all in his power to prevent Mr. Richards, the postmaster of Jerseyville, Ill., or his deputy, Mr. Becker, from being appointed as postmaster of that town. Shephard testified that he told Browne that he could not and would not vote for LORIMER; that Browne appealed to him, stating that "we have not got enough without you;" and that Mr. LORIMER would make the promise he wanted. (Proceedings, p. 318.)

That he, Henry A. Shephard, said to Mr. Lorimer, "If you will promise me that neither Mr. Richards nor Mr. Becker shall be made postmaster I will vote for you."

And that he, Mr. LORIMER, said, "I will promise you to do all in my power to prevent them from being appointed."

I am advised that the statutes of Illinois provide that—

whoever corruptly * * * gives any money or other bribe, present, reward, promise, contract, obligation, or security * * * to any legislative, executive, or other officer, * * * with intent to influence his act, vote, * * * or judgment * * * on any matter * * * which may be then pending, or may by law come or be brought before him, * * * shall be deemed guilty of bribery. (Sec. 31, chap. 38.)

If it were merely a matter of counting votes, I think that Henry A Shephard's vote should not be counted.

Besides these cases, it is my judgment that in view of the testimony of White that his right to participate in the "jack pot" was a consideration moving him to vote for Mr. LORIMER, and that White, Holstlaw, Link, Luke, and Beckemeyer, who voted for Mr. LORIMER, appear to have received a pro rata part of the "jack pot," and to have been "taken in" on the "jack-pot" conspiracy, the committee would have been justified in inquiring into the extent of the "jack pot" and its relation, as an agency, in bringing about the election of Mr. LORIMER.

There were 30 of the Browne faction who followed Browne's leadership and supported Mr. LORIMER.

Albert J. Hopkins had received 165,305 votes at the Republican primary; George E. Foss, 121, 110 votes; William E. Mason, 86,596 votes; William G. Webster, 17,704 votes.

Lawrence B. Stringer was the only Democratic candidate and received the vote of his party at the primary.

Mr. LORIMER was not before the primary as a candidate. He received the vote of only one member in the legislature on May 13, 18, 19, 20, 25, but on May 26 he suddenly received 108 votes, 5 or 6 in excess of the of the constitutional majority required.

Every Democratic legislator was under the instruction of the Democratic primary

to support Mr. Stringer and knew it meant great political danger to support Mr. Lorimer. There was no mandate from the people to elect Mr. Lorimer. Every sound reason of political expediency forbade it. It seems as if pecuniary consideration alone could accomplish it since this dangerous law-defying method was finally resorted to, and I think that the best evidence obtainable that it was necessary to buy votes in order to elect Mr. LORIMER at all is the expert opinion of those who bought these votes and paid as high as $3,200 for a single vote, as in the Holtslaw case.

The above record of bribery and corruption can not be broken down, in my opinion, on the theory that the men who received the bribes were unworthy of belief on their confession, and that their testimony against the bribe givers is unworthy of credit (because the witnesses are infamous); for the reason that there is such a tissue of substantial and circumstantial evidence surrounding the case that it is impossible to resist the belief that these confessions are substantially true. It does not suffice to say that a bribe taker is unworthy of credit. With the exception of White, all the testimony from the bribe givers and bribe takers came with extreme reluctance and was obtained only by the exercise of the powers of the Government.

In my judgment the attempt to rebut and break down the force of these confessions failed. It is extremely difficult to expose conspiracy where every man concerned has a powerful interest to conceal his own wrongdoing.

Lee O'Neill Browne and his friend and Representative R. E. Wilson, who was indicted for perjury before the grand jury (p. 731), deny making the payments to White, Beckemeyer, Link, and Luke, but they are overwhelmed by both the direct and circumstantial evidence and in my opinion are unworthy of credit (p. 732).

It has been suggested that Lee O'Neill Browne has been vindicated, having been reelected to the legislature.

In my judgment, this is no proof of vindication, in the presence of the evident bipartisan system of corruption in Illinois, where votes can be easily bought under a defective form of corrupt-practices act, which permits of easy evasion. If a man has behind him large capital interested in his vindication, vindication is easy.

Particularly is this true in Illinois, where under the plumping system or accumulative voting one-third of the votes in Mr. Browne's district would suffice to elect and where under the bipartisan system he had both a Republican and Democratic following. In his evidence he stated that he probably got nearly as many Republican votes as he did Democratic (p. 585).

The dangerous extent to which bribery of voters has gone in this Nation is exhibited by the indictment of over a thousand citizens in Adams County, Ohio, a State in which there is a defective corrupt-practices act and machine rule. The Republic can not last if such a system is permitted to continue. The time has come for reform and the establishment of honest government and of the people's rule and the overthrow of machine rule.

I again call attention to the code of the people's rule (S. Doc. 603, 61st Cong., 2d sess.), which shows the easy pathway to righteousness in government.

ATTEMPTS TO BRIBE.

(11) George W. Meyers was one of the seven members of the Browne faction who refused to vote for Mr. LORIMER. He made oath before the Senate committee that Lee O'Neill Browne urged him to vote for Mr. LORIMER and suggested that there would be some good State jobs to give away and plenty of the "ready necessary," meaning money; that he refused, however, to vote for Mr. LORIMER (p. 312).

JACOB GROVES.

(12) Jacob Groves, a Democratic member of the house who did not vote for Mr. LORIMER, testified that Douglass Patterson, an ex-member of the house, came to him after he had retired, on May 25, 1909, the night before Mr. LORIMER'S election, and requested an interview, stating that he wanted him to keep quiet about the matter; he wanted to know if Groves was an Odd Fellow or a Mason, and referring to the LORIMER matter, said: "It may be a good thing for both of us if you, Groves, were to vote for LORIMER." To this proposal Groves replied "that there was not money enough in Springfield to hire him to vote for LORIMER." The proposal excited Groves and he talked very loud, and Patterson urged him "to put down the transom," and immediately denied that he intended any bribery (p. 415).

HENRY TERRILL.

Henry Terrill, who was a Republican member of the house, testified that (13) John Griffin, Democratic member of the Browne faction, who voted for LORIMER, asked him [Terrill] to vote for Mr. LORIMER. Terrill testified that he asked him "what there would be in it," and he said "$1,000, anyway." Terrill says this occurrence took place one or two nights before Mr. Lorimer's election (p. 498). Griffin denied the guilty suggestion, but is less credible than Terrill, because Terrill had no reason to conceal the truth or tell a falsehood, while Griffin did have. I think Griffin's vote should not be counted. It should be remembered that 53 of the votes for Mr. LORIMER were Democratic votes, instructed by the unanimous primary vote of the Democrats of Illinois to stand for Mr. Stringer. They abandoned Mr. Stringer, the Democrat, and suddenly at a given moment solidly supported Mr. LORIMER, the Republican. I do not believe this conduct was the simple exercise of honest personal judgment on the fitness of the candidates, and I think the members of the jack pot should have been ascertained and examined. They evidently were numerous enough to control or block legislation. Of the 149 Republican members voting, Mr. LORIMER only received 55, about a third, showing that as a candidate of the Republican Party he was not acceptable to the Republican members of the legislature, and, not having been a candidate at all in the primaries, there was no popular mandate whatever to support his candidacy. Under all the circumstances, I do not think he really represents the will of the people of Illinois. If the people of Illinois want him, and will give him popular approval in the primary, I think he might then be entitled to a seat in the Senate; otherwise not. He should seek vindication in his own State.

Mr. President, under the circumstances I believe it my duty to the people of Oklahoma, to the Senate of the United States, and to the American people to move the Senate to declare the so-called election of Mr. LORIMER void, on account of the corrupt practices above set forth, a resolution as to which I have already introduced.

I believe that there was wholesale corruption and bribery used in procuring the election of Mr. Lorimer, and that it has been abundantly proven, and that the effort to break down the corroborating mass of interwoven evidence above cited by rebuttal has failed.

