

Also, resolution passed by the California Federation of Women's Clubs, of Los Angeles, Calif., relative to alcoholic liquor traffic; to the Committee on Alcoholic Liquor Traffic.

Also, resolution passed by the California Federation of Women's Clubs, of Los Angeles, Calif., favoring more stringent legislation affecting child labor; to the Committee on Labor.

Also, resolution passed by the California Federation of Women's Clubs, of Los Angeles, Calif., favoring a change in the citizenship laws as they affect women; to the Committee on Immigration.

Also, petition of Napa County Viticultural Protective Association, St. Helena, Calif., urging repeal of the war-time prohibition measure; to the Committee on the Judiciary.

Also, resolution passed by the California Federation of Women's Clubs, Los Angeles, Calif., favoring the Army nurse bill; to the Committee on Military Affairs.

Also, resolution favoring the establishment of a department of education, by California Federation of Women's Clubs, Los Angeles, Calif.; to the Committee on Education.

Also, resolution favoring the league of nations by California Federation of Women's Clubs, Los Angeles, Calif.; to the Committee on Foreign Affairs.

By Mr. RANDALL of California: Petition of city commission of Pasadena; Normand Avenue Methodist Church, Los Angeles; Woman's Christian Temperance Union of Ceres; Southern California District Lodge Good Templars, Los Angeles; Friends' Temperance Committee, Pasadena, all in the State of California, protesting against repeal of war-prohibition act; to the Committee on the Judiciary.

Also, petition of Federation of Women's Clubs of California, in favor of enforcement of national prohibition, and protesting against invasion of China by American brewers and distillers; to the Committee on the Judiciary.

Also, petition of California Federation of Women's Clubs, favoring change in citizenship laws in favor of women, so they will not be secondary to their husbands; to the Committee on Woman Suffrage.

Also, petition of California Federation of Women's Clubs, favoring legislation for prevention of child labor; to the Committee on Labor.

Also, petition of Federation of Women's Clubs of California, favoring league of nations; to the Committee on Foreign Affairs.

Also, petition of California Federation of Women's Clubs, favoring creation of Federal department of education; to the Committee on Education.

Also, petition of California Federation of Women's Clubs, favoring granting recognition and rank to nurses in the military service; to the Committee on Military Affairs.

Also, petition of Friendly Circle of Pasadena; Boyle Heights Methodist Church, Los Angeles; Methodist Preachers' Association of southern California; Bethany Baptist Church, Long Beach; Inglewood Methodist Church; Lincoln Avenue Methodist Church, Pasadena; Highland Park Baptist Church; Pilgrim Congregational Church, Pasadena; 27 missionary societies of Long Beach, all in the State of California, against repeal of war-time prohibition act; to the Committee on Agriculture.

By Mr. REBER: Petition of East Susquehanna Classis, Gowen City, Pa., representing 15,000 people, urging against the repeal of war-time prohibition law; to the Committee on the Judiciary.

Also, petition of Pottsville (Pa.) Chamber of Commerce, opposing repeal of daylight-saving law; to the Committee on Agriculture.

By Mr. ROWAN: Petitions of Allen & Nugent Co.; H. Jacquin & Co.; Paul L. Phelan; G. Levor & Co. (Inc.); M. Phillips, 1138 Bryant Avenue; M. McClure; E. Leap, 1321 Second Avenue; Daniel Currie, 232 West One hundred and thirty-second Street; A. von Kilch, 224 West One hundred and thirtieth Street; P. J. Dinan, 2194 Valentine Avenue; Edward M. Hanley, 601 West One hundred and seventy-fourth Street; Ed. M. Hanley, 601 West One hundred and seventy-fourth Street; Leo D. Fox, 1048 Kelly Street; G. Megroz, 222 Fourth Avenue; Mack Wolf, 313 West One hundred and twenty-first Street; J. A. Guillaume, 50 West Forty-fifth Street; and H. T. Kramer, 913 Jackson Avenue, all of New York City; and A. V. Wahlberg, 627 Madison Street; S. Williams, 111 Ninety-second Street; V. W. Knutsen, 663 Quincy Street; Elbert Butts, 939 Bushwick Avenue; Philippe Lambert, 7205 Tenth Avenue; and Leo C. Lucke, 1355 Park Place, all of Brooklyn, and all in the State of New York, against repeal of daylight-saving law; to the Committee on Agriculture.

Also, petition of Julius Jorgenson & Son, New York City, asking for repeal of section 905 of revenue act of 1918; to the Committee on Ways and Means.

Also, petition of National Woman's Trade Union League of America, for the continuation of the Woman in Industry Serv-

ice of the United States Department of Labor; to the Committee on Labor.

Also, petition of D. Auerbach & Sons, New York City, against continuance of Department of Labor Employment Service; to the Committee on Labor.

Also, petition of Goodfriend Bros., New York, engineers and contractors, and F. C. Barlau, protesting against repeal of daylight-saving law; to the Committee on Agriculture.

By Mr. SNYDER: Petition of sundry residents of Marcy, N. Y., for repeal of daylight-saving law; to the Committee on Agriculture.

Also, petition of members of the First Methodist Episcopal Church of Herkimer, N. Y., for the repeal of war-time prohibition act; to the Committee on the Judiciary.

Also, petition of Slovenian Lodge, No. 282, and St. Joseph's Society, No. 53, of Little Falls, N. Y., for recognition and justice for the Jugo-Slavs; to the Committee on Foreign Affairs.

By Mr. WHITE of Maine: Petition of Lyman Shedd and other residents of Bolsters Mills, Me., asking for the repeal of the daylight-saving law; to the Committee on Agriculture.

Also, petition of George O. Hill and others residing in the towns of Oxford and Norway, Me., asking for the repeal of the daylight-saving law; to the Committee on Agriculture.

Also, petition of Cecil H. Mitchell and others residing in the town of Byron, Me., asking for the repeal of the daylight-saving law; to the Committee on Agriculture.

## SENATE.

WEDNESDAY, June 4, 1919.

(Legislative day of Tuesday, June 3, 1919.)

The Senate met at 12 o'clock noon, on the expiration of the recess.

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

The PRESIDENT pro tempore. The Secretary will call the roll.

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

Ashurst	Harding	McLean	Smith, Md.
Ball	Harris	McNary	Smith, S. C.
Beckham	Harrison	Moses	Smoot
Borah	Henderson	Nelson	Spencer
Brandeggee	Hitchcock	New	Stanley
Calder	Johnson, Calif.	Newberry	Sterling
Capper	Jones, N. Mex.	Norris	Sutherland
Chamberlain	Jones, Wash.	Nugent	Swanson
Cummins	Kellogg	Overman	Trammell
Curtis	Kendrick	Page	Underwood
Dial	Kenyon	Phelan	Wadsworth
Dillingham	Keyes	Phipps	Walsh, Mass.
Edge	King	Pittman	Walsh, Mont.
Elkins	Kirby	Poindexter	Warren
Fall	Knox	Ransdell	Watson
Fernald	Lenroot	Reed	Williams
Frelinghuysen	Lodge	Sheppard	Wolcott
Gay	McCormick	Sherman	
Gronna	McCumber	Simmons	
Hale	McKellar	Smith, Ariz.	

Mr. McKELLAR. The senior Senator from Tennessee [Mr. SHIELDS] is absent on important business.

Mr. KIRBY. I wish to announce the unavoidable absence of the senior Senator from Arkansas [Mr. ROBINSON] on public business.

The PRESIDENT pro tempore. Seventy-seven Senators have answered to their names. There is a quorum present.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 79) authorizing the Secretary of War to loan to the city of Dawson, Ga., tents and cots for use of Confederate veterans in their State convention, June 17 and 18, 1919, and it was thereupon signed by the President pro tempore.

### WOMAN SUFFRAGE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 1) proposing an amendment to the Constitution extending the right of suffrage to women.

The PRESIDENT pro tempore. The pending question is on the amendment proposed by the Senator from Alabama [Mr. UNDERWOOD].

Mr. WADSWORTH obtained the floor.

Mr. BRANDEGEE. I should like to have the amendment read.

Mr. WADSWORTH. Let the amendment be read.

The PRESIDENT pro tempore. The Secretary will read the amendment proposed by the Senator from Alabama.

The SECRETARY. On page 1, line 6, strike out the words "the legislatures of" and in lieu thereof insert the words "conventions in," so that the paragraph will read:

That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by conventions in three-fourths of the several States.

Mr. WADSWORTH. Mr. President, like the Senator from Idaho [Mr. BORAH], I represent in part a State which has extended the franchise to women residing within its borders. In view of that fact and my decision to vote against the proposed amendment to the Constitution, as I have done upon two prior occasions, I desire to make my attitude clear before the Senate.

No vote of mine cast upon this amendment will deprive any of the electors of the State of New York of any privilege which they now enjoy. The people of that State, as the people of several other States, have decided for themselves, in an orderly and constitutional manner, to extend the franchise to the women. I feel so strongly on this question that the people of the several States should be permitted to decide this matter for themselves that I desire to say that were this amendment, instead of being drafted for the purpose of extending woman suffrage all over the country, drafted for the purpose of forbidding the extension of the franchise to women, I would vote against it.

The Senator from Idaho yesterday discussed the right of the people to settle their own affairs, particularly in matters which were local and intimate. My feelings upon that question are somewhat like his. The people of the several States when they organized their governments and adopted their constitutions delegated certain powers to their legislatures and to their executives. Then they set up their judiciary to see to it that both their legislative and executive departments should keep faith and should not transgress the limits set by the people.

When a society organizes itself to do business, about the first thing it does is to prescribe the qualifications of its voting members, and it is the usual procedure for an organization in the process of formation to prescribe in its constitution that the voting membership shall not be extended or restricted except by a vote of the members of the society. And so the regulation of the franchise in the States, and I think I can say in every State, when they were organizing their governments, was left to the voting members; in other words, the people of those States.

Acting upon that theory and in accordance with that principle, which I believe lies at the bottom of a truly democratic government, several of the States have voted from time to time by popular referendum and have decided to extend the franchise to the women. Many other States have voted in popular referendums and have decided against the extension of the franchise.

Even though one might be opposed on general principles to the extension of the franchise to women, one can not logically object to the people of a great Commonwealth voting upon that question, settling it for themselves, and if they settle it in the affirmative with respect to woman suffrage one can not then logically object, even though one may have voted against it as a citizen of the State. Nor can I see how one can logically object to the application of the principle, even though in its application the people, voting freely and openly, decide that they shall not extend the franchise in this way.

Something has been said in the debate which has thus far taken place upon this amendment as to the popular demand in favor of it all over the country. Some criticism has been uttered by one or more of its advocates against Senators who are opposing it and who have consistently opposed it in times past. An examination of the record of the different States which have voted upon this question does not, I venture to say, indicate that there is any overwhelming popular demand thus far evidenced in the elections.

If my computation is correct, there are at least 30 States of the Union which have either refrained from voting on the question at all or have voted upon it and rejected it. In the States which have voted upon it, if a computation is made of the majorities in favor of the proposition and the majorities opposed to the proposition, we find that the aggregate majorities opposed to the proposition is about 1,300,000 votes, whereas the aggregate majority in favor of the proposition in these referendums amounts to 254,000. So from the standpoint of popular demand it would not seem that the Senate or the Congress should feel itself driven to adopt an amendment to the Constitution which revolutionizes the rule and practice of the American people in regulating the franchise.

Mr. President, it may seem somewhat old-fashioned for a Senator to express his reverence for the Constitution of the United States, his reverence and his devotion not only to its

letter but to its spirit. When one views modern tendencies and the influences that are at work in this country to-day, one is tempted to suggest that now is an appropriate time to rededicate and reconsecrate ourselves to a proper understanding of the letter and the spirit of our Constitution and to a better understanding of its meaning. The tendencies of the day, without any question, are traveling fast along the road which, if followed to its ultimate goal, will mean its destruction or its alteration to such a degree in spirit, if not in letter, that it will be scarcely recognizable. It is now proposed in this amendment, as a part of this tendency which has been so evident in recent years, to take away from the people some of that sense of responsibility the exercise of which is the only safeguard for the intelligent conduct of a democracy and to assume that responsibility at the seat of government.

The central Government is remote, comparatively, and eventually, if this tendency continues, that responsibility will be borne in such a way that the individual citizen will not be able to understand what is going on in the maze and confusion of a great centralized Government.

I assume that a Senator, when discussing this matter, should endeavor to remember that he is a Senator of the United States and not confined in his functions to representing merely the State, and only the State, that sends him to Congress. I assume that it is the function of a Senator to take into consideration the Nation as a whole, to have some concern and to give some consideration to the condition of public contentment and the wishes of the people as a whole.

It is very true, of course, that a Senator elected from a State should exert every influence and power that he can wield to protect his State from injury by Federal legislation, if in his judgment the legislation proposed is unjust and discriminatory against the people of his State. That question does not arise in the discussion or consideration of this amendment, for no Senator who may desire to vote against this amendment is depriving the people of his State of anything which they already possess.

If the people of his State have already voted to extend this franchise, no vote of his, no vote of mine, can take it away; but a vote in favor of this proposal does in several instances impose upon the people of certain States things which they have said they do not want. When that side of the question is presented it seems to me that it is incumbent upon a Senator to regard the Nation as a whole and to give his consideration to the wishes of the people of the States that have expressed themselves freely upon the question at issue.

Mr. President, the conduct of government of a great Commonwealth is of concern to us all, for it is from the governments of the Commonwealths and their constituent parts that this Federal Government derives its inspiration, and which, as the Senator from Idaho [Mr. BORAH] said yesterday, provide our schools of political education.

Let us take the Commonwealth of Massachusetts as an example. The people of Massachusetts in their own way, in conformance with their constitution, in the exercise of their undoubted right and privilege, held a referendum on the question of suffrage, and the proposal to extend the franchise to the women of the State of Massachusetts was defeated. It was defeated in every city of the State, in every county of the State, and in every town of the State, and had three votes in the aggregate been changed it would have been defeated in every ward. The people of the State of Maine, by a vote of nearly two to one, defeated woman suffrage; the people of the State of New Jersey, in spite of the interposition of the President of the United States, who is a resident of the State, defeated it by 50,000 majority; the people of Pennsylvania defeated it by a similar majority; the people of West Virginia defeated it in a popular referendum in the approximate proportion of three to one; the people of Ohio have three times defeated it within six years, the last defeat being registered only last year, if my memory is correct, and the last majority against it was over 140,000 votes. The people of Iowa have defeated it; the people of Louisiana have defeated it; and only the other day the people of Texas defeated it. The people of Wisconsin have defeated it, as was referred to yesterday, and there may be some other States which have defeated it which I do not at this moment recall.

Now, the question is, were the people of Massachusetts, the people of Pennsylvania, and the people of Ohio competent to settle that question for themselves or not? There is nothing to prevent them under their form of government from securing the franchise of women if they want it.

There is no tremendous emergency facing the country, no revolution or rebellion threatened which would seem to make it necessary to impose upon the people of these States which have given their verdict upon it something which they have

said, as free citizens, they do not require or desire. Is it unreasonable to ask that they be permitted to continue to govern their own affairs in this respect? Is it contrary to the spirit of American institutions that they shall be left free to decide these things for themselves?

Other States besides those I have named have voted to extend the franchise. The State of Michigan did it but a few months ago; the State of South Dakota did it but a few months ago. No man can logically complain against a system which permits such a practice.

Mr. REED. Mr. President—

Mr. WADSWORTH. I yield to the Senator from Missouri.

Mr. REED. I do not want to interrupt the Senator, but he has named a number of States where in the not remote past a direct vote has been taken and the people have repudiated this proposition. I wish he would include in that list the State of Missouri, which in 1914 repudiated the proposition by 140,000 votes. I merely want Missouri included.

Mr. WADSWORTH. I stated at the time that my recollection was imperfect and that there might be other States besides the ones I mentioned which had repudiated the proposition; and I now remember, of course, that the State of Missouri is in that category.

Now, without discussing the merits of woman suffrage as such, the question is simply this: Why is it that this power, resting in the people of this country in their several States, is to be taken away from them and lodged elsewhere? What is the reason? Is the principle faulty? Is it undemocratic? Is it un-American? Does it fail to satisfy the people themselves? I think not. No such contention has thus far been made.

Let us speak frankly. The advocates of this movement—and I do not criticize them for exercising whatever power or influence they may bring to bear or for resorting to whatever device they may find ready at their hand to bring about their purpose—the advocates of this proposal for the extension of the franchise all over the United States through a Federal amendment believe that that is the easiest way for them to achieve their purpose. To them it has become a purely practical question. Regard for the spirit of our institutions does not enter into their discussions. The Constitution of the United States means nothing more to them than that it shall be used as a vehicle to achieve a set purpose; and, being intent upon the purpose, they pick up the instrument and use it. They do not want referendums. They have said so in many of their public utterances.

I am not reflecting upon their intelligence when I describe their reasons. As a matter of fact, I rather admire their skill and resourcefulness in carrying this movement up to this point. They were skillful, and have been skillful, in using the mechanics of the situation, but they have not gone to the people of the country. They have believed—and I think most men in their honest second judgment will agree—that it is easier to persuade a legislature to ratify a proposal of this sort than it is to get the people of a State to do the same thing in a popular referendum. It can be done more quickly and with less expense in the matter of propaganda, and, as was said here yesterday on the floor, the members of legislative bodies—and I do not except the Congress of the United States—are peculiarly susceptible to pressure, to insistent and persistent agitation and propaganda.

There have been instances in this very matter of the extension of the franchise which illustrate that very thing. The people of Ohio on two separate occasions voted down the proposal for the extension of the franchise to women. The year following the second defeat by the people of Ohio the legislature of that State, in the face of the mandate of the people, promptly passed a statute to extend the presidential franchise to women—an exact illustration of how much easier it is to persuade or enjoin a legislature to do something that the people have refused to do. It became necessary for the people of Ohio to repeal that act of the legislature within a few months after it had been put upon the statute books, and they repealed it by popular vote.

My contention has always been with respect to amendments to the Federal Constitution that if an amendment be placed in the Constitution it should command the reverence and devotion of all the people of the country. The discussion here upon the floor yesterday makes it perfectly apparent that in part at least, in a certain section of this country, this proposed amendment will be a dead letter. No pretense is made that it will be lived up to in spirit, and it is the spirit of our Constitution which we, it seems to me, should have some reverence for at this hour.

I have discussed this matter with people from different portions of the country, and I have been surprised upon occasion to

note the frivolous and casual way in which so many people discuss the Constitution of the United States and what it means, and to hear the suggestion made, "Oh, well, you must not take it so seriously as all that; things can be arranged here and there in such a way that it will not be strictly enforced." That is a spirit which is abroad in the United States to-day. That same spirit has been made manifest in the recent discussion of the last amendment to the Constitution which was ratified last winter. To-day there are thousands of people all over the United States who are attempting to contrive ways and means by which the prohibition amendment to the Constitution can be evaded, showing an utter lack of regard for the instrument itself, showing an utter failure to understand that if that instrument is not held sacred by the people of this country, then there is no use of our endeavoring to continue our experiment in self-government.

Unlike the Senator from Idaho [Mr. BORAH], I voted against the prohibition amendment to the Constitution, because I believed that such a proposal had no place in the Constitution, and, second, because I believed that the people in great and important communities of this country were competent to decide that matter for themselves; and I feared the very thing that is making itself so apparent to-day—a settled determination upon the part of hundreds of thousands of people living in those communities which were not consulted, to evade it, to urge some act of Congress or State legislature under that peculiar provision for concurrent jurisdiction, which in part at least would make a laughing stock of that particular amendment to the Constitution. The danger is, if we go on in this way and deprive the people of important communities of their right to decide these questions which they are competent to decide, which in dozens of instances they have decided to their own satisfaction, that a contempt for the Constitution of the United States will gradually and inevitably spread all over this country. It will be regarded by hundreds of thousands of people as merely a vehicle for the exercise of a will to power upon the part of some group of people who desire to impose their ideas upon another group of people.

