Also, a bill (H. R. 10460) granting an increase of pension to James H. Lile; to the Committee on Pensions.

Also, a bill (H. R. 10500) granting an increase of pension to King A. Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10063) granting an increase of pension to Marion F. Segors; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10062) granting an increase of pension to Jeremiah M. McPherson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10060) for the relief of Jacob M. Cooper; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of C. J. Cornin, of Bryan, Ohio, favoring a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. BARCHFIELD: Papers in re bill granting an increase of pension to Henry Omp, late of Company F, Forty-sixth Regiment Pennsylvania Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: Papers accompanying House bill 6156, granting an increase of pension to Matthew L. Johnson; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: Resolutions of Trades Council of Nashville; to the Committee on Invalid Pensions.

By Mr. CARY: Communications from citizens of Milwaukee, Wis., urging the reduction of the tariff on sugar; to the Committee on Ways and Means.

By Mr. CLARK of Florida: Petition of L. H. Temple and numerous other citizens of Sanford, Fla., demanding the withdrawal of American troops from the Mexican border; to the Committee on Foreign Affairs.

Also, petition of W. A. King and numerous citizens of Sanford, Fla., demanding a rigid investigation into the manner of the removal of John J. McNamara from the State of Indiana to the State of California for trial; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of 38 residents of Rochester, N. Y., favoring the enactment of a law establishing a national department of health; to the Committee on Interstate and Foreign Commerce.

By Mr. DTYE: Petition of a citizen of St. Louis, Mo., asking for a reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. FORNES: Resolutions of the Manufacturers' Association of New York City, that various schedules of tariff law should be made to give all interests affected the same benefit; to the Committee on Ways and Means.

Also, petition of Shaw's Manufacturers' Association of New York City, against free-list bill or placing leather on the free list; to the Committee on Ways and Means.

Also, petition of Manufacturers' Association of New York City, in relation to establishing a United States court of patent appeals; to the Committee on the Judiciary.

By Mr. FRENCH: Resolutions of citizens of Twin Falls, Idaho; to the Committee on Rules.

By Mr. FULLER: Petition of Glass Bottle Blowers' Association, Branch 3, of Streator, Ill., favoring the Berger statue; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Resolution from Central Station Railway, of Haverhill, Mass., protesting against the method of procedure in the arrest of J. J. McNamara and J. W. McNamara, charged with conspiracy in connection with alleged dynamiting of Los Angeles Times Building; to the Committee on the Judiciary.

By Mr. GOODMAN of Arkansas: Petition of citizens of Patmos, Ark., protesting against the kidnapping of J. J. McNamara; to the Committee on Labor.

By Mr. HAMILTON of West Virginia: Petition of citizens of Martin'sburg, W. Va., asking for reduction in the duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. KAHN: Papers to accompany House bill 6112, for the relief of Wilmerding-Loewe Co.; to the Committee on Claims.

By Mr. KNOWLAND: Petition signed by S. P. Dobkins and other residents of Vacaville, Cal., urging a reduction of the duty on raw and refined sugars; to the Committee on Ways and Means.

Also, resolutions adopted by the board of trustees of the Chamber of Commerce of San Francisco, Cal., favoring the judicial settlement of international disputes; to the Committee on Foreign Affairs.

By Mr. MALBY: Petition of W. H. Gordon and others, requesting a reduction in the tariff on raw and refined sugars; to the Committee on Ways and Means.

By Mr. OSIAUNSSY: Petition by the Carded Woolen Association, Boston, Mass., that the rates in Schedule K should be as far as possible ad valorem, because specific rates necessarily result in great irregularities, especially when imported commodity varies as wide as wool does in condition and value; to the Committee on Ways and Means.

Also, petition of Michael Egan and sundry citizens of Providence, R. I., for a reduction in duty on raw and refined sugars in the interests of the consumers of the country; to the Committee on Ways and Means.

By Mr. WILLIS: Papers to accompany House bill 4402, granting an increase of pension to John Scott; to the Committee on Invalid Pensions.

Also, resolutions adopted by Ohio State Council, Junior Order United American Mechanics, asking for the further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. WOOD of New Jersey: Resolutions adopted by Local No. 360, Journeymen Barbers' Association of America, of Trenton, N. J., urging Immediate action on the resolution in investigation in reference to John J. McNamara, introduced by Representative Benz, of Wisconsin; to the Committee on Labor.

SENATE.

TUESDAY, MAY 23, 1911.

The Senate met at 2 o'clock p. m.

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

The Journal of yesterday's proceedings was read and approved.

RALPH M. PROBSTFIELD, UNITED STATES.

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a copy of the bill approved by the President in the case of Randolph M. Probstfield v. United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed. (S. Doc. No. 57.)

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 8490) to authorize the extension and widening of Colorado Avenue NW., from Longfellow Street to Sixteenth Street, and of Kennedy Street NW., through lot No. 800, square No. 2718, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the congregation of the Church of the Brethren, of Burlington, W. Va., praying for the enactment of legislation to prohibit the sale and traffic in opium, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry members of the Third Unitarian Congregational Society, of Brooklyn, N. Y., praying for the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. CULOM. I present numerous memorials demonstrating against the ratification of the proposed arbitration treaty with Great Britain, which I ask may be referred to the Committee on Foreign Relations. I also desire to state that in my capacity as chairman of the Committee on Foreign Relations, 2,000 letters protesting against the ratification of the treaty have been received by me.
The memorials presented by Mr. CULLOM were referred to the Committee on Foreign Relations, as follows:

Memorials of the Robert Fulton Social and Literary Society, of the City of Bristol, Conn.; of the Sons of the Union, of New York; of the Ancient Order of Hibernians, of Waterbury, Conn.; of the United Irish Societies of Bristol County, Mass.; of sundry citizens of the City of Boston; of the St. Patricks’s Association of America, of Passaic, N. J.; of Local Division No. 10, Ancient Order of Hibernians, of Philadelphia, Pa.; of sundry citizens of Pueblo, Colo.; of Local Division No. 1, Ancient Order of Hibernians, of Dover, N. H.; of the Knights of the Red Branch, of East St. Louis, Ill.; of the county board of officers and directors, Ancient Order of Hibernians, of Fairfield County, Conn.; of the county officers, Ancient Order of Hibernians, of Stratford County, N. H.; of sundry citizens of Attleboro, Mass.; of sundry citizens of New Haven, Conn.; of the Jefferson Democratic Club of Peru; of the Central Labor Board of Peru Amboy; of the Washington Club of Peru Amboy; of Local Division No. 3, Ancient Order of Hibernians, of Peru Amboy; of the county board, Ancient Order of Hibernians, of Middlesex County; of St. Patrick’s Association of America, of Middlesex County; of Independent Branch No. 1, St. Patrick’s Alliance, of Peru Amboy; of Local Division No. 2, Ancient Order of Hibernians, of Sayreville; of Local Division No. 16, Ancient Order of Hibernians, of Chieve; of the German Verein of the county; of the Deutsch American Central Verein of Middlesex County, all in the State of New Jersey.

Mr. CULLOM presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

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

Mr. JONES presented a petition of the Fairfield East Consecution of Congregational Churches of Connecticut, praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. ROOT presented a petition of the Connecticut Merchants’ Association, praying for the establishment of a self-sustaining parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. PERKINS presented a memorial of Railroad Lodge No. 610, International Association of Machinists, of Oakland, Cal., praying for the adoption of the Taylor system of shop management in arsenals and shipyards, which was referred to the Committee on Naval Affairs.

Mr. JONES presented a memorial of sundry citizens of Spokane, Wash., praying for the adoption of the Taylor system of shop management in arsenals and shipyards, which was referred to the Committee on Naval Affairs.

Mr. TAYLOR presented petitions of sundry volunteer officers of the Civil War of Massachusetts, Coldwater, Ann Arbor, and Rome, in the State of Michigan; of El Dorado and Ness City, Kans.; and of Minneapolis, Minn., praying for the enactment to place certain volunteer officers of the Civil War on the retired list, which were referred to the Committee on Military Affairs.

Mr. WATSON presented a memorial of sundry druggists of Charleston, W. Va., praying for the incorporation of a state board of pharmacy, which was referred to the Committee on Finance.

Mr. BURNHAM presented the memorial of Rev. T. S. Tyng, of Brooklyn, N. Y., praying for the ratification of the proposal to amend the Constitution of New Mexico, which was referred to the Committee on Territories.

He also presented memorials of Local Divisions Nos. 1, 2, 7, and 12, Ancient Order of Hibernians, of Manchester, N. H., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the General Conference of the Congregational Churches of Claremont, N. H., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. STEVENS presented a memorial of 23 citizens of Schenectady, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented the memorial of J. H. Phillips, of Swanzey, N. H., and the memorial of George D. Stone, of Epping, N. H., praying for the establishment of a reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the Ancient Order of Hibernians of Manchester, N. H., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BORUM presented a petition of the Manufacturers Association of New York City, praying for the establishment of a United States court of patent appeals, which was referred to the Committee on Patents.

He also presented a petition of the Fine Arts Federation of New York City, N. Y., praying that the site be selected for the Lincoln memorial in the city of Washington, as recommended by the National Commission, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the Glove Table Cutters’ Union, of Gloversville, N. Y., praying for the establishment of reciprocal trade agreements between the United States and New Jersey.

He also presented petitions of sundry citizens of New York City, N. Y., praying that the Woman’s National Weekly be admitted to the mails as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Mine & Smelter Supply Co., of New York City, N. Y., praying for the adoption of a 1-cent postage on first-class mail matter weighing 1 ounce or less, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of New York, praying for the establishment of a national department of public health, which were referred to the Committee on Public Health and National Quaratine.