I believe if Mr. LORIMER should retain his seat under these painful circumstances it would lower the United States Senate in the esteem of the American people. I believe the time has come when the American people will approve stern measures in dealing with bribery and with corrupt conduct in public affairs, and I think it better for all the people that there should be an end made to the election of Senators by the sinister commercial forces of the Republic.

Mr. President, I submit to the Senate that the time has come for the adoption of a constitutional amendment for the election of Senators by the direct vote of the people, under the safeguard of an honest and thoroughgoing corrupt-practices act and publicity pamphlet such as Oregon has adopted, which gives an equal chance to the rich man and the poor man, and strictly limits the use of money in the election of Senators.

In view of the fact that many seats in the United States Senate are about to be determined in various legislatures, it is of the highest importance that the Senate of the United States should give the country to understand that the election of Senators shall be absolutely free from bribery or corrupt practice.

In my opinion Mr. LORIMER was not the choice of the Legislature of Illinois nor of the people of Illinois, and his election, so called, is entirely vitiated by the corrupt practices of his supporters, was illegal and void ab initio, and does not merit present recognition.

It is no longer William Lorimer on trial but the Senate itself is on trial before the bar of the American people.

I submit the following resolution for the consideration of the Senate:

Resolved, That the so-called election of WILLIAM LORIMER, on May 26, 1909, by the Legislature of the State of Illinois, was illegal and void, and that he is not entitled to a seat in the United States Senate.

EXTRACT OF REMARKS MADE MARCH 1, 1911.

Mr. OWEN. Mr. President, it is for the purpose of having the influence of the Senate of the United States thrown upon the right side of this great contest between

the sinister, secret, crafty, most powerful and tremendous commercial interests of the Republic and those demanding integrity of government that I have thought fit to express my views in this case. It is not because I would be willing to wound the feelings of the sitting Member. If he were merely a sinner, so are all men, and so am I, and I would be glad to give him a friendly, brotherly hand. All men make mistakes. I have made grievous ones, and grievously have I repented them. When men commit wrong, they do it in ignorance of what is best for themselves. No man would willingly do himself a conscious injury. Any man who does wrong does himself a personal injury. This is not a question of personalities. The question is, Shall we by our vote on this case establish a policy of government that will by example and precedent put an end to bribery and corrupt practices or promote it? That is the question, and that is the only question of any great importance in this case. It is true that if the Senate decides erroneously in this matter it will impair its high standing before the people of the United States, and this I should deeply regret, but that is not the most important question.

Mr. President, the Committee lays down the doctrine, that if the sitting Member has a majority of the untainted votes he has a title in law which can not be disputed either in law or in morals. I want to examine where that leads. Mr. LORIMER had 108 votes. Seven votes are practically conceded to have been corrupt. That will reduce his number to 101 so-called untainted votes, not enough to elect. It required 102 votes to be a majority of 202, which were present and voting in that legislative assembly. In order to enable a majority to be obtained, therefore, it is necessary to argue that the majority of the untainted votes will suffice; that is, that the 7 bribed votes must not be counted as voting at all. This theory would require 15 tainted votes to have been proven to have been bribed to unseat Mr. LORIMER, and when you prove 15 votes to have been tainted, that argument would admit a larger number to be bribed in order to seat the sitting Member; and when you prove a larger number, that again will permit still more to be tainted, and it would be impossible to unseat any Member on such a basis until you exhausted the quorum.

Let me explain in a moment. Take the case of Mr. Hopkins. He had 70 untainted votes. Suppose some bad friend of Mr. Hopkins—suppose this indeterminate, unknown thing called the Lumber Trust, for example—had been so friendly with Mr. Hopkins and so wanted to seat him that it had gone into the open market and bought 24 votes belonging to Mr. Stringer and had bought 39 votes belonging to Mr. LORIMER, then Mr. LORIMER would have had left only 69 untainted votes, and Mr. Hopkins, with 70 untainted votes, his bad friends having bought in the open market 63 votes, would have a title so pure and so strong under the law that it could not be disputed either in law or in morals.

What kind of doctrine is that? That is the logical consequence of the doctrine of a majority of the untainted votes being sufficient to establish a valid title. Is it good policy? I am sorry that the Senate, at the closing moments of this debate, does itself the honor to absent itself from this Chamber. I wish there could be a photograph of these vacant seats sent out to the American people. I appeal against the proposed judgment of the Senate as prophesied by the Senator from New Hampshire. [Mr. Gallinger], who advised the Senate on this floor there were sufficient votes to seat Mr. LORIMER. I am not speaking now to the Senate; I am speaking to the masters of the Senate,—to the people of the United States, to the American people.

* * * * * * *

I call the attention of the country to the remarkable doctrine of the Committee on Privileges and Elections—that a majority of the untainted votes shall suffice. Here is an editorial from the New York Evening Post, from which I read the following:

> If on February 22, when Mr. Sheehan lacked 12 votes of an election in the New York legislature, his friends had, without his knowledge or consent, bribed 23 of his opponents to vote for him or absent themselves, would the people of New York have regarded this as a valid election in spite of clear proof of the bribery?

Under the rule laid down by the Committee on Privileges and Elections that would have been good law. That title of Mr. Sheehan under such circumstances could not be held invalid either in law or in morals. I will not stultify myself by giving my vote for such a doctrine. It is not only unreasonable; it is not only absurd; it is not only preposterous, but it is immoral, because it promotes immorality, and I will have none of it.

Press of the Sudwarth Company, Washington.

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REMARKS

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

AUGUST 8, 1911

REPLIES TO THE CRITICISM OF OKLAHOMA AND ITS CONSTITUTION BY THE SENATOR FROM UTAH (Mr. SUTHERLAND)

WASHINGTON
1911

5448—10271

Senator OWEN defends the principles of the constitution of Oklahoma—the initiative and the referendum—against the assault of the Senator from Utah [Mr. SUTHERLAND].

REMARKS
OF
HON. ROBERT L. OWEN.

The Senate having under consideration the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States—

Mr. OWEN said:

Mr. PRESIDENT: On July 11 the Senator from Utah [Mr. SUTHERLAND] fiercely denounced the initiative and the referendum of the Arizona constitution as "wild and visionary," "utterly vicious and impracticable," and so forth.

At the same time the Senator from Utah criticized the composite citizenship of Oklahoma, the constitution of Oklahoma, and the Senator from Oklahoma. He denounced those who believe in these doctrines as "quacks in politics," as "self-constituted reformers," as "self-constituted guardians of the people's rights," as "visionaries," "dreamers," "agitators," "demagogues," "political zealots," "false pilots or arrant knaves," and so forth.

In answer to these epithets, apparently addressed to those who, like myself, believe in these doctrines, I make no response, except to say that abuse is often "the refuge of defeated argument."

The arguments in favor of the initiative and referendum I presented on the floor of the Senate in discussing the admission of Nevada on March 4, 1911, and I shall not repeat them here. The Senators from Oregon [Mr. BOURNE and Mr. CHAMBERLAIN] and the Senator from California have exhausted the argument in its support, and I do not care to consume the time of the Senate with repeating it.

The astonishing thing about the diatribe of the Senator from Utah is that he is denouncing the principles of the constitution of Utah, which provides for the initiative, the referendum, and the recall.

The constitution of Utah provides as follows:

ART. 6, SEC. 1. The legislative power of the State shall be vested:

1. In a senate and house of representatives, which shall be designated the Legislature of the State of Utah.

2. In the people of the State of Utah, as hereinafter stated:

The legal voters, or such fractional part thereof of the State of Utah as may be provided by law, under such conditions and in such manner and within such time as may be provided by law, *may initiate* [initiative] *any desired legislation and cause the same to be submitted to a vote of the people for approval or rejection,* or *may require any law passed by the legislature* (except those laws passed by two-thirds vote of the members elected to each house of the legislature) *to be submitted to the voters of the State before such law shall take effect.* [Referendum.]

The legal voters, or such fractional part thereof as may be provided by law, of any legal subdivision of the State, under such conditions and in such manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people of said legal subdivision for approval or rejection,

or may require any law or ordinance passed by the law-making body of said legal subdivision to be submitted to the voters thereof before such law or ordinance shall take effect. (As amended Nov. 6, 1900.)