Mr. President, I can not blind myself to the fact that this is the tendency of the day; I do not blind myself to the fact that slowly, but surely, not so much by constitutional amendment perhaps, although this is a glaring instance of it, but by statutes passed by the Congress and by statutes passed by the State legislatures, we are whittling away the sense of responsibility of the individual citizen. We are teaching more people every year that the Government owes them a living; we are teaching more people every year that the Government should and can do things which they as individual citizens can do for themselves; we are urging the "easiest way." Scarcely a year goes by but what that tendency becomes more marked, and when we whittle away that sense of responsibility which should live in the breast of the individual citizen and teach him that the Government at Washington, remote as it is and rapidly becoming top-heavy with a bureaucracy, the intricacies of which I challenge any Senator to understand to-day, when we teach him that the Government at Washington, with its so-called bottomless Treasury, can take over, and should take over, all of these functions and duties and that the people of the communities of this country need not be expected to do those things for themselves, that they shall not even be expected to decide as to who shall vote for sheriff or district attorney or county judge, then I say that step by step we are building in this country a paternalistic system such as was the curse of Germany. There was a people, as we all know to-day, 70,000,000 of them, who were educated, one might say, almost from the cradle by the teachers in the schools, educated by the professors in the universities, educated by all their public men, at the inspiration of the autocracy that topped that Government, educated, drilled, coached, guided out of all sense of individual responsibility until they reached the condition where they lost their very souls.

I frankly confess, Mr. President, that I fear this tendency in the United States. I do not want to see it go any further. I know, of course, that there are some things that only a government can do. I know, of course, that every man and every woman who calls himself or herself human wants the burden of the overlaid members of society lightened; and if members of society as individuals, or as volunteers organized in a reasonable way, can not perform that function then it is the duty of government, the protector of society, to perform it. But it seems to me that we might well call a halt. It is not that any one of the statutes or amendments to the Constitution which are proposed is fatal. It is the fact that we pile one upon another, year after year. Some say, "Let us enact the second one because we have enacted the first, and the two proceed along

parallel lines, and therefore the second, the third, the fourth, the fifth, and the sixth are justifiable." But the trouble is, Mr. President, that as we proceed in taking away the sense of responsibility from the people in their communities year after year and decade after decade we do not proceed along parallel lines. The lines of those pieces of legislation slowly converge, and when they reach the point of convergence the citizen will have become the servant and dependent of government instead of being its master; and it is exactly along one of those converging lines that this amendment of the Constitution is proceeding. The people of some 30 States, if this constitutional amendment is ratified, cease being the masters of their government in so far as the franchise is concerned. And that, according to my way of thinking, is contrary to the spirit of our institutions.

Mr. SPENCER. Mr. President, the historical reference which my distinguished colleague [Mr. REED] made to the action of Missouri is true. It was some years old. Perhaps it might be fair to add that the vote of Missouri taken some years ago is hardly a fair indication of to-day, because in the legislature just adjourned both houses were in accord with the granting of suffrage to women in Missouri. [Manifestations of applause in the galleries.]

Mr. REED. Mr. President, the statement which the Senator from Missouri [Mr. SPENCER] has made is correct; and it exactly illustrates the vice to which I alluded and to which the Senator from New York [Mr. WADSWORTH] has so fittingly addressed himself.

The last time the people of the State of Missouri had an opportunity to vote on this question was in 1914. They defeated suffrage by over 140,000 majority. Since that time they have elected legislatures without any regard to the suffrage question. It never has been made an issue to the people. The last legislature of Missouri, in disregard of the last mandate of the people of Missouri and in defiance of it, passed a statute authorizing votes by women at presidential elections. That exactly proves the case. It demonstrates that legislatures can be handled when the people can not be. It was because of the notorious incompetency of legislatures, and because of the fact that they could be reached by influence and often by sinister means, that the people took from legislatures the right to elect United States Senators and declared that the people alone should exercise that high right. It is because of the fact that legislative bodies very frequently do not represent the sense of the people, that they are very often composed of men grossly incompetent, that protest is now being made against taking away from the people of the State of Missouri the right of settling this question for themselves.

Since my distinguished colleague has seen fit to challenge me to this question, I want to ask him if he is willing by his vote to deprive the people of the State of Missouri of a right to themselves fix the qualifications of the voters within the State which they expressly reserved to themselves in their constitution—to take that power from the people of the State of Missouri and confer it upon a legislature?

Mr. SMITH of South Carolina. Mr. President, as others have said before me, nothing that I can say, perhaps, can change a vote; but in view of the pending amendment and the vital issues that are now at stake, I should be derelict to duty if I did not enter my protest against the passage of this amendment, which to all intents and purposes is exactly similar to one that has already been passed, the result of which is an illustration of the point that has been made so splendidly by the Senator from Idaho [Mr. BORAH] and emphasized this morning by the Senator from New York [Mr. WADSWORTH].

In our dual form of government the principle of its duality is the one that makes it possible for every part of this vast domain of ours to progress as conditions justify. Were we a homogeneous people, were the local conditions, both social, commercial, and industrial, the same, it might be less destructive of the spirit of democracy for us to take the principle that underlies democracy and emasculate it as this will emasculate it. But when the conditions are so divergent, when local conditions throughout the United States are so different, the splendid principle incorporated into the Constitution finds its sanction.

I referred a moment ago to another amendment, incorporating exactly the same principle as this, that was made into our organic law. The fifteenth amendment—but who does not know and realize that the fifteenth amendment, when it was passed, was passed in a moment of heat, passion, sectional strife, and bitterness? There is not a man in America to-day capable of exercising the functions of citizenship but that recognizes that that amendment, passed when and how it was passed, jeopardized the civilization that you and I represent in a section of our country. The alien population amongst us was not like it

was in other States. Even if the franchise had been granted to them in other States, their fewness of number made it possible for those States to absorb them without danger to their civilization.

But unlimited franchise in certain other States would have deluged and destroyed with a horde of ignorance and incompetency the civilization that it had taken all of these years to build up and perfect. It placed a burden upon those States that has eclipsed every other, and that has been the main cause of the retardation of the progress of the South. It has caused that section, in every line of endeavor and in every line of work, to be retarded, because unless there was a united front to this menace the absolute submergence and destruction of our social and political edifice was threatened. So that the work of the South for years has been not one of the unified attention of the people to constructive work but one of unified operation to avoid the greater danger.

Now, I want to appeal to some of my southern colleagues. We contended that the passage of the fifteenth amendment was a crime against the civilization of the white men of America. Those on the other side, when sanity reassumed its dominion over the minds of men, recognized that fact. We busied ourselves with the passage of such laws as would minimize the disastrous effect of unlimited suffrage to the Negro in the South. Be it said to the honor of those who were in position to enforce it that, recognizing the evils that would grow out of the unlimited franchise as provided in the fifteenth amendment, they acquiesced in silence to such laws as we passed to minimize its evil effects; and be it said to their honor that they did so because they recognized, as we recognize and as the world recognizes, that local conditions there have to be met by such laws and such acts as will protect and preserve the civilization that characterizes the white man.

That was your reason, founded as it was in justice and in righteousness. Those men from the South who are sitting here to-day, who are going to vote for the ratification of this amendment or vote to submit this amendment to the people, by that vote ratify and confirm the fifteenth amendment, because I maintain to-day that there is no difference whatever between the fifteenth amendment and the proposed Susan B. Anthony amendment. The Susan B. Anthony amendment is the fifteenth amendment with the insertion of one word alone, namely:

The right of a citizen of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, previous condition of servitude, or sex.

Those of us from the South, where the preponderance of the Negro vote jeopardized our civilization, have maintained that the fifteenth amendment was a crime against our civilization. Now, when a southern man votes for the Susan B. Anthony amendment he votes to enfranchise the other half of that race, and ratifies, not in a moment of heat and passion, what we have claimed was a crime, but in a moment of profound calmness and sectional amity he votes to ratify the fifteenth amendment and give the lie to every protestation that we heretofore have made that the enfranchisement of the Negro men, unlimited, was a crime against white civilization. When Senators and others of the North, East, and West viewed conditions calmly the fifteenth amendment did become a dead letter, and infinitely better that it should become a dead letter than that the civilization of the South should be destroyed and in its destruction jeopardize the civilization of America.

Here is exactly the identical same amendment applied to the other half of the Negro race. The southern man who votes for the Susan B. Anthony amendment votes to ratify the fifteenth amendment. Senators on the other side have acquiesced in silence when in desperation we passed such laws as would nullify the disastrous effect of the fifteenth amendment. Southern Senators voting for this amendment puts them without excuse to still further withhold their hands.

I can understand how a man from the West or a man from the East, viewing it strictly from his own local impression, might get the idea that we ought to extend it to all, but those of us from the South who have seen the evil effect upon our section of country from this menace—worse than poverty, worse than retarded commercial and industrial growth—those of us who have seen the very sanctity of the fireside and the sacredness of womanhood jeopardized, can not vote for this amendment without once again making possible all these evils that we have for weary years combated and overcome. How southern Senators can vote to turn loose upon the South another era similar to that through which we have passed I can not understand.

Not only that, Mr. President, but I have heard it flippantly remarked by those who propose to vote for this amendment, "You found a way to keep the Negro man from voting and you will find a way to keep the unworthy Negro woman from voting."

We found the way because of the recognition on the part of our colleagues on the other side that it was their blunder, perhaps, that had deluged the South or made it possible for the South to be deluged by an alien and unfit race.

We had their moral support in maintaining the civilization of the white man of the South. Can we appeal to them after to-day if southern men vote to ratify the fifteenth amendment? When the clamor comes to you now from that race, that they demand that they shall be recognized, what excuse will you have when southern men vote to ratify it? You of the other sections have said, and said rightly, that in spite of the fifteenth amendment, let the South work out its own salvation and we will give our brethren of the white race our support. Now, if your brethren of the white race of the South vote for an amendment which ratifies the previous amendment, what support can we hope from these other sections? I warn every man here to-day that when the test comes, as it will come, when the clamor for Negro rights shall have come, that you Senators of the South voting for it have started it here this day for reasons it is not necessary for me to try to state.

The other features of this proposed infraction and destruction of the Constitution of the United States have been given ably. No man would attempt to gainsay or deny that democracy means the vote of the people under the sensible restrictions that the people themselves in their local statutes see fit to impose. The very conditions that might arise in the State of Utah might make it impossible for Utah to rise and progress with a certain condition of franchise enforced upon her by Washington. Left alone to adjust her own internal affairs through her franchise, she might rise to a point where it would be perfectly proper for that franchise to be extended. The splendid principle of our dual form of government was never better illustrated than in the condition of the South and the condition of the East and the West.

I say, when we have taken from the several States the right to modify, qualify, and determine their franchise, the sovereignty of the State in every other particular has ceased to be; we shall all be living in a centralized Government; there will be nothing else left.

Local self-government presupposes the right to meet local conditions by peculiar local franchise law. If there were no other remedies, there might be an argument for us to come to the Federal Government to extend this franchise; but where each State has the right to extend the franchise in whatever manner it deems best, for my State to come and ask that Massachusetts, Montana, and California shall take charge of the affairs in my State, because the voters in my State are incompetent to determine what is best for them, is to make a statement that is proof that democracy has passed.

Mr. President, I am not going to take up the time of the Senate any further on this question. All the legal phases of it, and all the democratic phases of it, have been discussed; but I felt that I would not do my duty if I did not warn southern Democrats—southern white men—that this day they solemnly ratify what they have for the last 50 years denounced as the crime of the century. We protested against the act that incorporated into our organic law the right of an alien and ignorant race to be turned loose upon us, and it numerically in the majority. When you vote for this amendment to-day, you vote to ratify it, and say to those who enacted that amendment that they did not make a mistake but that you are now ratifying it.

Let me repeat, the Susan B. Anthony amendment provides that the franchise shall not be denied on account of race, color, previous condition of servitude, or sex, and if it was a crime to pass the fifteenth amendment, why is it right to pass this amendment? If it was a crime to enfranchise the male half of that race, why is it not a crime to enfranchise the other half? You have put yourselves in the category of standing for both amendments, and when the time comes, as it will come, when you are to meet the result of this act, you can not charge that it was a crime to pass the fifteenth amendment.

Mr. JONES of New Mexico. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from New Mexico?

Mr. SMITH of South Carolina. I yield.

Mr. JONES of New Mexico. I have been listening to the very positive statement made by the Senator from South Carolina, and I have felt like not making any interruption, even for the purpose of asking a question. However, I have finally concluded that unless something be said at this juncture it will go to the people of the State of South Carolina and other Southern States that the remarks just made by the Senator from South Carolina have been universally accepted here in the Senate.

I do not want to provoke any discussion of the subject, but I do want at this time to protest most earnestly against the

construction which the Senator from South Carolina has placed upon this proposed constitutional amendment. If I am able to read the English language, the amendment does absolutely nothing more than to prevent discrimination in the franchise on account of sex. I think it requires an extreme imagination for one to draw any inference or to fabricate any argument to the effect that the passage of the amendment is a reaffirmation or re-adoption of the fifteenth amendment.

Mr. SMITH of South Carolina. Does it not extend suffrage to female Negroes?

Mr. JONES of New Mexico. That is true; but the Senator knows that the fifteenth amendment was directed to a class of people only, and this amendment is intended to liberate the women of the entire country, the millions of white women of the country. It is to operate upon them and is not confined to the black women of the South.

Mr. SMITH of South Carolina. But it includes them.

Mr. JONES of New Mexico. Yes; it includes them.

Mr. SMITH of South Carolina. Certainly. I said it did not differ from the other. You went specifically after the Negro men in the fifteenth amendment. Now you go specifically after the Negro and white women in this amendment. By thus adding the word "sex" to the fifteenth amendment you have just amended it to liberate them all, when it was perfectly competent for the legislatures of the several States to so frame their laws as to preserve our civilization without entangling legislation involving the women of the black race. You simply have amended the fifteenth amendment by adding the Negro women. When we could have had all the white women vote by State action, you want to add the Negro women by Federal action. That is what you have done, and that is what I am protesting against.

Mr. JONES of New Mexico. That, I take it, is the Senator's construction, and, of course, I do not expect to convince him, but I want the statement to go into the Record that in my judgment this amendment is entitled to no such interpretation.

Mr. SMITH of South Carolina. There is no use to quibble about what is the language of the amendment. When it says that there shall be no restriction of the suffrage on account of sex, it means the female sex, and means the millions upon millions of Negro women in the South.

Mr. DIAL. Mr. President, may I ask my colleague if it is not true that the legislature of our State meets every year?

Mr. SMITH of South Carolina. Certainly.

Mr. DIAL. Is it not also true that at the last session of the legislature no request was made to submit this question of woman suffrage to a vote of the people of the State?

Mr. SMITH of South Carolina. That is true.

Mr. President, I sincerely hope that the Senators representing the South and the splendid advocates of our dual form of Government representing other States on the other side can see their way clear to vote for the Underwood amendment and let this matter be submitted to the people. If South Carolina, the State that I in part represent, shall be given the privilege of calling a convention to elect delegates for that convention specifically charged with the purpose of deciding this question there will be no mistake made. It will be put squarely before the people of the State of South Carolina. I really have no fear of what my legislature would do. I know the women of my State pretty well, and I am quite sure that if they had wanted suffrage, with all the dangers and evils that it would entail, they would have said so. But they have resolutely refused to be stampeded by a few hysterical propagandists or propagooses, I do not know which is the proper term. They have refused to be stampeded, and a vast majority of our women are opposed to opening this Pandora's box of evils and threatening once again the civilization of that State and other States with similar conditions.

I sincerely hope, Mr. President, that those of the South who for some reason or other have committed themselves to this destructive proposition will at least have the grace, in the moment of our passage into the unknown, to vote for the amendment proposed by the Senator from Alabama.

Mr. BRANDEGEE. Mr. President, I shall be very brief in the statement that I make to the Senate upon this question. I heard quite a large portion of the speech made by the Senator from Idaho [Mr. BORAH] yesterday. I was then called from the floor on business, and I did not hear the latter part. I see that it is withheld from publication in the Record, so that I am unable to read it, but, so far as I heard it, I entirely agree with his views upon this matter.

The Senator from Idaho comes from a State that has for years had woman suffrage. I come from a State which has never had it. The legislature of my State has just declined to submit to the people of the State a constitutional amendment providing for it in that State. There is no way of ascertaining, so far as I have been informed, what the sentiment of the

voters of my State is upon that question other than the individual opinions that people may entertain upon the question. From information that I have received—and I think I have been in pretty close touch with the sentiment of the State—I believe that a vast majority of the present voters of the State who are men are opposed to woman suffrage in the State of Connecticut. I believe that a vast majority of the women of the State are opposed to woman suffrage in the State of Connecticut. I am absolutely certain that a vast majority of both the women and the men of Connecticut are opposed to Congress and three-quarters of the other States of the Union telling them what the qualifications of the electors of the State of Connecticut shall be.

However that may be—and that, of course, I admit is a question of opinion about which I have stated mine, and others are welcome to theirs—I am opposed to putting in the Constitution of the United States a provision which will force the ideas of Congress and three-quarters of the States, if three-quarters of the States concur with the ideas of Congress, upon that State and their ideas of what the qualifications of the electors of the other quarter of the States shall be. I believe that this country has become prosperous and great and strong by the exercise of home rule and the people of the different localities in this country minding their own business and, by minding it, developing a capacity to manage it. I may be wrong about that. It may be that the various localities of this country should transfer all the powers which the States which formed this Union reserved to themselves to the Federal Government here in Washington, but it is contrary to the biological and physiological laws of the world that we will get stronger by abandoning the exercise of these functions than we would be by exercising them. It contradicts the laws of history and experience.

Mr. President, in my judgment the framers of the Constitution designed that instrument to be the broad charter of our liberties and the definition of our form of government. They never expected the use of the process of amending the Constitution to be prostituted to putting a lot of police regulations, ordinances, and laws into the Constitution of the United States. They left the police power and the rules which should govern the inhabitants of this country in their respective subdivisions in the hands of the people who were to be affected by those rules. They wisely thought that the people in a country differing in climate, population, habits, and historical traditions could better administer their own affairs in the far-removed sections of the country in accordance with their local traditions and ideas than they could be administered by the fiat of a body sitting in the city of Washington. They wisely thought that the Senator from South Carolina and his colleague were better adapted to say what was for the best interests of the people who elected them, and to whom they are responsible, than the Senator from Connecticut or the Senator from New York, and vice versa. I think the Senators from South Carolina will agree that the Senator from New York and myself from my State are better qualified to state to this body what sort of laws are best adapted for our section of the country than the Senators from South Carolina would be. If that were not so, there would be no sense in having Senators of the United States required to be residents of the States which they pretend to represent here.

Now, Mr. President, we have come upon this situation in this country: Our southern brethren suddenly, owing largely to a local condition, go crazy about prohibition, largely because they do not want the Negroes in their States to indulge in alcoholic drinks. Not satisfied with passing their own laws upon that subject, they come here and vote to jam a prohibition amendment into the Constitution of the United States and make other States—

Mr. KIRBY. Mr. President—

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Connecticut yield to the Senator from Arkansas?

Mr. BRANDEGEE. Yes; I yield.

Mr. KIRBY. Does the Senator from Connecticut regard the adoption of the prohibition amendment by 45 States as conclusive evidence that it is a local and southern proposition?

Mr. BRANDEGEE. I regard it as a violation of the principle about which I am talking, and I say that you Senators voted to perpetrate that which I regard as an outrage upon the States that do not want it. It does not make any difference whether 45 or 47 States wanted it. The great Empire State of New York, with about 10,000,000 people, does not want it; it never had a chance to say so; but because your States want it and certain other States want it for their States, you think that you ought, in the Constitution of the United States, the fundamental law of the land, to force your views upon the Empire State of New York without its consent, except by the consent of the legislature, which is managed by the prohibition lobby.

You may think that is democracy. I do not. I think it is tyranny. I think it is tyranny, because I do not think that class of subjects was ever designed by the framers of the Constitution to be put into the Constitution of the United States. I think they regarded them as rules and local laws to govern the people in their respective localities as they wanted to be governed. Having established that principle, however, you find it rather difficult to refuse to put this woman suffrage amendment into the Constitution of the United States, and because certain States have adopted woman suffrage and desire it you think it is your duty to impose your notions upon that question upon States which do not desire it and to which it is not adapted, provided you can get three-fourths of the States to concur.