Mr. PERKINS presented a memorial of Local Union No. 229, International B-Order of Stationary Firemen, of Fort Edward, N. Y., and a memorial of Pomona Grange, Patrons of Husbandry, of Essex County, N. Y., praying against the reclamation of the State of New Mexico, which was referred to the Committee on Finance.

Mr. SLOCUM presented a memorial of sundry citizens of San Francisco and San Jose, in the State of California, praying for the establishment of a self-sustaining parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local Division No. 5, Ancient Order of Hibernians, of Rayville; of Local Division No. 10, Ancient Order of Hibernians, of Chieve; and of the German Verein of the county; of the Deutsch American Central Verein of Middlesex County, all in the State of New Jersey.

Mr. AXE presented a memorial of the Manufacturers Association of New York City, praying for the ratification of the proposed treaty of arbitration between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the Grain Cutters’ Union, of Epping, N. H., praying for the adoption of a reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

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

The amendment was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire solable and other suitable vacants, which were referred to the Committee on Finance.

Mr. WETMORE, from the Committee on Public Buildings and Grounds I report back, with an amendment in the nature of a substitute, the bill (S. 2655) to provide for the erection of a new building at Bangor, Me., and liquids, the amendment was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire solable and other suitable vacants, which were referred to the Committee on Finance.

He also presented a memorial of the Manufacturers Association of New York City, praying for the ratification of the proposed treaty of arbitration between the United States and Canada, which was referred to the Committee on Finance.

For the purposes aforesaid the sum of $150,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated:

Provided, That the balance of the appropriation herefore be used by the
sundry civil act of June 25, 1910, for the retaining wall and approaches at the former post-office building in said city, is hereby reappropriated and the title thereto is further amended so as to provide for the delivery of results from delivering mails to and from moving trains; and to amend section 653 of the District of Columbia, and to amend section 659 of the Code of Iowa for the District of Columbia; to the Committee on the District of Columbia.

Mr. JOHNSTON of Maine.
A bill (S. 2490) granting an increase of pension to David H. Robinson (with accompanying paper); and
A bill (S. 2491) granting a pension to Charles E. Jackson (with accompanying paper); to the Committee on Pensions.

By Mr. WATERMAN:
A bill (S. 2492) to define and classify health, accident, and death benefit companies and associations operating in the District of Columbia, and to amend section 625 of the Code of Iowa for the District of Columbia; to the Committee on the District of Columbia.

A Joint resolution (S. J. Res. 28) authorizing the Secretary of War to donate two condemned cannon to the State of West Virginia for use at Berkeley Springs Park; to the Committee on Military Affairs.

By Mr. TERRELL:
A joint resolution (S. J. Res. 30) authorizing the Secretary of Commerce and Labor to employ 10 commercial cotton agents to be stationed in foreign lands for the purpose of promoting foreign commerce in raw cotton and its manufactures; to the Committee on Agriculture and Forestry.

Withdrewal of papers—James L. Bradford.

On motion of Mr. Foster, it was—

Ordered, That the papers in the case of Senate bill 1232, Study of the consequences of the relief of the railways, withdrawn from the files of the Senate, be withdrawn and that it be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, it is so ordered.

Delivery of mail from moving trains.

Mr. CUMMINS. I submit a resolution, and ask for its immediate consideration.

The resolution (S. Res. 47) was read, considered by unanimous consent, and agreed to as follows:

Resolved, That the Post Office Department shall have more than 25 years last past been endeavoring to secure a device which will reduce to the minimum injury to persons and property incident to the delivering of mails in and from moving trains.

Whereas the department has from time to time advertised for proposals for such a device, and have received no such proposal, and

Whereas the Postmaster General, on the 15th day of March, 1916, officially approved a device for this purpose; and

Whereas the Second Assistant Postmaster General, on the 5th day of May, 1911, stated in a communication to the General Superintendent of the Railway Mail Service that the device so approved had successfully stood the tests prescribed by the department and had been approved by the Postmaster General, and further stated that it was expected that all the railway companies using catcher service for the exchange of mails would take steps for the introduction of an improved system of delivering the mails at the stations on or before the 5th day of May, 1911; and

Whereas it is known that the railway companies have not complied with the direction of the department: Be it therefore

Resolved, That the Postmaster General be, and he hereby is hereby, directed to furnish for the information of the Senate of the United States the causes of injuries to persons and damage and destruction of mail and mail equipment resulting from accidents resulting from delivering and receiving mail to and from moving trains at what are known as catcher stations, the amount of mails, including newspapers and periodicals, lost or damaged, the places where the injury or damage occurred, the amount of losses, and the names of the parties to whom the losses were charged, and the cause of the accidents.

The STANDARD OIL CO. ET AL. V. THE UNITED STATES.

Mr. POMERENGE submitted the following resolution (S. Res. 48), which was considered by unanimous consent and agreed to:

Resolved, That the Supreme Court of the United States, in the case of the Standard Oil Co. of New Jersey et al. v. The United States, decided, in effect, that the Standard Oil Co. of New Jersey and 52 other constituent corporations and 7 individual defendants, John D. Rockefeller, Wil-
ELECTION OF SENATORS BY DIRECT VOTE.

The VICE PRESIDENT. The morning business is closed.

Mr. BORAH. I ask unanimous consent to take up House Joint resolution 30.

Whereupon no objection, the Senate as in Committee of the Whole resumed the consideration of the Joint resolution (H. J. Res. 50) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Kansas [Mr. Bristow].

Mr. BRISTOW. Mr. President, there have been a great many inducements made for the 2 of us, and we have offered as a substitute provides. I want to invite the attention of the Senate to the changes which it proposes in the Constitution, and I shall occupy but a very few moments.

I offered the substitute for the joint resolution chiefly for the reasons: First, I think it desirable, because it makes the least possible change in the Constitution to accomplish the purposes desired; that is, the election of Senators by popular vote; and, second, because it is in the same form in which it was voted upon at the last session, when it received within 4 votes of enough to insure its adoption. Since that vote was taken the same qualifications are to be voted upon at the Joint resolution have been succeeded by other Members, and I am advised that a majority of the 10 new Members will vote for the joint resolution, so that I have no doubt of its passage if it is submitted to the Senate at an early time in the form in which it was submitted at the last Congress.

If Senators will take the Constitution, Rules, and Manual of the Senate, and turn to the Constitution on page 154, in section 2, I will call attention to the changes which are proposed. First, I will direct the Senate's attention to section 3 of Article 1, which reads as follows:

Sec. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

This substitute of mine proposes to change that section by the substitution of the words "elected by the people thereof" and inserting "elected by the people thereof." The only change in section 3 is the substituting of the words "elected by the people thereof" for the words "chosen by the legislature thereof." That certainly is as simple a change as can be made. It involves no other question except the transferring of the election of Senators from the legislatures to the popular electors.

Then a change is made in section 2 of the same article, the section which refers to the House of Representatives. It now reads:

Sec. 2. The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the Electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

That provides for the election of Members of Congress; it provides the qualifications of the electors in such an election, and I have inserted that in my substitute, so that it reads:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

I have used the exact language used in the Constitution prescribing the qualifications of electors who will vote for Senator that is used in prescribing the qualifications of electors who vote for Members of Congress—nothing more and nothing less. So this substitute of mine simply transfers the election of Senators from the legislatures to the people, and provides that the electors, when they cast their vote for a Senator, shall have exactly the same qualifications as the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The only other change that is proposed to be made in the Constitution as it is now a provision for the filling of vacancies. The Constitution as it now reads, referring to vacancies in the Senate, says:

And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make such appointments until the next meeting of the legislature, which shall then fill such vacancies.

Instead of that, I provide the following:

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies.

Which is exactly the language used in providing for the filling of vacancies in the House of Representatives, with the exception that the word "of" is used in the first line for the word "from," which, however, makes no material difference.
Then my substitute provides that—

The legislature of any State may empower the executive thereof to make appointments until the people fill the vacancies in the election as the legislature may direct.

That is practically the same provision which now exists in the Constitution of Idaho. The Governor of the State may appoint a Senator until the legislature elects. My amendment provides that the legislature may empower the governor of the State to appoint a Senator to fill a vacancy until the election can be legally held by this amendment to "issue writs of election to fill such vacancies."

That is, I use exactly the same language in directing the Governor to call special elections for the election of Senators to fill vacancies created by the use of the provision in directing the legislature in order that we may give the people of the various States an opportunity to elect their Senators at a general election, instead of by the legislature.

We may enter into an elaborate discussion of section 4, Article I, of the Constitution as to the wisdom or unwise of any being repeated or modified in any way, because I do not think it ought to have any part in this discussion. I am not under the joint resolution, whether any substitute shall be adopted or not, because the great question here is whether the people shall have an opportunity to elect their Senators who have been chosen by the legislature. I believe the joint resolution is better in the form proposed by the substitute; I believe that it will be more satisfactory to the people of the country in that form, and I sincerely trust that this issue will not be confused by injecting into the discussion controversies that are foreign to it.

Mr. BRANDEGE. Mr. President, I want to call the attention of the Senator from Kansas to the fact that section 2, Article I, of the Constitution, as read by him, provides:

The House of Representatives shall be composed of Members chosen even second years.

And section 3, as quoted by him, provides:

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof.

Mr. BRISTOW. He also uses the word "chosen," only it is spelled in a different way he provides:

But the Congress may at any time by law make or alter regulations, except as to the places of choosing Senators.

I do not introduce my substitute to alter, except that the people shall be the only ones who elect the Senate and the House.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof.

That is providing for a new method of selecting Senators. Herefore they have been chosen by the legislatures; now that the people can be elected, but in the latter part of the proposed substitute, where the provision of the joint resolution which alters the method by which Senators shall be elected shall not be construed so as to affect the election or the Senate or any Senator chosen before it becomes valid, the word "chosen" is there used with reference to the selection by the legislature, while in the first part the word "election" is used with reference to the selection by the people.