ART. 8, SEC. 11: *Judges may be removed from office by the concurrent vote of both houses of the legislature, each voting separately;* but two-thirds of the members to which each house may be entitled must concur in such vote. The vote shall be determined by yeas and nays, and the names of the members voting for or against a judge, together with the cause or causes of removal, shall be entered on the journal of each house. The judge against whom the house may be about to proceed shall receive notice thereof, accompanied with a copy of the cause alleged for his removal, at least 10 days before the day on which either house of the legislature shall act thereon.

Mr. President, here we find in the constitution of Utah the initiative, the referendum, and the recall, and we find the honorable Senator from Utah [Mr. SUTHERLAND], holding the honors and dignities of the people of that State, denouncing the principles laid down in the constitution of his own State.

Nothing could induce me to do such a thing, but I do not attempt to reproach the Senator from Utah for his conduct in the matter for the reason that I can not believe that he realized the impropriety of such an act or that he is aware of the bias of his own mind which leads him to such conduct.

I believe that the point of view of the Senator from Utah can only be explained by the fact that he gives voice to the peculiar forces outside of the constitution of Utah which hold the organic law of Utah in contempt and which have defeated "the permanent will of the people" of that State as expressed in their organic law for the last 10 years.

The Senator from Utah quotes Prof. Stimson as admirably stating:

> The constitution is the permanent will of the people; the law is but the temporary act of their representatives, who have only such power as the people choose to give them.

The Senator from Utah used this language, but it is obvious that he has entirely forgotten what "the permanent will of the people" of Utah happens to be on this vital issue of self-government—the initiative, the referendum, and the recall.

For five successive legislatures in Utah the so-called "representatives of the people" have refused to enact the statute law needed to vitalize the provisions of the Utah constitution and make effective the initiative and the referendum. What kind of "representative" government is this that we have in Utah, where "the permanent will of the people" is thus ignored by their so-called "representatives" in the legislature, and where the Senator from Utah, representing that great State and holding its honors and its dignities, ridicules and derides and holds up to public scorn the constitutional provisions of his own State?

We must inquire into this peculiar and extraordinary situation. My just observation that the Constitution of the United States as framed was not sufficiently democratic induces the Senator from Utah to ridicule the manners of the Senator from Oklahoma and to suggest that he should be prosecuted for omniscience for making this ludicrous discovery.

In view of the distinction of the critic and the public charge that the Senator from Utah was a recent candidate for the Supreme Bench of the United States, it becomes necessary to justify the observation made by the Senator from Oklahoma

that the Constitution as framed was not democratic. I shall do this with great brevity.

First. The Constitution permitted a life President.

Second. The Constitution did not provide for the nomination or election of the President by the people, but by electors far removed from the people.

Third. The Constitution did not provide for the nomination or election of Senators by the people.

Fourth. The Constitution provided for an uncontrolled judiciary, in striking contrast to the laws of every State in the Union, including Utah.

Fifth. A minority of the House can prevent the majority proposing an amendment to the Constitution. A minority of the Senate can prevent the majority proposing an amendment to the Constitution. A President can prevent a majority of both Houses proposing an amendment to the Constitution. A small minority of the States can prevent the amendment of the Constitution.

Sixth. No provision for the adoption of the Constitution was arranged by popular vote.

And some of the delegates who approved the Constitution from Virginia at least disobeyed the instructions of the people.

Seventh. The Constitutional Convention usurped the power in framing the Constitution.

They were only authorized to prepare amendments to the Articles of Confederation, not frame a new Constitution.

Eighth. The Constitution did not protect the right of free speech.

Ninth. The Constitution did not protect the right of free religion.

Tenth. It did not protect the freedom of the press.

Eleventh. It did not protect the right of the people to peaceably assemble.

Twelfth. It did not protect the right of the people to petition the Government for the righting of grievances.

Thirteenth. It did not protect the right of the States to have troops.

Fourteenth. It did not protect the right of the people to keep and bear arms.

Fifteenth. It did not protect the people against the quartering of soldiers upon them without their consent.

Sixteenth. It did not protect the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures nor against warrants, except upon suitable safeguards.

Seventeenth. It did not protect the people against being held for crime, except on indictment.

Eighteenth. It did not protect the people against a second trial for the same offense.

Nineteenth. It did not protect an accused against being compelled to be a witness against himself.

Twentieth. It did not protect the citizen against being deprived of life, liberty, or property, without due process of law.

Twenty-first. It did not protect private property being taken for public use without just compensation.

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Twenty-second. It did not secure, in criminal prosecutions, the right of a speedy and public trial by an impartial jury in the place where the crime was committed.

Twenty-third. It did not protect the accused in the right to be informed of the nature and cause of the accusation, of the right to be confronted with the witnesses against him, of the right to have compulsory processes in obtaining witnesses in his favor, and to have the assistance of counsel in his defense.

Twenty-fourth. It did not protect the right of the citizen in common lawsuits to a trial by jury.

Twenty-fifth. It did not protect the citizen against excessive bail, against excessive fines, nor against cruel and unusual punishments.

Twenty-sixth. It did not safeguard the rights reserved by the people against invasion by the Federal Government.

The Constitutional Convention was a secret conclave, no member being allowed to report or copy any of its proceedings, which were kept a profound secret for 50 years, until all the actors were dead. The membership of the Constitutional Convention was notoriously conservative, consisting of such men as Elbridge Gerry, who declared "that democracy was the worst of all political evils." (Elliot's Debates, vol. 5, p. 557.)

Edmund Randolph observed that, in tracing the political evils of this country to their origin, "every man (in the convention) had found it in the turbulence and follies of democracy."

Madison thought the Constitution "ought to secure the permanent interests of the country against innovation." (Elliot's Debates, vol. 1, p. 450.)

Hamilton urged a permanent Senate "to check the imprudence of democracy."

Gouverneur Morris urged a life Senate, saying "such an aristocratic body will keep down the turbulence of democracy."

Madison, in the Federalist, warned the people against "the superior force of an interested and overbearing majority," and so forth.

Twenty-seventh. The Constitution is undemocratic in making no provision for its adoption or subsequent amendment by direct popular vote, although this was the method of the various States.

The Constitution is undemocratic, as I have shown, in omitting a bill of rights and the great fundamental principles contained in the Declaration of Independence.

James Allen Smith, professor of political science, University of Washington, well says:

> From all evidence that we have the conclusion is irresistible that they sought to establish a form of government *which would effectually curb and restrain democracy*. They engrafted upon the Constitution so much of the features of popular government as was, in their opinion, sufficient to insure its adoption.

The convention of July 4, 1776, was thoroughly democratic, as is the Declaration of Independence.

The Constitution of the United States was made thoroughly undemocratic by a thoroughly reactionary convention, leading Democrats being absent, such as Thomas Jefferson, Samuel Adams, Patrick Henry, and so forth. Only 11 States voted for its adoption. Only 55 members out of 65 attended and only 39 members signed it. Its ratification was only secured with the greatest difficulty, and in no States was it submitted to a vote

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of the people themselves. Massachusetts, South Carolina, New Hampshire, Virginia, and New York demanded amendments, and North Carolina and Rhode Island at first rejected the Constitution, and except for the agreement to adopt the first 10 amendments and make it more democratic it would have assuredly failed.

George Washington, as President of the Convention, was debarred from sharing in the debates. It had one very great merit—it established the Union. It had one great demerit—it was not democratic.

If a knowledge of the Constitution be a prerequisite to qualify a citizen or a Senator as a candidate for the Supreme Court of the United States, then, with great respect, I humbly submit that the Senator from Utah has not qualified under the rule. Certainly he is not justified in attempting to ridicule the suggestion that the Constitution was not democratic.

> All democratic constitutions are flexible and easy to amend. This follows from the fact that in a government which the people really control the constitution is merely the means of securing the supremacy of public opinion and not an instrument for thwarting it. * * * A government is democratic just in proportion as it responds to the will of the people, and since one way of defeating the will of the people is to make it difficult to alter the form of government, it necessarily follows that any constitution which is democratic in spirit must yield readily to changes in public opinion. (Spirit of American Government.)