Mr. President, if this process is to be continued, if the people of this country want to be governed in their local customs, to be told what they are to eat and what they are to drink and how much, and when they are to go to bed, and what language they are to use, and to be regulated in every move they make in their daily lives and in their personal habits by a constitutional amendment in the United States Constitution that can never be got out except by a two-thirds vote of each branch of Congress and then a vote of three-fourths of all the State legislatures in addition, you have made a set of police regulations of the Constitution of the United States, and, as the Senator from New York has wisely warned you, it is a process that is calculated beyond all others to drag the Constitution of the United States into the mire and to destroy all respect for it, because you can not enforce a law or even a constitutional amendment against people who do not believe in it.

If the arguments against this process will not prevail in the case of two such shining abuses of the exercise of this power, simply because you have the power, as are furnished by this woman suffrage amendment and by the prohibition amendment, they will not prevail in other cases where the clamor is sufficiently strong to intimidate people to violate their traditional policies and the historical traditions of their party.

Mr. President, the last expression in national convention of both the Republican and Democratic Parties was opposed to this constitutional amendment. Both political parties declared in solemn national convention, after due consideration, that it was a matter that ought to be left to the several States; while they approved the principle of woman suffrage, they said, if it came, it ought to come through the action of the States. The President of the United States was the first one to say so, but, of course, like every other issue with which he deals, he says the other way, too; and there has not been a single issue of importance before the country, and there will not be during his administration, upon which he would not with equal facility and sincerity take either or both sides. Now, having resided for the last six months in a foreign country, he cables to his subservient idolators here how they shall vote on this constitutional amendment, and they will "come to heel" with due humility, I have no doubt.

Mr. President, if this process goes on of governing this country by constitutional amendment on questions that are not at all of constitutional size or of constitutional quality, I for one say that if the people are to be governed by constitutional amendment in their daily habits and life then it becomes necessary that the people themselves should be consulted about what shall be the constitutional amendments to which they are to bend the knee and have the yoke adjusted to them. Is there anything unfair or unreasonable about that? We know perfectly well that after Congress by a two-thirds majority of both branches has submitted a proposed amendment to the legislatures of the States that, although it has been extorted from Congress on the theory that we need not commit ourselves to it, but simply not obstruct it and pass it along to the legislatures for their action, that immediately we have taken them at their word and dignified ourselves into the honorable function of being a funnel, and funneling things through without responsibility on to the various legislatures of the States which are of so much superior ability and knowledge to us, and then they immediately turn around and say, "Congress, by a two-thirds majority, has set the seal of its approval on this and demands that we act, and is any one State legislature to set its judgment up above that of the great United States Senate and House of Representatives?" Then they use us as the argument in favor of the very thing that we were doubtful about.

It is not a pleasant thing to contemplate that a Senator of the United States, having walked up to that desk before that starry banner, Mr. President, which, thank God, still waves and sparkles back of your chair, and holds up his right hand and takes a solemn oath to support and sustain the Constitution of the United States without equivocation or mental reservation, that the minute an embarrassing question is presented to him

he runs like a dog away from it and says, "I do not know anything about it; but there is a cry in my district that I shall not stand in the way of it; and while I do not believe in it, while I regret it, still it is coming anyway; I do not want to have anybody say that I did not vote for it, and therefore I will sluice it along on to somebody else."

The Senate of the United States was not always composed of men of that backbone and caliber and virility. In the days of Calhoun and Webster and Clay, Senators of the United States were not too proud to think nor too cowardly to stand for their convictions, Mr. President; and there are a few left here to-day, I think, who, mistaken and old-fashioned as they may be, are actuated by the same motives which moved those gentlemen, and sit in the same Chamber, breathe the same air, and have been nurtured upon the same doctrine.

So if we are going on with this sort of thing, putting all kinds of police regulations and ordinances into the Constitution of the United States, for God's sake let us amend the Constitution of the United States so that we can submit to the electors of the States the amendments which we propose to the Constitution. Then we will not have so many propositions for constitutional amendments; but if we do, and they are approved, the people, then, will have no cause of complaint. They have a cause of complaint now, Mr. President, when we are prostituting the Constitution of the United States and using it as a vehicle to accomplish indirectly the destruction of home rule and local self-government and the exercise of the functions which have made free men in this country. When we now initiate a series of acts and constitutional amendments which deal with the things that we men of New England have been used to dealing with in our town meetings, where we carry our sovereignty under our own hats and take orders from nobody—when we put such provisions into the Constitution at the behest of the legislatures of our States, dominated and controlled by a clerical lobby and other kinds of lobbies, highly financed by charitable and mistaken people all over the country, then we are going to kill the American spirit in this country unless we submit these questions to the people themselves.

This is a Government of the people, for the people, and by the people, and they have a right to say what is going into the Constitution of the United States. As I said the other day when I introduced the proposed constitutional amendment which I have pending now, I have provided that whenever Congress in the future shall think it wise it may submit proposed amendments to the electors of the States as well as to the legislatures of the States or conventions to be called therein. Although that proposed amendment has no relation either to the prohibition amendment or to the woman-suffrage amendment, and would not affect them, because, if adopted, it will not be adopted until after they have been acted upon, I hope that the Senate will see the consistency and the logic of the position I take. If we are going to dabble in these local affairs, let us submit them to the people of the localities, and then we will have a contented, submissive, and loyal support of such amendments instead of having them the cause of dissension and disunion in this country.

There is another feature, Mr. President, that was called to our attention by the great Senator from New York when he was a Member of this body—Senator Elihu Root—and that is this: It is easy to conceive that by the process of amending the Constitution three-quarters of the State legislatures might approve an amendment, while the other quarter of the States that are to be governed by it are opposed to it. The other quarter to be governed by it against their will may contain the majority of the wealth and the majority of the people of this country, and so under the boasted democracy and home rule and independent Government in this country you have a situation wherein the minority of the voters and the minority of the wealth of the country are imposing their will upon the majority of the people and the majority of the wealth; and a minority of the people and a minority of the wealth represented under that system can control the financial policy of this country, levy taxes all upon one section of the country, and arrange the bills so that one section shall pay all of the taxes practically. It can be done by scientific jugglery. I do not say that it will work out in that way in every case, but it works nearly enough that way to make it, as the then Senator from New York suggested, the most terrifying portent that is now in the sky against the perpetuity of the Union of American States, for one-quarter of the States of this country will not continue to be governed in that way. It was never the intention of the framers of the Constitution that they should. They were supposed to be governed by a majority of Congress, of course, but they were not supposed to have the process of amendment of the Constitution, which was supposed

to be only amendable as to the fundamental matters of which it treats—it never was supposed that that process would be resorted to to accomplish these ulterior purposes.

Now, to be brief, and in conclusion, I am simply opposed to this amendment because it deprives the States of this Union of the power to fix the qualifications of their own electors who are to vote for their own officers. I think they can do it, and do it better than the Congress can do it. I am opposed to this amendment because it is not demanded by my State. I do not take the view that suffrage, whatever may be its merits, can be better determined by this Congress than it can be by the local States.

I believe that the great majority of the women of this country are opposed to it. When it comes, of course, I know they will exercise the franchise to the best of their ability. I do not think it will make much difference politically. I suppose the women will probably divide as their husbands and fathers and brothers do, and they will divide upon the issues that are presented to them probably about as the men do.

I have deplored from the beginning the dragging of politics into this question. I have regretted the unseemly and undignified haste of political managers to get themselves in front of this woman movement, to claim the credit of getting suffrage for the women. I believe the women will vote as honestly as the men and as intelligently as they can; perhaps they will vote more intelligently than the men do now. I do not look for additional uplifting and purity and the hastening of the millennium by their participation in politics. I think very likely the better of them will soon become disgusted with their associates at the polls, and the practical administration of political affairs, so far as the women are concerned, will be left in the hands of those who are less desirable to manage them; but that is simply my opinion, and I hope I will be a false prophet in that respect.

Mr. President, I have said all I care to say.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama [Mr. UNDERWOOD].

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ball	Gronna	McLean	Smoot
Beckham	Hale	McNary	Spencer
Brandegee	Harding	Moses	Stanley
Calder	Harris	Myers	Sterling
Capper	Harrison	Nelson	Sutherland
Chamberlain	Henderson	New	Swanson
Chamberlain	Jones, N. Mex.	Newberry	Thomas
Culberson	Jones, Wash.	Norris	Trammell
Cummins	Kellogg	Nugent	Underwood
Curtis	Kendrick	Pbelan	Wadsworth
Dial	Kenyon	Philpps	Walsh, Mass.
Dillingham	Keyes	Pittman	Walsh, Mont.
Edge	King	Poindexter	Warren
Elkins	Kirby	Ransdell	Watson
Fall	Knox	Reed	Williams
Fernald	La Follette	Sheppard	Willcott
Fletcher	Lenroot	Sherman	
France	McCormick	Smith, Ariz.	
Frelinghuysen	McKellar	Smith, S. C.	
Gay			

Mr. UNDERWOOD. I desire to announce the absence of my colleague [Mr. BANKHEAD] on account of illness.

The PRESIDING OFFICER. Seventy-three Senators have answered to their names. There is a quorum present.

Mr. THOMAS. Mr. President, until the Senator from Idaho [Mr. BORAH] made his very interesting speech yesterday, it had not been my purpose to take any part in this discussion; for I am as anxious as any one to reach a vote, and thus finally dispose of the subject, as it undoubtedly will be disposed of on this occasion. I think, however, in view of the argument submitted by the senior Senator from Idaho, which unquestionably impressed his audience as it did myself, something should be said in reply to one or two of its features.

During its delivery I asked the Senator how he differentiated between his position at this time and that taken by him on the occasion of his vote upon the prohibition amendment; and his explanation, if I correctly comprehended him, was that inasmuch as a number of the States had adopted prohibition, and inasmuch as it could not be made effective so long as other States not having adopted it were permitted to manufacture and import alcoholic liquors therein, which neutralized prohibition, it being necessary to enable the States to enforce their laws, and, in the interest of local self-government, that the constitutional amendment providing for general prohibition should be submitted to the States for ratification or rejection, the Senator voted for the amendment.

I have no doubt that this reason was conclusive and controlling with the Senator from Idaho; but I am unable to perceive the

force of that logic which justifies the enactment of a prohibition amendment to the Constitution but which rejects the proposed suffrage amendment. Each of them deals with a subject which was reserved to the States at the time of the adoption of the Constitution. Were it not so, these amendments would be unnecessary. That it is so is most obvious by reference to the general proposition that powers not expressly or by necessary implication delegated to the Federal Government are reserved to the States, or to the people.

If the argument be a substantial one, it could be made, as I think it has been made, against every amendment hitherto proposed to the Constitution, whether adopted or rejected. Fundamentally, the people of the United States, when conforming to the machinery and the requirements of the Constitution in their action, may incorporate into the Constitution of the United States anything they please. It is a matter of judgment—a matter, if you please, of necessity—in the opinion of that majority which is required to make the fundamental change. Whether it encroaches upon the rights of the States or interferes with local self-government, or abolishes local self-government, is entirely a practical question, and, in my judgment, has nothing to do with the constitutional right and power of the people to amend their organic act as they may see fit.

Prohibition and the suffrage are both matters of local concern; and they will be matters of local concern, subject, of course, to national legislation within the purview of our powers, until constitutional amendments are not only proposed by the Senate and House of Representatives but actually ratified and enforced by a two-thirds majority of the States voting thereon.

Mr. President, when the prohibition amendment was before Congress for its consideration Congress had already solved the problem of interference by legislation—I refer, of course, to the Webb-Kenyon bill, under whose provisions the invasion by one State with its prohibited goods of another State where the prohibition was in effect had been effectually provided against; and I think that at that time the Supreme Court of the United States had sustained the constitutionality of the law. Therefore, conceding the argument of the Senator from Idaho to be perfectly sound, its application in this instance fails, because under the powers of the National Government whereby and in pursuance whereof it could make this regulation, no constitutional amendment to that end was essential. So it would be just as pertinent to offer the same objection to the consideration of that amendment as is offered to this.

I can readily understand, Mr. President, how a Senator who had cast his vote against the prohibition amendment could consistently oppose this amendment upon the ground that it interfered with local self-government; but I am unable to understand the logic which justifies a favorable vote for the one and an unfavorable vote for the other.

I am as much concerned for the integrity of local self-government as any lover of his country can be. I concede all that was said in its favor yesterday by the Senator from Idaho. I am glad that he has become so fervent and capable a champion of that great principle; and I freely admit that never in this country did it stand in as much jeopardy as at present and in the recent past. The right of the people to meet in their separate and several communities and legislate in their own interest and for their own welfare may be said to lie at the very foundation of Anglo-Saxon liberty—a right which should be safeguarded at all times and respected everywhere; a right the disregard or lowering or abandonment of which will, in my judgment, be inevitably followed by all the consequences so eloquently pictured by the Senator from Idaho. But, Mr. President, I am unable to perceive how this amendment, should it become effective through ratification, can affect the principle of local self-government, while that regarding prohibition certainly will; for the right of a man to eat or to drink or to conduct his personal affairs as he sees fit, provided only that he pays the same respect for the right of others to do the same thing, is infinitely more of a subject for local self-government than the right of suffrage.

I do not refer to the moral or police aspect of the subject. This is not the time or place for that, but I assert fundamentally that the one affects local self-government much more than the other.

Mr. KING. Mr. President—

Mr. THOMAS. In just a moment. If I had been present when the vote was taken upon the prohibition amendment I should have voted for it, not because I believe it is the best thing for the people, but because I was instructed by the people of my State to do it, and I would have respected that instruction. I yield to the Senator from Utah.

Mr. KING. I agree with what the Senator has said that the support of the prohibition amendment to the Constitution, if a

man acted logically, ought to call for a vote in favor of amending the Constitution with respect to suffrage. And yet, does not the Senator think that this amendment is more of an assault upon the States than the other, because one of the inevitable characteristics and indispensable qualities of a sovereign State is the right to determine who shall hold office within the State, determine the qualifications of electors, and this amendment is a restriction upon the right of a sovereign State to exercise their sovereign power.

Mr. THOMAS. No, Mr. President, I do not. It is unquestionably an invasion, an absorption, if you please, of a right which the States may now, subject to another amendment regarding suffrage, exercise without national interference, except in so far as national elections are concerned. We had at one time a law upon the statute books enacted by Congress and enforced for many years under which at all elections where any national officer was chosen the entire machinery of the election was in the hands of the Federal authorities represented by United States marshals and supervisors. It was a deliberate and unwarranted intrusion into the affairs of the States, but it was a law, nevertheless, within the power of Congress, if it saw fit to do so, to enact. Inasmuch as State elections are constantly narrowing or decreasing in number, so that State officials and presidential electors and Members of Congress are chosen at the same time, there is no reason in the world why, if Congress saw fit to do so, it might not independently of this proposed amendment take charge of and control those elections.

But, Mr. President, whether that be so or not, the time for applying that argument has gone, for there can be no question that in spite of the obstructive tactics of the so-called National Woman's Party, which has prevented the successful submission of this amendment heretofore, the overwhelming majority of the people of the United States are in favor of the amendment. There can be no more significant evidence of the fact than that the vote about to be taken will be confined to no particular section of the country.

Mr. President, a word about local self-government and the dangers which menace it, and I am done. I do not believe local self-government is being directly assailed anywhere. I do not think it will be directly assailed under the provisions of this amendment, which after all only serves to double the vote. I believe that is the only practical consequence of the adoption of the amendment, and those who regard this matter as a subject for political influence will find to their sorrow before they are very much older, for women like men will cast their vote according to their convictions upon political questions and issues as they shall from time to time arise and be considered. Frankly, if I felt that half the people of the country would cast a vote for one particular party, locally or generally, simply because that party happened to be in power at the time the right was conferred, I should vote against the amendment. Such a conclusion is a reflection upon the intelligence and patriotism of womankind. As Democrats and as Republicans, as dissidents from both of the great parties, they will act hereafter precisely as they have acted heretofore, and in national affairs precisely as they have acted in State affairs where the franchise has prevailed.

Mr. President, what is it that is jeopardizing the fundamental principle of local self-government in America? It is largely the indifference of the average citizen to his public duty, largely the desire of the people to escape obligations by transferring them to the National Government, and largely because the States have themselves with regard to certain fundamentals broken down, either in their efforts to enforce the local laws, preserve peace and order, or have been unable to do so. If these conditions continue, as I am afraid they will, then it will make no difference whether this amendment be defeated or whether it be ratified. We must change fundamentally in some things or the old institution of local self-government, of community government, will become a tradition in this country instead of a living fact, as it has been and ought to be.

Mr. President, for the last quarter of a century and more every State in the Union has not only been willing but anxious to exchange its obligations and its powers of local self-government for Federal appropriations; and it would seem that as long as appropriations can be secured for the exercise by the Government of the United States in whole or in part of those duties which rest upon the States fundamentally and primarily, the exchange will continue. I shall not detain the Senate by attempting to enumerate a list of the various duties and powers which the States have passed on to the shoulders of the Federal Government and now feel free to insist that the Government itself shall observe them if they are observed at all. Great combinations of capital in the past have laughed at State laws and restrictions. The enforcement to-day of law and order for the pro-



tection of the individual in his fundamental rights in the States can only be secured, and sometimes not then, by Federal interference.

Mr. REED. Mr. President, if it will not interrupt the Senator, does he think the Federal Government has afforded any better protection against the great aggregations of capital than the States?

Mr. THOMAS. I do not think it has done so; but that does not affect the soundness of my proposition.

Mr. REED. I am not questioning that at all.

Mr. THOMAS. My proposition is that the States are passing on this duty to the Federal Government, which I think they could more effectively perform if they would do it themselves.

Mr. REED. I agree with the Senator in that.

Mr. THOMAS. To-day, Mr. President, we are confronted with a measure which clamored for recognition at the last Congress, which proposes that the States shall release themselves from still another burden and require the Government of the United States to assume the duty and bear the expense of educating the people of the country. If there is a phase of the duty of local self-government more obligatory than any other, it is that of the State to educate its citizens and to assume the financial obligations necessary to effectuate that great obligation. Yet Members of this body during the expiring days of the last session and since the commencement of this one have been deluged with letters and petitions from associations and individuals from one end of the country to the other urging them to support the measure creating a new cabinet department and clothing the Federal Government with the duty and authority of educating the children of the country.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. THOMAS. I have no doubt it will pass, because it brings Federal money into the various districts of the country, and that is unfortunately regarded as a cure-all for every subject of public discontent.

I yield to the Senator from Utah.

Mr. KING. Has it not been the experience of the Senator from Colorado that many of the movements which look to the extension of the activities of the Federal Government into the States, and to that extent a destruction of the States, emanate from Federal employees who want to extend their authority and aggrandize the Federal Government increase their compensation, and extend their opportunities into the States, and to that extent diminish the powers of the States?

Mr. THOMAS. Oh, Mr. President, there is no question that Federal employees, who are now organized, seem to indicate a desire to encourage every movement that increases the number of Federal employees and extends the activities of the Federal Government. That is one of the beauties of civil service in its ultimate stages of development.

But, Mr. President, I do not think it would be fair to place all these measures upon one class of people. Every city in the United States, every community, incorporated or unincorporated, so far as I know, sooner or later comes clamoring to Congress for appropriations for the accomplishment of things that ought to be done at home, and to say that a Federal amendment striking out the distinction of sex in the matter of suffrage is a fundamental blow at local self-government in the face of these conditions is to assume a position which I do not believe can be sustained either by reason or by logic, as it certainly can not be by precedent.

I hope and believe that the good women of this country, who in my State study and therefore understand political questions quite as well as, if not better than, the average man, who regard their enfranchisement not as the grant of a privilege, but as the imposition of a public duty, will be a powerful aid in the restoration as well as the preservation of local self-government and not become a mere numerical addition to our electoral franchise whose influence and whose power will be extended in some other and less laudable direction.