Mr. BRANDEGE. Mr. President, if I may be permitted, if that distinction is intentional and of any significance whatever, why should not section 2, Article I, of the Constitution, which provides that the House of Representatives shall be composed of Members chosen every second year by the people, be amended also so that it will read "elected by the people," instead of "chosen by the people?"

Section 2 provides for the manner of electing Members of the House of Representatives and uses the word "chosen." My point is that if there is any subtle distinction between the use of the word "chosen" and the word "elected," the language should be uniform in the different sections of the Constitution which we are providing to amend. I do not believe that there is any distinction between them, and I am inclined to think there is not; but I do think that the word ought to be uniform at least for the appearance of the selection of the section.

Mr. BRISTOW. I desire to say that, in line 2, page 2, of the proposed amendment, the word should be "legislatures" instead of "propositions"; the substitute which he has offered is in the same form and language as the substitute submitted by the Senator from Utah upon which we voted at the last session.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Kansas how the substitute which he has offered is in the same form and language as the substitute submitted by the Senator from Utah [Mr. SUTHERLAND] upon which we voted at the last session?

Mr. BRISTOW. It incorporates the words "elected by the people" for the words "chosen by the legislature." That is the only change that is made.

Mr. SMITH of Michigan. The safeguards which the Constitution has thrown around the substitute which he has offered is in the same form and language as the substitute submitted by the Senator from Utah [Mr. SUTHERLAND] upon which we voted at the last session.

Mr. SMITH of Michigan. Mr. President, I am only going to say that I am strongly in favor of the resolution providing for the direct election of Senators by the people. In many ways I have contributed toward that result and have voted for such a resolution while a Member of the House of Representatives. That proposition places me in direct harmony with the expressed wishes of the people of our State, and I desire to demand that promise made by my party.

I do not believe it to be wise to burden this proposal with any race rider or kindred problem of any kind or character. I think it should be shorn of every burden or subterfuge calculated to defeat it before the legislatures of our States.

Mr. BORAH. Mr. President.

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

Mr. SMITH of Michigan. Mr. President.

Mr. BORAH. What particular feature of the joint resolution as it was introduced does the Senator consider to be a subterfuge?

Mr. CLAPP. We can not hear what the Senator from Idaho says.

Mr. SMITH of Michigan. I did not mean to use the term "subterfuge" as a.c. substitute for the provision of the joint resolution. I think perhaps he has his measure in as good form as he has been able to get it from the committee to which it was referred, and I am finding no fault with him about it. I think...
he is as zealous and as honest as any other Member of the Senate in his desire for this reform, but I regard the element of time and the general supervision which the Federal authorities have over the legislative bodies of the States, as well as the supervision of my own State, as very desirable to be retained in the Constitution, and it is my intention to vote for the substitute of the Senator from Kansas [Mr. Root].

Mr. BRISTOW. I desire to ask the Senator from Kansas whether his substitute takes into account section 4 of Article I of the Constitution? Section 4 provides:

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

Mr. BRISTOW. We leave that just as it is. It does not affect or change it in any way.

Mr. HITCHCOCK. Then if his substitute were adopted there would still be a distinction between the power of Congress as it respects the Senate and as it respects the House of Representatives. That is, as it is now, Congress would have no power to alter the action of the legislation—

Mr. BRISTOW. I do not undertake to change in any way the authority which the Congress has now over the election of Senators—

Mr. HITCHCOCK. That is to say, Congress would then have power to dictate to the States the places at which the election of Representatives should occur, while having no power to dictate to the States the places at which the election of Senators should occur.

Mr. BRISTOW. "But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators." We leave that just as it is.

Mr. HITCHCOCK. I should like to ask the Senator whether the Senate would not create possibly an awkward conflict where Congress has reserved the power in one case and not in the other?

Mr. BRISTOW. I do not myself think it is a matter of any consequence.

Mr. HITCHCOCK. I am merely inquiring to know whether they should not be placed in harmony. Does the Senator intend that Congress shall have no power over the States with relation to the places of choosing Senators, while it does retain that power over the States in the election for Representatives?

Mr. BRISTOW. I can say no more than I said before, that I do not think the question of regulating the place where Senators should be elected is of any consequence. I am perfectly willing to leave the Constitution just as it is. Congress never has had, and Congress, I think, is not seeking to change the Constitution just as little as it can be changed in order to bring about a direct election of Senators by the people instead of an election by the legislature.

Mr. HITCHCOCK. I merely raised this question because in the joint resolution as passed by the House of Representatives and as pressed by the Senator from Idaho that matter is made clear by the paragraph which provides that the times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

Mr. BRISTOW. Yes.

Mr. HITCHCOCK. And in the joint resolution proposed as a substitute by the Senator from Kansas there seems to be an ambiguity, possibly, between the two provisions.

Mr. BRISTOW. I regret that the Senator should think there is an ambiguity. I think that the resolution as reported by the Senator from Kansas, which he undertaking to propose, and section 4, and I did not want to amend section 4 in any way. I wanted to leave it alone, because I do not think it is necessary to amend it in order to secure the purpose which we are undertaking to accomplish here by this amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Kansas.

Mr. HITCHCOCK. I do not think the question of regulating the time of the Senate by going over the same arguments that I myself have already made or by repeating the arguments that I have already made, I do wish the vote is taken, to state the position I take and the views which influence me to vote as I shall vote.

I shall vote for the substitute offered by the Senator from Kansas, and I shall then vote against the proposition to amend the Constitution. I shall vote for the substitute because it strikes out from the amendment the power of Congress, as contained in section 4 of Article I, and I shall vote against the proposition as a whole because I am opposed to the amendment of section 3 of Article I.

There are two separate, distinct, and independent amendments of the Constitution included in the joint resolution as reported by the Committee on the Judiciary. One is an amendment of section 3, so as to provide for the election of Senators by the people instead of the States. The other is an amendment of section 4 of Article I, so as to take away from the Congress of the United States the power to make or alter the regulations which may be prescribed by the several State legislatures in respect of the choosing of Senators.

The second amendment—that to section 4—is wholly unnecessary to the effectiveness of the first amendment, relating to the election of Senators by the people. There is no occasion whatever to destroy the power and authority of the Government of the United States over the process of constituting its own Senate body in order to secure the change of which the State legislatures to the people of the several States. It is a new, additional, independent, disconnected, and unnecessary amendment of the Constitution. It has no place in the deliberations of this body of which the Constitution is a part. I think that the amendment which the National Government has had from the beginning over the constitution of this great branch of the national institution.

I believe, sir, that the adoption of this amendment to section 4, which takes away the power of Congress to make in the last resort, if it finds it necessary, regulations to secure the effective, the honest, the uncontrolled selections of Members of the Senate, would be a reversal of the theory of the Constitution. I believe that it would strike a blow at that power of independent self-support which is essential to the perpetuity and the effectiveness of government. I believe that it would be a reversal of the theory of the old Constitution, under which the Government of the United States was dependent upon the States, and an abandonment of the theory of the Constitution under which we live, which was that the Government of the United States should retain those powers which the States may wish for, or without the other amendment, and wholly unaffected by it. The people of the State may wish for the other, they ought not to be compelled to vote for one, which they may not wish for, as a condition for securing the other, which they may wish for. Each should stand upon its own basis. The people of the country should have an opportunity to vote to change the manner of the election of Senators, if they wish it, without being compelled, as the price of getting it, to vote for the destruction of that control which the National Government has had from the beginning over the constitution of this great branch of the national institution.

Mr. BORAH. Is it not true that the State legislature at this time has the sole and exclusive power to prescribe the manner of electing the electors who elect the President?

Mr. ROOT. It is.

Mr. BORAH. In what respect does this weakening of national powers differ from that which you choose to call a weakening with reference to the electing of electors?

Mr. ROOT. In this instance, if any State chooses not to take part in the election of the President, the President would be selected by the other States. Only the failure of all the States to perform their duty would prevent the election of a President.

Mr. BORAH. Is that not equally true with reference to Senators?

Mr. ROOT. No; it is not.

Mr. BORAH. If the State of New York should see fit not to elect her Senators, it would not hinder the State of Idaho from choosing hers?

Mr. ROOT. It would not; but it would prevent the Senate of the United States from having the representation of the State of New York, since that body is enabled, under the Constitution, to render the Senate liable to have seats in the body filled by practices which might involve coercion, intimidation, and corruption, which it would not in the case of the electors. The same effect precisely would be had upon the electoral college as to vacancies in the chairs, which should
be filled in that college as would be had should the State fail to elect Senators.

Mr. ROOT. In the ultimate result, Mr. President, we would receive the votes and count them, and the President would be elected. Any State which failed to perform its function would lose, and in this way it would be the will of the people which would be expressed.

But, Mr. President, there is no proposition here to change the provision of the Constitution in regard to the election of the President. The proposition here is to change the Constitution in order to elect Members of the House of Representatives in regard to the election of Senators. Congress in 1842 passed a statute to regulate the election of Members to each House of the Legislature. It was found necessary in order to have effective and proper elections. It has passed repeated statutes since then, notably in 1872, and our elections are being conducted now under those statutes passed by the Congress. Congress has found occasion to regulate the election of Senators, and those elections are being conducted now under the statute passed in 1866. No man can say that the time will not come again when it will be necessary for the Congress, in order to secure uniformity, in order to secure effectiveness, in order to prevent abuses, to exercise its power in respect of regulating the times and the manner of electing Members to each House of the Legislature.

But, Mr. President, it was not my purpose, as I have already said, to reargue this case. I have stated the substantial grounds upon which I prefer that the substitute offered by the Senator from Wisconsin shall take the place of the substitute offered by the Senator from Kansas.