An unamendable constitution and a judiciary not responsible to the people is dangerous to the stability of government. *When public opinion becomes greatly aroused and can find no expression through the constitution, and the judiciary, as a ruling power, obstructs such public opinion, it may easily lead to revolution and to war,* as it did do when the Supreme Court of the United States, by the Dred Scott decision, nationalized slavery, and the Constitution not being amendable by the majority left no apparent remedy but the dissolution of the Union or war.

The Federal court now vetoes acts of Congress and nullifies national policies, such as the control of the trusts or an income tax or other benevolent laws passed in recent years for the protection of the humbler working masses.

The judicial branch can nullify the acts of the legislative branch, although the Constitutional Convention, reactionary though it was, four times refused to grant the right to the Supreme Court to declare an act of Congress unconstitutional.

The Constitution, as drawn, was intended to give a veto to the minority, and to restrain the majority, for the benefit of the minority, and, in plain words, benefit the so-called vested interests, property rights, and special privilege.

The glowing terms of praise which we now hear from the Senator from Utah [Mr. SUTHERLAND] of an unamendable constitution, and of a judiciary not responsible to the people, has been the language of special privilege and of the advocates of minority rule and of commercial and political oligarchies since the day this Constitution was framed. It seems an amazing thing that the Senator from Utah should denounce the initiative, the referendum, and the recall, provided for in his own constitution. These are the tools of Democracy. The initiative, the referendum, and the recall are the sword and buckler of the majority. It arms the majority with power and puts the Government in the hands of the people.

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Mr. President, by the initiative, the people may initiate any law they do want; and, by the referendum, they may veto any law they do not want; and, by the recall, they can remove from office any official for inefficiency.

I shall not reproach the Senator from Utah for his strange bias, for his point of view that denounces the principles of the constitution of Utah and incidentally denounces the principles of the constitution of Oklahoma; nor would I answer him and his criticisms at all did I not deem it of vast importance to the people of the United States that the mechanism of self-government should be adopted and should not be defeated by the Senator from Utah and those who stand with him.

It is a very significant fact that the Western Newspaper Union is sending out printed plates of this speech against the initiative and referendum and the recall. Who is paying the bills for that tremendous expense? These bills do not pay themselves; somebody is paying a large amount of money to publish these plates which the Western Newspaper Union seem to be furnishing gratis to the country newspapers in Minnesota, in Oklahoma, and everywhere else. It is not a pleasing thing to the Senator from Oklahoma to hear of the press of the country using these plates denouncing the principles of the constitution of Oklahoma and ridiculing the Senator from Oklahoma. The vindication of the opinions of the people and of the constitution of Oklahoma makes an answer unavoidable.

Mr. REED. Mr. President——

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

Mr. OWEN. I do.

Mr. REED. Would the Senator from Oklahoma give us some idea of about how much it would cost to furnish these plates to the country press of the United States?

Mr. OWEN. I do not know what the expense would be, but it would be enormous, because the number of country newspapers is very large.

Mr. REED. I am interested in knowing whether the Senator believes that less than $50,000 would be used in covering that expense.

Mr. OWEN. I should not think that $50,000 would begin to cover it.

The triumphant reign of monopoly and of special privilege in this country is due, in my opinion, to a sinister combination between machine politics and organized special privilege. The initiative, the referendum, and the recall is the open door to the overthrow of this dangerous alliance, and this is the reason why South Dakota, Montana, Oregon, Oklahoma, Maine, Missouri, Arkansas, Nevada, and Utah have adopted it in their constitutions, and explains why the legislatures of California, Washington, North Dakota, Wyoming, Colorado, Nebraska, Wisconsin, and Florida have submitted it to the people for constitutional amendment, and why it is an active issue in nearly all of the remaining States of the Union. It explains why Arizona has put this principle in its constitution, and why the people of Illinois voted for it by nearly four to one.

This is a world-wide movement, Mr. President. It is the law of Switzerland, of Australia, and of New Zealand. It is an issue in the Canadian States. It means the rule of the people against

the rule of the machine, and it means nothing less than this. And no sophistry and no ridicule and no evasion will ever serve to stop this issue from sweeping the United States. The government of cities by commission, with local initiative, referendum, and recall involves this, and is a part of this movement.

The Senator from Utah was the first Senator to arise and denounce the initiative, the referendum, and the recall, and in doing so he was obliged to denounce the constitution of his own State—"the permanent will of the people" in his own State, according to the words used by the Senator from Utah himself.

Mr. President, men and their opinions are controlled by their education and by their environment. I am subject to this rule, and the Senator from Utah is no exception to it. He obviously gives expression to the views of the controlling powers of his own State outside of the constitution of Utah, and I deem it my duty to call the attention of the Senate and of the country to the fact that the only Senator so far who has denounced the initiative, the referendum, and the recall has done so in the face of the constitution of his own State.

I deem it my duty also, Mr. President, and I perform this duty with painful reluctance because of a sincere personal regard for the Senator from Utah, to call attention to the fact that the ruling power of the State of Utah, whose views, I believe, speak through the Senator from Utah, is openly charged with comprising one of the most powerful political machines, religious hierarchies, and commercial oligarchies ever established on earth. I do not assume to have any personal knowledge of the conditions of that State, but a predecessor to the Senate from Utah, ex-United States Senator Frank J. Cannon, himself raised a Mormon, has set forth in great detail a description of this extraordinary religious and commercial monopoly.

Mr. SMOOT. Mr. President——

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

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

Mr. SMOOT. Mr. President, the Senator from Utah [Mr. SUTHERLAND], to whom the Senator from Oklahoma is referring, is not now in the Chamber; he is out of the city. If he were here no doubt he would answer a great many of the insinuations which the Senator has already cast upon him.

I wish to state that if the Senator thinks it proper for him to pick up a magazine article written by a man who he himself ought to know is utterly unworthy of being believed in any way, shape, or form, for the purpose of casting a reflection upon a Senator or a State I am surprised at his idea of justice in such a case. Charges are easily made, but are not so easily proven. I say now to the Senator from Oklahoma that the statements which he has repeated here are absolutely uncalled for, unfounded, and untrue.

Mr. OWEN. Mr. President, I think, if they are untrue, they ought to be demonstrated to be untrue. They have been given the widest publicity throughout the United States. I have seen no adequate answer. I suppose there may be one forthcoming, but I do think that if it is true that Senators are named to this floor by the prophet of the Mormon Church, the Senate of the United States ought to know it, and the country ought to know it. If it is not true, the charge ought to be

answered; it ought to be denied; it ought to be shown to be absolutely false, because it affects the good name of the Senate of the United States and of one of the great States of the Union for whose people I have great respect.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma further yield?

Mr. OWEN. I yield.

Mr. SMOOT. Mr. President, I suppose this is not the proper place or time for me to discuss this question, but I want to say to the Senator from Oklahoma that I deny the statements, and I say to him and to the country that they are not true. Because there is no denial of published articles which are written by a man for whom no one in his own State has any regard or belief in his word, are they to be accepted as true? And is it possible that the Senator thinks such statements should or could always be followed by a denial? It seems to me that, if that were the case, there are other people who would have to be denying statements made against them almost all the time. I will simply content myself by saying to the Senator that the statements are not true.

Mr. OWEN. Does the Senator think that it ought to go uninquired into?

Mr. SMOOT. Why, Mr. President, I have not expressed an opinion in relation to an inquiry into the matter; but the Senator was reading a statement, and seemingly approving of it as the absolute truth. I am not here to defend the Mormon Church; I was elected by the people of the State of Utah, irrespective of their religious belief, and I represent every man and woman in that State; I do not care what his or her religion may be; I am here as a citizen of the United States; and I will go just as far as the Senator from Oklahoma ever dared go in maintaining every principle of liberty and a clean, an honest, and a representative Government.