Mr. KIRBY. Mr. President, I had not intended to speak on this question, and shall do so but briefly. My remarks are chiefly provoked by the statements of the Senator from New York [Mr. WADSWORTH] and the Senator from Connecticut [Mr. BRANDEGEE] that the action of this Congress and the action of the people of the 45 States in the adoption of the prohibition amendment has a tendency to bring the Congress into disrepute has a tendency to make the people have less regard and respect for the Constitution.

When I heard the statement of the Senator from New York that there were many men in the United States who already now feel aggrieved because of the prohibition amendment to the Constitution, and that they are proceeding to avoid or evade the effect of this amendment, and that such action would

have the effect to bring the Constitution into disrepute with the people of this country, I could not help but think of an instance I remembered from away back yonder in the days of my youth when I used to read the Scriptures more than I do now. I want to read it here now. This has reference to the time when Paul was in Asia, and had preached over there, and his preaching had caused the people of that country to quit worshipping idols. Here is the Biblical account of it:

For a certain man named Demetrius, a silversmith, which made silver shrines for Diana, brought no small gain unto the craftsmen;

Whom he called together with the workmen of like occupation, and said, Sirs, ye know that by this craft we have our wealth.

Moreover ye see and hear, that not alone at Ephesus, but almost throughout all Asia, this Paul hath persuaded and turned away much people, saying that they be no gods, which are made by hand:

So that not only this our craft is in danger to be set at nought, but also that the temple of the great goddess Diana should be despised, and her magnificence should be destroyed, whom all Asia and the world worshippeth.

And when they heard these sayings, they were full of wrath, and cried out, saying, Great is Diana of the Ephesians.

And the whole city was filled with confusion—

And so on.

The adoption of the amendment to the Constitution, complained of by the Senator from New York, interfered with the business of those engaged in this prohibited traffic, as did the preaching of Paul in ancient days with the sale of images of the idol by Demetrius and his fellow craftsmen.

There existed in this country a kind of business that had Government support, a kind of business that had debauched the people of the United States of America; that was entrenched with special privileges; that the people of this country said had existed too long; that such business should be destroyed. The sentiment began to grow in the States, in the counties, in the towns, in the cities, and finally it impressed the Congress of the United States. The people said, "We want the Constitution amended to abolish and destroy this system that has grown up, this special privilege, in which the Government had given the privilege to certain people to debauch with the liquor traffic the other people of the country and call it business. We want it destroyed. We want it destroyed forever, effectually and finally, and it must be done by writing an amendment into the Constitution of our Nation." How did the people proceed to do this?

Sentiment crystallized. It spread and extended throughout the country, and it demanded to be voiced here, and that the opportunity be given for the States to ratify the amendment that should be proposed. They proceeded with the amendment through the Congress of the United States, according to the rules laid down by the Constitution. It came here from these representatives of the people everywhere. Then it was proposed by Congress, two-thirds of the Members voting for it. It was submitted to the States of the Union, and 45 of the 48 States of the Union voted for it overwhelmingly, according to the rules laid down for adopting amendments to the Constitution.

And now the Senator from Connecticut comes upon the floor and says it was in effect a willful interference with the rights of the people of the other States, due to the desire and preference of the South. That is the sort of idea he has about it. The Senator from New York, because the liquor interests' gain has been taken from them, because they have stirred up this confusion or attempted to, because they have attempted to bring the Constitution of the United States into disrepute on account of their gain having been affected, says now you ought to be careful about adopting this proposed amendment lest you increase that sort of feeling, lest you cause it to spread throughout the country. The saloon people and the liquor traffic do not appear to recognize that the world has progressed. They seem to be in the attitude of the man who stood still; and yet they have learned a little, I judge, from the procedure heretofore of people who have been opposed to the traffic.

The other day in Baltimore they attempted to have a great parade, and the papers announced that the antiprohibition committee would regard all keepers of saloons as traitors to the cause who refused to close their saloons during the three or four hours in which the parade was expected to march. They learned that they themselves could not even have a parade and demonstration without closing the saloons, the agencies that all the people have insisted shall be closed for all time.

The Senator from New York thinks we will bring the Constitution into disrepute by adopting an amendment as provided in the Constitution.

The Senator from Alabama [Mr. UNDERWOOD] has offered this amendment, and he has offered it not to improve the condition but in the hope of defeating the resolution. He is an enemy to the cause. He is not in favor of the proposition of permitting women to vote. He makes no concealment of that fact. He

has not been in favor of it. He is not in favor of it now. He offers this amendment to injure the cause and not to help it. Why should his amendment be adopted? No other amendment of the 17 amendments to the Constitution of the United States has ever been submitted to conventions in the States. It has never been attempted to be done before. It is permitted under the Constitution, yes; but it has never been availed of. It has never been done heretofore, and why should it be employed now on this question, and why should it be proposed by an enemy of the resolution and expected to be indorsed by those who are its friends? I say it should not be done.

Is there any reason to fear that in the United States of America in the adoption of this amendment the people will not have a fair expression of their views about it? Women only vote in comparatively a very few States. The men in all the States vote. They vote to elect members of the legislature, they vote to elect Members of Congress, they vote to elect United States Senators, and they will vote yonder upon this proposition of the ratification of this amendment, which is proposed in accordance with the rules laid down for amending the Constitution.

Can you say it is wrong to amend the Constitution according to the rules laid down for the purpose. If all the people of the country can not be trusted to amend the Constitution according to the rules provided in the Constitution, then is it not time that we have no further amendments? Some of these gentlemen, I believe from the arguments they have made, would be willing and think it better for the interest of the country in future that we have no further amendments to the Constitution, that the people can not be trusted to amend their own Constitution in the way they laid down when the Constitution was made for amending and changing it. That seems to be the idea some of them have.

The Senator from Connecticut [Mr. BRANDEGEE] inveighed against the degeneracy of the times. He talked about those ancient Senators of great ability and great courage who stood here and took the same oath that these Senators in these degenerate days take. He said they were courageous, that they were patriotic, that they regarded their oath when it was taken. I do not know whether the Senator thinks he is more loyal and more patriotic and more courageous than the Senators who are supporting this amendment or not. He may be more able, but I will not even make any concession on that point.

That is the condition we are confronted with here to-day. No other amendment to the Constitution has ever been proposed in such a way as it is attempted to propose this. It never has been done. All the legislatures in the States are elected by the people. They are sent to their different assemblies representing their people. They will vote on this question, and if you had a convention and elected these representatives for this particular purpose they would be no more representative of the people than they are now. You are attempting here an innovation, so far as that practice is concerned.

As to what the Senator from South Carolina [Mr. SMITH] has said, the Senator still seems to be in the unreconstructed period. I live in the South. I have lived under the fifteenth amendment since I was born, practically. It is the law of the land, and what is the use in discussing conditions under which it became so? Where is the harm that shall come to us if hereafter as to one-half of our people who have been denied the right to vote we shall utilize their ability and their judgment in the settlement of questions that affect local conditions and affect national interests? There has been, so far as I am concerned, no good reason urged here to-day at all why this amendment should not be adopted. I did not expect to say anything to-day and would not have done so except for those remarks from the Senator from New York [Mr. WADSWORTH] and the Senator from Connecticut [Mr. BRANDEGEE] that provoked it.

Mr. UNDERWOOD. Mr. President, only a few words. I have listened with interest to what the Senator from Arkansas [Mr. KIRBY] has just said. Of course, I am opposed to the pending joint resolution, and have been from the beginning, but that does not affect the question of the amendment to it, as to which is the better way to reflect popular sentiment in its adoption or rejection.

The Senator says that this is an innovation; that he desires to have this amendment adopted along the lines of the Constitution. It is no more an innovation if my amendment is adopted than the joint resolution would be as it stands as originally drafted, because the Constitution itself provides two modes of ratification, and it is left entirely optional with the Congress as to which mode shall be adopted. The Congress can determine that it shall go to the legislatures for adoption or the Congress can determine that State conventions called for this

sole purpose shall pass upon the ratification or the rejection of the amendment.

The Senator from Arkansas says that this amendment of mine is introduced for the purpose of defeating the joint resolution. That is a very candid confession by one of the proponents of the measure. In itself it could not defeat the measure. There can be no question that every State in the Union would call a convention for the ratification or rejection of the amendment if we adopt this method. More than that, if they did not call it, the Federal Congress could call a convention.

But it narrows itself to this, that if a legislature is elected, this, being one of the issues, may become subordinated in many States to other issues. It may become subordinate to the personal equation of the candidates, and men may be elected to vote on this issue who will not directly reflect the mature judgment of their constituents. But if a convention is called for the sole purpose of ratifying or rejecting this measure, then the delegates to that convention will be merely the instrument of the popular will, as the Electoral College is the instrument of the popular will in the election of a President of the United States. When the Senator advances the argument that the adoption of this amendment would defeat the woman-suffrage amendment he concedes in that moment that the popular sentiment in the States is not for the Susan B. Anthony amendment, and that the proponents of the measure dare not submit it to the popular will of the people of America.

Mr. REED. Mr. President, I simply want to add a word in connection with the statement just made by the Senator from Alabama [Mr. UNDERWOOD]. We are already informed through the press that the purpose has taken shape of immediately convening legislatures in extraordinary session to ratify this amendment. Those legislatures were not elected upon the issue of suffrage or nonsuffrage; they were elected upon totally different issues; and now it is proposed that men who were not selected by the people for the purpose of passing upon this issue shall pass upon it before the people even have the opportunity to again elect a legislature.

Mr. KIRBY. Mr. President—

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

Mr. REED. I yield to the Senator.

Mr. KIRBY. The Senator suggests that there is a purpose to call the legislatures of the different States to get immediate ratification. Where does the Senator get any such idea? Where is there anything upon which to base such a statement as a fact?

Mr. REED. I will answer the Senator. I have already stated it, if the Senator had been listening. I said it had been repeatedly stated in the press that that is the purpose of the leaders of this movement. I have seen what professed to be quotations by those who have been leaders of the movement. I have generally found that the newspapers have been pretty able to prognosticate the movements to a reasonable extent in the future of the suffrage program. I have just been informed by a citizen of the State of Texas that two of the great papers of Texas are already advocating the calling of the legislature in extraordinary session for the purpose of ratifying this amendment, although the State of Texas by popular vote held within the last few days has defeated suffrage, I understand, the majority amounting to nearly 30,000.

So we may as well understand that it is the purpose of the proponents of this measure to do everything within their power to keep from submitting it in any way to the popular will and to obtain ratification in any manner possible. I expect to hear all of these proponents within the next few months loudly proclaiming their belief in the doctrine that the great people of the country shall in all respects rule. I wish they could bring themselves to an adherence to that doctrine to-day.

The amendment which is proposed by the Senator from Alabama [Mr. UNDERWOOD] does give the people of the States, at least, the opportunity to have a vote on the selection of men to constitute the members of the convention. It will not work necessarily any delay, unless the delay is merely the vote to be attained by the extraordinary methods I have spoken of; that is, extra sessions of the legislatures called to ratify, the members of those legislatures having been elected for entirely different purposes. Why is it that men who claim to be in favor of government by the popular will are not willing to accept this amendment which will afford the people some chance to express themselves? It seems to me there ought to be some Senators here, even from the suffrage States, who are willing to let the people of the States of this Union have the opportunity to cast a vote at least for delegates to a convention that will debate and consider this important amendment to the Constitution.

Mr. KING. Mr. President, will the Senator yield to me?  
The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I yield.

Mr. KING. I have not been privileged to hear all of the debate upon the resolution under discussion, and the question I am about to ask may have been fully answered in the debate. The question which I desire to submit to the Senator is this: Is there any valid reason why the question of amending the Constitution of the United States, as contemplated in the resolution now before the Senate, should not be submitted to a vote of the people of the States? For myself, if the Constitution is to be amended, I see no reason for denying the people the right to vote upon the proposed amendment. There is no question but what the proposed amendment to the Constitution materially changes the framework of our organic law and commits to the Federal Government authority which now belongs to the States. The proposed amendment is a limitation upon the powers and rights of the States, and likewise is a restriction upon the rights of the people within the States. To deprive them and the sovereign States in which they reside of rights now enjoyed by the States and the people is a very serious matter. If I may be pardoned for further occupying the time of the Senator, I would like to state, because I do not intend to discuss this question, that I can not bring my judgment to approve of the plan to amend the Constitution of the United States to grant woman suffrage through the Federal Government. While I have for many years been a believer in woman suffrage, and earnestly advocated within my State the right of women to vote, and urged that in the State constitution they should have the same political rights as men, I have always entertained the view that the question was one for the States to determine for themselves. This has been the view of all Democrats and those who believed in our form of government: The proposition now is to overturn the principles held sacred for so many years, and to further trench upon the prerogatives of the States and the reserved rights of the people. Under our form of Government the States alone have the right to determine the qualifications of electors. If States may not ordain their own constitutions and determine their own domestic and internal affairs, this Republic will soon be destroyed. We often speak of the "sovereign States of the Union," and the Supreme Court of the United States has referred to the States as "indestructible." One of the indispensable attributes of State sovereignty is the power to determine who shall hold office within the State. An elector is an official, and therefore an elector holds an office within the State. To deprive the States of the right to say who shall vote and who shall hold office is an abridgment of the rights of the State. It seems to me that this proposed amendment is along the lines of centralization, which, if persisted in, will lead to disastrous consequences. However, I am in the unfortunate situation of being unable to vote in harmony with my convictions. I represent, in part, a sovereign State; and the mandate of my party and the people of my State requires that I vote for the submission of an amendment to the Constitution providing for woman suffrage. It is a matter of sincere regret to me that I am compelled to support a proposition by my vote which is so repugnant to my conceptions of the rights of the States, and, indeed, the rights of the people themselves, and which will prove to be a dangerous precedent and a continuing menace to the peace and welfare of this Nation. However, I rose merely to propound the question which I have submitted to the Senator, and not to argue the question so ably discussed by the Senator from Missouri.

Mr. REED. The only reason I have heard was the one advanced by the Senator from Arkansas [Mr. KIRBY], who, as I understood him—

Mr. KIRBY. I should like to ask the Senator from Missouri a question.

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

Mr. REED. I was trying—

Mr. KIRBY. The Senator stated he could not understand why the proponents of this measure insisted on the amendment being adopted regularly, as all other amendments to the Constitution have been adopted.

Mr. REED. I did not make any such statement.

Mr. KIRBY. The Senator made a statement practically to that effect.

Mr. REED. No; I did not make any such statement in effect.

Mr. KIRBY. The question I want to ask is, Is it not a fact that all of the other 17 amendments to the Constitution have been adopted by being submitted to the State legislatures? Is it not true that a single amendment has never been proposed

otherwise? If that is true—and it is—then why does the Senator wish to oppose it in this case and insist on an innovation?

Mr. REED. Now, Mr. President—

Mr. STANLEY. Mr. President—

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

Mr. REED. I yield.

Mr. STANLEY. I shall vote for the amendment to the Constitution permitting women to vote. I do not think, however, that the statement of the Senator from Arkansas [Mr. KIRBY] is entirely warranted—that it necessarily follows that I shall vote to deprive the people of my State or of any other State of the right to express their opinion on the subject. I shall therefore vote for the amendment proposed by the Senator from Alabama [Mr. UNDERWOOD].

Mr. REED. Mr. President, there are now pending two questions which have been propounded to me. I want to answer them in the order in which they were asked. The question was propounded by the Senator from Utah [Mr. KING] what reason has been advanced for denying to the people of the States an opportunity to express their desires with reference to this amendment? In answering that I have to say that the only reason I have heard advanced—but I have not been here during the entire debate—was the one brought forward by the Senator from Arkansas [Mr. KIRBY], which was that it would work delay, and his further reason that the method now proposed to be pursued is the method that has been pursued in adopting all other constitutional amendments.

The other questions propounded to me were those just asked by the Senator from Arkansas, which embraced the idea I have already expressed as coming from him, namely, Is it not true that all other amendments to the Constitution have been submitted in the same manner in which it is proposed to submit this pending amendment? All of the late amendments to the Constitution have been so submitted; but whether always that has been the rule I am not prepared to say. I confess to some little embarrassment when I must say that I can not answer with certainty.

Mr. KIRBY. They all have been.

Mr. REED. I think they all have been.

Now, Mr. President, the Senator asked me a third question—Why should there be a different method followed here?

Mr. WALSH of Montana. Mr. President, before the Senator leaves that point will he yield to me?

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

Mr. REED. I yield.

Mr. WALSH of Montana. I want to say to the Senator from Missouri that we have been admonished by him and by other Senators to remember the teachings of the fathers and to guide and govern our actions by their practices and their teachings. Immediately upon the adoption of the Constitution there were at least 10 amendments submitted when the method was new. Those amendments might very properly have been submitted to a convention called in each State, for there was a large number of them; but my recollection is that the fathers chose the other system. We have followed that system invariably down to this time. Does not the Senator think that that is a good reason why we should continue to do so?

Mr. REED. Well, Mr. President, first let me answer the Senator's statement. I have frequently said in this Chamber that I have great regard for the wisdom of the framers of our Constitution and that I did not believe that those policies of government which they had inaugurated and under which we had lived and by virtue of which we have become the greatest nation of the world ought to be disregarded and treated lightly or set aside without mature deliberation, and all of that I reaffirm. But as to questions of policy of government, such questions as the Monroe doctrine, such questions as the United States keeping herself free from entangling alliances, to all of these ancient doctrines my distinguished friend and those who are with him have turned aside their faces. Now, the Senator comes to me and asks me, on a mere matter of procedure, not a matter involving the principle itself, that we should be bound by the procedure they took.

Mr. WALSH of Montana. Mr. President—

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

Mr. REED. I do.

Mr. WALSH of Montana. I do not understand that that is the position taken by the Senator from Missouri. I understand his argument is that it is a fundamental right of the people of the States in a referendum to decide this matter, rather than that it should be decided by the legislatures of the States. I

do not understand that the Senator has heretofore argued that this is a mere matter of choice between two procedures. I understand his argument to be that it is a question of substantive right of the people to pass upon these questions. I called his attention to the fact that we are pursuing the policy that was pursued by the fathers, for obviously they thought it was the better policy. Now, the Senator seems to think that at the present time, at least, the policy of the fathers is not the one we ought to follow.

Mr. REED. Oh, I do not think anything of the sort in the sense that the Senator puts it. There are really two questions presented here: One is, Shall the people of the States be deprived of the right, which they have reserved in their constitutions, to determine the qualifications of the voters of their respective States—shall that right be taken away from them by a Federal amendment? Upon that I answer that it ought not to be taken away, first, because to take it away is violative of the very genius of our dual system of government, a government by independent States and by a central nation at the same time. Upon that we have the wisdom of the fathers, for they so wrote the law. We have the experience of the country and we have the principle of government that the people of every State ought to have the power to name their own electorate, especially when that electorate is voting only on local affairs, and that when the Federal Government comes in, contrary to the wisdom of the fathers—to which the Senator from Montana now appeals for the first time in many months and which he has been assiduously denying all along—and proposes to deprive the people of the States of the right they have reserved in their constitutions to themselves to change the qualification of voters, that is an impingement and an impairment of the very structure of our Government. Now, that is the first question. But when you come to the question how that Constitution shall be amended, the particular form to be followed is a matter of procedure and is not a matter of principle, except that you may follow a procedure which will be calculated to deny the people a right or calculated to extend to them a right.

It is true, I believe, that in the past we have followed the method of submission to the legislatures, but it is also true that when the fathers wrote the Constitution they provided two methods.

Mr. WALSH of Montana. Mr. President, I am calling the attention of the Senator to the fact that, when they were called upon to make a choice between the two methods, they chose the one we propose to follow while you propose another one.

Mr. REED. They proposed two methods.

Mr. WALSH of Montana. Yes; but when they were obliged to make a choice between the two methods, they chose the one that you propose to cast aside.

Mr. REED. They proposed two methods, and when they came to submit their amendments it is true they submitted those amendments to the legislatures of the States. Very well; let the precedent stand for whatever value there is to it; but let me call attention to the difference in conditions. In those days the smaller population all over the country, the fact that every man was closer to the public questions of the day, the fact that every one of these questions had been discussed for years and that the principles of government which were involved in the constitutional amendments upon which the vote was about to be taken had been the subject of debate, and political alignments had been made, so that a legislature elected might be well said to go there instructed and with a full understanding of what the people wanted, may have been very great factors in determining the question.