I shall oppose the resolution, then, on the ground that I think it is inexpedient and unnecessary to make any amendment of the Constitution at all in regard to the election of Senators. I believe that it will result in a deterioration in the personnel of the Senate. I believe that it will keep out of the Senate a large and important element well adapted to the personnel of the Senate and the duty of the Senate, and that it is not true to our system of government. I believe that all the abuses which have led to such a desire for this change on the part of the people of the country can be cured by a simple amendment of the Constitution of the United States, or the statute rather than by amending the Constitution of the United States.

Such a step I have already introduced. It was introduced at the last session and favorably reported by the Committee on Privileges and Elections. It provides for the election of Senators by a plurality, which is something that has been known to the right to interfere at the polls where the people are voting.

Now, gentlemen may refine all they please. They may split hairs "as betwixt the nor' and the nor'west side," but they have not gone rapidly about this. They have not gone about the amendment of the amendment by the adoption of the amendment of the amendment as reported by the committee to a position of opposition he has with him upon the final vote against the adoption of the amendment to the Constitution just that many votes; and when they are pleading that the Constitution shall not be changed in section 4 they are really pleading that the relations between the Federal Government and the people at the polls shall be changed by adding a necessary provision to the Federal Government now has not, with regard to the presence and supervision of the election of a Senator, I am not astonished at the position taken by the Senator from New York, because his object is to defeat the amendment to the Constitution making Senators to be elected by the people, and, of course, if he can force a large body of southern representatives by the adoption of the amendment of the amendment as reported by the committee to a position of opposition he has with him upon the final vote against the adoption of the amendment to the Constitution just that many votes; and, of course, knowing black as blue that the amendment number "a certain element" which is of the highest ability in administering affairs, but it is an element that the people of the United States have been "tried in the balance" and, rightfully or wrong­fully, wisely or foolishly, the people of the United States have concluded has been represented here too much.

Mr. President, the Senator from New York tells us that we should go slowly about changing the Constitution of the United States. It is strange that a New York Republican would tell a Democrat of my school that. I feel that; too; but the people of the United States have not gone rapidly about this. They have been considering it a long time. The Senator of the United States has been "tried in the balance" and, rightfully or wrong­fully, wisely or foolishly, the people of the United States have concluded that as now constituted it has been found wanting. I do not believe that the election of Senators by the people will result in any deterioration of the intellectual ability which will represent the States upon this floor. I know, as the Senator from New York says, that it might result in exclusive action that the Illinois "a certain element" which is of the highest ability in administering affairs, but it is an element that the people of the United States have concluded has been represented here too much.

Mr. President, I can not for the life of me see why the Sen­ator from Kansas should desire to put us in the attitude in which he will put us if his amendment to the joint resolu­tion shall prevail. Can a similar reform be instituted in the United States without mutilating the South somewhere along the line—without demanding of her some special sacrifice from the South? Does it not seem to you, Mr. President, that we have indicated. If the joint resolution as it has come from the committee shall prevail there will be no change in the
facts, in the practical operation of things, in the present relationship between the Union and the States, whereas if he makes the change of fact by keeping the words which he proposes to keep in section 4, he does bring about practically the same result. Mr. Borah, interrupting the Senator from Kansas [Mr. Barrow], for a moment of our overlooking, and concerning which they would condemn us if we omitted to take proper notice here and now.

Mr. SUTHERLAND. The Constitution expressly provides respecting the time. The Senator is correct. He calls attention to the fact that the Constitution does not provide for the exercise of the supervisory power on the part of Congress over the manner of electing electors, but the Constitution does preserve the power of Congress over the action of the electors themselves. In other words, the Constitution vests at home with the people the control over the Government of the United States to regulate the ultimate electors of the officers for whose election provision is made. In the case of Representatives the people vote directly for the officer they elect; the Constitution preserves the supervision power of Congress over the people, who in that instance are the electors. In the case of United States Senators the people are not the ultimate electors, but the electors are the ultimate electors. The Constitution preserves the supervisory control of Congress over those bodies as the ultimate electors. In the case of the President of the United States the electors, so called, are the ultimate elective power. So the Constitution preserves the authority of Congress over those electors. The whole system is entirely consistent and entirely harmonious.

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

Mr. SUTHERLAND. I do. Mr. BORAH. Mr. President, the Senator from New York [Mr. Root] was addressing himself to the question of the power under the Constitution to control elections for the purpose of insuring proper elections, and, with that end in view, he sought to show that the legislature prescribed the manner of electing electors. So far as the local election is concerned, the State legislature has absolute and exclusive control over the manner of electing electors. If such electors are elected they are in the same attitude that we are after election. But, so far as the election of electors in the several States are concerned, to prescribe the manner of election, the matter which rests exclusively and alone with the legislature of the State.

Mr. SUTHERLAND. That is all quite true, but it in no manner it seems to affect the contention which I have made with reference to it. Mr. BORAH. I think, Mr. President, that that is true, but I think it affects the proposition which the Senator from New York has made as to the manner of controlling a local election.

Mr. SUTHERLAND. The Senator from New York has demonstrated that he is quite capable of taking care of himself. Mr. SUTHERLAND. I shall not undertake to do that for him.

The Senator from Mississippi [Mr. Williams] has said that the substitute offered by the Senator from Kansas [Mr. Barrow], while it ostensibly preserves the constitutional provision as it is, in reality makes a change in it. If I understand him, the notion is that now the Constitution is the Congress may at any time make or alter such regulations. If the Constitution had provided in the beginning for the exercise of this power on the part of Congress with reference to the election of United States Senators, we shall introduce into the Constitution, as I view it, an inconsistency, an unwisdom, an inconvenience.

The Constitution is entirely consistent and harmonious with itself. The Senator from Idaho [Mr. Borah], interrupting the Senator from New York [Mr. Root] a few moments ago, called his attention to the fact that Congress had no power to regulate the time, place, or manner of the election of electors for President. That is true.

Mr. SUTHERLAND. Mr. President, interrupting the Senator from New York [Mr. Borah].

Mr. BORAH. The Senator from New York only addressed himself to the question of the "manner."

Mr. SUTHERLAND. The Constitution expressly provides respecting the time. The Senator is correct. He calls attention...
Mr. SUTHERLAND. No; but over the action of electors when chosen the power of Congress has been preserved. The Constitution not only preserves the power of Congress, but provides how those electors should discharge their duties.

Mr. RAYNER. But not their selection.

Mr. ROOT. Mr. President, will the Senator from Utah permit me to ask the Senator from Maryland a question?

Mr. SUTHERLAND. Certainly.

Mr. ROOT. What force does the Senator from Maryland give to the words "or alter such regulations"? Section 4, Article I, of the Constitution.

But Congress may at any time by law make or alter such regulations.

How could they alter such regulations if their power was to exist only in case the State failed to make any?

Mr. RAYNER. I can answer that by saying that where the regulations were not sufficient for the purpose of accomplishing the purpose they intended the power attached. Mr. President, I do not think the Senator from New York will say, in looking over the debates in the Constitutional Convention, although, of course, it does not bear practically upon this question at all and I do not care what the debates were in the Constitutional Convention now, I do not think he would say that it was the original intention of the States that ratified the Constitution that Congress should have a supervisory power over the election regulations of the States. That power was deemed to exist in Congress only when the States failed to confer their Representatives to the House of Representatives, and the word "alter" meant when they did not sufficiently accomplish the purpose. The action in the New York convention, in the Pennsylvania convention, in the Massachusetts convention, in other conventions of other States that I do not now recall shows plainly that it was never the intention to give Congress the power that the Senator from Utah claims it would have been given if the Constitution had originally provided for the election of Senators by the people, and that the framers of the Constitution would not have conferred any such power upon Congress as the Senator from Utah now wants to confer upon it. Of course, Congress has exercised the power with the approval of the courts, but I am speaking now of what was within the contemplation of the ratifiers of the Constitution.

Mr. SUTHERLAND. I am entirely familiar with the resolutions to which the Senator from Maryland refers, but, with all due respect to him, they do not meet in any degree the contention that I am making. I can not with the position the Senator from Maryland is correct about it or my position is correct about it; my proposition is that the framers of the Constitution would have given Congress the same power, or a power which may be, of supervision over the election of Senators that it does give them under the Constitution if they had been elected by a direct vote of the people. It gave the Congress the ultimate supervisory control even over the elections of Representatives by the people; it gave the ultimate supervisory power over the election of United States Senators, and they were elected by the legislature; but if the Constitution had provided that Senators as Representatives were elected by the people, the framers of the Constitution would have given to Congress exactly the power which they had given them over the election of Representatives. That is my contention.

Mr. WILLIAMS. Mr. President.

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

Mr. SUTHERLAND, yields to the Senator from Mississippi.

Mr. WILLIAMS. Does not the Senator from Utah admit that our forefathers and the Constitution-regarded the Senators as the representatives of the States—in a certain sense as ambassadors?

Mr. SUTHERLAND. I do not know that I quite understood the Senator.

Mr. WILLIAMS. I say, does not the Senator from Utah admit that our forefathers and that the Constitution contemplated the Senators as peculiarly the representatives of the States, the Senate being the representative of the States and not of the people of the State?

Mr. SUTHERLAND. The Senator is a representative—

Mr. WILLIAMS. Now, if that is the case, does the Senator say they would have given the same rule for the Representatives elected by the people and for those men who in their view were in a sort of way ambassadors from the States?