Mr. OWEN. Mr. President, I am pleased to have the assurance of the Senator from Utah, but I have deemed it my duty to call the attention of the Senate to this matter, and I think it deserves to be inquired into. Certainly, the provision for the initiative, the referendum, and the recall has been in the constitution of Utah for 10 years. Why has it not been vitalized, and why does the Senator from Utah [Mr. SUTHERLAND] denounce the initiative, the referendum, and the recall? Do both Senators from Utah agree to that position? I should like to ask the senior Senator from Utah whether or not he approves the initiative and the referendum or whether he denounces them also?

Mr. SMOOT. Mr. President, I have taken no part in this discussion, nor do I care to do so at this time. I suppose that when the time comes for a vote the Senator will know where I stand. I have been in the Senate long enough for the Senator himself to know that whatever I believe I so vote.

Mr. OWEN. There has been set forth, Mr. President, a very elaborate description of the commercial oligarchy that controls that State. I have no desire to wound the feelings of the Senator from Utah [Mr. SUTHERLAND], but I think that the Senator from Utah [Mr. SUTHERLAND] might well hesitate before he denounces the principles of the constitution of Oklahoma and sends his denunciation broadcast as plate matter.

I am answering a Senator who denounces the initiative and the referendum on the floor of the Senate which is written in the constitution of his own State. I say that there must be some kind of an explanation of that, and I can not perceive any other explanation than that he voices the hostility of the ruling powers outside of the constitution of Utah, because I believe the initiative and referendum will break down any commercial or political oligarchy whatever, anywhere, and that the controlling powers of Utah know it and for that reason oppose it.

Mr. Frank J. Cannon, assisted by Mr. Harvey J. O'Higgins, with great solemnity and the most earnest assurance, declare to the people of the United States the truth of the history they have narrated in regard to the ruling powers of Utah in Everybody's Magazine. They declare that the Senators from Utah are named by the Mormon "prophet," Joseph F. Smith, that this church controls the political conditions of Utah, and that they have broken faith with the people of the United States in every promise they have made to conduct the affairs of that State in the spirit of American institutions.

The predecessor of the Senator from Utah, ex-United States Senator, Mr. Cannon, describes the manner in which commercial passports to heaven are given by the Mormon hierarchy to its loyal followers. He fully describes how the Mormons and gentiles alike are exploited by a powerful oligarchy in control of Utah. He describes how the children are hypnotized by early and frequent vows to the church, and how their loyalty is kept constant by everlasting reiteration of vows of loyalty and testimony of loyalty, given from month to month by the individuals thus committed in childhood. For example, he describes how a 14-year-old boy is required to rise and say before the congregation as a creed:

> Brethren and sisters, I feel called upon to say a few words. I am not able to edify you, but I can say that I know this is the church and Kingdom of God, and I bear my testimony that Joseph Smith was a prophet and that Brigham Young was his lawful successor, and that the Prophet Joseph F. Smith is heir to all the authority which the Lord has conferred in these days for the salvation of men. And I feel that if I live my religion and do nothing to offend the Holy Spirit, I will be saved in the presence of my Father and His Son, Jesus Christ. With these few words I will give way. Praying the Lord to bless each and everyone of us is my prayer in the name of Jesus Christ. Amen.

Ex-Senator Cannon describes how the individuals who thus pledge their allegiance are kept in line by the examination and espionage of monthly ward teachers, who enter the homes of the people with authority and see that they are faithful and that they renew or continue to allege their loyalty and fidelity. They teach the simple elemental virtues of Christianity, abstinence from alcohol, tobacco, tea, and coffee, and on this sound foundation of decency and on the pledge of loyalty continually reiterated they lay a foundation of fidelity that makes of the ordinary Mormon a subject of the prophet, a vassal, an obedient follower of the orders—political or commercial—of the prophet.

There never was in the history of the world an oligarchy more thoroughly and completely organized than in Utah, if this narrative be anywhere near the truth.

This description I present to the Senate for the reason that it has gone into every quarter of the United States and, in effect, it is a most serious attack upon the high standing and good name of the Senate of the United States itself, and it

requires and demands a thorough-going investigation in order either to establish its falsity or to demonstrate its truth, so that the Senate of the United States and the people of Utah shall be purged of this charge if it be false, or correct the unhappy conditions in Utah if the statement should unfortunately prove to be true.

Mr. Cannon describes in detail and vigor the inordinate greed of Joseph F. Smith, the Mormon prophet, and makes the following statement:

> Along with this strain of commercial greed in Smith there is an equally strong strain of religious fanaticism that justifies the greed and sanctifies it to itself. He believes (as *Apostle Orson Pratt* taught, by *authority of the church*) that "the kingdom of God is an order of government established by divine authority. It is the only legal government that can exist in any part of the universe. All other governments are illegal and unauthorized. * * * Any people attempting to govern themselves by laws of their own making, and by officers of their own appointment, are in direct rebellion against the kingdom of God."
>
> Smith believes that over this kingdom the Smiths have been, by divine revelation, ordained to rule. He believes that his authority is the absolute and unquestionable authority of God Himself. He believes that in all the affairs of life he has the same right over his subjects that the Creator has over His creatures. He believes that he has been appointed to use the Mormon people as he in his inspired wisdom sees fit to use them, in order the more firmly to establish God's kingdom on earth against the powers of evil.

Messrs. Cannon and O'Higgins, in their last article, use the following headlines:

> Political headquarters of the State of Utah. Headquarters of the Mormon Church. Utah-Idaho Sugar Co., Joseph F. Smith, president; Inland Crystal Salt Co., Joseph F. Smith, president; Zion's Savings Bank & Trust Co., Joseph F. Smith, president; State Bank of Utah, Joseph F. Smith, president; Zion's Cooperative Mercantile Institute, Joseph F. Smith, president; Consolidated Wagon & Machine Co., Joseph F. Smith, president; Home Fire Insurance Co., Joseph F. Smith, president; Beneficial Life Insurance Co., Joseph F. Smith, president; Salt Lake Knitting Co., Joseph F. Smith, president; the Deseret News, Joseph F. Smith, president.

They conclude with chapter 20, as follows:

> CHAPTER 20.
>
> CONCLUSION.
>
> Of the men who could have written this narrative, some are dead, some are prudent, some are superstitious, and some are personally forsworn. It appeared to me that the welfare of Utah and the common good of the whole United States required the publication of the facts that I have tried to demonstrate. Since there was apparently no one else who felt the duty and also had the information or the wish to write, it seemed my place to undertake it. And I have done it gladly; for when I was subscribing the word of the Mormon chiefs for the fulfillment of our statehood pledges, I engaged my own honor, too, and gave bond myself against the very treacheries that I have here recorded.
>
> We promised that the church had forever renounced the doctrine of polygamy and the practice of plural-marriage living, by a "revelation from God" promulgated by the supreme prophet of the church, and accepted by the vote of the whole congregation assembled in conference. We promised the retirement of the Mormon prophets from the political direction of their followers, the abrogation of the claim that the Mormon Church was the "Kingdom of God" reestablished upon earth to supersede all civil government—the abandonment by the church of any authority to exercise a temporal power in competition with the civil law. We promised to make the teaching and practice of the church conform to the institutions of a republic in which all citizens are equal in liberty. We promised that the church should cease to accumulate property for the support of illegal practices and un-American government.
>
> And we made a record in proof of our promises by the antipolygamy manifesto of 1890 and its public ratification; by the petition for amnesty and the acceptance of amnesty upon conditions; by the provisions of Utah's enabling act and of Utah's State constitution; by the acts of Congress and the judicial decisions restoring escheated church

property; by the proceedings of the Federal courts of Utah in reopening citizenship to the alien members of the Mormon Church; by the acquiescence of the Gentiles of Utah in the proceedings by which statehood was obtained; and, finally and most indisputably, by the admission of Utah into equal sovereignty in the Union, since that admission would never have been granted except upon the explicit understanding that the State was to uphold the laws and institutions of the American Republic in accordance with our covenants.

"THE INTERESTS" BACK THE CHURCH.