Mr. WALSH of Montana. Mr. President, I think the Senator is quite right about that. The very subject before us, however, has been debated before the people of this country for 75 years or more.

Mr. REED. Now, I will answer that. The very subject before us has been debated by the people of the United States—by a few of the people of the United States—for a good while; it has been debated by a few agitators—

Mr. WALSH of Montana. Does not the Senator think that as many have participated in that debate as participated in the debate of the fundamental principles expressed in the first 10 amendments to the Constitution?

Mr. REED. Not in the same proportion, nor anything like it. I will tell you how the debate has been conducted in my State. I know something about what has gone on there. It has been the subject of laughter and jest more than of any serious consideration. Ladies have come, as I said the other day, and asked to address audiences that were called together by Democrats or Republicans. They have been accorded the platform and have spoken their little piece, bowed themselves out, and the business of the evening went on. Nobody regarded it in a

very serious way. We had a vote on it. There was not any debate during that campaign on woman suffrage, except on one side. Some of the ladies turned out and spoke for it. I believe I state the truth when I say that the great mass of the women of Missouri were totally indifferent to it, and when they got through the people voted it down by 140,000 majority.

In the days when the Constitution was first amended, when the Bill of Rights was added, when Thomas Jefferson was gathering in his two hands, figuratively speaking, the lovers of human liberty and molding them into a tremendous force for the perpetuation of liberty, the burning issues of liberty were flaming in the hearts of all the people.

Mr. WALSH of Montana. And he submitted them to the legislatures of the States.

Mr. REED. Yes; he submitted them to the legislatures. Take the full benefit of that. Now, I am going to show you a reason that ought to appeal—and would appeal to anybody but a suffragist—why this ought to be distinguished from the ordinary method of submission. Several States of the Union had the original right to fix the qualifications of their voters, and they proceeded in nearly every instance to write those qualifications into their constitutions. They did so for the purpose of depriving the legislatures of any power or right ever to change those qualifications. Now it is proposed to take an action by which three-fourths of the States of the Union may change the fundamental law of this country so as to change the qualifications of the voters of a State against the will of the people of that State. Upon such a question as that, where the people have reserved to themselves in their constitution the right to fix the qualifications, the least that this body can do is to preserve to the people in the form and manner of submission the right to express their opinions. That is what distinguishes this amendment from every other amendment, and the line of demarcation and of distinction is so plain that any man, except a suffragist, can see it; and a suffragist can see it, but will not admit it. That is the reason.

I will take a concrete case. I went over it yesterday, but I venture to repeat it in substance. My own State, with 3,500,000 people, has an electorate of many hundred thousand. Those people have written a constitution and said, "We will not again change the qualifications of voters; the legislature shall not do it." Now, we propose to say to those people, "The legislature shall or may do it; and not only your legislature, but, if your legislature should vote against it, the legislatures of other States can change the qualifications of the voter, which you expressly reserved to yourselves." We ask at least that you give our people in some manner and form the opportunity to vote on this amendment; that if you pass it you will at least give us the privilege of having an election and of selecting our delegates to a convention to pass upon this particular question, and to that extent you will save to them a portion of the rights they sought to reserve in their constitution. Why is not that fair? Why is not that reasonable, and why should not Democrats here grant it?

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

Mr. REED. I am quite content to stop, but I will yield to the Senator.

Mr. KING. Apropos of the discussion which was provoked by the statement of the Senator from Arkansas [Mr. KIRBY], with respect to the manner of submitting the first 10 amendments and other amendments, my recollection of the historical circumstances attending the first 10 amendments is this: Patrick Henry, particularly, and some other Virginians, tendered some 13 or 14 amendments to the Constitution of the United States, 10 of which constitute the first 10 amendments to that instrument. Those amendments were submitted to the people for discussion, and were earnestly discussed from the North to the South, many of those who were afterwards followers of Hamilton and the Federalist Party opposing the amendments and the followers of Mr. Jefferson and others supporting them. The legislatures chosen to pass upon the amendments were selected with reference to their views upon the amendments, so that in effect they constituted conventions selected by the people to vote upon the ratification of the amendments. The same can be said with respect to the eleventh amendment; the same can be said with respect to the fourteenth and fifteenth amendments, because they were live issues; they were presented to the people, all eyes were focused upon the same, and the members of the legislatures were largely, if not entirely, selected because of their support of or their opposition to those amendments.

Now, with respect to the legislatures that are at present in existence, some of which have been recently elected and some of which were elected two years ago, with half of the Senators

holding over for four years—many of them were selected with reference to local issues, with reference to questions not involving woman suffrage at all; so that in submitting to the legislatures in many of the States the proposed amendment it will be found that a portion or all of their members were elected upon other issues. The question of amending the Constitution of the United States, as contemplated in the resolution under consideration, was not an issue when they were elected, and they were chosen without reference to their views upon this question.

Mr. REED. I thank the Senator for his statement; it is very clear. That is not all, Mr. President. In ordinary elections in the States, when there is no matter of special importance, it is frequently the case that you have great difficulty in getting anybody to go to the legislature who amounts to very much. I do not think that I would be guilty of a breach of courtesy even if I stated the plain fact that there have been times in this country when a man who was a member of the legislature of some State would apologize when he announced the fact; and, as was said the other day, it was because legislatures were so susceptible to influence, because so many scandals broke out in them, that the important matter of the election of United States Senators was taken away from the legislatures altogether. In the Senator's own State of Montana one conspicuous case arose in which I know that the Senator and his colleague took a distinguished part in favor of purity and decency; but it was one of those cases that contributed materially to the sentiment in favor of a direct vote of the people. I do not know whether we improved the personnel of the Senate; I do not know, if we keep on having these expensive elections, whether we will have improved the moral tone of the method of election. That is a question to be determined in the future.

Mr. President, there are some Senators here from the South. I want to talk to them for a minute, not on the lines pursued by my friend Mr. SMITH this morning. I leave that argument to Senators from distinctly Southern States. Missouri is in the twilight zone, in a way, between the North and the South. We have the virtues of both, and the vices of neither. I do not know in how many Southern States this question has been submitted to a popular vote in any form. It has just been submitted in Texas, the great Empire State of the Southwest, that came into this country as an organized and independent government, that has always proudly asserted its independence as a State, and whose people have always justly exhibited a pride in their great Commonwealth. The people have just voted in that State, and in a very decisive vote have repudiated woman suffrage. Now the Senators from that State, both of whom I esteem very highly, have this question to answer by their vote on this amendment; and I hope they will understand that I am not trying to make this unpleasantly personal, because that is not my object.

This is the question: Would you now cast a vote the effect of which may be, so far as Texas is concerned, to have the present legislature, elected upon a different issue, convened and have it declare for the ratification of this amendment, in the face of the decision of the people at the election just held? Or will you, at least, say this to the people of Texas, "While I voted to submit this proposed amendment to the Constitution, I also voted for the Underwood amendment, which reserved to the people of the State of Texas the right to elect delegates to a convention and to give them the instructions of the people of Texas"?

That is the question that is presented there. Of course Senators will answer that as they ought to answer it.

Mr. WALSH of Montana. Mr. President—

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

Mr. REED. Oh, yes; I yield.

Mr. WALSH of Montana. Before the Senator takes his seat, a very interesting question was precipitated yesterday by the discussion of the Senator from Alabama [Mr. UNDERWOOD] in respect to which I should like to have the views of the Senator from Missouri. If this amendment should prevail, what is the Senator's view as to the machinery for conducting the election under which the delegates to the conventions in the various States should be selected? Is it his view that it should be provided by the State legislatures, or that Congress should provide it?

Mr. REED. Mr. President, will the Senator permit me to answer that question in a moment, and let me pursue for the present the theme I was on?

Mr. WALSH of Montana. Certainly.

Mr. REED. I shall be very glad then to answer it; and if I start to take my seat without answering it, I hope somebody will call my attention to it, because I think the answer is very simple, plain, and easy.

Now I address myself to other Members from Southern States.

We all know that it has been the commonly understood situation that in the South the women have not desired the right of suffrage and that the sentiment has been strongly against suffrage. There have been more reasons than one for that. One of those reasons undoubtedly arises out of the race question. Another reason is probably found in the fact that for the most part the ladies of the South are intensely wedded to their home life, and are but little inclined to thrust themselves into public affairs; and I think I can say, without at all disparaging the women of other parts of the country, that at least it is true that one of the most glorious types of womanhood that ever beautified and rendered sweet and lovely this old earth is the women of the South. Down in the South you have taught State rights—a doctrine which was originally fundamentally right, if properly understood, but to which I have always thought the South gave too extreme a construction, that resulted in the endeavor of the South to withdraw from the Union, for I do not believe that right ever existed; but I do say, as I ought to say in passing, that the man who would harshly judge the South to-day for the position that it took would be a most ungenerous man.

The doctrine that the State of Georgia or the State of Mississippi or the State of South Carolina was a little republic in itself, whose people controlled its own affairs, and which in all local matters was a sovereign, with only the limitation that certain rights that had been yielded to the Federal Government should, of course, be subtracted from the sum total of the powers that the State otherwise would have had as a complete sovereignty—that doctrine was a splendid doctrine. It has been close to the hearts of the people of the South. It has, sir, been very close to the hearts of all men who have understood the dangers of centralized government. How can men from the South be found who will vote to take away the very thing that constitutes the control of the destiny of every State, that thing being the electorate itself? How can you, who have sought to retain as large a measure of power and control in your own States as possible, go back to your people and justify this surrender of that right which lies at the very foundation of all your rights, and which, when legislation follows, may be found to constitute the means by which the entire election machinery of your State will go into the hands of Federal agents?

We might just as well look this question in the face. When politics run high, as they will again, and when passion rides in its chariots of fire across this land, as it will again, and when the clamors go up from the dark sisters of the South that they are not being permitted to vote, and the sisters of the North who belong to the political party that feels that it is losing votes down South get aroused, I want to say to you, Senators, you are very likely to get some legislation compared with which the force bill will be a gentle and merely persuasive measure. So I say that men of the South ought at least to give their people a chance to vote on this question.

There was something said here in the argument to-day—and I am occupying the floor when I did not expect to stand here more than a moment—to which I want to allude, because of the fact that people of the different parts of this country know their own affairs, and that they may be misled by judging the entire country by the conditions of their own States or people.

I readily confess—I not only readily confess, but I gladly insist—that the people of the State of Montana, with its not very large population, with its boundless opportunities, its undeveloped resources, may properly decide a question in favor of women voting, when under the conditions in other States it might be highly unwise. I know—any man who has visited the great West knows—that the people of these Western States that are sparsely settled are closer to their government and know more about their public men and public affairs than the people of the great congested States. An entirely different proposition is presented. I do not know what the vote of Nevada is to-day, but, if I recall aright, a few years ago, when I was serving on the executive committee of the national committee, I think they had a total vote of about 25,000 in the State. That vote is not as large as the votes of some wards of some cities.

In a population of that kind, if a man is a candidate for Senator or governor, every man, woman, and child in the State knows him and knows all about him. It is an intimate and close relationship that exists. They know his public life; they know his private character; and not only the men, women, and children know him, but every well-bred dog recognizes him. So I sometimes think that it is a greater compliment to be elected from one of those States than it is to be elected from a great, big State, where they do not know the men so well.

The women in those Western States, with their environment and their surroundings, are closer to public affairs than they

are in the great, congested centers. I suppose there is not a lady of any intelligence in the State of New Mexico who does not know all about the distinguished Senators from that State. They know about their past and their present and, as nearly as anything human can judge, they know about what their future is going to be. They know who are the members of the legislature. They know the questions that are arising out there that affect them and affect their State. They have all been talked over. I do not mean to say that they have not anything else to do, but the life of the whole State is close to them.

Let us take New York City. I do not pick it out as a place of ignorance, but as a place of great numbers. The average lady in New York City does not know her Congressman or what his name is. There are a good many men who do not know. A good many hardly know where the capital of their State is, and they are not intensely ignorant at that. The problem is afar off. There are too many theaters and moving pictures and cabarets, and there are too many matters of interest happening every day, tens of thousands of events where there is one happening out in these Western States; and that is not a disparagement of the Western States. Nobody ever heard me disparage the Western States. If I had my life to live over again, I would rather go in a place like that than in any other place in the world. So that it is so outrageously unjust for the people of one State to try to force a law upon the people of another State.

What right have I as a citizen of Missouri, or what right have the people of Missouri, or what right has the Legislature of Missouri, to say who shall vote in the sovereign State of Texas, when the people of Texas by their vote have just decided that question? And what right has Texas to say who shall vote in Missouri, when the people of Missouri are capable of deciding that question for themselves, and have decided it in recent years? What right have I to go down into Mississippi—a State where I have never had the privilege of visiting, but a State which I respect, and whose people I respect—and try to tell those people down there whom they ought to allow to vote? What right have I to insist that the question shall be submitted to a legislature composed in most of the States of the Union, when they are picked up at ordinary by-elections, of men who have very little to do, and who are sent to the legislature to fill out a ticket?

Why, I tell you, sirs, that I have attended many political conventions in my State—and I cite it because it is as good a State as there is anywhere—and I have attended many political conventions where, when we got through making up the rest of the ticket, we would have to canvass the convention to find men who would let us put their names on the ticket for the legislature. Now, why not give the people of these States a chance to elect delegates to a convention, at least? Why not give to the people of the State of Texas the right, before their privilege of fixing the qualifications of their voters shall be taken away from them, at least the right to express their opinions through delegates elected by the people and sent to a convention? How can any man justify a denial of that?

The Senator from Montana [Mr. WALSH] asked me a question, which was—

Mr. WALSH of Montana. Mr. President, let me remark that the Senator apparently felt that I was endeavoring to ask him a hard question. I am sure that it was a very easy one for the Senator to answer. I did not intend to put it as a poser to the Senator at all.

Mr. REED. Oh, I know the Senator did not, and I did not mean to make any reply that would give the impression that the Senator had. I am unfortunate when I talk in doing it in a sort of a brutal way, I guess. I do not mean it.

My opinion is that the problem is very easy of solution. All that is necessary in the world is for the legislatures of the various States, when they meet, to pass a simple statute providing for the selection of delegates to a convention, to be held at a certain time, to consider and pass upon the amendment. That machinery may be easily called into play by simply employing the ordinary machinery of elections for the purpose of taking the ballot. Of course, I would say, as a matter of preference, just my opinion that comes to me on my feet, that probably could be done best at some general election when the people would turn out.

Mr. WALSH of Montana. Exactly.

Mr. REED. But, of course, the elections could be held before that, if the legislatures of the States should meet in time, or, if we are to have extra sessions, they could be convened for that purpose as well as the other.

Mr. WALSH of Montana. Of course, the legislature could or could not call a convention, as it saw fit.

Mr. REED. Yes.

Mr. WALSH of Montana. And, of course, legislatures that were against woman suffrage would not call a convention.

Mr. REED. I do not think that would follow.

Mr. WALSH of Montana. That would be the natural political tendency, would it not?

Mr. REED. I would not say so. I do not think that would follow.

Mr. WALSH of Montana. Is it not a fact that it would result, first, in a contest before the legislature over the question as to whether a convention should be called, then a contest would occur before the people over the election of delegates to the convention, and finally a contest would ensue before the convention as to whether it should be adopted or not; and does it not mean there would be three fights over this matter, and that is the reason why the Senator desires to pursue that method?

Mr. REED. No; that is not the reason, not as the Senator puts it. It is true there might be a contest as to whether the convention should be called, but if there was any large sentiment in favor of the proposition I have not the slightest doubt of its being called even by a legislature that upon a vote on the main question might be against it, and for this reason—

Mr. WALSH of Montana. But, Mr. President—

Mr. REED. Permit me to complete the sentence. The argument that the people have the right to express their opinion, and this is a means provided for the expression of that opinion, would be a very potential argument.

Mr. WALSH of Montana. I agree with the Senator, but he will bear in mind that is exactly what we are now asking and what he is resisting.

Mr. REED. Oh, no.

Mr. WALSH of Montana. We are asking that the people be given an opportunity, and he is objecting even to the submission of it. If he were a member of the Legislature of the State of Missouri, how could he consistently, with his record here, vote to call a convention?

Mr. REED. The Senator does not state my position with the fairness he usually manifests. You are not asking that the people be given a chance to vote. You are asking that the legislatures be given a chance to vote, and we, by this amendment, are asking that the people should be given a chance to vote.

Mr. WALSH of Montana. I should like to ask the Senator just one further question. If this joint resolution had been originally introduced with a proposition to submit it to conventions called in each of the States, would the Senator have voted for it?

Mr. REED. I would have declined to vote for it and for the reason—

Mr. WALSH of Montana. Exactly.

Mr. REED. I say it is a question that belongs exclusively to the people of each State. That is well known to be my position. But if I was a member of my State legislature and the question was presented as to whether the people of the State should have the right to vote on suffrage, and there was any considerable sentiment in favor of it, I would vote to give the people a chance to have that vote and decide that question. Now, I follow the Senator along in his objection. I do not think there would be any difficulty in getting the legislature to pass a law for submission; at least, there would not be any difficulty if there was any considerable sentiment in favor of the measure. At least there would be no difficulty in getting a convention called by any legislature that would ratify this amendment.

Mr. WALSH of Montana. I agree with the Senator.

Mr. REED. Therefore you will not lose an hour or a second there.

Mr. WALSH of Montana. The question would be presented in exactly the same way. Those legislatures that are in favor of the amendment would call conventions, and those that were against it would not call the convention.

Mr. REED. Very well. If you had three-fourths of the legislatures of the States in favor of suffrage, you would get your conventions in three-fourths of the States.

Mr. WALSH of Montana. Exactly.

Mr. REED. And if you did not have three-fourths of the legislatures or could not get them ultimately, you never could pass your amendment.

Mr. WALSH of Montana. Exactly, and you would have three fights to make instead of one.

Mr. REED. Let us discuss the fights as a separate proposition. The point I am making now is that there is no foundation whatever in your claim that you would be delayed because the legislatures would not act by calling the conventions, because every legislature that would vote for suffrage, that would

vote to ratify this amendment outright, would certainly vote to call a convention. So you do not lose a minute. You do have to go and ask the legislatures to cast that vote, and if you do, that affords a little time while that law is being passed, and it may be passed at any session of the legislature for the people to discuss and understand the question.

There would be a little delay in calling this convention. How much delay? Just enough delay so that there could be fair discussion by the people. Do you want this thing or do you not want it? Do you want to change your fundamental law or do you want to retain it as it is? Before you change a fundamental law that has been a part of the Constitution of the United States since the foundation of the Government, that has been engraven in the constitutions of the several States from the first, there ought to be a little period of discussion when the people have that issue segregated out and presented to them sharply for their consideration, and two months' time or three months' time and a debate before the people will do no harm.

There would be three fights, says the Senator. There never ought to be a change in the fundamental laws of this country without discussion, and that is what the Senator means by a fight. If this measure is so sacred and so holy and if it carries so much of good as is contended, then the proponents of it can well afford to argue its blessings to their people and let their people become wise and advised.

Now, we have elected a convention of delegates. We have proceeded to that point. How much time does it take for them to act? Just a reasonable time to debate and discuss this one question and vote upon it. Such a convention as that ought to meet, organize, debate the proposition, and adjourn in less than five days' time. Probably if there was a decisive vote it would meet, organize, and adjourn on the same day. So there is nothing in the claim that this works an endless delay. The truth is that those who stand here crying for suffrage in the name of democracy are afraid to submit this question to a general vote. They are fleeing from a general vote. Those who stand here pronouncing encomiums upon the rights of the citizens of the Republic to vote regardless of sex are trying to deny the right to vote to the great electorate of this country upon this important question. There is no escape from that. That is all there is in it. The thing we are appealing for now is that the people shall have the right to vote at least to the extent that is provided by the Underwood amendment. How can you deny it to us?

I know some people think this is a political question that ought to be settled so that we can play a little politics. Witness the ambitious rivalry of Democratic and Republican leaders. Democrats got together in the last days of the last session saying if we do not put this through the Republicans will put it through at the next session. So we will put it through regardless of the merits, in order that we may get the votes of the women.