Mr. SUTHERLAND. The Senator from Mississippi is a representative of his State in one sense, but a Senator represents the people of his State the same as a Representative
represents the people of his State. And beyond that a Senator is not only a representative of his State, but he is a Senator of the United States. He exercises—

Mr. WILLIAMS. What I am trying to get at, if the Senator will permit me, is this: Not in your contemplation nor more than in mine, for things have gone on from time to time as much as they have. But whether or not the contemplation of our forefathers the Senators were not the representatives of the States, of the corporate body, the State, more than of the people of the State.

Mr. SUTHERLAND. Well, let us concede that, then.

Mr. WILLIAMS. This body was inaugurated for the very preservation of the equality of the States, was it not?

Mr. SUTHERLAND. Let me concede that, at any rate, for the present. I mean, can it be said that such a provision as the Senator speaks of? Does the Senator think that because that distinction might exist Congress ought to preserve no control over the election of United States Senators while it does preserve control over the election of Representatives?

Mr. WILLIAMS. Yes.

Mr. SUTHERLAND. Does that constitute a reason for that distinction?

Mr. WILLIAMS. The reason for that distinction is just as when a congress of people meet. There are so many delegates, and the congress itself has no control over the delegates.

Mr. SUTHERLAND. I can not follow the Senator in that.

Mr. WILLIAMS. I am saying that because you went back historically to the beginning; and if we are to go back, I should like to go back to the atmosphere that surrounded those people. They were, in fact, in a sense, representing the sovereignty of the States. Members of the Federal Government is as the opinion of the ratifying conventions of the States meant. Here is what the Senator says it does mean. The records at what the Constitution means is to get at what the States meant when they ratified it. Nine out of the 18 States in their articles of ratification said that this clause does not mean what the Senator from Utah says it does mean. The records of the other 4 States have been lost, but I have no doubt they would follow in the same line. It will not take me a moment to show you.

Mr. SUTHERLAND. Let me ask the Senator right here, whatever it means, why destroy the power?

Mr. RAYNER. Because that means just exactly what we say it means. We give the State the right to provide for the manner of electing Senators. And that is exactly what it meant, unless the States decline to act.

Mr. SUTHERLAND. Just a moment, and then I shall have finished. I will just read this—it is only a few lines—and then I will not detain the Senator.

You have nine States. I never have had any doubt after a most careful examination as to the proposition that if the records of the other four States could be found they would substantiate the declaration in the ratification of those States. At the time they have the right to have nine of them, every manner, time, and places of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the States, from which they would follow in the same line. If the legislatures of the States should refuse or neglect to perform and fulfill that according to the letter of the said constitution.

Now, Virginia said:

That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, nor any of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

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Mr. RAYNER. Will the Senator yield to me?

Mr. SUTHERLAND. If the Senator will let me have just a moment, I will yield to him.

The times, places, and manner of holding elections for Senators and Representatives, nor any of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of the Federal Government that every right of prescribing the manner, time, and places of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the States, from which they would follow in the same line. If the legislatures of the States shall refuse or neglect to perform and fulfill that according to the letter of the said constitution.

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Mr. RAYNER. Will the Senator yield to me?

Mr. SUTHERLAND. If the Senator will let me have just a moment, I will yield to him.

Now, in the construction of the Constitution, the framers of the Constitution had the intention that the Constitution never would have been adopted if this paragraph is amended, whether the legislature acts or fails to act, in any event the Congress of the United States will have absolutely no power, and therefore the statement made by the Senator in his argument and his force, because the original Joint resolution does not even give Congress the power to act when the legislature utterly fails. Here is the language, and the only language, left in the original Joint resolution:

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

There is no proviso here giving Congress the power to act in case the legislature fails to act.

Mr. RAYNER. The Senator from Minnesota is contesting with a shadow. There is not the slightest possibility of a State declining to send a Senator to the Senate of the United States. There was danger at the time the Constitution was adopted. There is not now the slightest practical danger of a State not sending a Senator here.

Mr. HEYBURN. Will the Senator permit me?

Mr. RAYNER. I will permit an interruption, but the Senator from Utah has the floor.

The VICE PRESIDENT. The Senator from Utah has the floor.

Mr. RAYNER. I am talking about the intention of the framers of the Constitution. The Senator from Utah says it was the intention to give Congress a supervisory power. I know very well they have exercised a supervisory power, but I think when you look at the history of the Constitution then and now, you can come to but one conclusion, and that is that it never was the intention of the framers of the Constitution; and let me say something else, that even if it was ratified if the States had believed that was the intention. Mr. HEYBURN. I want to ask the Senator from Maryland a question, with the permission of the Senator from Utah.
Mr. BORAH. I only wanted to say to the Senator that martial law is no law at all.

Mr. Vice President. The Senator has not yielded to the Senator from Maryland. He yielded to the Senator from Massachusetts.

Mr. LODGE. I will detain the Senator but a moment. I only wanted to say that it seems to me the Senators forget the origin of those provisions. They were put in because toward the close of the Revolution the States failed to send delegates, in many cases, to the Continental Congress, and during the Confederation they absolutely brought the Government to a standstill by their failure to provide representation at the seat of government, and this was put in to prevent the new Government from being paralysed in that way.

Mr. SUTHERLAND. I desire to get back to the point where I was when the storm broke.

The Senator from Maryland has called attention to the resolutions passed by several of the States in which they declared that this clause of section 4 was only intended to operate in case the States failed to act. Now, I care not whether it was the view of the framers of the Constitution or of the governments of the States, or any one of the States. The point that I was making to the Senator was that whatever their view of the scope and meaning of this provision was they intended it should operate upon the election of Representatives and United States Senators, whether the States were elected or not by the legislature. Whether you give it a broad application or a limited application, they did not intend to make a distinction as to what power should be exercised based upon the manner in which the Senator or the Representative should be elected. But if that was the original intention of the framers and that was the view of these States it has been construed to have a greater operation during the 124 years of the existence of the Constitution and the United States than was ever intended to be and to remain under any application of this power.

Mr. NELSON. May I ask the Senator a question? The United States Senate has not yielded to the Senate from Minnesota?

Mr. SUTHERLAND. Yes.

Mr. NELSON. Of what earthly use was the Constitution anywhere—any part of it—during the Civil War?

Mr. SUTHERLAND. I do not say it is an exaggeration of the effect of section 4?

Mr. LODGE. Does the Senate from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I will yield to the Senator from Idaho, and then I must proceed.

Mr. BORAH. Will the Senator from Utah permit me to make just a suggestion here, because it illustrates what I may say is an exaggeration of the effect of section 4? At the time that the States did fail to send Senators here, of what earthly use was section 4 to the United States? We did not exercise any power under it. We could not exercise any power under it. It was utterly useless to accomplish anything which now by imagination it is suggested might be accomplished.

Mr. NELSON. May I ask the Senator a question? The Vice President. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SUTHERLAND. Yes; I yield to the Senator.

Mr. HEYBURN. There is in the Constitution a process of compelling the election of Senators and Representatives, which was adopted at that time, and it was an effective process. It took a little while to do it, but the Government of the United States compelled those States to resume the functions of statehood and send their representatives here. It was only a question of how they would do it, and they adopted the only method of doing it.

Mr. BORAH. Mr. President—

The Vice President. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I will yield to the Senator from Idaho, and then I must proceed.

Mr. BORAH. If I may be permitted here, I think—

Mr. SUTHERLAND. Mr. President, I think—

Mr. BORAH. The Senator from Utah has the floor. To whom does he yield?

Mr. SUTHERLAND. This whole discussion is aside—

Mr. BORAH. Three words will answer.

Mr. SUTHERLAND. I yield to the Senator, but I hope he will be brief.

Mr. BORAH. By processes of martial law it made a government for these States.

Mr. HEYBURN. If I may be permitted here, I think—

Mr. SUTHERLAND. Mr. President, I think—

Mr. BORAH. The Senator from Utah has the floor.

Mr. SUTHERLAND. I must decline to yield further.

The Vice President. The Senator from Utah Declines to yield further. The Senator will please be in order.

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

Mr. BORAH. I only wanted to say to the Senator that martial law is no law at all.

Mr. Vice President. The Senator has not yielded to the Senator from Maryland. He yielded to the Senator from Massachusetts.

Mr. LODGE. I will detain the Senator but a moment. I only wanted to say that it seems to me the Senators forget the origin of those provisions. They were put in because toward the close of the Revolution the States failed to send delegates, in many cases, to the Continental Congress, and during the Confederation they absolutely brought the Government to a standstill by their failure to provide representation at the seat of government, and this was put in to prevent the new Government from being paralysed in that way.

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Mr. BORAH. Mr. President—

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Mr. BORAH. The Senator from Utah has the floor.

Mr. SUTHERLAND. I must decline to yield further.

The Vice President. The Senator from Utah Declines to yield further. The Senator will please be in order.

Mr. SUTHERLAND. I yield to the Senator from Massachusetts.
Mr. SUTHERLAND. The Senator is referring to the act of 1872. I would not undertake to say that every section was passed under that clause. There may have been some sections that were not.

Mr. BORAH. But the section which the court was construing was section 5008. It was not passed by virtue of section 4, and the court did not undertake to uphold it by reason of section 4.

Mr. SUTHERLAND. What I say about it is this: Herebefore the express power has rested in Congress, in the last analysis, to regulate the times and manner of the selection of Senators. It is the people of the United States, in effect, repeal that provision, take it out of the Constitution, so that it shall no longer exist in the Constitution, and confer in exclusive terms that identical power upon the State legislatures. We can not understand under what rule of construction it could possibly be held that the power would still exist in the General Government as it exists now. It will be taken away in express terms and expressly conferred upon somebody else, and can not at the same time be taken away and still exist, as it seems to me.

Now, Mr. President, I want to hurry along and get through, because this matter only getting late, but it is continuing warm.