Of all these promises the church authorities have kept not one. The doctrine and practice of polygamy have been restored by the church, and plural-marriage living is practiced by the ruler of the kingdom and his favorites with all the show and circumstance of an oriental court. There are now being born in his domains thousands of unfortunate children outside the pale of law and convention, for whom there can be entertained no hope that any statute will ever give them a place within the recognition of civilized society.

The prophet of the church rules with an absolute political power in Utah, with almost as much authority in Idaho and Wyoming, and with only a little less autocracy in parts of Colorado, Montana, Oregon, Washington, California, Arizona, and New Mexico. He names the Representatives and Senators in Congress from his own State and influences decisively the selection of such "deputies of the people" from many of the surrounding States. Through his ambassadors to the Government of the United State, sitting in House and Senate, he chooses the Federal officials for Utah and influences the appointment of those for the neighboring States and Territories. He commands the making and unmaking of State law. He holds the courts and the prosecuting officers to a strict accountability. He levies tribute upon the people of Utah and helps to loot the citizens of the whole Nation by his alliance with the political and financial plunderbund at Washington. He has enslaved the subjects of his kingdom absolutely, and he looks to it as the destiny of his church to destroy all the governments of the world and to substitute for them the theocracy—the "government by God" and administration by oracle—of his successors in office.

And yet, even so, I could not have recorded the incidents of this betrayal as mere matters of current history—and I would never have written them in vindication of myself—if I had not been certain that there is a remedy for the evil conditions in Utah, and that such a narrative as this will help to hasten the remedy and right the wrong. Except for the aggressive aid given by the national administrations to the leaders of the Mormon Church, the people of Utah and the intermountain States would never have permitted the revival of a priestly tyranny in politics. Except for the protection of courts and the enforced silence of politicians and journalists, polygamy could not have been restored in the Mormon Church. Except for the interference of powerful influences at Washington to coerce the Associated Press and affect the newspapers of the country, the Mormon leaders would never have dared to defy the sensibilities of our civilization. Except for the greed of the predatory "interests" of the Nation, the commercial absolutism of the Mormon hierarchy could never have been established. The present conditions in the Mormon kingdom are due to national influences. The remedy for those conditions is the withdrawal of national sympathy and support.

WHO IS TO RULE IN UTAH?

Break the power at Washington of Joseph F. Smith, ruler of the Kingdom of God, and every seeker after Federal patronage in Utah will desert him. Break his power as a political partner of the Republican Party now—and of the Democratic Party should it succeed to office—and every ambitious politician in the West will rebel against his throne. Break his power to control the channels of public communication through interested politicians and commercial agencies, and the sentiment of the civilized world will join with the revolt of the "American movement" in Utah to overthrow his tyrannies. Break his connection with the illegal trusts and combines of the United States, and his financial power will cease to be a terror and a menace to the industry and commerce of the intermountain country.

The Nation owes Utah such a rectification, for the Nation has been, in this matter, a chief sinner and a strong encourager of sin.

The Republic must overthrow the modern Mormon kingdom, or that kingdom will sap the honor and power of the Republic. Both can not survive as temporal sovereignties under their present exclusive pretensions. The Republic must vindicate its own jurisdiction; by State and Nation, over the temporal affairs of men within its borders, or it must rest content with such fragments of sovereignty as encroaching ecclesiasts care to leave it. The records of the world may be searched in

vain for an instance in which a government deriving its powers from the consent of the governed, and a government claiming to derive exclusive and world-wide authority from God on high, were able to occupy in harmony the same territory. They have never done it; they can not do it now.

HOW UTAH CAN BE FREED.

The Nation need not fear that in breaking the pretensions of the modern Mormon kingdom it will be engaging in a religious persecution. It is not religious persecution to deny the representative of a foreign potentate a seat in our Senate. It is not religious persecution to insist on the observance of a solemn covenant. It is not religious persecution to demand that a hierarchy shall keep out of politics. In my story of the modern Mormon kingdom I have denounced not doctrines, but deception; not the keeping of faith with God, but the breaking of faith with men; not the religion which cheers and sustains, but the hierarchy which hides under the altars of that religion to prey and plunder. The Nation can make the same distinction.

And the Nation owes such a rectification not only to Utah, but also to itself. The commercial and financial plunderbund that is now preying upon the whole country is sustained at Washington by the help of the agents of the Mormon Church. The prophet not only delivers his own subjects up to pillage; he helps to deliver the people of the entire United States. His Senators are not representatives of a political party; they are the tools of "the interests" that are his partners. The shameful conditions in Utah are not peculiar to that State; they are largely the result of national conditions, and they have a national effect. The prophet of Utah is not a local despot only; he is a national enemy; and the Nation must deal with him.

I do not ask for a resumption of cruelty, for a return to proscription. I ask only that the Nation shall rouse itself to a sense of its responsibility. The Mormon Church has shown its ability to conform to the demands of the Republic—even by "revelation from God," if necessary. The leaders of the church are now defiant in their treasons only because the Nation has ceased to reprove and the national administrations have powerfully encouraged. As soon as the Mormon hierarchy discovers that the people of this country, wearied of violated treaties and broken covenants, are about to exclude the political agents of the prophet from any participation in national affairs, the advisers of his inspiration will quickly persuade him to make a concession to popular wrath. As soon as "the interests" realize that the burden of shame in Utah is too large to be comfortable on their backs, they will throw it off. The Presidents of the United States will be unable to gain votes by patronizing the crucifiers of women and children. The national administrations will not dare to stand against the efforts of the Gentiles and the independent Mormons of Utah to regain their liberty. And Utah, the Islam of the West, will depose its old sultan and rise free.

THE TRUTH SHALL TRIUMPH.

With this hope—in this conviction—I have written in all candor what no reasons of personal advantage or self-justification could have induced me to write. I shall be accused of rancor, of religious antagonism, of political ambition, of egotistical pride. But no man who knows the truth will say sincerely that I have lied. Whatever is attributed as my motive, my veracity in these articles will not be successfully impeached. In that confidence I leave all the attacks that guilt and bigotry can make upon me to the public to whom they will be addressed. The truth, in its own time, will prevail, in spite of cunning. I am willing to await that time, for myself and for the Mormon people.

Mr. President, I know nothing about the truth of this matter. It may be absolutely false from beginning to end; it may be utterly unworthy to be uttered, but it is a very serious matter, coming from an ex-Member of this body, ex-United States Senator Frank J. Cannon. I do not know whether it is true or false; I do not pretend to know; but I think that the Senate ought to know the truth of this grave accusation, and ought to know it by a proper investigation and inquiry into it.

Mr. President, I very greatly regret that the principles of the initiative, the referendum, and the recall, which are contained in the constitution of Utah, should be now openly derided and flouted by the Senator from Utah without sound reason or argument. It is very extraordinary that a Senator,

holding the honors and the dignities of a State, should ridicule and denounce the principles laid down in the constitution of his own State, but it is no more extraordinary than the fact that five succeeding legislatures in that State should have refused to vitalize the constitution of Utah by passing the necessary statutes for its enforcement. These five legislatures have been urged to perform this duty by those who believe in the doctrine of self-government and in the doctrine of the rule of the majority. The mere fact that these legislatures have refused to perform this obvious duty, and the fact that the Senator from Utah denounces these doctrines of the constitution of Utah, is a circumstance of vast importance in the light of the charge that the Mormon Church as a political and commercial oligarchy controls the political affairs of that State and dictates the appointment of Senators from that State.

Mr. President, I would not willingly say anything that would wound the feelings of the Senator from Utah, but when he uses his position as a Senator to denounce the principles of good government, in which I believe—which I believe of vital importance—when he denounces the initiative and the referendum, when he denounces the principles of government laid down in the constitution of Oklahoma and ridicules the people of Oklahoma, and when his argument goes out all over the United States as a campaign document against the people's rule, it is my duty to the people of Oklahoma and to the cause of popular government to enter a vigorous protest against the argument submitted by the Senator from Utah and to make such answer as will give that argument its proper place before the electorate of the United States.

No one should be surprised that the Mormon Church should oppose the initiative, the referendum, and the recall, and no one should be surprised that the income-tax amendment should be voted down by the Legislature of Utah. (March 9, 1911.)