Mr. PHELAN. Mr. President—

Mr. REED. And when this session is convened, behold the spectacle! Before the new committees were organized the Democratic chairman rushed forward with this bill, without a report from a committee, standing here like another Ajax, not defying but inviting the lightning, and declaring "here is the Democratic Party ready to give you suffrage," all in the hope of getting the votes of the women.

Then upon the other side there is the little filibustering tactics to delay action by the Democrats, so that committees may be organized and the Republicans can bring in the bill and they can coddle the ladies and deceive them by the ardor of their advances. Although there is business of the most pressing character, and although appeal after appeal has come for hearings, they have set aside all that, and the manly form of the Senator from Indiana [Mr. WATSON], stretched to its fullest height, is visible upon the floor demanding instantaneous action, by attitude and manner at least declaring to all these ladies, "behold, I alone am the true lover of women. The Republican Party has always opened its hearts and its arms and its embraces to your cause, and we are the real champions of this measure."

Why this performance? For the cheap clap-trap political purpose of trying to get some votes, not because of the merits of the case. Let me tell these valorous and knightly gentlemen upon both side that they reckon without the intelligence of women. If the women of this country are fit to exercise the sacred privilege of citizenship and voting then they will never vote the Democratic ticket or the Republican ticket because of the performances of either of these champions of their cause. They will see and have seen through the thin veneer of your pretenses and have understood your motives from the first, and know as well what you are up to as your wife knows when you

tell her you are going down town on business and she knows you are going for a game of poker. [Laughter.] Well, looking for a game of pinochle, then.

It may be that women are not by reason of mental attitude, not from lack of mentality, as well qualified for suffrage as men, but when it comes to the question of knowing what you are up to and seeing clear through you, they can see through the little shams and pretenses of a man in the dark of the moon without a star shining when you could not see through them if you had a microscope that magnified a thousand times. They know exactly what you are trying to do here to-day. They understand all about it, and in their hearts they despise you for it, and they play upon you one against the other just as women have played with foolish men since Eve and Adam met in the Garden of Eden.

How thrilling it was yesterday when the Senator from Indiana [Mr. WATSON], standing at his full height and speaking in a round rich tone, said as he waved his finger in the air in true dramatic style, "I shall insist that the Senate remain in session to-morrow until this great measure is passed." Did he see the women flocking to the polls in Indiana and demanding ballots for Watson for anything he wanted? But I warn him that the women in Indiana if they come to vote will have "other fish to fry," and other attachments to follow, and other questions to determine. The glorious vision of yesterday will have departed from their recollection. The inspiring scene will be lost in the limbo of time, the days of forgetfulness will have covered the great event, and in the silence of the grave it will be lost with many other celebrated and wonderful events.

You Democrats who talked about initiative and referendum; who went up and down your States declaring that it was the God-given right of the American citizen to cast a vote on every question; who insisted that legislatures acted so improvidently and so thoughtlessly that it was not safe to trust them with the final enactment of a law; who declared that in every instance the people of the State should have the right to demand a reference to them of every act passed by the legislature; and who, when you secured the enactment of such a statute in the Western States, impressed upon your people that you had brought to them a new charter of liberty, a new Declaration of Independence, a new and splendid guaranty of the rights of man—we ask you for a referendum of this constitutional question, and we point out the way for that referendum under the Constitution of the United States, and you propose to sit here with your speeches in favor of referendum votes in the one hand and a denial of a referendum vote in the other. How are you going to justify it?

Let me tell you something you will have to reckon with, you gentlemen who are forcing this measure. You will have to reckon with that large class of women who do not want the vote at all, who have never asked for it, who do not want to be equal to men, because they have always held themselves to be superior to men. You have got to reckon with that large class of women who are not so vocal in their desires, who stay by the fireside and in the homes, and who are not taking orders from anybody; who are not repudiating old policies because they are told to do so. I venture the prediction that, whereas you may gain somewhat of the force of some who may advocate this cause, you may lose some on the other side.

Why not let the voters in the States have a vote on it? Texas has just voted. Why not let her have another vote? My State voted three years ago. I am willing to have a vote to-morrow; and if the people of the State of Missouri vote for woman suffrage, it is all right with me. So far as I am concerned, I do not think I would lift my voice about it. We ask for a referendum vote. I want to keep on repeating it to you referendum men who insist that the people have a right to a referendum vote on everything: What are you going to say when we ask for a mere referendum vote? Consistency is a rare jewel. I would like to see that jewel set firmly in the crown of glory and greatness that adorns the brows of some of my distinguished Democratic initiative and referendum friends.

Mr. ASHURST. Will the Senator kindly yield to me for a moment?

Mr. REED. I will.

Mr. ASHURST. I merely wish to say that my view of the situation is that jewelry is vulgar.

Mr. REED. That depends entirely on who wears it and how it is worn. Of course, a diamond on a dirty shirt front does not look well, but I have seen diamonds so worn that they adorned the beauty, while beauty in turn graced them. So I think we might hang jewels all over the distinguished Senator and the jewels and he alike would be more resplendent.

How many States have the initiative and the referendum? Has Iowa a referendum vote? I thought progressive Iowa had all the new things. I know Montana has the referendum vote

and Wyoming has the referendum vote and Texas has the referendum vote. It is impossible that the Senator from Texas [Mr. SHEPPARD] should have overlooked the referendum. Missouri has a referendum vote, and every time the people have voted they have rejected what the legislature did that was submitted to them, that without the least variation or shadow of turning, and I think generally to the benefit of the State. I think California is progressive enough to have the referendum vote.

Mr. PHELAN. Mr. President—

Mr. REED. I will gladly yield to the Senator from California.

Mr. PHELAN. I was about to interrupt the Senator a moment ago, Mr. President, to ask him if it is not true that Congress could provide for the calling of conventions in order to secure an expression from the people of the States. The Senator seemed to assume in his argument, in answer to the Senator from Montana, that it would be necessary for the legislatures to call the conventions.

Mr. REED. I did not so intend. I said it was the way it could be done. I did not mean to say that Congress could not provide it.

Mr. PHELAN. That would defeat your purpose if it was only possible for the legislature to call the convention?

Mr. REED. Oh, no; it would not defeat it.

Mr. PHELAN. You seem to have a poor opinion of the legislatures.

Mr. REED. I have not a very exalted opinion of them. There was a time when men like Patrick Henry and Thomas Jefferson sat in the assemblies of their States, but really and candidly I do not know of anybody of that caliber who is running for the legislature in any State just now.

Mr. PHELAN. The Senator seems to have interrogated me on the question of the referendum. I want to assure him that I am in favor of the referendum and will probably support the amendment offered by the Senator from Alabama. California is the home of the referendum. We have perfect confidence in our people and we consult them; and in this amendment before the Senate I have no question of doubt as to the response which California will make, because it is already a suffrage State. I believe in the principle of the referendum and therefore shall support the amendment.

Mr. REED. I am delighted to find the Senator of that opinion.

Mr. PHELAN. May I be permitted to finish my statement?

Mr. REED. Certainly.

Mr. PHELAN. I wish it were incorporated in the amendment proposed by the Senator from Alabama that Congress should provide for the calling of the conventions. I would not like to leave it to the legislatures, because you first have to secure the legislature before you can secure the convention.

Mr. REED. Would you think, if we may just converse a moment about it, that there would be any question of your legislature in California calling a convention?

Mr. PHELAN. The people instructed our legislature—that is to say, by referendum—against prohibition, and the legislature the other day voted for prohibition. There seems to be no communication between the several parties. [Laughter.]

Mr. REED. So much the more reason then for submitting this question and any other question of importance to the people.

Mr. PHELAN. The people are always right.

Mr. REED. The people are not always right. Of course, they make mistakes, but the people have the right to say. I think we should agree on that, and if the people make a mistake they can correct it.

Mr. MYERS. Mr. President—

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

Mr. REED. I yield to the Senator.

Mr. MYERS. The Senator from Missouri seems to be rather severe on legislatures. Did not the legislature of Missouri once elect the Senator to the United States Senate?

Mr. REED. Is that the end of the question?

Mr. MYERS. No; I have another question. Do you think any better result would have been obtained if there had been a direct vote of the people?

Mr. REED. I will answer both questions. First, the legislature elected me to the Senate after the people had a primary that instructed them to elect me—a State-wide primary, where we had a general vote.

Mr. MYERS. A primary of your party only?

Mr. REED. Yes; a primary of my party held under the law under which every man running on the ticket that I was on would vote for me in the legislature and every Republican would vote for the Republican candidate. I got a majority of the votes of the State, and I likewise got a majority of the votes in the legislature.

The Senator asks me whether a better result could have been obtained if the people had had a direct vote. I can only answer that by saying that the people ratified and confirmed the action of the legislature by afterwards electing me by a direct vote. I do not know but both of them made a mistake. [Laughter.]

I do not claim infallibility for either of them. I do not claim the legislatures always are wrong. I would not be so understood. Many splendid and very patriotic men get into legislatures; very stupid men get into legislatures; many men who act from improper motives get into legislatures. The Senator, along with me, voted to take the right away from the legislatures to elect Members of the Senate. I believe he voted with me on it; I know if he did not he stood with me on it, for legislatures have been found wanting.

Now, I am delighted to find what the Senator from California says, and if I was understood as meaning that Congress could not provide the means, I was misunderstood. I directed myself to the question of the Senator from Montana, and I answered him in part merely and answered otherwise, and thank the Senator for his correction.

Mr. President, if we could get one or two more votes of men who believe in the initiative and referendum, we would be all right here to-day.

Mr. ASHURST. Mr. President, will the Senator pardon me for an interruption?

Mr. REED. Certainly.

Mr. ASHURST. I want to point out to the Senator that, even should the Senate adopt the amendment, it would be of no utility. I think I can demonstrate that to him in a moment. I am not without sympathy for the amendment of the Senator from Alabama, but there is no use to waste time in trying to do that which will not be done. Suppose the Senate should to-day adopt this amendment. It would go to conference, and under the present make-up of the committees of conference the conferees would recede in five minutes from the Senate's amendment, because both the committee of the House and the committee of the Senate are opposed to this amendment or to any other amendment. The Senator from Missouri knows that as well as I know it.

Mr. REED. Well, now the Senator—

Mr. ASHURST. Let me finish.

Mr. REED. Certainly.

Mr. ASHURST. What I say here is as well known as any fact can be to anybody, that both the committees are opposed to any amendment of any character whatever; that the conferees would recede in three minutes; the report would come back to this body; and the conference committee's report would not be rejected, but would be accepted. We would simply have lost a week's time; we would have been fooling ourselves and other people in attempting to do a vain and useless thing.

I repeat, I am not without sympathy for the amendment, but it is of no practical utility whatever to urge it now.

Mr. REED. Has the Senator from Arizona concluded?

Mr. ASHURST. Yes.

Mr. REED. Now, the Senator brings me some information which he says I know as well as he knows it—well, I did not know it. I did not know that the committee of either House of Congress would deliberately betray its instructions.

Mr. ASHURST. Will the Senator pardon me there?

Mr. REED. Let me finish the statement, and then I will yield. Whenever the conferees go out from this body with their minds made up in advance that they will not endeavor to carry out the action of this body, they go out to betray the body—

Mr. ASHURST. Now, will the Senator yield?

Mr. REED. And I am not prepared to say that that is the situation.

Mr. ASHURST. The Senator is uniformly courteous, although at times he uses, as I myself do—I am a very frequent sinner in that regard—a word now and then that has a little sting to it. The conferees on the part of the Senate who would be appointed would not betray the Senate. Conferences are nearly a thousand years old; they go back to the days of the ancient Wite-nagemote. It has been the rule for centuries that when a matter is committed to conferees, when one house passes a bill in one form and the other house passes it in another form, the house that recedes does not betray.

Mr. REED. No; but the man who goes out intending not even to try to carry out the instructions he receives—the Senator has objected to my term, so I will not again use it—goes very far from fulfilling the obligations of his position. I will put it in that way.

Mr. ASHURST. That might be true; but I will ask the Senator if he does not believe that what I have related would be exactly the thing that would take place? If we put this amendment on, does not the Senator believe that that would take place?



Mr. REED. No; I am not prepared to think that, because I think it would be discreditable on the part of the Senate conferees to do a thing of that kind. I would think it very discourteous on the part of the House conferees not to give due and proper and serious consideration to any action of the coordinate legislative branch. To my mind, when the House of Representatives acts it speaks, so far as one branch of the legislature can, for the great American people, for no matter what may have been said, no matter how efforts may have been made to belittle it, it is the branch closest to the people, and it is the only way the great American people have to express their voice, except as they may now and always have had that right in this body.

Therefore, when the House of Representatives meets and, after due deliberation, passes upon a measure and sends it here, I think it is worthy of the most serious consideration, and in any conference I have ever sat upon—though they have not been numerous—I have felt that the representatives of the House of Representatives had the right to be heard, their opinions to be weighed, and I never found them unwilling to hear and to weigh the opinions of the Members of the Senate. Upon the other hand, when this body speaks in the name of the American people, so far as one branch of the legislature can so speak, and when, after debate of days, it adds an amendment of this kind to a measure, I believe, first, that our conferees, as loyal Members of the Senate, will endeavor to have it accepted. I do not see why a question so well grounded in justice as this would not receive the cordial consideration and mayhap the support of the other House. So I hope my friend will at least give us his vote; for, if he does give us his vote, and this matter is treated so summarily that it is disposed of in three minutes, there will be very little time lost, and he will at least have the satisfaction of saying to some of us that he gave the people of our States an opportunity to vote and the people of his own State an opportunity to vote.

Mr. ASHURST. Mr. President, in response to the interrogatory propounded by the Senator as to whether or not I would vote for the amendment, let me say that there is not a man in the Senate Chamber who feels more than do I the necessity for an amendment to the Federal Constitution to sweep away the present archaic, reactionary manner of ratifying and passing on referred amendments. Indeed, Mr. President, as I said the other day, under the present situation 431 men compose Congress; if they were of a mind to do so—they would not do so, I apprehend—but if they were of a mind to do so, they could pass a joint resolution providing for kingly government or for a government directed by the apostles of socialism. Then, 3,500 men composing the legislatures of the States could ratify the amendment. So, I repeat, as I said the other day, that under the present archaic reactionary method of submitting amendments to be passed upon by the legislatures, and not by the people of the States, 4,000 men constitutionally and legally could sweep away every vestige of liberty which the American people possess; and likewise these 4,000 could transform this Government into a Bolshevik government, into a soviet, into a kingly government. But the American people are not going to do that, for their particular virtue is the virtue of knowing how to govern themselves and other people.

I am in the near future going to urge with what poor capacity I have the proposed constitutional amendment which has been introduced by the Senator from Connecticut [Mr. BRANDEGEE] to provide that hereafter when constitutional amendments are submitted to the States they shall be ratified by the votes of the people of each State. The reason, however, why I shall not vote for this particular amendment at this particular time to be submitted to a convention is the following: No constitutional amendment, except the prohibition amendment, has been more widely discussed, more thoroughly understood, than has this amendment. All the American people who can read, all the American people who receive mail and receive dispatches of any kind, know that Congress is submitting this amendment. They know that the legislatures will be in session, and the people will not be taken unawares. They can petition their legislatures.

Then, again, Mr. President, I hardly think it would be fair to what I would call the cause of woman suffrage to make an exception in this instance, after having amended the Constitution eighteen times since 1789, and upon each occasion the amendment having been submitted to the State legislatures. The first 12 amendments were all submitted at one time, and two, I think, the first and second amendments which were submitted, are still pending. The eleventh amendment was submitted to the legislatures; the twelfth was submitted to the legislatures; the thirteenth, fourteenth, and fifteenth were submitted to the legislatures, and the sixteenth, seventeenth, and eighteenth were submitted to the legislatures.

I hope the Senator will pardon me when I say—and I want to say here that what he says on any question, whether I agree with him or not, carries with me great weight—I somewhat question the source from which the amendment comes. No man has a higher regard for the ability and the stalwart statesmanship of the Senator from Alabama [Mr. UNDERWOOD] than have I, but I rather suspect—no; I can not use that word—I dread, rather, that this may defeat, delay, and hinder the celerity with which I would like to see this amendment adopted.

I think the Senator from Alabama is correct in his philosophy as to how amendments should be ratified, yet I do not wish to see this particular one singled out and have it ratified in this way. I trust, however, that we shall pass a joint resolution submitting an amendment to the Constitution providing that hereafter no amendment shall be ratified by a State except by the vote of the people.

Mr. UNDERWOOD. Mr. President, if the Senator from Missouri [Mr. REED] will allow me, I should like to suggest to the Senator from Arizona [Mr. ASHURST] that the fathers some 123 years ago in writing this Constitution provided a method by which the voice of the people might be heard. I listened with deliberation and care to the proponents of this measure for many months favoring the opportunity of the American electorate to pass on this grave question. Of course, we all know that the constitutional provision directly gives the opportunity if Congress avails itself of it. I did not rush into offering this amendment, because I agree with the Senator that it would come stronger from the proponents of the measure, but when no one on that side, after advocating the submission of this question to the people, proposed the method, and the only constitutional method by which the voice of the people might really be heard, I felt that it was not rushing in; that with due modesty I might myself propose it.

Mr. ASHURST. I am speaking in the time of the Senator from Missouri [Mr. REED], but I want to say again that for the statesmanship of the Senator from Missouri and the Senator from Alabama I have the highest regard. Indeed, so far from finding fault with their spirit of independence, I am inclined to overpraise it at times.

Now, another thing—and I hope I am not offensive when I say it—I am very certain that, even if we should attach this method, which provides for ratification by conventions instead of by the legislatures of the proposed constitutional amendment, neither the distinguished Senator from Missouri nor the able Senator from Alabama would vote for the joint resolution.

Mr. UNDERWOOD. No; but the Senator overlooks the fact that the position the Senator from Missouri and I occupy is not the proposition of favoring the establishment of the right of suffrage by the Federal Government and taking it away from the States, but the challenge has been repeatedly hurled on the floor of the Senate by the proponents of this measure that the people of the several States had a right to grant this privilege to the women of the country, and we have merely accepted the challenge which has been thrown at our feet. We challenge you to go to the hustings; we challenge you to submit this question to the people and not to the legislatures of the States.

If the Senator from Missouri will pardon me for occupying his time a moment longer, let us analyze the situation. The Senator from Arizona thinks that because some 17 or 18 amendments have been adopted by the legislatures of the States that forecloses the other method provided in the Constitution. Let us see as to that. Ten of the amendments constituted the Bill of Rights, which it was understood would be adopted in the beginning when the original instrument was agreed to. Three of the amendments grew out of the Civil War, settling a great contest between the people of the sections of this country. Necessarily there was no issue made as to the right of the people to vote on the adoption of those amendments. In the case of the first 10 amendments all of the States were for them, the people were for them; and in the case of the 3 amendments growing out of the Civil War the South was on its back and the North was determined to ratify them and put them in the Constitution.

As to some of the later amendments—for instance, the one changing the decision of the Supreme Court in reference to an income tax—almost every man on this floor, every man in the State legislatures, and the people themselves recognized that the power of the Federal Government in the beginning carried the right to levy an income tax, and that only by a divided court had that power been taken away from them.

As to the amendment providing for the election of Senators by the people there was no real opposition. Why delay the situation in that case when everybody was for it? But when you come to an amendment of this kind, the second direct attempt to invade the sovereign rights of the States and give their power to the Federal Government, it is not such a question as was

involved in the original amendments; it is a question that involves the very fundamental principles of our Government, a question that the people of the United States and the people of the sovereign States alone have the right to pass upon; and I insist that, if the gentlemen who are proponents of this measure claim that this proposal should be submitted to the people in order to give them an opportunity to be heard and to pass upon it, then they can not deny the propriety and justice of adopting the only way by which the people of the sovereign States can reflect their direct will in the acceptance or rejection of this proposal.