This power has been exercised from time to time, and necessarily exercised, by the General Government. It passed at one time—I do not recall the exact date of it—a law which fixed the time for the holding of elections. It is thus a necessary law. It could not have been passed so far as United States Senators are concerned if the Joint resolution advocated by the Senator from Idaho had been in force.

We provided for the use of the voting machine by a later act. The act of 1872, while perhaps not entirely based upon the provision that might have been made, yet it would have been entirely competent for a unanimous consent that the printed ballot it would have been entirely competent for a State to have provided for an election by a viva voce vote. We provided for the use of the voting machine by a later act. The act of 1872, while perhaps not entirely based upon that clause, was at least in part based upon it, as the Supreme Court held in the case to which I have already referred.

Now, there is one other thing that I desire to call attention to. In this case, the United States has the burden of proof in this matter is upon those who undertake to change the existing provision of the Constitution. It is for them to show that no harm would result. It is indeed for them to show more than that—not only that no harm will result from it, but that some positive good is to result from this amendment to the Constitution. It does not seem to me that that has been done or attempted up to this moment.

If we amend the Constitution in this particular, however, as it may be hereafter found to be, no matter what embarrassment the change may occasion to the General Government, it was not done with a view to retract what has been done. We can prevent its being done. One-fourth of the States of the Union may prevent this change from being made; but when it has once been made, no matter how important the restoration of that system of our Constitution is to appear, it will be impossible to put it back into the Constitution except by a vote of three-fourths of the States, and that probably never could be obtained.

Something was said in a former debate on this question to the effect that the several States may be trusted to see that the elections are fairly conducted, their purity preserved, and their freedom from sleight influences guaranteed and protected. I do not doubt it. I think no one doubts the truth of this assertion under the normal conditions which prevail to-day; but the Constitution is made, not for to-day alone, or for a month hence, or a year hence, but for a vastly expanding and constantly changing future, the nature and extent of which no man can with any degree of certainty predict.

We may indulge the hope, we may believe, that no occasion whatever arises to exercise the ultimate authority of Congress in this regard, and yet we can not with safety close our eyes to the fact that occasion has arisen in the past, and that what has happened may happen again. This authority of Congress should be exercised sparingly in the future, as it has been exercised sparingly in the past.

The Constitution, by devolving upon the States the primary duty and responsibility, clearly contemplates that Congress shall not interfere with the general government, except in those cases where it is necessary to put an end to such practice as normal and healthful political conditions prevail, but who among us is so wise as to know that these normal and healthful conditions will always continue?

True, the States are interested in the election of Senators, but has the Nation no interest? The Senator is very much interested, of great importance, but that of the Nation is vital. If the retention of this ultimate supervising power in the Nation be an expression of distrust in the State governments, which it is not, will not its elimination express a loss of confidence in the wisdom and fairness of the Federal Government?

The Nation is simply the whole of which the States constitute the integral parts. We are an "Indissoluble Union of Indissoluble States." If in a Nation so constituted there are beginnings of anxiety, sure the integrity of the various parts more safely than each of the several parts may be relied upon to preserve the integrity of the whole.

This is one tremendous lesson of our history—some of the States once sought to dismember the Union, but the Union has never sought and will never seek to dismember itself. I am for preserving the power of the Nation unimpaired and inviolate. We may safely rely upon the Federal Government not only to be strong, vast, unifying, but also, it may safely remain uninvoked, but for that rare and exceptional day of stress when its exercise shall become of imperious and overwhelming necessity—when the strong, supervising, compelling hand of the Federal Government not only may but must stretch forth to preserve it from disaster or from destruction.

Mr. BORAH. The Senator from Wisconsin [Mr. La Follette] is on the floor, and as he perhaps desires to proceed under his notice of yesterday, I am going to have the joint resolution laid aside temporarily, but before doing so I move that when the Senate adjourns to-day it be to meet to-morrow at 12 o'clock to-novo, and I believe by a unanimous consent that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Idaho moves that when the Senate adjourns to-day it be to meet to-morrow at 12 o'clock to-novo, and I believe by a unanimous consent that the unfinished business be temporarily laid aside. Is there objection? No objection is heard.

SENIOR FROM ILLINOIS.

The VICE-PRESIDENT. Without objection, the Chair will lay before the Senate the following resolution:

On the motion of Mr. SALT LAKE, the President, the resolution by Mr. LA FOLLETTE. A resolution (S. Res. 6) to appoint a special committee to investigate certain charges relative to the election of Hon. AM LORIMER.

Mr. LA FOLLETTE. Mr. President, when I concluded last evening speaking upon the resolution which I introduced, I had reviewed the leading facts of the case upon which the Senate passed on the 1st of March, 1911. I did not pretend, except in the briefest possible way, to make any summation of the testimony submitted at that time; but I felt that in calling upon the Senate to reopen this case a backward glance over the important material facts upon which the Senate did pass was necessary and proper.

I briefly reviewed the case from the beginning down to the time when the Senate entered its judgment, by a vote of 46 to 5, the favor of the sitting member.

I believe then, Mr. President, that this judgment was wrong. I believed that it would not stand. Senators may remember that no request was made here or occasion to fix the time for a vote in the Lorimer case, I objected, and said I had reason for doing so.

I believed, Mr. President, that all the testimony in this case had not been secured. I am now sure, Mr. President, that all the testimony in this case had not been taken at that time, and I am equally sure that all the testimony in this case has not yet been recorded in any forum. I remember saying a few moments before the vote was taken, that this case case back again to this Senate. I felt sure of that; it is here to-day; and I am here, Mr. President, to ask that the Lorimer case be reopened.

It is a matter of common knowledge that the people of the State particularly interested, the State of Illinois, and the people of the whole country, did not accept the judgment without further play of Mr. Lorimer. They demanded that it be put at once with almost one voice. From all over the country protests came against the action of the Senate.

Mr. President, nothing is ever really settled until it is rigidly settled. It may seem to have been decided by one man, and that one man, to the perfect human way that we have disposed of it, but it will come back to confront us. It is God's law of everlasting rightness. We shall demand a trial. As the law of gravity always makes things plumb, so the eternal law of right goes on and on forever, exercising its tremendous, unending, immutable decree that right shall prevail.

Pursuing the decision upon which we entered in this case, I gathered together as best I could the public opinion of this country as recorded in the public press of the country. I caused to be
clipped from every paper that could be reached the comment upon the action of the Senate. I did it, Mr. President, with a view of presenting it here. I have it. I can not present it without striking the name of the senator who proposed it. There shall be nothing uttered in debate which "directly or indirectly by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a person of that description."

Sir, out of 117 editorials representing leading papers in all sections of the country there is not one that does not reflect most severely upon the action of the Senate in the Lorimer case. What I have read and imprinted upon my mind is a record of comment upon what I believe I need cite any authority. I will, however, bring to your attention the case of Henry A. Du Pont, of Delaware, which is a legal doctrine involved in a former judgment of the United States. Mr. President, I know that Senator Hoar and Senators from other States have expressed from time to time a feeling of indifference as to public opinion. Now, I do not think this great body ought to yield its judgment to any spasmoidal manifestation of tempest which may sweep over this country, but, Mr. President, taken by and large, public opinion in this country is right; public opinion is conservative, and I think it would be well for the Senate to act today to look at itself from time to time in that great mirror, public opinion.

We complain sometimes here because we think that the so-called muckraking and uplift magazines and reform criticism present to the public a distorted and imperfect characterization of the Senate of the United States. But, Mr. President, for my part, I have never had any fear of the criticism magazines or newspapers have made upon this body. I have always believed that it was possible for them to make any lasting impression as to the character of the Senate unless they print the exact truth about the Senate. That is the only thing the Senate need be apprehensive about and say.

What may be said outside of this Chamber, Mr. President, is not important except as it is a record of comment upon what actually transpires in this Chamber. What we ourselves, as Senators, do is important. What the newspapers and magazines say we do is of no consequence unless it be true. Then, sir, it is vitally important, because it is the basis for a real, lasting public opinion. And so I say, Mr. President, that the well-considered judgment of the press and the periodicals of this country on public men and public affairs goes to the making of the history of the country, and, taken as a whole, this collective editorial judgment of the Senate of the United States and the House of Representatives and the administrative officers of Government is generally in accord with what they deserve.

I am here to ask the Senate of the United States to recognize this judgment, to reopen this case. That confidence, make the report that a fund of $100,000 had been raised and expended to bring about the election of William Lorimer. Mr. Kobhsat refused to answer. He told the committee he had been informed that a fund of $100,000 had been raised. When asked for the name of his informant, however, he declined to give it upon the ground that the information had been received in the strictest confidence and that he could not, without violating that confidence, make the disclosure. The committee then adjourned, after requesting Mr. Kobhsat to reconsider the matter and reappear at a later meeting of the committee. Before the next meeting, Mr. Kobhsat telegraphed the chairman of the committee that he had been released from his pledge of confidence and could, if desired, give the name of his informant. The committee called on Mr. Kobhsat to name the man. Mr. Kobhsat then appeared and testified that he had received a letter from Mr. Funk, the general manager, of the International Harvester Co.

Mr. Funk, upon being called before the committee, testified to a conversation with Mr. Edward Hines, president of the International Harvester Co.

This conversation between Mr. Funk and Edward Hines had taken place shortly after William Lorimer had been elected United States Senator. Mr. Funk testified that he met Mr. Hines in the Union League Club of Chicago; that Hines stopped Funk as he was coming down from the lunch room and talked to him in the lounge room. The following, in so far as I quote at all, is Mr. Funk's statement of the conversation:

His (Hines) said I was just the fellow he had been looking for or trying to see, and said he wanted to talk to me a minute. So we went and sat down on one of the leather couches there on the side of the room, and without any preliminaries, and quite as a matter of fact, he said: "Well, we just want to try and see if it cost us about a hundred thousand dollars to do it." Then he went on to tell me that they had advanced a certain fund, but they had had no chance to consult anyone beforehand. I think his words were these: "We had been talking for a long time when the case came, so we put up the money." Then he said, "We—now, you and I, our family, with the members of our family so as to get it fixed up." He says they had advanced the money that they were now going to present; that they thought would be interested, to get them to reimburse them. He asked me how I would like to do it. I said, W. E. Robinson, to the Union League Club of Chicago. He said, "Well, you people are just as much interested as we are in having the case tried and the court decided." I said, "I think I replied and said, "We won't have anything to do with it at all. It's not our affair. We don't belong in that sort of business."