It is but natural that the Senator from Utah should be powerfully influenced by the opinions of the controlling powers of his State, without whose support I believe he could not appear on the floor of this Chamber. It is but natural that he should give voice to the opinions of those at the head of this religious hierarchy. It is but natural that, under the circumstances of his environment, he should oppose the rule of the majority and oppose those democratic agencies which would overthrow the rule of the minority. It is but natural that he should regard with disapproval the views of the Senator from Oklahoma; that he should ridicule the Senator from Oklahoma and the liberty-loving people of that State; that he should denounce the idea of amending the Consitution of the United States as undemocratic. It would be but natural, Mr. President, in view of the conservative opinions of the Senator from Utah and who appears to believe in the absolute perfection of the Constitution of the United States, that the Senator from Utah should be preferred as a candidate for the Supreme Court of the United States, as ex-United States Senator Cannon alleges.

Mr. President, I have no doubt of the industry, high character, and good citizenship of the great body of the people of Utah, Mormons and gentiles, and nothing which I have said could be construed as any unkind reference to the people of that State. My reference has been to a religious and commercial oligarchy

described by Frank J. Cannon, which appears to be engaged in the governing business in Utah, and which I regard as un-American in the highest degree, and as most injurious to the people of Utah, and especially to the Mormons. The Mormon Church ought to go out of the political business, as it agreed to do. If it is true that the Mormon "prophet" names the Senators from Utah on this floor, and uses the power of a religious hierarchy to accomplish this, he is able to do a positive harm to the people of the United States outside of Utah and to the people of Oklahoma, which I have the honor, in part, to represent.

The mere fact that the Senator from Utah criticized the Senator from Oklahoma and the State of Oklahoma would not have induced me to call attention to this matter had I not felt that the issue of popular government is one of vital importance to the people of the United States.

I might pause to remark that I was not present in the Senate when I was assailed by the Senator from Utah, but I do not complain of it at all, because Senators are so frequently away from the floor that a Senator would have to be silent and be denied the right to criticise the views of a fellow Senator if he could only do so when a Senator were present.

I have been surprised that the Senator from Utah should have gone out of his way to assail Oklahoma and its constitution, and I am willing to believe that it was done in a spirit of levity and ridicule for the purpose of denouncing the doctrine of popular government, for which Oklahoma is distinguished, but I have not been willing to leave this volley of epithet, sarcasm, and ridicule against the principles of the constitution of Oklahoma which her liberty-loving people believe in to remain unanswered.

In answering I have endeavored to do my duty to the people of Utah and to the Republic and to the cause of the popular government in which I deeply and profoundly believe, and to vindicate the great Constitution and to defend the wisdom and the patriotism of my own beloved people of Oklahoma.

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O

RECALL OF JUDGES

THE PONTIUS PILATE DECISION

The *common people* were not responsible for the crucifixion of Christ by overruling Pontius Pilate. The *common people* would have recalled Pontius Pilate for his wicked decision in delivering Christ for crucifixion at the demand of the machine politicians in the temple at Jerusalem. The *common people* heard Him gladly. They lamented the wicked conduct of Pilate, and they treasured the words of the Savior so that they never have been forgotten.

SPEECH

OF

HON. ROBERT L. OWEN

OF OKLAHOMA

IN THE

SENATE OF THE UNITED STATES

APRIL 10, 1912

WASHINGTON
1912

38735—10856

SPEECH

OF

HON. ROBERT L. OWEN.

The Senate having under consideration Senate bill No. 3175, Mr. Owen replied to the argument of the Senator from Washington, who argued that the decision of the Senate in the Lorimer case was purely a judicial question, to be decided by the Senate as judges free from the influence or popular clamor or public sentiment, and who criticized Theodore Roosevelt for advocating the recall by the people of a court judgment in certain constitutional cases, and stated that this would be going back to the precedent of Pontius Pilate, where the people were permitted to overrule the judgment of Pilate, who found Christ innocent.

Mr. OWEN said:

Mr. PRESIDENT: I do not agree with the Senator from Washington [Mr. JONES] that this is merely a judicial question. On the contrary, I believe that the Lorimer case should be determined as a legislative question, the Senate of the United States determining for itself under the rule and under the law its own membership, and that it should be guided in its determination of the question of Mr. LORIMER retaining his seat by the best interests of this Republic.

Regardless of the question as to whether Mr. LORIMER was guilty of personal corruption, and regardless of whether or not Mr. LORIMER knew of corruption in the Legislature of Illinois, I believe, provided always that there was established by competent evidence proof of corruption in the purchase of a single vote in obtaining this seat for Mr. LORIMER, that the election should be declared void. In no other way can the power of corruption be so effectually and adequately checked in electing Senators under the present system.

Mr. President, the Senator from Washington has ventured to repeat on the floor of the United States Senate the precedent of Pontius Pilate delivering Christ to be crucified as an example of the folly of permitting the judgment of the common people to prevail over the decision or conduct of an upright judge. This Pontius Pilate precedent has been repeated many times in the public press recently as an argument against the progressive program of "the rule of the people" in this country. This argument implies that Pontius Pilate was a fair example of an upright judge who was compelled to yield to the clamor of the unthinking people—to "the inflamed opinion of the multitude," as the Senator from Washington says. I take issue with the Senator from Washington in his apparent interpretation of the Pontius Pilate precedent. I believe in the recall of such a judge as Pontius Pilate.

Mr. JONES. Mr. President——

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

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

Mr. JONES. I will say to the Senator that he and I might not be far apart on that proposition.

Mr. OWEN. I am glad to know that we are together on some proposition.

Mr. JONES. I am myself in favor of the recall, the initiative, and referendum within proper restrictions, within State lines, but I do not think that question was at all involved in what I said.

Mr. OWEN. I should even prefer the recall of the unjust judgment of Pontius Pilate rather than to allow to stand his criminal decision of yielding innocence to murder.

Mr. JONES. Mr. President——

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

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

Mr. JONES. It seems to me the Senator fails to appreciate just the position I took. My position is that Pontius Pilate should not have yielded at all, but should have sacrificed his office and his life if necessary to avoid the conviction of a man whom he thought was innocent.

Mr. OWEN. I agree with that view of the Senator from Washington, but the fact is that this judge did not do that. This wicked judge sent to death the innocent prisoner at the bar before him, and *the common people* are wrongfully charged with his political crime by those using the Pontius Pilate precedent.

Mr. JONES. Mr. President——

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

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

Mr. JONES. The only difference between Pontius Pilate and myself on that proposition is that I am not going to yield to the clamor.

Mr. OWEN. I congratulate the Senator from Washington on having established an important difference between himself and Pontius Pilate.

In the first place, Pontius Pilate was not an upright judge. He was a stand-pat, pie-counter politician from the house of Tiberius Cæsar, serving as governor in Judea under the patronage system of the Roman Empire.

Mr. JONES. Mr. President——

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

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

Mr. JONES. The only fault that I have to find with Pontius Pilate's stand-pat proclivities is that when it was necessary to stand pat he became a progressive.

Mr. OWEN. He had but little conception of justice or mercy, Mr. President, or of the progressive movement of to-day, which stands for equal rights to all; but he well understood how to stand pat with the political machine in Rome and in Jerusalem that gave special privileges to him and his allies at the expense of the common people. His master, Tiberius, under whom he was trained, found amusement in having men and wild beasts fight to the death in the arena at Rome for his entertainment. When Jesus Christ was

brought before Pontius Pilate and Pilate found no wrong in him, the chief priests falsely charged Christ with seeking to be "King of the Jews" and threatened Pilate as an office holder. "If thou let this man go, thou art not Cæsar's friend. Whosoever maketh himself a king speaketh against Cæsar."

Then it was that this governor, this political judge from Rome, the direct product of political patronage, yielded the innocent prisoner at the bar to be crucified in the face of justice and the prayers of his own good wife to save himself from possible inconvenience or misrepresentation at Rome, and he was sufficiently a villain that he wrote a false title and put it on the cross:

Jesus of Nazareth, the King of the Jews. (John xix, 19.)