Mr. REED. Mr. President, the Senator from Arizona makes the argument that because we have in the past adopted constitutional amendments by votes of the legislatures, therefore we ought not to change the method of ratification in this instance; yet he stands here telling us that the method of ratification by legislatures is so bad that he proposes to support an amendment to the Constitution which permanently takes away from them the right of ratification of amendments to the Constitution and confer that power upon the people. When the Senator comes forward with his amendment he will be met with the antiquity argument just as completely then as he can now summon it to his aid, for the argument will then be made, "You are trying to change something that has existed all these years." If it be true that the State legislatures and Congress together might pervert the very form of our Government, if that danger is great enough so that the Senator is willing to support a constitutional amendment to change it; and if that method is, as he described it, archaic and unfair, then why not embrace the chance which is now afforded in the submission of the proposed pending constitutional amendment? Let us submit this proposed amendment in a fair way. Why submit it in an unfair and archaic way? Why not submit it in a fair and modern way? The argument goes too far, but it is adroitly made.

I know the Senator from Arizona is distressed. He does not like to deny the people of his State a right to vote on any question that concerns them. He is that kind of a Democrat. Give them a chance to vote on this matter. Give the people of my State a chance to vote on it. I am begging for that; I am asking it in the name of over three and one-half million people. If you are going to amend the Constitution and force that amendment upon the people of my State, at least give those people a chance to express their opinion. They are a great people—not greater than the people of other States, but as great. They represent the best there is in education, intelligence, patriotism, independence, and love of country. Let them have a chance to have a vote to select delegates to do the thing that you say ought to be reserved to the people always. Let us have that chance now, not to-morrow. If it is good and righteous and fair to change the Constitution so that the people of the States will always have the right—if that is a good thing to do to-morrow or next week, why not do that good thing to-day? Why not deal with the question that is before us?

Mr. ASHURST. Mr. President, the Senator from Missouri is one of the ablest lawyers I have ever seen, and he is aware that there is running all through our law the well-known principle that the rule of procedure shall not be changed nor the statute of limitations shortened while the cause is pending.

Mr. REED. Ah; but the cause is not pending until the vote is taken here.

Mr. ASHURST. It has been pending, I think, if not technically at least practically for four years. One of the reasons why I would not at this time vote for the amendment of the Senator from Alabama is that I think it would be a change of the remedy while the case is pending. It would be unusual; it would be analogous to shortening the period of the limitation right in the middle of a trial.

Mr. REED. Oh, no; when the trial is on and rights have been fixed under the law then existing, of course, you can not change it; but this is a question that has not yet arrived at a point that it can be said to be "a cause." When the Congress shall submit it to the people, then it may be said to be in that shape; and if after it had been submitted we were to undertake to change the method of submission, there might be something in the Senator's argument; but it is more specious than it is persuasive.

But, Mr. President, because the question has been discussed surely does not justify the Senator's position, for there is not a question that will be brought forward involving an amendment to the Constitution of the United States in the next 50 years that will not have been discussed in some form or other at some time by somebody. No; the Senator is without a reason; he has to go back on a referendum or else support the amendment offered by the Senator from Alabama. I hope he will sup-

port it; I am begging him to support it; I am asking it in the name of the people of a great State who will not be given any chance to express their opinion unless the amendment offered by the Senator from Alabama is adopted. If they are for it, they ought to be allowed to register their will; and if they are against it, no one ought to deny them the right to protest effectively.

There is another reason that I want to offer. I have often wanted to go to the Senator's State—I have heard so much about it—and I have been so pleased with the people of that State whom I have met; but I do not know anything about the Senator's State except as I hear about it and read about it. The Senator knows more about Arizona in a moment than I could learn by reading and studying for 5 years or 10 years, for he has lived there, and he is a part of the people of that State, and has the spirit of Arizona—the spirit that is born on the broad plains, the spirit that sweeps across Arizona's glorious face upon the wings of the morning. He knows Arizona, but he does not know my State, and I do not know his. I would not deny him the right to have the people of his State vote on a question involving their fundamental rights.

You ask me my position on this question. If we had the votes to pass an amendment to the Constitution providing that women could not vote in the State of Arizona, taking that question out of the hands of the people of the State of Arizona, or Montana, or Colorado, or Wyoming, I would not vote for such a proposition, no matter who told me to, because I would say, "It is for the people of those States to regulate their own affairs." But if such a proposition were brought forward—and it may be brought forward some day, for the tides run in and the tides run out, and opinions change with time—if it ever is offered and I am sitting here I pledge the Senator now that I will vote against it; and if an amendment is offered which reserves to the people of the Senator's State the right to vote and the Senator wants my vote in favor of that he will get it, because it would only be the fair thing to do.

There is not anything about this question that need lead us into doing things that are unfair and unjust. I repeat, so that my position never will be misunderstood, that if an amendment were offered here to-morrow that would deny the people of any of these States where suffrage exists the right to permit their women to vote I would fight it as hard as I am fighting this, because it is the State's business; and I have no right, as a citizen of Missouri, to interfere with the rights of the people of Wyoming or Arizona. Surely if the Representatives of those States asked that their people might vote I would give them that poor privilege, at least.

Mr. President, I beg pardon for speaking so long.

The PRESIDING OFFICER (Mr. WALSH of Montana in the chair). The question is on the amendment of the Senator from Alabama [Mr. UNDERWOOD].

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Gronna	McLean	Smith, Md.
Ball	Hale	McNary	Smith, S. C.
Bankhead	Harding	Moses	Smoot
Beckham	Harris	Myers	Spencer
Borah	Harrison	Nelson	Stanley
Brandegee	Henderson	New	Sterling
Calder	Hitchcock	Newberry	Sutherland
Capper	Johnson, Calif.	Norris	Swanson
Chamberlain	Jones, N. Mex.	Nugent	Thomas
Culberson	Jones, Wash.	Overman	Trammell
Cummins	Kellogg	Page	Underwood
Curtis	Kendrick	Phelan	Wadsworth
Dial	Kenyon	Phipps	Walsh, Mass.
Dillingham	Keyes	Pittman	Walsh, Mont.
Edge	Kirby	Poindexter	Warren
Elkins	Knox	Ransdell	Watson
Fall	La Follette	Reed	Williams
Fernald	Lenroot	Sheppard	Wolcott
France	Lodge	Sherman	
Frelinghuysen	McCormick	Simmons	
Gay	McKellar	Smith, Ariz.	

The PRESIDENT pro tempore resumed the chair.

The PRESIDENT pro tempore. Eighty-one Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Alabama [Mr. UNDERWOOD].

Mr. PHELAN. Mr. President, the objection which has been made to the amendment by the proponents of woman suffrage is that it may delay the final adoption of the suffrage amendment. I plan to hasten consideration. The reason why a delay might be caused is that the House has passed the amendment in one form, and it would facilitate matters to have concurrence by the Senate; but, of course, the Senate is an independent body, and that is no reason which should be advanced to us.

Those of us who are in favor of national suffrage, and also in favor of the determination of all questions affecting the amendment of the Constitution by a vote of the people, desire to see that an opportunity shall be given to the people to vote; and to that end I have prepared an amendment to the amendment, with a view of facilitating the early determination by the people of their will upon this subject, so that there will be no needless delay.

I will read the amendment in order to comment upon it. The amendment proposed by the Senator from Alabama reads as follows:

*Resolved, etc.,* That the following article be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as a part of the Constitution when ratified by conventions in three-fourths of the several States.

The Constitution, as the Senate is aware, provides for ratification by three-fourths of the several States "by the legislatures or by conventions, as one or the other mode of ratification may be proposed by the Congress." Therefore the Congress can propose, as the exclusive method of ratification, ratification by conventions; and I take it that the Congress can also propose the method by which these conventions may be called.

I would oppose leaving it to the legislatures for the very reason that the legislatures might, if unduly influenced, delay the ratification by delaying the calling of the conventions. So an amendment to the Underwood amendment might read as follows, which I will presently propose:

The conventions shall consist of 100 members, being qualified electors of the several States, and shall be voted for at large—

That brings the question fairly before all of the people of the States, not by congressional districts, but at large. It is the one issue before them.

Shall be elected at large by electors having qualifications to vote for members of the most numerous branch of the legislature. Such conventions shall be called to meet by the governors of the several States on the first Tuesday after the first Monday of September, 1919.

That is an arbitrary date, but it serves the purpose of speedily determining what is the will of the electors, and allows ample opportunity for the campaign of education.

I therefore submit that as an amendment to the amendment proposed by the Senator from Alabama. As the legislatures will not all meet for several years, this plan will, I believe, bring about an earlier ratification.

While I am on my feet, I happen to have here a very eloquent testimonial of the wisdom of submitting all matters to a vote of the people. I do not know that it is entirely relevant; but it is doubtless interesting, and especially to Senators on the other side of the Chamber.

In California, the referendum has been frequently used. California was among the very first States that resorted to the referendum, and, in most instances, it has expressed very fairly the will of the people. Sometimes, where the educational campaign has not been sufficiently extensive or intense, there may be a doubt as to the fair expression of the people. Anyhow, it is the expression of the men who participate in these elections, and the women, because both the men and the women vote in California. Therefore it is fair to say that the expression of opinion by the voters, with or without an educational campaign, is exactly what the voters want; and, as the Senator from Missouri said, if the people make a mistake, it is very easy to remedy it by an appeal from Philip drunk to Philip sober.

What I have in mind is that on May 17 of this year a Member of this body holding a high and distinguished position undertook to instruct the people of my State in the political subdivision—and a very important one—of Los Angeles city as to how to vote. Of course, we resented it as an intrusion, because the occasion to which I refer was a municipal election; and all our chartered cities sacredly hold to the right to determine their local affairs by and for themselves. I will read the instruction which was sent out to the city of Los Angeles. I quote from the Los Angeles Times of May 18, 1919, a stand-pat Republican paper of general circulation. It is headed:

SENATORS FOR WOODMAN—REPUBLICAN NATIONAL ORGANIZATION IN THE FIGHT TO SAVE LOS ANGELES.

Dr. A. J. Scott, of Mayor Woodman's campaign committee, yesterday received the following telegram from United States Senator REED SMOOT:

Dr. A. J. SCOTT,  
Los Angeles:

WASHINGTON, May 17.

Senator Lodge joins me in the hope that every Republican will support the Republican candidate for mayor in the coming city election. Don't let this administration point to Los Angeles as a Democratic city a year hence, when the national campaign is on. The Nation is Republican. We hope Los Angeles will be.

REED SMOOT.

I received just now, from the secretary of the Democratic county committee, this telegram:

LOS ANGELES, CALIF., June 4, 1919.

Hon. JAMES D. PHELAN,  
United States Senate, Washington, D. C.:

M. P. Snyder elected mayor of Los Angeles. All papers concede his election by 15,000 majority. Snyder now leading by 10,000. City clerk estimates total vote cast 75,000.

F. RAY GROVES,  
Secretary Democratic County Committee.

I merely introduce that now to show that California is strong for the referendum, and that her judgment is generally right.

Mr. WOLCOTT. Mr. President—

Mr. ASHURST. Who was elected?

Mr. PHELAN. Mr. M. P. Snyder, mentioned in the telegram, is a Democrat, and has served that city before, conspicuously and well, as its mayor. Mr. Woodman is a Republican. Los Angeles is normally Republican.

I yield to the Senator from Delaware.

Mr. WOLCOTT. I merely wanted to ask what the response of the city was; and in view of that I wanted to ask the politics of the successful candidate.

Mr. PHELAN. I have already anticipated that question.

Mr. THOMAS. Mr. President, I hope the Senator before he takes his seat will offer a resolution extending our thanks to the Senator from Utah [Mr. SMOOT] for his services in behalf of the Democratic Party in Los Angeles.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from California.

The SECRETARY. It is proposed to add at the end of the amendment offered by the Senator from Alabama the following:

The conventions shall consist of 100 members, being qualified electors of the several States, and shall be elected at large by electors having qualifications to vote for members of the most numerous branch of the legislature. Such conventions shall be called to meet by the governors of the several States on the first Tuesday after the first Monday of September, 1919.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from California to the amendment of the Senator from Alabama.

The amendment to the amendment was rejected.

Mr. UNDERWOOD. Mr. President, I ask for the yeas and nays on the amendment submitted by myself.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The question now is upon the amendment offered by the Senator from Alabama [Mr. UNDERWOOD]. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SWANSON (when Mr. MARTIN's name was called). My colleague [Mr. MARTIN] is detained from the Senate on account of sickness. He is paired with the Senator from Rhode Island [Mr. COLT]. If my colleague were present, he would vote "yea."

Mr. THOMAS (when his name was called). I transfer my general pair with the senior Senator from North Dakota [Mr. McCUMBER] to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. TRAMMELL (when his name was called). I have a pair with the Senator from Rhode Island [Mr. COLT]. I transfer that pair to the Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the senior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. HARRIS. I wish to announce that my colleague, the senior Senator from Georgia [Mr. SMITH], is absent from the Senate on account of illness.

The roll call having been concluded, the result was announced—yeas 28, nays 55, as follows:

YEAS—28.

Bankhead	Gay	McLean	Smith, S. C.
Beckham	Harris	Moses	Stanley
Borah	Harrison	Overman	Swanson
Brandegee	Hitchcock	PheLAN	Underwood
Dial	King	Reed	Wadsworth
Dillingham	Knox	Simmons	Williams
Fletcher	Lodge	Smith, Md.	Wolcott

NAYS—55.

Ashurst	Gronna	McCormick	Sheppard
Ball	Hale	McKellar	Sherman
Calder	Harding	McNary	Smith, Ariz.
Capper	Henderson	Myers	Smoot
Chamberlain	Johnson, Calif.	Nelson	Spencer
Culberson	Jones, N. Mex.	New	Sterling
Cummins	Jones, Wash.	Newberry	Sutherland
Curtis	Kellogg	Norris	Thomas
Edge	Kendrick	Nugent	Trammell
Elliott	Kenyon	Page	Walsh, Mass.
Fall	Keyes	Phipps	Walsh, Mont.
Fernald	Kirby	Pittman	Warren
France	La Follette	Poindexter	Watson
Frelinghuysen	Lenroot	Ransdell	

## NOT VOTING—13.

Brandegee	McCumber	Pomerene	Townsend
Colt	Martin	Robinson	
Gerry	Owen	Shields	
Gore	Penrose	Smith, Ga.	

So Mr. UNDERWOOD'S amendment was rejected.

Mr. GAY. Mr. President, in February last, when the vote was taken on the woman suffrage question, I explained my position briefly at that time. My position to-day, Mr. President, is the same as it was then. There is no doubt in my mind that women should be given the right to vote. There is doubt, however, that they will ever receive the privilege they are now asking by the methods which some of their supposed friends have adopted. It is a well-known fact that they have finally secured the necessary two-thirds vote of the Senate of the United States to pass the Susan B. Anthony amendment and to submit that amendment to the legislatures of the various States of the Union. The advocates of the Susan B. Anthony amendment have won a great victory and are justly entitled to all the praise and honor which comes with the winning of a battle which has been fought for so long a time. It is not my intention to attempt to delay this legislation, but I do desire to present here and now an amendment which I believe would be ratified by the necessary 36 States at the next meeting of their legislatures. I present this as a substitute for the amendment which is now before you. The amendment which I am about to present was drafted by the former first assistant attorney general of Louisiana and by the Democratic national committeemen from that State when this matter was under discussion during the last session of Congress. It meets the objection that many have to the Susan B. Anthony amendment and is more liberal perhaps than the amendment which I have already presented for your consideration.

Section 2 reads that the several States shall have the authority to enforce this article by necessary legislation, but if any State shall enforce or enact any law in conflict therewith, then Congress shall not be excluded from enacting appropriate legislation to enforce it.

This, Mr. President, gives to the various States the right to enact and enforce laws giving women the right to vote. It does not leave all questions to Congress, but puts the matter where those who believe in State rights consider the power should be vested.

Mr. President, it only requires 13 States to prevent the adoption of the Susan B. Anthony amendment, and I predict that there are 13 States that will never ratify the amendment which the Congress of the United States is about to present to the American people. The last vote in the State of Texas shows full well how the wind is blowing.

With the passage of the amendment which I am now presenting to you as a substitute for the other amendments which have been offered, the objection would be removed and the required number of States would soon pass it and thus give the right of suffrage to those noble, patriotic, and splendid women of our country who have so long fought for this right and who so richly deserve the privilege.

I offer the amendment which I ask the Secretary to read.

The PRESIDENT pro tempore. The Secretary will read the amendment offered by the Senator from Louisiana.

The SECRETARY. The amendment is in the nature of a substitute:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of said Constitution, namely:*

## ARTICLE —

SECTION 1. That the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. That the several States shall have the authority to enforce this article by necessary legislation, but if any State shall enforce or enact any laws in conflict therewith, then Congress shall not be excluded from enacting appropriate legislation to enforce it.

Mr. GAY. I ask for the adoption of the amendment.

Mr. REED. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. TRAMMELL (when his name was called). I make the same announcement of the transfer of my pair as on the previous vote, and I vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last vote concerning my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. HARRIS. I wish to announce that my colleague, the senior Senator from Georgia [Mr. SMITH], is detained from the Senate by illness.

The result was announced—yeas 19, nays 62, as follows:

## YEAS—19.

Bankhead	Harris	Ransdell	Thomas
Beckham	Harrison	Reed	Trammell
Dial	King	Stimmons	Underwood
Fletcher	Myers	Stanley	Wolcott
Gay	Overman	Swanson	

## NAYS—62.

Ashurst	Gronna	McCormick	Sheppard
Ball	Hale	McCumber	Sherman
Brandegee	Harding	McKellar	Smith, Ariz.
Calder	Henderson	McLean	Smith, S. C.
Capper	Johnson, Calif.	McNary	Smoot
Chamberlain	Jones, N. Mex.	Moses	Spencer
Culberson	Jones, Wash.	Nelson	Sterling
Cummins	Kellogg	New	Sutherland
Curtis	Kendrick	Newberry	Wadsworth
Dillingham	Kenyon	Norris	Walsh, Mass.
Edge	Keyes	Nugent	Walsh, Mont.
Elkins	Kirby	Page	Warren
Fall	Knox	Phelan	Watson
Fernald	La Follette	Phipps	Williams
France	Lenroot	Pittman	
Frelinghuysen	Lodge	Pointdexter	

## NOT VOTING—15.

Borah	Hitchcock	Penrose	Smith, Ga.
Colt	Johnson, S. Dak.	Pomerene	Smith, Md.
Gerry	Martin	Robinson	Townsend
Gore	Owen	Shields	

So Mr. GAY'S amendment was rejected.

The PRESIDENT pro tempore. If there be no further amendment as in Committee of the Whole, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate without amendment.

The PRESIDENT pro tempore. The joint resolution is in the Senate and open to amendment. If there be no amendment, the question is, Shall the joint resolution be read a third time?

The joint resolution was read the third time.

The PRESIDENT pro tempore. The question now is, Shall the joint resolution pass? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BALL (when his name was called). By a special agreement, the junior Senator from Utah [Mr. KING] and I are paired with the senior Senator from Tennessee [Mr. SHIELDS]. The senior Senator from Tennessee is absent on account of illness in his family. If he were present, I would vote "yea."

Mr. CALDER (when his name was called). On this question the senior Senator from Michigan [Mr. TOWNSEND] is paired with me in the affirmative against the senior Senator from Pennsylvania [Mr. PENROSE] in the negative. If I were at liberty to vote, I would vote "yea."

Mr. KING (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. SHIELDS] and the Senator from Delaware [Mr. BALL]. If I were permitted to vote, I should vote in the affirmative, but owing to the pair I withhold my vote.

Mr. MCLEAN (when his name was called). On this question I am paired with the Senator from Rhode Island [Mr. COLT] and the Senator from Oklahoma [Mr. GORE]. I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. SWANSON (when Mr. MARTIN'S name was called). My colleague [Mr. MARTIN], as previously stated, is detained from the Senate on account of illness. He is paired with the Senator from Rhode Island [Mr. GERRY] and the Senator from South Dakota [Mr. JOHNSON]. If my colleague were present, he would vote "nay" and the two Senators with whom he is paired would vote "yea."