Within a day or two after this conversation with Hines Mr. Funk reported what Hines had said to both Mr. Cyrus H.
McCormick, president of the International Harvester Co., and to Edgar A. Bancroft, general counsel for the Harvester Co. Mr. McCormick said, "Good; I am very glad you turned him down promptly.

I think it was something like a year after this conversation with Hines and shortly after the publication of Assemblyman Funk's (Republican, Chicago) speech about the Edward Hines Lumber Co. and contributions, and that led me to persuade Kohlsaat of what Hines had said to him, but Mr. Funk, as shown by the testimony, was very prompt in reporting what had taken place between himself and Hines to the principal officials of the company."

In February, 1911, Mr. Hines came to Mr. Funk's office. This was a day or two after an editorial appeared in the Chicago Record-Herald making specific reference to a $100,000 corruption fund.

Mark this: After Mr. Hines had made this statement to Mr. Funk and Mr. Funk had reported it to the president and the general counsel of the company for which he worked, after months had passed by and the country was stirred by disclosures in the Lorimer case, Mr. Funk had met Mr. Kohlsaat and told him, in substance, "I know there was a great fund raised; at least, I was asked to make a contribution of $10,000 to help make up a hundred thousand dollar fund that was used in this case." That gave rise to the publication of this editorial, and the publication of the editorial in February, 1911—just last February—was discussed in the company's various departments. This conversation occurred in the smoking room of the Wm. L. McCormick. A man named Johnson, of the Northwestern Lumber Co., said, "That is a booklet that Carl Weyerhaeuser—Carl Weyerhaeuser—would think" Carl Weyerhaeuser; Samuel J. Cusson, manager of the Virginia & Rainy Lake Lumber Co.; and C. F. Wiebe were in the smoking compartment on that trip. The C. F. Wiebe referred to is secretary of the Edward Hines Lumber Co. and the brother-in-law of Hines.

Now, I quote from Mr. Burgess's testimony: A. I can not remember how the conversation started in regard to the election of Mr. Lorimier any more than I made some remark disparaging to Mr. Lorimier's election—

These men were grouped about in the smoking compartment and into conversation. The Lorimer case was in all the papers. It was most natural that it should come up in that casual meeting—

What that remark was I do not remember. And Mr. Wiebe immediately added, "Mr. Wiebe immediately added, "Didn't you know very damn well that Mr. Lorimier's election, and I told him that the only thing that I knew about the Lorimier's election, and I told him that was the conversation that Wiebe had with another man who had been in the Chicago Record-Herald for the papers."

Perhaps he said the Chicago Tribune; I do not know—

I told him no; that I got it from the local papers in Duluth, the Evening Herald and News-Tribune, and the Chicago Examiner; and Wiebe left and said, "But I do not remember anything about the conversation that Wiebe had with another man who had been in the Chicago Record-Herald for the papers."

Mr. OWEN. A brother-in-law.

Mr. LA FOLLETTE. A brother-in-law of Mr. Edward Hines.

Now, it is not any bolder or more audacious than a dozen statements made by Edward Hines that will be proven by a score of witnesses if this case is ever reopened and tried by the Senate.

Q. Was anything said about the General Assembly of Illinois in that conversation?—A. He did make that remark that it was impossible to get anything of merit through the Illinois Legislature without the use of money.

Burgess testified that the only one of the persons whom he now thought of being on that train was Mr. Wiebe. Burgess testified that the only one of the persons whom he now thought of being on that train was Mr. Wiebe. Burgess testified that the only one of the persons whom he now thought of being on that train was Mr. Wiebe.

Burgess repeated his conversation with Wiebe the next day to two men; one of them was Mr. Bailey—W. T. Bailey, a lumberman from Duluth, who was in the lumber business at Virginia—and the other was Mr. W. H. Cook.

Mr. Burgess testified:

I went into the hotel that night, and when I asked Mr. Bailey who the editor (Wiebe) was, he told me. I told him about the conversation I had on the train.

When Burgess left Virginia on the Winnipeg Flyer the following Wednesday morning, he repeated Mr. Wiebe's statement about the $10,000 contribution to the Lorimer election fund to Mr. Cook.

There appeared before this committee, at the request of Mr. Wiebe, two or three of the gentlemen who were on that train; friends whom he called to sustain him in his statement that he did not have such a conversation with Mr. Burgess. If this case is ever reopened, and Mr. Burgess comes before a Senate committee to testify, I think it very doubtful, from the information which has come to me, as to the reliability which the Senate will attach to Mr. Burgess's testimony.

B. A. Johnson, of Chicago, for 25 years general staff reporter of the American Newspaper, a newspaper, testified that he was in the smoking compartment of the Winnipeg Flyer on the night mentioned in Burgess's testimony, when Wiebe entered. Burgess about the conversation I was less impressed when Wiebe touched me on the shoulder, and turning around, I saw it was Mr. Hines, who was very enthusiastic, and apparently in a happy frame of mind, and said, "Do you know the name of your new Senate?"

* * * I looked at him before I made any reply, and he says, "I just come out of the telephone booth, just a minute," pointing to the telephone booth, "I have just been elected." And, he says, "I am feeling very happy over it," which he was by his actions. He says, "I got elected." He did it myself personally.

* * *
Q. Was there a conversation between the car occupied by Mr. Johnson and the man with whom he was talking?—A. Yes, sir.

Q. Where did Mr. Wiehe sit with reference to the seat occupied by Mr. Johnson and the man with whom he was talking?—A. Well, when he was with me he was down near the end of the car, next to the aisle where my seat was.

Q. And when he left you, then he went up to the other end of the car?—A. Yes, sir, just out of the way.

Q. And stood there and talked with those other men whom you mentioned?—A. Yes, sir.

Q. So that he was about one section removed from Mr. Johnson and that he was talking to them a little and playing it both ways right across the aisle?

A. Yes; within comparatively a few feet of each other?—A. Yes.

Now, Mr. President, I quote from the testimony of Mr. Wiehe himself.

Mr. Christian F. Wiehe, of Chicago, secretary and a director of the Edward Hines Lumber Co., testified that he was in the smoking compartment of the Winnipeg sleeper on the night in question and remained there "25 or 30 minutes."

Although denying he told anyone he had contributed $10,000 to the Lorimer fund, Mr. Wiehe admitted, and I quote his exact words:

"I may have talked into a conversation. I may have talked there. I would not say I did not.

Mr. W. H. Cook, of Duluth, stockholder in the Virginia & Rainy Lake Lumber Co., of which Edward Hines is president, testified that he was on the Winnipeg Flyer on the night in question.

He did not see Mr. Wiehe in the smoking compartment, but reported that Mr. Wiehe could not possibly have had this conversation with Mr. Burgess—that is, if Johnson is telling the truth, which he is not.

Johnson responded to this line of questioning evasively, bringing from Chairman Helm the admonition, "Don't argue; answer the question."

On this point, coming back now to Cusson's testimony, Cusson testified as follows, directly contradicting Johnson:

"Q. Do you not say the Carman Cusson, who came out of the smoking compartment into the body of the car that Mr. Wiehe was there?—A. I do.

Now, you say, you recall, says Wiehe did not appear in the car that evening. Clearly, Johnson was framing the story so that Wiehe could not possibly have gone into the smoking compartment again to resume this conversation with Burgess. Johnson was playing a strong hand. Whereupon comes Mr. Cusson, who had not heard Mr. Johnson's testimony on this subject, saying that when he had gone out into the sleeping car Mr. Wiehe was there.

Q. And he remained there until you arrived at Virginia?—A. Yes, sir.

Q. Did you talk with him?—A. Yes, sir.

Q. How far apart were Johnson and Wiehe when you came out of the compartment?—A. Oh, I don't know as I could say just where Mr. Johnson was.

Q. Well, assuming that he sat in the middle of the car, how far was Mr. Wiehe away from where Johnson sat?—A. Two or three seats.

Q. How, or where, or backward?—A. Forward.

Q. Is in front of him, so that he was in plain view of Mr. Johnson all the time?—A. Yes, sir.

James H. Harper, of the insurance firm of Harper, Shields & Co., of Duluth, carrying fire insurance for lumber concerns with headquarters in Winnipeg, was also a witness called in the smoking compartment, which of which Mr. Hines is president, was another witness called in this case. Harper testified that he was on the Winnipeg Flyer on the night in question. He was sitting in a smoking compartment at the Virginia & Rainy Lake Lumber Co., of which Mr. Hines is president, was another witness called in this case. Harper testified that he was on the Winnipeg Flyer on the night in question. He was sitting in a smoking compartment at the Virginia & Rainy Lake Lumber Co., of which Mr. Hines is president, was another witness called in this case.

He looked into the smoking compartment as he came into the car, greeted Mr. Wiehe, who was inside, and "noticed in there at that time Mr. Johnson, a Mr. Burgess, and another man whom I can't remember the name."

"I have no particular reason to remember particularly, because I just looked for an instant."

Harper testified that about half an hour later Mr. Wiehe came out of the smoking compartment into the main part of the car. This also directly contradicts Johnson's testimony.