Pilate's wife advised him to mercy and justice. *No woman* had a dishonorable part in the crucifixion of our Lord.

Not *she* with traitorous kiss her Savior stung,
Not *she* denied Him with unholy tongue,
She, when apostles shrunk, could dangers brave,
Last at the cross and earliest at the grave.

This unspeakable scoundrel, who ended his base career by suicide, is held up by the standpatters who use the Pontius Pilate precedent as a model judge, who wanted to do right, and *the common people* are charged with being to blame for his infamous crime.

The common people were not responsible for the death of Christ. They in reality admired and loved Christ. It is of record in St. Mark (xii, 37) that "*the common people* heard Him gladly," and throughout the Scriptures it is manifest that great multitudes of the common people surrounded Jesus and hung upon His teachings, which, though not recorded, were so engraved in the memory of those same common people who heard Him that the wonderful prophecy of Christ after nineteen hundred years is still verified—

Heaven and earth shall pass away, but My words shall not pass away. (Matt. xxiv, 35.)

The chief priests had soldiers employed to watch the grave of Christ to keep *the common people* from removing the body, and *the common people*—the fishermen, the sailors, the laborers, the farmers of Judea—instead of condemning Him to death, treasured His words in their hearts, although they could not read and could not write, and treasured these words so faithfully that they were handed down from generation to generation until they have converted the whole world to the wisdom and beauty of His teachings. And I remind the Senator from Washington that *the essence of the doctrine of Christ* is *the moving force now of the progressive movement in America and throughout the world.* It is the doctrine of the brotherhood of man. The doctrine of altruism. The doctrine of service. It is a doctrine which was utterly opposed to the system of government in Judea in the days of Pontius Pilate, which Christ expressly criticized and condemned. He opposed the exercise of unjust authority by the rulers over the people, and advised His followers to the contrary in the following words:

But it shall *not* be so among you; but whosoever will be great among you, *let him be your minister;* and whosoever will be chief among you, *let him be your servant.* (Matt. xx, 26–27.)

This is the doctrine of the progressive movement in the United States—that the people shall rule and the official shall be a minister, a *servant*, and not a ruler.

The truth is the people did not exercise the power to rule in Judea. Christ Himself, in speaking to His disciples, reminded them of this fact:

> Ye know that *the princes* of the Gentiles exercise *dominion over them*, and *they that are great* exercise *authority upon them*. (Matt. xx, 25.)

In reality Pontius Pilate and Herod were "the princes of the Gentiles" who exercised this dominion over the common people, and Annas and Caiaphas, the chief priests, the captains of the temple and the elders, were those who exercised authority over the common people.

Christ was not condemned to death by the common people, but was sent to His death at the hands of the Roman soldiers by the chief priests and scribes of the hierarchy at Jerusalem—the misrepresentatives of the common people.

Christ Himself said:

> Behold, we go up to Jerusalem; and the Son of Man shall be betrayed *unto the chief priests* and *unto the scribes*, and *they* shall condemn Him to death, and shall deliver Him to the Gentiles (the Roman soldiers) to mock, and to scourge, and to crucify Him. (Matt. xx, 18–19.)

At the very time that this prophecy was made Christ entered Jerusalem, and *the common people* met Him with great enthusiasm.

> A very great multitude spread their garments in the way: others cut down branches from the trees, and strewed them in the way, and the multitudes that went before, and that followed, cried, saying, Hosanna to the son of David: blessed is He that cometh in the name of the Lord: Hosanna in the highest. (Matt. xxi, 8–9.)

And it was with this enthusiastic following of the common people behind him that—

> Jesus went into the Temple of God, and cast out all them that sold and bought in the Temple, and overthrew the tables of the money changers * * * and said unto them, It is written, My house shall be called the house of prayer, but ye have made it a den of thieves. (Matt. xxi, 12–13.)

The "den of thieves" was a part of the political machine of Jerusalem.

> And when *the chief priests and scribes* saw the wonderful things that He did, * * * *they were sore displeased*. (Matt. xxi, 15.)

It was not *the common people* who condemned Christ, as the Senator from Washington erroneously believes. It was "*the chief priests and the elders*," who "were sore displeased," who took counsel against Jesus to put Him to death. (Matt. xxvii, 1.) It was "*the chief priests and elders*" who were guilty of the unspeakable infamy of bribing Judas Iscariot with 30 pieces of silver to betray Christ. (Matt. xxvii, 3). It was "*the chief priests and the elders*" that persuaded their strikers and hangers-on that they should prefer Barabbas and destroy Jesus. (Matt. xxvii, 20.)

Jesus was not accused by the common people; he was accused by "*the chief priests and the elders*." (Matt. xxvii, 12.) It was "*the chief priests and elders*" that seized Jesus in the garden and led Him

to Annas and then to Caiaphas, the high priest, where the scribes and the elders were assembled. (Matt. xxvi, 57.)

It was "*the high priest*" who charged Christ with blasphemy, and it was *the priests and the elders* who declared Him guilty of blasphemy and worthy of death. (Matt. xxvii, 65–66.)

It was "*the chief priests, the captains of the temple, and the elders*" who seized Christ in the garden and to whom He replied. (Luke xxii, 52.)

It was THEY who took Him and led Him and brought Him to the high priest's house. (Luke xxii, 52–54.) It was *the chief priests and scribes* who stood and vehemently accused Him before Pilate and Herod. (Luke xxiii, 10.)

Mr. President, the men who were responsible for the crucifixion of Christ were Pilate, the political judge, the beneficiary of a despicable standpat military patronage, and the machine politicians of the hierarchy in Jerusalem, who had wormed themselves in authority, and *it was not the common people who were responsible.*

The common people heard Him gladly. The common people threw their clothes and palm branches in the streets for Him to ride over, and shouted hosannas, and when Pilate and Herod yielded to the demand of the machine politicians of Jerusalem, of the reactionaries and conservatives of Jerusalem, and turned Christ over to the soldiers of Herod for crucifixion, *the common people followed Him with weeping and with sorrow.* The Scripture says:

> And there followed him a great company of people, and of women, which also bewailed and lamented Him. (Luke, xxiii, 27.)

And—

> Jesus, turning unto them, said, "Daughters of Jerusalem, weep not for me, but weep for yourselves and for your children." (Luke, xxiii, 28.)

If the people of Judea had had the power which had been delegated to the machine politicians of Jerusalem they would not have permitted Christ to be crucified.

The Senator from Washington evidently thinks that Pilate was a virtuous judge and that the common people of Jerusalem were a howling mob. The fact is Pontius Pilate was a typical machine politician from Rome, the beneficiary of imperial patronage, willing to crucify Christ himself and write with his own hand a false epitaph over the cross rather than risk the loss of his political job, and the mob that led Pontius Pilate to this crime was not a mob of the common people but was a mob of temple thieves led by "the high priests," "the captains of the temple," "the elders," the beneficiaries of the hierarchy of Jerusalem, who, being possessed of delegated power, used it in defiance of the will of the masses of the common people of Jerusalem.

Let us hear no more of the Pontius Pilate precedent. Even if it had been true that the masses of the common people of Judea had been as ignorant and as bloodthirsty as the standpat politicians of Rome and of Jerusalem, who murdered Christ under the pretense of law, still no parallel is justified to be drawn between people worthy of this description and the common people of the United States of America. Nineteen hundred years ago the common people could not

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read; nineteen hundred years ago the common people could not write; nineteen hundred years ago the common people had no books, no newspapers, no telegraph, no telephones, no transportation; nineteen hundred years ago the common people had no opportunity to understand the problems of government. In this day and generation nearly every single one of the great mass of the common people can read, can write, and has before him every morning the news of the world for his information. The average citizen of the United States to-day knows more than Herod and Pilate and Tiberius Cæsar rolled into one, and knows more than the chief priests, the captains of the temple, and the scribes of that era. I believe in the rule of the people, and I invite the Senator from Washington and all those who oppose the progressive movement to find a new argument and to abandon the precedent of Pontius Pilate.

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