Mr. KNOX (when Mr. PENROSE'S name was called). As already announced by the junior Senator from New York [Mr. CALDER], my colleague [Mr. PENROSE] is paired with the junior Senator from New York and also with the senior Senator from Michigan [Mr. TOWNSEND]. My colleague has requested me to state that if he were present he would vote "nay."

Mr. MCKELLAR (when Mr. SHIELDS'S name was called). The senior Senator from Tennessee [Mr. SHIELDS] is unavoidably detained on business and is paired with the junior Senator from Utah [Mr. KING] and the junior Senator from Delaware [Mr. BALL].

Mr. UNDERWOOD (when the name of Mr. SMITH of Georgia was called). The senior Senator from Georgia [Mr. SMITH] wired me and asked that a pair be arranged for him on this question, which has been done. He also asked me to announce that if he were present he would vote against the passage of the joint resolution.

Mr. HARRIS. My colleague [Mr. SMITH of Georgia] is paired with the Senator from Oklahoma [Mr. OWEN] and the Senator from Arkansas [Mr. ROBINSON]. My colleague is detained by illness.

Mr. NEWBERRY (when Mr. TOWNSEND'S name was called). My colleague [Mr. TOWNSEND] is detained at home by illness in

his family. He is paired as previously announced. He desired me to state that if present he would vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Understanding, however, that if he were present he would vote just as I am about to do, I am at liberty to disregard the pair for the nonce. I vote "nay."

The roll call was concluded.

Mr. KIRBY. I announce the unavoidable absence of the senior Senator from Arkansas [Mr. ROBINSON], who would have voted for the joint resolution if present. He is paired and his pair has been announced.

Mr. McLEAN. I find that I can transfer the pair which I heretofore announced to the Senator from Ohio [Mr. POMERENE], which I do and vote. I vote "nay."

Mr. UNDERWOOD. I desire to announce that the Senator from Ohio [Mr. POMERENE], for whom a pair has been arranged, is unavoidably detained outside the Capitol and unable to be here. I wish to announce that if present he would vote against the passage of the joint resolution.

The roll call resulted—yeas 56, nays 25, as follows:

## YEAS—56.

Ashurst	Harding	McCumber	Ransdell
Capper	Harris	McKellar	Sheppard
Chamberlain	Henderson	McNary	Sherman
Culberson	Johnson, Calif.	Myers	Smith, Ariz.
Cummins	Jones, N. Mex.	Nelson	Smoot
Curtis	Jones, Wash.	New	Spencer
Edge	Kellogg	Newberry	Stanley
Elkins	Kendrick	Norris	Sterling
Fall	Kenyon	Nugent	Sutherland
Fernald	Keys	Page	Thomas
France	Kirby	Phelan	Walsh, Mass.
Frelinghuysen	La Follette	Phipps	Walsh, Mont.
Gronna	Lenroot	Pittman	Warren
Hale	McCormick	Poindexter	Watson

## NAYS—25.

Bankhead	Gay	Overman	Underwood
Beckham	Harrison	Reed	Wadsworth
Borah	Hitchcock	Stimmons	Williams
Brandege	Knox	Smith, Md.	Wolcott
Dial	Lodge	Smith, S. C.	
Dillingham	McLean	Swanson	
Fletcher	Moses	Trammell	

## NOT VOTING—15.

Ball	Gore	Owen	Shields
Calder	Johnson, S. Dak.	Penrose	Smith, Ga.
Colt	King	Pomerene	Townsend
Gerry	Martin	Robinson	

The PRESIDENT pro tempore. The yeas are 56 and the nays are 25. A quorum being present and the joint resolution having received the affirmative vote of more than two-thirds of the Senators present and voting is declared to have passed the Senate in accordance with the Constitution of the United States. [Applause on the floor and in the galleries.]

## TREATY OF PEACE.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, being Senate resolution 12, which will be stated.

The SECRETARY. Senate resolution No. 12, submitted by Mr. JOHNSON of California May 20, as follows:

Whereas the peace treaty has been completed and has been delivered to the representatives of Germany; and  
Whereas a synopsis only of the treaty has been given publicity in the United States, and our people are entitled to know its full contents, and to what, if any, engagements they may have been committed; and  
Whereas it is reported in the press that the entire treaty has been cabled to the State Department and is now in the possession of the State Department: Now, therefore, be it

*Resolved*, That the Secretary of State be, and he is hereby, requested forthwith to transmit to the Senate the full text of the treaty of peace completed at the Paris conference and delivered to the representatives of Germany.

Mr. HITCHCOCK. Mr. President, I wish to ask the Senator from California whether he will be willing to have his resolution temporarily laid aside in order that a little routine business may be transacted?

Mr. JOHNSON of California. My intention was not to press the resolution this evening, but to ask to have it go over until to-morrow.

Mr. HITCHCOCK. I thought that was the Senator's intention.

Mr. JOHNSON of California. Yes; it was.

Mr. HITCHCOCK. If the resolution can temporarily be laid aside we can transact some minor business.

Mr. JOHNSON of California. Mr. President, the suggestion is made by the Senator from Nebraska that the resolution be temporarily laid aside in order that some business which he has in hand may be transacted. As I understand the rule, in order that the resolution shall not be displaced it is necessary to secure unanimous consent to have that done. I am very agree-

able to the request. I ask unanimous consent that the unfinished business may be laid aside temporarily to be taken up to-morrow as the unfinished business.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent that the unfinished business be temporarily laid aside to be taken up to-morrow at 2 o'clock. Is there objection to the request?

Mr. JONES of Washington. Mr. President, I would not want to exclude taking it up before 2 o'clock if other business before then is disposed of.

Mr. SWANSON. That would have to be done by motion. It comes up as the unfinished business at 2 o'clock. If it is taken up before 2 o'clock, it must be taken up on motion.

Mr. JONES of Washington. Yes; but if we agree to the unanimous consent that it can not come up until 2 o'clock, it could not be taken up prior to that time, even by motion.

Mr. SWANSON. It would come up at 2 o'clock at any rate.

The PRESIDENT pro tempore. The Chair suggests that anything in the nature of morning business can be done by unanimous consent without laying aside the unfinished business.

Mr. JOHNSON of California. Then it is not necessary to ask unanimous consent.

Mr. LODGE. I suggest that the Senator ask unanimous consent.

Mr. HITCHCOCK. I think if the Senator simply makes the request to lay the unfinished business aside temporarily, to hold its place, it will retain its place and then come up automatically.

Mr. LODGE. Then it can be taken up at any time.

Mr. JOHNSON of California. Then it may be taken up after the conclusion of morning business to-morrow or at 2 o'clock, if the morning business continues that long. Then it comes up automatically. Is that understood?

Mr. HITCHCOCK. Undoubtedly.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. HITCHCOCK. I ask the Senator to withhold that motion for a moment.

Mr. LODGE. Very well; I withhold the motion.

Mr. HITCHCOCK. I ask to have read the resolution which I send to the desk, and that it lie over under the rule.

The PRESIDENT pro tempore. The Secretary will read the resolution submitted by the Senator from Nebraska.

The Secretary read the resolution (S. Res. 64), as follows:

Whereas the Senator from Idaho, Mr. BORAH, has stated in the Senate that certain interests in the city of New York have secured copies of the peace treaty with Germany, while the American people have been unable to secure one; and

Whereas the Senator from Massachusetts, Mr. LODGE, has stated in the Senate that he knows of four such copies of said treaty of peace with Germany now in New York, and that the only place where it is not allowed to come is the United States Senate; and

Whereas the Senator from Idaho, Mr. BORAH, has stated that the interests now having possession of said copies of said treaty are peculiarly interested in the treaty: Now, therefore, be it

*Resolved*, That the Committee on Foreign Relations be, and it hereby is, authorized and directed to investigate the matter with the view to ascertaining the facts, and particularly to ascertain and report to the Senate the names of the persons, corporations, or interests which have secured copies of said treaty, and from whom they were secured, and by what methods; and also to ascertain and report to the Senate in what manner and to what extent said interests are "particularly" interested in said treaty. For these purposes the Committee on Foreign Relations, or any subcommittee thereof, be, and it is, authorized to send for persons, books, and papers; to administer oaths, and to employ a stenographer, at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with the same, the expenses thereof, including the cost of travel, to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

The PRESIDENT pro tempore. The Chair desires to remind the Senator that the request of the Senator from California [Mr. JOHNSON] has not been disposed of.

Mr. KING. I understood that it had been disposed of.

Mr. LODGE. I thought the request of the Senator from California had been agreed to.

The PRESIDENT pro tempore. The Chair does not so understand.

Mr. LODGE. I understood there was no objection.

SEVERAL SENATORS. There was no objection.

Mr. JOHNSON of California. I ask that my request may be disposed of, that the resolution which is the unfinished business, may be temporarily laid aside, to be taken up to-morrow at the conclusion of the morning business, or automatically, at any rate, at 2 o'clock.

The PRESIDENT pro tempore. The Senate hears the request of the Senator from California. Is there objection? The Chair hears none, and it is so ordered.

Mr. BORAH. Mr. President, what disposition was made of the resolution offered by the Senator from Nebraska?

Mr. LODGE. As I understand, the resolution of the Senator from Nebraska goes, under the rule, to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. It will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate under the rule.

Mr. HITCHCOCK. Does the Senator from Massachusetts think it should first go to the Committee on Foreign Relations or to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. LODGE. I presume it goes to the Committee to Audit and Control the Contingent Expenses of the Senate. We have discussed that many times.

Mr. HITCHCOCK. I ask that the resolution lie over until to-morrow, if that is agreeable.

The PRESIDENT pro tempore. The resolution will lie over under the rule and be printed.

#### PETITIONS AND MEMORIALS.

Mr. WALSH of Massachusetts presented petitions of sundry citizens of Worcester, Mass., praying for the ratification of the proposed league of nations treaty, which were referred to the Committee on Foreign Relations.

Mr. McLEAN presented a petition of sundry citizens of Branford, Conn., praying for the ratification of the proposed league of nations treaty, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Branch Connecticut State Grange Patrons of Husbandry, of Suffield, Conn., and a petition of sundry citizens of Guilford, Conn., praying for the repeal of the so-called daylight-saving law, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry employees of the Oakville Co., of Waterbury, Conn., remonstrating against the repeal of the so-called daylight-saving law, which was referred to the Committee on Interstate Commerce.

He also presented memorials of the congregations of the Congregational Church of Wauregan, the Baptist Church of Plantsville, the Methodist Episcopal Church of South Manchester, the Methodist Episcopal Church of Stratford, the Methodist Episcopal Church, South Farms, Middletown, and the Mary Taylor Memorial Methodist Episcopal Church of Milford; of the North Methodist Episcopal Church Society of Manchester, of the Christian Endeavor Society of the First Congregational Church of Norwich, and of sundry citizens of Ridgefield, all in the State of Connecticut, remonstrating against the repeal of war-time prohibition, which were referred to the Committee on the Judiciary.

Mr. HARDING presented petitions of Local Lodge No. 158, S. N. P. J., of Nottingham; of Local Lodge No. 153, S. N. P. J., of Youngstown; of Local Lodge No. 5, S. N. P. J., of Cleveland; of Local Lodge No. 20, S. S. P. Z., of Cleveland; of Local Lodge No. 79, H. Z. J., of Cleveland; of the Jugo-Slav Republican Alliance, No. 8, of Cleveland; of the Jugo-Slav Republican Alliance, No. 9, of Cleveland; of the Jugo-Slav Republican Alliance, No. 21, of Cleveland; of the St. Nikola Society, No. 22, N. C. S., of Cleveland; of Local Lodge No. 275, S. N. P. J., of Maynard; of Local Lodge No. 358, S. N. P. J., of Power Point; of the Slovenian Benefit Society, of Barberton; of Local Lodge No. 279, S. N. P. J., of Ramsey; of Local Lodge No. 17, S. N. P. J., of Lorain; of Local Lodge No. 62, S. S. P. Z., of Lorain; of Local Lodge No. 104, S. N. P. J., of Lorain; of the South Slavic Catholic Union of East Palestine; of the St. Barbara Society of East Palestine; of the Slovenian Progressive Benefit Society of East Palestine; of the Slovenian National Benefit Society, No. 55, of East Palestine; of Local Lodge No. 355, S. N. P. J., of Fairport Harbor; and of sundry citizens of Bridgeport, all in the State of Ohio, praying for the independence of the Jugo-Slavs and for justice and fair dealing in connection with peace deliberations, which were referred to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEE ON INTERSTATE COMMERCE.

Mr. KELLOGG, from the Committee on Interstate Commerce, to which was referred the bill (S. 120) to repeal chapter 154 of the act of the second session of the Sixty-fifth Congress, being the joint resolution entitled "Joint resolution to authorize the President in time of war to supervise or take possession and assume control of any telegraph, telephone, marine cable, or radio system or systems, or any part thereof, and to operate the same in such manner as may be needful or desirable for the duration of the war, and to provide just compensation therefor," approved July 16, 1918, reported it with an amendment and submitted a report (No. 4) thereon.

He also, from the same committee, to which was referred the bill (S. 641) to amend section 10 of an act entitled "An act to

provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, reported it with amendments and submitted a report (No. 5) thereon.

#### BILLS INTRODUCED.

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

By Mr. WADSWORTH:

A bill (S. 1373) to amend the Articles of War; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 1374) for the relief of Stephen A. Winchell; to the Committee on Military Affairs.

By Mr. SHERMAN:

A bill (S. 1375) for the relief of Catherine Grace; to the Committee on Claims.

#### REGISTERS AND RECEIVERS OF LAND OFFICES.

Mr. HENDERSON submitted an amendment intended to be proposed by him to the bill (S. 1339) to amend sections 2237 and 2240 of the Revised Statutes of the United States, which was referred to the Committee on Public Lands and ordered to be printed.

#### HEARINGS BEFORE COMMITTEE ON FOREIGN RELATIONS.

Mr. WILLIAMS submitted the following resolution (S. Res. 63), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate the cost of reporting hearings held on Costa Rican matters by the Committee on Foreign Relations at the last session of the Sixty-fifth Congress, upon voucher to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, said payment to be at the rate of \$1 per printed page, and not to exceed the sum of \$33.

#### COMMITTEE ON MANUFACTURES.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 65), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Manufactures, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding \$1 per printed page, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

#### LEAGUE OF NATIONS.

Mr. KELLOGG submitted the following resolution (S. Res. 66), which was read and referred to the Committee on Printing:

*Resolved*, That the Committee on Printing be, and it is hereby, authorized and directed to order and have printed 5,000 copies of the revised covenant for a league of nations, as it is now embodied, together with the original draft, in Senate Document No. 7, presented by Mr. PITTMAN under date of May 20, 1919.

#### EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

#### DEVELOPMENT OF COMMERCE WITH PANAMA.

The following treaty was ratified by the Senate and the injunction of secrecy was removed therefrom June 4, 1919:

CONVENTION BETWEEN THE UNITED STATES AND PANAMA, SIGNED FEBRUARY 8, 1919, FOR THE DEVELOPMENT OF COMMERCE BETWEEN THE TWO COUNTRIES AND TO INCREASE THE EXCHANGE OF COMMODITIES BY FACILITATING THE WORK OF TRAVELING SALESMEN.

*The Senate:*

I transmit herewith, to receive the advice and consent of the Senate to its ratification, a convention between the United States and Panama, signed February 8, 1919, for the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen.

Respectfully submitted.

WOODROW WILSON.

THE WHITE HOUSE,

Washington, March 1, 1919.

*The President:*

The undersigned, the Acting Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate, if his judgment approve thereof, to receive the advice and consent of the Senate to its ratification, a convention signed February 8, 1919, between the United States and Panama,

for the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen.

Respectfully submitted.

FRANK L. POLK.

DEPARTMENT OF STATE,  
Washington, February 27, 1919.

The United States of America and the Republic of Panama being desirous to foster the development of commerce between them and to increase the exchange of commodities by facilitating the work of traveling salesmen have agreed to conclude a convention for that purpose and have to that end appointed as their plenipotentiaries:

The President of the United States of America, Frank L. Polk, Acting Secretary of State of the United States of America, and The President of the Republic of Panama, Señor José Edgardo Lefèvre, chargé d'affaires of the Republic of Panama near the Government of the United States of America,

Who, having communicated to each other their full powers, which were found to be in due form, have agreed upon the following articles:

ARTICLE I.

Manufacturers, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

In case either of the high contracting parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this treaty, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

ARTICLE II.

In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as a commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be viséed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I.

ARTICLE III.

A commercial traveler may sell his samples without obtaining a special license as an importer.

ARTICLE IV.

Samples without commercial value shall be admitted to entry free of duty.

Samples marked, stamped, or defaced in such manner that they can not be put to other uses shall be considered as objects without commercial value.

ARTICLE V.

Samples having commercial value shall be provisionally admitted upon giving bond for the payment of lawful duties if they shall not have been withdrawn from the country within a period of six months.

Duties shall be paid on such portion of the samples as shall not have been so withdrawn.

ARTICLE VI.

All customs formalities shall be simplified as much as possible with a view to avoid delay in the dispatch of samples.

ARTICLE VII.

Peddlers and other salesmen who vend directly to the consumer, even though they have not an established place of business in the country in which they operate, shall not be considered as commercial travelers, but shall be subject to the license fees levied on business of the kind which they carry on.

ARTICLE VIII.

No license shall be required of:

(a) Persons traveling only to study trade and its needs, even though they initiate commercial relations, provided they do not make sales of merchandise.

(b) Persons operating through local agents which pay the license fee or other imposts to which their business is subject.

(c) Travelers who are exclusively buyers.

ARTICLE IX.

Any concessions affecting any of the provisions of the present treaty that may hereafter be granted by either high contracting party, either by law or by treaty or convention, shall immediately be extended to the other party.

ARTICLE X.

This convention shall be ratified; and the ratifications shall be exchanged at Washington or Panama within two years, or sooner if possible.

The present convention shall remain in force until the end of six months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at any time. And it is hereby agreed between the parties that, on the expiration of six months after such notice shall have been received by either of them from the other party as above mentioned, this convention shall altogether cease and terminate.

In testimony whereof the respective plenipotentiaries have signed these articles and have thereunder affixed their seals.

Done in duplicate, at Washington, this 8th day of February, 1919.

[SEAL.]

FRANK L. POLK.

[SEAL.]

J. E. LEFÈVRE.

ADJOURNMENT.

Mr. LODGE. I move that the Senate adjourn. The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 5, 1919, at 12 o'clock meridian.

CONFIRMATIONS.

*Executive nominations confirmed by the Senate June 4 (legislative day of June 3), 1919.*

UNITED STATES ATTORNEY.

D. E. Simmons to be United States attorney, southern district of Texas.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, June 4, 1919.

The House met at 12 o'clock noon.

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

Infinite Spirit, never far from any of us, we call upon Thee out of the depths of the soul for courage, strength, faith, and grace to sustain us through the obligations of this day, that we may be the better prepared for whatever Thou dost lay upon us to-morrow.

Now is the day of salvation. If we live up to the high-water mark of Christian manhood to-day, now, in this world, we need have no fears for the morrow nor for the world that is to come.

To live, to act, to progress is the psalm of life in this world and the world to come.

Sufficient unto the day is the evil thereof. Protect, guide, and strengthen us for the present moment, and all praise and gratitude shall be Thine. In the Great Exemplar's name. Amen.

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

Mr. SEARS rose.

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. SEARS. I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman will wait a moment. Any Members who desire to take the oath of office will present themselves.

SWEARING IN OF MEMBERS.

Mr. GLYNN, Mr. HUDDLESTON, and Mr. LEE of Georgia appeared before the Speaker's desk and took the oath of office.

PROPOSED SOLDIERS' HOME AT ST. CLOUD, FLA.

Mr. SEARS. Mr. Speaker, a few days ago I introduced a bill (H. R. 3468) to establish an old soldiers' home at St. Cloud, Fla. I am going to send to the Speaker's desk some petitions that I received in support of that bill.

The SPEAKER. The gentleman has not yet obtained consent.

Mr. SEARS. I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for three minutes. Is there objection?

Mr. WALSH. Reserving the right to object, Mr. Speaker, what is the subject?

Mr. SEARS. An old soldiers' home.

The SPEAKER. Is there objection to the gentleman's request?