Q. Well, how long did he remain there?—A. Well, he was there—oh, I suppose, maybe an hour or an hour and a half.

Q. In the main part of the car?—A. Yes, sir.

Q. Do you see, so far as you recollect?—A. Mr. Wiehe was in that same car during that entire trip?—A. Yes, sir.

Q. Did you not leave the car?—A. Not to my knowledge.

Q. What was Mr. Wiehe doing now?—A. I think he was just looking in that car.

Q. Were there any witnesses called in this case?

A. James Harper, who was another witness called in this case.

Q. Did you talk with Mr. Wiehe, in the way, after Mr. Wiehe came out of the smoking compartment?—A. No.

Mr. Harper is a witness who was called in this case. Harper testified that he was in the smoking compartment of the Winnipeg sleeper on the night in question and remained there "25 or 30 minutes."

Although denying he told anyone he had contributed $10,000 to the Lorimer fund, Mr. Wiehe admitted, and I quote his exact words:

"I may have talked into a conversation. I may have talked there. I would not say I did not.
Q. Well, now, what happened after you got in your room? - A. Yes. We went to the telephone; our room was 9. We waited for a short time and then he made the call to Mr. Hines. It lasted probably a half hour, the telephone rang. He went to the phone. The operator, I suppose, answered, "Yes." It was, "Here is Springfield; here is the governor." I called Hines to the phone.

Now, there will appear some contradictions in this testimony as to just whom Hines talked with at that time. I will later undertake to demonstrate that he talked with Louis as is suggested to me by the Senator from Oklahoma [Mr. Owen], the word "Louis" might have been prearranged.

I will prove with the aid of Hines's own testimony that he talked with Louis, and talked about money and about "putting something together." My testimony is suggested to me by the Senator from Washington; he has a story that was going around to the effect, or purporting to be something of the kind, and he told us that he had heard it from a newspaper reporter that comes along, Hines will give him two dollars if he will go and testify. For this purpose the Illinois senate employed Mr. M. B. Coan.

Mr. Coan testified that he went to St. Paul to interview Mr. William O'Brien. What Mr. O'Brien said to Coan is in direct contradiction of Mr. Hines's statement that he had not talked about money in the Lorimer election to anyone. Mr. Coan's account of what O'Brien told him is as follows:

"Mr. O'Brien said he told Coan that he was talking with the Waywears and Hines, and he did not think it would be to his advantage to come down here and testify; that he felt that his testimony might convict of perjury the committee and also to his lawyer; that he had testified that he had not spoken to anyone in regard to the money to the Senate of Illinois. That was to his attorney, Mr. McCord, and also to Mr. Washburn and Mr. Bailey, his attorneys in Duluth, soon after they occurred. Now, of course this Illinois committee, in conducting its investigations, was limited by State lines, and whenever it heard of any witnesses outside it was necessary to send some messenger or employee of the committee to interview them and question them. So O'Brien talked with a man who addressed himself as "governor" was entirely correct, except that O'Brien differed with Cook as to who was on the other end of the telephone. O'Brien was of the opinion that it was Dr. Deneen, Hines was talking, while Cook thought it was Gov. Deneen."

Regarding Cook's statement of what Wiebe came to the Grand Pacific Hotel and asked Coan and O'Brien to get out of town before the grand jury could call them, "and so forth," O'Brien said to Coan, "Why, they can't deny it; they knew it is true; they won't deny it."

Coan further testified that in the capacity of investigator for the committee, he visited Marquette and interviewed Frank J. Russell, editor of the Mining Journal; E. V. Mosier, deputy United States marshal; and a reporter named Lowe on the Missoulian. In referring to the Illinois "senatorial election."

Mr. Coan also testified that he had some information with reference to the Illinois "senatorial election."

He (Jones) told me that * * * in the early part of 1909 Edward Hines, who was dealing with him and his brother-in-law in lumber business, had certain letters from Mr. M. B. Coan. In which, they were both interested, came to Marquette, and got out of the way and out of the way of the grand jury. In the Marquette Hotel or in a saloon called Rush's saloon, he could not remember which, he said Mr. Hines began telling him the history of his life—a synopsis of it—how he rose from a poor boy to becoming a very prominent lumberman, and he concluded by saying that he had just succeeded in making a United States Senator that had cost a hundred thousand dollars, and that it was well worth it; that he would stand for a high duty on lumber, and that the lumber trade needed such a man in Washington. That is about all he said.

Mr. Jones stated to Mr. Coan that at the time of this conversation with Hines, his brother-in-law, Rush Culver, was present. This statement was made by Mr. Jones to other persons in and about Marquette.

Mr. Coan, during this visit to Marquette, on or about April 9, 1910, also talked with Mr. Culver and Mr. Jones and to Hines himself, who was present. He met him at his house in L'Anse and asked him about this conversation. Mr. Coan said:

"(Culver) said that he and Hines were very good friends, and that he did not want to say anything that would get Mr. Hines into any trouble; that he had talked with Mr. Hines a number of times about Mr. Jones, and he told him: I would not speak to him, and he did not wish to say anything about the money or any other subject; that Hines had spoken to him about financing Lorimer's campaign, and perhaps for the governor and otherwise, and he was not clear as to just when this conversation had taken place; he thought it was perhaps the last conversation that he had with Hines, and he added: I had heard that he (Hines) said he thought it was in 1907. He then called his son, Harry Culver, and asked him if he had talked with Mr. Hines; he was keeping very quiet about such a story, or about the conversation he held there. He said if it ever came out that he had talked to Hines, Mr. Culver, said, he would not talk to Hines in that matter; he never could go back to Washington; he never could look either of those gentlemen in the face again, and he would not compromise some of the best people in the city of Chicago and the State of Minnesota."
1911.

CONGRESSIONAL RECORD—HOUSE.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Colorado, at the city of Denver this third day of May, A. D. 1911.

JAMES B. FRAZER, Secretary of State.

BEITH OF GOVERNMENT EMPLOYEES TO ORGANIZE.

House of Representatives.

Tuesday, May 23, 1911.

The House met at 11 o'clock a.m.

The Chaplain, Rev. Henry N. Coudes, D. D., offered the following prayer:

Almighty God, our heavenly Father, before whom millions daily prostrate themselves in adoration and praise, we humbly and reverently bow in Thy presence and acknowledge with unfledged gratitude our indebtedness to Thee for all things; and we most humbly and fervently pray that Thou wilt continue Thy blessings unto us, to uphold, sustain, and guide us, that our Union may be, and the same be, and the same remain, a Federal Union, a Union of the States, and a Nation of free men. Amen.

The Journal of the proceedings of yesterday was read and approved.

SATISFICATION OF THE INCOME TAX.

The Speaker laid before the House the following communica tion from the Secretary of State of Colorado, containing a joint resolution of the Legislature of Colorado ratifying the proposed amendment to the Constitution of the United States authorizing an income tax:

STATE OF COLORADO.

OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, State of Colorado, ss :.

1. James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the annexed is a full, true, and complete transcript of said resolution in the United States Senate, in the office of the Secretary of State, on the first day of February, A. D. 1911, at 5.45 o'clock p.m., and admitted to record.

In the hour when the sun of another day 
Shine down upon the prospects of our land.

J. R. J. Russell, a resident of Marquette, made affidavit as follows:

On the 9th or about the 6th day of April, A. D. 1811, in the city of Marquette, I went to see Sheffy Jones, of said city, in his place of business and asked him if he would have a conversation with Ed-ward Hines, of the city of Chicago, State of Illinois, relative to the election of William B. Harris as governor of the State of Illinois to the Senate. To this question Jones replied, in substance, that Hines had said in the course of the conversation referred to, "We put Lorenz over. It cost us a lot of money to do it, but he is well worth the price. I handled the stuff."

On the following day Russell again discussed the matter with Jones, and Mr. Jones then repeated his statement, saying that the remarks made by Hines about Lorenz's election grew out of a discussion of the lumber tariff, Hines saying that Lorenz was a high lumber-tariff man and that was why he was a good man. Mr. Jones then said that he would be willing to continue as long as the Senate cares to sit.

Russell stated further that in this conversation Jones also said:

I have within a week called this conversation to the attention of Bush Culver, who was also present, and he told me that he remembered the same.

I suppose these gentlemen were reminded of Hines's former statement by the testimony which the investigation by the Illinois Senate committee was bringing out at that time and was then the subject of general newspaper comment.

M. J. BORAH. Mr. President—

THE PRESIDENT. Order, order.

Mr. J. B. FOLLETTE. Certainly.

Mr. BORAH. Does the Senator from Wisconsin desire to try to conclude to-night?

Mr. J. B. FOLLETTE. It will be impossible, I will say to the Senator from Idaho, for me to conclude to-night. I would be perfectly willing to continue as long as the Senate cares to sit. I regret that I did not get started earlier to-day. I was completing my analysis of this testimony. There are some 600 pages of this testimony. I have put some time in it in order to present it to the Senate, as I consider it important.

Mr. CULLOM. Will the Senator yield a motion for a adjourn?

Mr. J. B. FOLLETTE. I will, and with the statement that I should like to go on as early to-morrow as possible and complete what I have to submit to the Senate if I can.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 42 minutes p.m.) the Senate adjourned until to-morrow, Wednesday, May 24, 1911, at 12 o'clock meridian.

WILLIAM J. BORAH.

President.

Speaker of the House of Representatives.

Approved this 20th day of February, A. D. 1911.

JOHN F. SHAFFER.

Governor of the State of Colorado.

Filed in the office of the Secretary of State of the State of Colorado, on the 21st day of February, A. D. 1911, at 5.43 o'clock p.m.

THOMAS F. DILLON.

Speaker of the House of Representatives.

Approved this 20th day of February, A. D. 1911.

THOMAS F. DILLON.

Governor of the State of Colorado.